

COMPLAINT NUMBER	18/343
COMPLAINANT	A Melling
ADVERTISER	Foodstuffs NZ
ADVERTISEMENT	PAK'nSAVE Out of Home
DATE OF MEETING	5 October 2018
OUTCOME	No Grounds to Proceed

Advertisement: The billboard advertisement for PAK'nSAVE supermarket included the image of Stickman and had the appearance of being pasted over an existing the billboard. The billboard said: "Re-using our ads is another way we save you money".

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

Complainant, A Melling, said: The implication of the billboard is that they pasted over an existing billboard poster to save billboard poster printing costs. Actually the pasted-on parts are printed on the poster.

It looks in excellent condition, so I also doubt that they're re-using a poster they had printed and displayed at a previous time.

Perhaps they mean they're re-running adverts they've run before, This is very different to what they're implying. I would expect (given the design quality) that the cost for design is far lower than the cost of printing and billboard rental. If this is the case, they are being extremely misleading about the amount they are saving.

Pak 'n Save have had several billboards in the past which are similarly outrageous: "To keep prices low we stuck this ad over an old one" (printed as though a new PnS ad has been pasted over the top of an old one), "To keep prices low we only used half this billboard" (good luck selling that idea to the billboard owners) and the dubious "To keep prices low we paid a 3 year old to draw this ad"

In short, they are claiming to have saved money (which theoretically they would pass on to the customer) in ways that they clearly haven't saved money.

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

The Chair noted the Complainant's concern the advertisement was misleading.

In the Chair's view, the Advertiser had created the humorous illusion of re-using the billboard to support its positioning as a supermarket with lower prices. The Chair noted the Complainant considered the advertisement was misleading as the billboard was not actually being re-used to save consumers money. The Chair acknowledged the Complainant's view but said the advertisement did not meet the threshold to be likely to mislead consumers and it was not in breach of the Code of Ethics.

The Chair ruled there was no apparent breach of the Code and 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.