

COMPLAINT NUMBER	20/494
ADVERTISER	Tommy's Real Estate Limited
ADVERTISEMENT	Tommy's Real Estate Limited, Radio
DATE OF MEETING	9 October 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Tommy's Real Estate radio advertisement refers to their real estate strategies. The voiceover says in part; "At Tommy's we constantly achieve averages 40-50 and in some case 60% over RV. How do we do this? It's all about our team working together as one unit and creating a competitive selling situation where buyers are forced to pay more than they otherwise would normally."

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

Complaint: The advertisements makes a claim that Tommy'e gets prices up to 60% higher than RV so buyers are FORCED to pay more thanthey otherwise would. My complaint is that no-one is forced to pay ,ore than they would otherwise do - the word force is quite objectionable.

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 objected to the use of the word "forced" in the advertisement.

The Chair said the likely consumer takeout of the advertisement is that the Advertiser aims to create a competitive buying environment. This could result in consumers needing to pay more than they planned to in order to purchase the house they wanted. The Chair said the use of the word "forced" was not ideal to describe the scenario. However, the Chair said the wording did not meet the threshold to be misleading and had not breached 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.