

COMPLAINT NUMBER	18/429
COMPLAINANT	M Whitelock
ADVERTISER	Bayleys Real Estate
ADVERTISEMENT	Bayleys Real Estate, Television
DATE OF MEETING	17 December 2018
OUTCOME	No Grounds to Proceed

Advertisement: The Bayleys television advertisement shows a child not having much success selling homemade lemonade. He is approached by another child who examines the lemons and then alters the sign to read “Organic Lemonade.” The stall’s popularity vastly improves and the stall owner says “So your Dad works in Marketing at Bayley’s?”

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

Complainant, M Whitelock, said: I want to make a complaint regarding the Bayleys real estate ad on TV.

As a certified organic primary producer I take issue with a simple sign change to sell lemons in this add. It reflects on the lack of integrity within the real estate industry with organic produce being used or exploited for its gain. Organic is what is within or on the product not the word!

Anything creditable tries to be exploited by greedy, dishonest self interested people for \$ gains. It is expensive to become a certified grower (producer) of organics & is not just changing a signage in order to capitalise.

Mutton dressed as lamb is still a sheep. Lipstick on a sow is still a pig or pork. This ad is artificially constrained (Bayleys other ad) with misrepresentation.

True organic producers don’t want to be associated with the negative real estate industry and its lack of credibility. Remove this ad!!

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 2(b);

The Chair noted the Complainant’s concern describing the lemonade as organic was misleading and undermines the importance of the organic certification process.

The Chair acknowledged the importance of accuracy in advertisements, particularly those that make claims relating to the origin or authenticity of food products.

In the Chair’s view, the advertisement for Bayleys was attempting to use humour to reflect the level of hyperbole that can feature in real estate advertising.

The Chair said the word ‘organic’ was incidental in this case and other words could have been used to demonstrate the importance of good marketing.

The Chair noted the Guidelines for Rule 2(b) of the Advertising Standards Code states that obvious untruths, exaggeration, puffery or deliberate hyperbole that are unlikely to mislead may be acceptable. In this case the Chair said the image of a child's lemonade stand trying to boost sales by adding the word 'organic' to their sign was an innocent example of this advertising technique.

While the Chair acknowledged the genuine concern the Complainant has regarding the misuse of the word organic and its accurate representation, in the context of an advertisement for a real estate brand it is unlikely to mislead or deceive consumers.

The advertisement did not reach the threshold to breach Principle 1, Principle 2 or Rule 2(b) of the Advertising Standards Code.

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.