

COMPLAINT NUMBER	19/278
COMPLAINANTS	N Ford & B Penter
ADVERTISER	H&J Smith Limited
ADVERTISEMENT	H&J Smith Limited, Print
DATE OF MEETING	15 August 2019
OUTCOME	Settled - advertisements to be changed

Advertisement: The H&J Smith print advertisement has the heading “Hunt sale now on” and shows various models of guns for sale with product detail and ‘was’ and ‘now’ prices quoted.

The Chair ruled the complaints were Settled

Complainant, N Ford, said: wouldnt apply but we would do you a deal etc etc . Its basically clickbait to get the phone ringing and unacceptable .

Complainant, B Penter, said: My friend highlighted the good sale price for the Sako 85 rifles. However, the store has no intention of honouring the advertised price for other than 3 claimed in store rifles. The ad was not qualified with a statement to reflect store only rifles receive the sale price.

The Advertiser, H&J Smith Limited, said: I have reviewed the circumstances giving rise to this with the General Manager of our Outdoor stores and advise as follows:

1. Outdoor @ H&J Smith is a subsidiary of H&J Smith Holdings Limited and operates in the Hunting sector under the name Gun City utilising a licensing agreement with Gun City Limited.
2. Our advertising is produced in-house utilising our Department Store in-house production team.
3. The product in question has been stocked by us for a considerable period of time and was selling at the ‘was price’ indicated in the advertisements
4. We purchased an additional quantity from the supplier as a close-out following advice by the NZ importer that they would no longer be importing this model of firearm. The pricing allowed us to reduce the price of our existing SOH and offer the close-out at the substantially reduced price.
5. We first advertised the product 30 May 2019 with quantities of each model, calibre, and left or right hand clearly indicated. It should be noted that with the number of models and variants (calibre/left or right hand) that expected unit sales of any one variant would be one or two units maximum.
6. The product was advertised again 6 June 2019 along with other products. Model variants and there being limited stocks were included in the copy.
7. Subsequent advertisements including the product with a reduced description ran 4 July, 11 July.
8. This copy was repeated in the advert of 25 July 2019 at which point we still had stock of each model but in restricted choices of calibres.

9. A subsequent advertisement appeared 1 August, prior to receiving knowledge of this complaint.
10. It is purported that the salesperson that the customer spoke to suggested that they would have to pay full price if the desired model and calibre was ordered in. This is incorrect advice as the product was no longer available. From the information available we are not able to identify which salesperson was involved.
11. Had the matter been referred to the manager a solution would have been found – either through attempting to source the product from another dealer or an equivalent deal on a similar product.
12. We agree that the advertisement is deficient in not specifying that there was limited stock available down to model and calibre and that more information might have yielded a different outcome.
13. The lack of detail and repetitious aspect of the series of adverts is a reflection of the fact that sell-thru by model & variant is typically slow however is also a poor reflection on planning and the team's attention to detail.
14. As a result of the internal review of this incident I can confirm that the need to clearly state any limitations of quantity or availability have been clearly re-enforced with our Outdoor team.

Next year our company celebrates 120 years of customer service in the Southland community. We value our reputation and do not engage in misleading practices.

We regret the inability to provide the customer with the product of their choice on this occasion and would welcome the opportunity to put this right with them.

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 noted the Complainants' concerns the advertisement was misleading about the actual number of guns available at the advertised sale price.

The Chair acknowledged the Advertiser had provided evidence of the original advertisement which contained details of the quantity, model and caliber of sale items. She said the Advertiser has agreed that this information should also be present in subsequent advertisements and has offered assurances this will be implemented.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in acknowledging the need to clearly identify any limitations of quantity or availability of sale items in future advertisements, the Chair said that it would serve no further purpose to place the matter before the Complaints Board. The Chair ruled that the matter was settled.

Chair's Ruling: Complaints Settled – Advertisements to be changed

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.