

COMPLAINT NUMBER	21/522
ADVERTISER	PB Technologies Limited
ADVERTISEMENT	PB Tech, Email, Digital Marketing
DATE OF MEETING	22 November 2021
OUTCOME	No Grounds to Proceed

Advertisement: The PB Technologies electronic direct mail advertisement was sent with the subject line, "Black Friday is back and it's all November long!". The advertisement contained a graphic at the top with same wording then explains how the sale will work, in particular that there will be a "daily steal", a 24-hour sale on a different product each day of the month, as well as five other separate sales during November. The advertisement explains that both offers will be available in-store and online.

The PB Technologies web page contains the same graphic which states "BLACK FRIDAY" and "ALL NOVEMBER LONG!" highlighted in red underneath. The web page similarly explains the sale.

The Chair ruled there were no grounds for the complaint to proceed.

Complaint: I am making a complaint about false advertising regarding pb tech black Friday sales for November. They are clearly advertising across multiple digital platforms including social media that their black Friday sales are all of November. I have attached a screenshot of an email and link which specifically states all of November. However the sales appear to only be at the weekend which I have also attached as evidence.

The relevant provisions were Advertising Standards Code – Principle 2, Rule 2 (b)

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

The Chair considered the Complainant's concern that the advertisements promoted a sale "All November Long" however sales were restricted to certain dates in November rather than for the duration of the month.

The Chair noted that the Advertiser's Black Friday sale had two parts to it: the 'Daily Steal' and the five separate product category sales. She acknowledged that the product category sales occurred on specific dates and did not span across the whole month. However, she noted the Advertiser was concurrently running the 'Daily Steal', a 24-hour sale on a different product each day of the month. Because of this, she considered it was not misleading to state that the Black Friday sale was running "all November long", as a Black Friday deal was available to the consumer every day of the month.

The Chair said the advertisements were not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.