

COMPLAINT NUMBER	18/383
COMPLAINANT	J Andrews
ADVERTISER	Massey University
ADVERTISEMENT	Massey University, Digital Marketing
DATE OF MEETING	12 March 2019
OUTCOME	Not Upheld

SUMMARY

The Facebook advertisement promoting Massey University to international students www.facebook.com/masseyinternational/, shows an image of New Zealand with the Massey University logo and the QS World University Rankings logo and says “Ranked in the world’s top 1.3%.”

The Complainant said it is misleading to state Massey University is in the top 1.3% of universities worldwide, given that the QS ranking says they are 332nd out of 1000 universities ranked.

The Advertiser said the percentage was obtained by using the QS Ranking estimate of 26,368 universities worldwide and applying Massey’s 332nd ranking which places the university in the top 1.259%, rounded to 1.3%. In a further round of submissions, the Advertiser provided direct substantiation from QS World University Rankings for the claim.

The Complaints Board agreed the advertisement could have been clearer and, for example, provided a direct link to the source information for the claim, given the target audience of international students.

The Complaints Board said the substantiation now provided by the Advertiser from QS World University Rankings supported that Massey University could claim it was in the top 1.3% under that ranking system. The advertisement was not likely to mislead or confuse consumers and was not in breach of Principle 3 and Rule 2 of the Code of Ethics.

The Complaints Board ruled the complaint was Not Upheld.

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

Preliminary Matters

Correct codes

The Chair noted the ASA is making a transition to the Advertising Standards Code, which has replaced six other codes with effect from 1 November 2018 for new advertisements and 1 February 2019 for all advertising.

The Chair noted the complaint was received on 22 November and the Advertiser responded under the requirements of the Advertising Standards Code relating to truthful presentation.

The ASA subsequently confirmed that the advertisement was posted in September 2018 and the correct Code to apply is the Code of Ethics. The Chair confirmed that Basic Principle 3 and Rule 2 of the Code of Ethics set out the requirements for advertisements to be truthful and not misleading, are not materially different to the requirements of Principle 2 and Rule 2 (b) of the new Advertising Standards Code.

The Advertiser was offered the opportunity to submit any further comments with regard to the relevant principle and rule in the Code of Ethics. No further response was received.

The Chair therefore directed the Complaints Board to consider the advertisement with reference to Basic Principle 3 and Rule 2 of the Code of Ethics.

Basic Principle 3 required the Complaints Board to consider whether the advertisement could be considered misleading or deceptive or likely to mislead or deceive the consumer.

Rule 2 required the Complaints Board to consider whether the advertisement contained any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge.

Calculation query

The Complaints Board considered this complaint on 12 February 2019 and ruled the complaint was upheld as the claim had not been substantiated and it appeared to be an informal extrapolation of the QS World University Ranking result by Massey.

When the Board's decision was circulated to parties, the Advertiser raised concerns about the source of the 3% reference from the Complainant and referred to by the Board and the confusion this could create in interpreting the decision.

The Chair of the Complaints Board ruled the Board's decision of 12 February was set aside and invited parties to submit on this issue and any other relevant matters relevant to the initial complaint for the Board to consider at its next meeting.

This additional information was put before the Complaints Board on 12 March.

The Complaints Board ruled the complaint was Not Upheld

The Complaint

The Complainant said it is misleading to state Massey University is in the top 1.3% of universities worldwide, given that the QS ranking says they are 332nd out of 1000 universities ranked, which puts Massey in the top 3%.

In further information from the Complainant they said the claim of 1.3% gives the impression that an independent university ranking system has given Massey University that ranking.

To be accurate in using the QS system and its logo the ranking shown should be the one QS awards. This is #332nd in the world. The Complainant noted the context of the advertisement and that it is used exclusively to market to international students. They said the claim it is not used to market domestically where they consider the figure of 1.3% would be openly questioned.

The Advertiser's Response

In their initial response, the Advertiser said the percentage was obtained by using the QS Ranking estimate of 26,368 universities worldwide and applying Massey's 332nd ranking which places the university in the top 1.259%, rounded to 1.3%. The Advertiser said the two percentages were not mutually exclusive.

In further information provided by the Advertiser they confirmed the methodology used by Massey University to reach the 1.3 per cent was used in the international education sector, both in New Zealand and around the world and has been for several years.

"Massey University has used the calculation of there being 26,368 universities worldwide, as stated by QS World University rankings [here](#) and [here](#). This is a conservative estimate as, according to QS, were it possible to determine the exact global number of higher education institutions, it would most likely be in excess of 40,000.

Our current ranking of [=332](#) divided by 26,368 equates to 1.3 per cent.

This is based on methodology similar to Universities New Zealand (UNZ) which has also been adopted by Education New Zealand (ENZ)."

The Advertiser also provided a fact file from QS World University Rankings about Massey University. The fact file referred to Massey University's 2018 316th ranking and stated:

"In the 2018 edition, the institution performed among the top 33% in the QS World University Rankings. Considering there are approximately 26 000 universities globally, this makes Massey University one of the top 1.2% universities in the World". The file noted that Massey had improved on its 2017 performance by 24 places.

The Complaints Board Discussion

The Complaints Board began by discussing the likely consumer takeout of the claim in the advertisement. It said this would be that Massey University was ranked in the top 1.3% of the world's universities according to the QS World University Rankings.

The Complaints Board said the reference to the term 'Ranked', alongside the World University Rankings logo in the advertisement implied the 1.3% ranking was taken directly from a QS ranking list.

The Complaints Board understood how the 1.3% figure in the advertisement had been calculated. However, the Board said the statement "Ranked in the world's top 1.3%" with the QS ranking logo was likely to create the impression this was a robust third-party ranking, rather than an extrapolation based on an estimated number of universities world-wide and Massey's position in the QS ranked 1000.

In the initial response from the Advertiser, there was no clear substantiation that the claim was sourced direct from QS World University Rankings.

The Complaints Board referred to the context, medium, audience and product for the advertisement and noted that audience was an important factor, with international students likely to represent a high proportion of the viewing audience. The Board said this audience may use this information in making important choices about a tertiary education provider and unclear or ambiguous information could present a challenge, including to those with English as a second language.

In re-considering the matter, the Board reviewed the additional information provided by Massey University from QS World University Rankings about its 2018 results.

The Complaints Board said the advertisement could have been clearer and, for example, provided a direct link to the source information for the claim, given the target audience of international students.

The Complaints Board said the substantiation now provided by the Advertiser from QS World University Rankings supported that Massey University could claim it was in the top 1.3% under that ranking system.

The advertisement was not likely to mislead or confuse consumers and was not in breach of Principle 3 and Rule 2 of the Code of Ethics.

The Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The Facebook advertisement marketing Massey University to international students, www.facebook.com/masseyinternational/, shows an image of New Zealand with the Massey University logo and the QS World University Rankings logo and says "Ranked in the world's top 1.3%."

COMPLAINT FROM J ANDREWS

Massey is claiming on their Facebook site that markets to international students that they are in the top 1.3% of universities world wide and uses the QS logo to qualify this claim. QS ranks 1,000 universities and Massey is 332 on their list. The QS website says Massey is in the top 3%. I questioned Massey about their claims and they have taken the result and applied the QS ranking to all universities world wide. This has been done deliberately to gain a more favourable result for marketing. I believe it is false advertising.

FURTHER FROM THE COMPLAINANT

The 3% figure mentioned came from Education NZ's analysis of University rankings which I believe was based on a base unit of 10,000 universities. In light of the appeal questioning the calculation base rate, here is my revised complaint.

Massey University is using misleading advertising to market to international students who, due to their levels of English and lack of context of our educational system, would take the ranking represented in the Facebook ad and use this to make life changing decisions.

Massey University have used the QS ranking logo beside the figure 1.3%. This gives the impression that an independent university ranking system has given Massey University that ranking. To be accurate in using the QS system and it's logo the ranking shown should be the one QS awards. This is #332= in the world.

This advertisement is used exclusively to market to international students. It is not used to market domestically where I think the figure of 1.3% would be openly questioned.

CODES OF PRACTICE

CODE OF ETHICS

Basic Principle 3: No advertisement should be misleading or deceptive or likely to mislead or deceive the consumer.

Rule 2: Truthful Presentation - Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

RESPONSE FROM ADVERTISER, MASSEY UNIVERSITY

Contact person for advertising complaints	James Gardiner
A basic, neutral description of the advertisement	Facebook page cover image featuring an aerial photo of New Zealand with Massey University logo and some text.
Date advertisement began	September 2018
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Massey University Facebook page, Twitter page, website (massey.ac.nz/international), international prospectus, and email signatures.
Is the advertisement still accessible – where and until when?	Yes, in the above media. No date for its removal has been set.
Who is the product / brand target audience?	International students from around the world.
Clear substantiation on claims that are challenged by the complainant.	It is noted on the QS website that a similar complaint was lodged against an English University that claimed to be in the top 1 per cent based on QS stats. This may be of interest to ASA members: https://www.qs.com/claim-place-amongst-top-1-world-universities/
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints	<i>Massey received the following inquiry from a reporter on November 16, 2018:</i>

<p>Manager if this is an issue.</p>	<p><i>Hi J</i></p> <p><i>... I have seen an ad for Massey that says it is in the top 1.3% of universities globally according to QS. The QS rankings have Massey at #332 and they say Massey is in the top 3%.</i></p> <p><i>How did you arrive at the 1.3%?</i></p> <p><i>Cheers</i></p> <p><i>On November 19, I responded as follows:</i></p> <p><i>Hi..., The two percentages are not mutually exclusive. According to QS there are 26,368 universities worldwide (of which it ranks just over 1000 each year and currently places Massey at 332), so any ranking of 791 or higher is in the top 3 per cent (as QS says) and a ranking of 332 places us in the top 1.259 per cent (or 1.3 per cent) as we say.</i></p> <p><i>James Gardiner</i></p> <p><i>corporate communications director</i></p> <p><i>Massey University</i></p> <p><i>The reporter then replied: Hi James Interesting. Doesn't it seem odd to claim a result validated by QS and then apply it to a different base unit to make it more favourable? Why not use their actual result of top 3%?</i></p> <p><i>Cheers</i></p>
<p>For Digital advertisements:</p>	
<p>What platform tools have you used to target your audience?</p>	<p>See above (FB, Twitter, website etc)</p>

FURTHER FROM THE ADVERTISER

The basis of the complaint does not seem factual. The Complainant claims that QS says Massey is in the top 3 per cent and uses that as the basis for challenging our right to say top 1.3 per cent.

It is not clear to Massey where they obtained the 3 per cent figure from (attached is a fact file on Massey produced by QS based on Massey's 2017 ranking, which says that places Massey in the top 1.2 per cent of universities in the world) or why they think it would be acceptable to use the 3 per cent figure yet not the 1.3 per cent.

The methodology used by Massey University to reach the 1.3 per cent is one that is used in the international education sector, both in New Zealand and around the world and has been for several years.

Massey University has used the calculation of there being 26,368 universities worldwide, as stated by QS World University rankings [here](#) and [here](#). This is a conservative estimate as, according to QS, were it possible to determine the exact global number of higher education institutions, it would most likely be in excess of 40,000.

Our current ranking of [=332](#) divided by 26,368 equates to 1.3 per cent.

This is based on methodology similar to Universities New Zealand (UNZ) which has also been adopted by Education New Zealand (ENZ).

UNZ regularly claims that [all New Zealand universities are in the top 3% of universities in the world](#). They calculate this based on the following:

The World Higher Education database (WHED) lists around 18,000 (a very conservative estimate) universities. WHED is an online database published by the International Association of Universities in collaboration with UNESCO. It contains information on higher education institutions that offer at least a three- or four-year professional diploma or a post-graduate degree. The database therefore excludes, for example, community colleges in the US and further education institutions in the UK and may be thought of as a sample of "higher quality" universities.

If we (UNZ) accept these as being universities, then being in the top 500 universities means a university is in the top 2.7% of universities internationally ($500 \div 18,000 = 2.7\%$).

Therefore, while there is a difference in the denominator between the methodologies used by Massey and other universities (based on QS) and that used by UNZ/ENZ (based on WHED), the nature of the calculation itself is the same. Given that Massey University is ranked by QS World University Rankings and we use this as the numerator, we therefore should use their denominator of 26,368 in our methodology.

Examples of similar statements

The complainant appears to have objected to the use of the word "ranked" as part of our advertisement. We would like to draw your attention to the use of this word in a New Zealand context with the following examples.

[An article on Education New Zealand's website](#) in 2018 states that: *"In particular, they are drawn to the flexible nature of the way New Zealand courses are structured and the fact that all our universities rank in top 3% of the world globally (QS world rankings).*

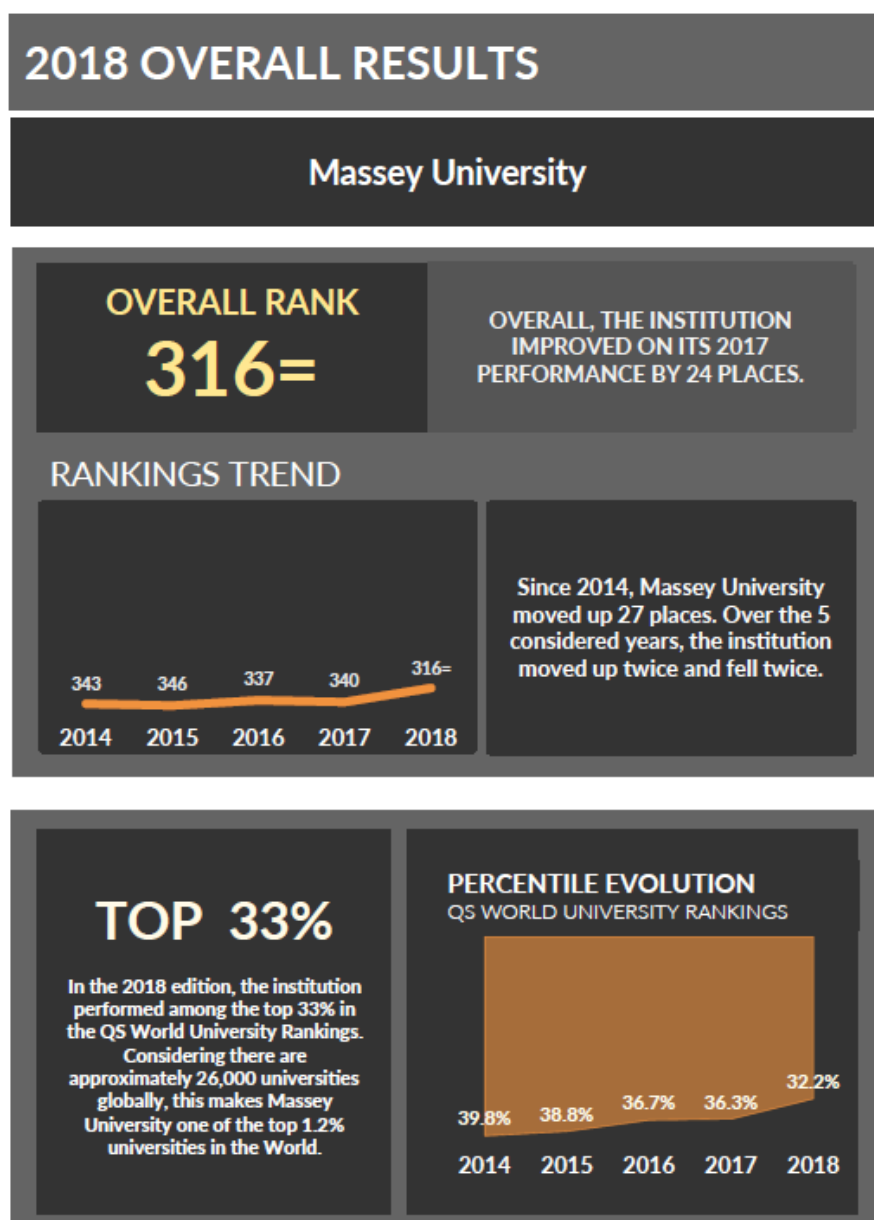
Also, [this ENZ article](#) states: *Chris Whelan, Chief Executive of Universities New Zealand, said: "All eight New Zealand universities are ranked within the top 500 globally, so these awards offer the students the opportunity to undertake high-quality study in New Zealand. The top 500 ranking means that all eight universities are ranked in the top 3 percent of universities worldwide."*

In addition, at least four other New Zealand Universities are making similar statements to Massey University regarding their percentage ranking across all universities worldwide.

It is noted on the QS website that a similar complaint was lodged against an English University that claimed to be in the top 1 per cent based on QS stats. This may be of interest to ASA members: <https://www.qs.com/claim-place-amongst-top-1-world-universities/>

It is noted by Massey that in its original ruling, now set aside, the ASA Complaints Board was concerned about the use of the word “ranked” as clearly it felt that implied or it could be inferred that QS had in fact ranked each of the 26,368 universities it estimates there are, when clearly it has not done so, as it explains at the earlier reference.

Note from Secretariat: on 8 March 2019, the Advertiser provided a document from QS World University Rankings called “2018 Fact File Massey University” The infographic on the following page is from this document.



RESPONSE FROM MEDIA, FACEBOOK

We have investigated this matter and can advise that this piece of content did not violate our policies at the time of investigation. If you have any further questions or links to specific content that you are concerned about, please let us know. Additionally, please let us know if it breaches a specific code.

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.