

COMPLAINT NUMBER	18/297
COMPLAINANT	G Butcher
ADVERTISER	Health Pride
ADVERTISEMENT	Health Pride, Digital Marketing
DATE OF MEETING	10 September 2018
OUTCOME	No Grounds to Proceed

Advertisement: The website advertisement for Health Pride website, www.healthpride.net.nz promoted the Fleecy Armchair and Recliner Cover for \$39.90 and showed a tick in the 'In Stock' box.

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

Complainant, G Butcher, said: The advertisement <https://www.healthpride.net.nz/product/Fleecy-Armchair-and-Recliner-Cover/1711/83> Claims the item (chair cover) is "in Stock".
As this is a .net.nz site I assumed the item is in stock in NZ.
After several days when the item did not arrive I phoned the company and found the item is actually in stock in Australia.
Clearly the advertisement is misleading.
The company claim they have been doing this for 25 years. If that is so, it is time to stop!

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 2;

The Chair noted the Complainant's concern the advertisement was misleading because although there was a New Zealand website address, the stock is held in Australia which delayed delivery.
The Chair viewed the Advertiser's website and noted it did not claim the company's distribution point was in New Zealand.

She said the Q & A section on the website provided the following information about the dispatch process:

“Q – Where is my order and can I track it?

A – We will always attempt to dispatch internet orders as quickly as possible and they are given priority. Orders are normally shipped within 10-14 days (sometimes quicker) from our Sydney office via New Zealand Post, however please allow up to 28 days, as there are occasional unforeseen delays with stock availability. If for any reason it goes beyond 28 days we will contact you to advise of alternative arrangements.”

The Chair said the website was clear about where goods were dispatched from and how long delivery was likely to be and those were terms that purchasers could read, so there was nothing misleading about the advertisement before her. The Chair said the advertisement had been prepared with a due sense of social responsibility to consumers and there was no apparent breach of the Code of Ethics.

Therefore, 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 via email or letter within 14 days of receipt of this decision.