

COMPLAINT NUMBER	20/252
ADVERTISER	Brand Developers Ltd
ADVERTISEMENT	Transforma Ladder, Television
DATE OF MEETING	29 June 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Brand Developers television advertisement promotes the Transforma Ladder. The advertisement states that "you can spend thousands of dollars on several different sized ladders". The advertisement offers free give-aways including two work platforms valued at \$240, a wall standoff, 2 leg levellers, renovator better grip tools valued at \$200, and does-it-all drill bits (including 4 reverse drill bits). The advertisement states the consumer will receive "32 free gifts" when purchasing the ladder.

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

Complaint: I wish to make a complaint about a commercial, screened at 5.50 pm today on TV One. The commercial was for a "miracle" ladder. To obtain the same benefits from ordinary ladders, the advertiser claimed you could spend thousands.

The advertiser gave no name, but asked you to phone 0800 800 900. No price was given, but you were offered a month's trial for a small charge plus a larger amount for transport and packing (to be repeated if the ladder--and perhaps the "gifts-- were returned).

My complaint has nothing to do with the quality of the ladder itself, but centres on the free "add-ons". Offered were several attachments for the ladder itself, plus a number of unrelated "free gifts" such as spanners and drill bits. The total "value" of these "free gifts", according to the advertiser, was \$440.

I ask that the Authority investigate the claimed value of the gifts, as I believe the advertiser either inflates their value, or must charge higher than the actual value of the ladder. Nobody in their right mind gives away so much for no return.

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 Complainant's concerns the value of the free goods being offered in the advertisement may be misleading.

The Chair said the role of the Advertising Standards Authority did not extend to investigating the retail price of products being advertised and their value. The Chair said it was up to the consumer to determine whether the free products on offer are incentive enough to engage further with the Advertiser.

The Chair said the advertisement was not likely to deceive or mislead consumers and the advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

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 calendar days of receipt of this decision.