

<b>COMPLAINT NUMBER</b>	21/017
<b>ADVERTISER</b>	Harvey Norman
<b>ADVERTISEMENT</b>	Harvey Norman, Television
<b>DATE OF MEETING</b>	23 February 2021
<b>OUTCOME</b>	Not Upheld No Further Action Required

### **Summary of the Complaints Board Decision**

The Complaints Board did not uphold a complaint about a Harvey Norman television advertisement offering a bonus gift card when taking up a 60-month interest free offer. The Complaints Board said the advertisement was not misleading as it clearly linked the bonus card to the interest free offer.

### **Advertisement**

The Harvey Norman television advertisement showcases various products with the voiceover saying, "Get 60 months interest free with bonus gift card up to \$500" The advertisement shows terms and conditions at the bottom of the screen.

### **Summary of the Complaint**

The Complainant was concerned the advertisement is misleading for not making it clear the Bonus Gift Card offer is only for Gem Visa card users.

### **Issues Raised:**

- Truthful Presentation

### **Summary of the Advertiser's Response**

The Advertiser defended the advertisement and said it is clear the Gift Card offer applies to Interest Free purchases only. Interest Free purchases are only available via Latitude Finance Services Ltd using the facility on a Gem Visa or Gem Creditline card. The Advertiser said the link between the interest free offer and the Bonus Card is clearly shown in the advertisement.

### **Summary of the Media Response**

The Commercial Approvals Bureau said the offer has extensive terms and conditions attached and the small print alerts customers to the fact that there are provisos which must be satisfied before use can be made of the deal.

### **Relevant ASA Codes of Practice**

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

### **ADVERTISING STANDARDS CODE**

**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.

### Complaints Board Discussion

The Chair noted that the Complaints Board's role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and
- The context, medium, audience and the product or service being advertised.

#### *Consumer Takeout*

The Complaints Board agreed the likely consumer takeout of the advertisement was that the Advertiser had a variety of laptops on sale and there is a 60-month interest free option which comes with a bonus card up to \$500 depending on spend. There is also a range of terms and conditions associated with the offer.

#### *Is the advertisement misleading?*

The Complaints Board unanimously agreed the advertisement made it clear that the bonus card offer was only available for consumers taking up the 60-month interest free purchase arrangement. The Complaints Board noted that companies providing consumers with options to pay for a product over a period of time, will have a facility to finance these purchases. In this case, the Advertiser uses Gem Visa or Gem Creditline cards, both provided by Latitude Finance Services Ltd. The Board said the Advertiser presented the high-level proposition of the offer and was not required to include all the background credit details in an advertisement of this type.

The Complaints Board also agreed that for those consumers who were not familiar with buying products through a credit facility, including interest-free options, there would be opportunities during the credit approval process to seek more information.

The Complaints Board said the advertisement was socially responsible, taking into account context, medium, audience and product and was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

### Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

#### **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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.

## APPENDICES

1. Complaint
  2. Response from Advertiser
  3. Response from Media
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### Appendix 1

#### COMPLAINT

Purchasing from Harvey Norman and the offer of a Bobus Gift Card. Daily advertised on all Channels. I have a copy of their email showing the adverts.

It is their BONUS Gift card. If you watch the advertisement the fact that the deal applies to "Gem Credit Card users" is not apparent when you watch the ad. It is also not very apparent in the paper advert. I just feel that when you watch the TV advert it definitely shows the Bonus card deal but not clearly noting the details about the GEM Visa card application. My understanding is that advertising should be clear and transparent for the consumer to understand. This definitely is not. I realise I am just a small cog in a very big wheel, but I was of the understanding that the ASA was there to protect the everyday consumer. Is this not correct? I am not interested in getting the Bonus Gift card as that is not important, but I am concerned that the way this has been advertised does not make the full conditions clear from the outset. If you have the time and some method of expanding the very fine print, then it would be more obvious, but if you watch the ad, I guarantee it would be very difficult to read.

### Appendix 2

#### RESPONSE FROM ADVERTISER, HARVEY NORMAN

Harvey Norman NZ Television – Complaint 21/017 Key number HNZ546015

Thank you for requesting our feedback regarding Complaint 21/017. Harvey Norman would like to defend this complaint.

#### 1. Requested Information

- Key number HNZ546015 ran on TVNZ 1 and 2.
- The commercial ended on Sunday 28 February 2021.
- The commercial ran on Television.
- Target Audience: All People 25-54.
- CAB key number and rating – #10128005/ Rating G.
- Tools to target: Nielsen Television Audience Measurement.
- A copy of the script is attached.
- A copy of the spot list is attached.

#### 2. Further Information

The complaint refers to a Bonus Gift Card offer. The complainant believes that it is not apparent in the advertisement that the deal applies to "Gem Credit Card users".

Harvey Norman believes that the advertisement is clear that the Gift Card offer applies to Interest Free purchases only.

Harvey Norman offers Interest Free purchases via Latitude Finance Services Ltd. Interest Free purchases are available for customers using the interest free facility on a Gem Visa or Gem Creditline card, both provided by Latitude Finance Services Ltd.

A customer is not able to make a purchase on Interest Free at Harvey Norman unless they use Gem Visa or Gem Creditline card.

Below is a screenshot from the commercial, this screen appears when the Gift Card offer is voiced. We believe it is clear to the customer that the Gift Card offer applies to Interest Free purchases only.

**Harvey Norman**

**60 MONTHS INTEREST FREE**

**PLUS**

**BONUS GIFT CARD** **UP TO \$500**  
on Interest Free purchases

Establishment fee and annual account fee are additional

Gift Card Terms: MINIMUM FINANCED AMOUNT \$1000. \*Gift card issued by Harvey Norman (NZ) Pty Limited on delivery of purchased products. Terms & conditions apply.  
\$50 Gift Card when you spend \$1,000+ \$100 Gift Card when you spend \$2,000+ \$150 Gift Card when you spend \$3,000+  
\$200 Gift Card when you spend \$4,000+ \$250 Gift Card when you spend \$5,000+ \$300 Gift Card when you spend \$6,000+  
\$350 Gift Card when you spend \$7,000+ \$400 Gift Card when you spend \$8,000+ \$450 Gift Card when you spend \$9,000+ \$500 Gift Card when you spend \$10,000+

Finance Terms: Excludes all Apple products, gaming consoles, Microsoft Surface, Samsung Galaxy S, Note, Fold & Z Flip Range, drones, Sonos, Bose, Miele  
Whiteware/Cookware and Outlet Stores. 60 equal monthly interest free instalments will be payable. Minimum purchase \$490. Credit criteria, fees, terms and conditions apply.

Please contact me if you would like any further information.

### Appendix 3

#### RESPONSE FROM MEDIA, COMMERCIAL APPROVALS BUREAU

**Complaint 21/017 Harvey Norman Key: HN25460**  
**15 Classification: General**

The Harvey Norman Bonus Gift Card campaign runs across a range of media outlets. The offer has extensive terms and conditions attached. The fact that there is so much 'small print' in these advertisements very clearly alerts the consumer to the point that broad provisos must be satisfied before use can be made of this deal. If this were not the case numerous complaints would surely have been received.

We defer to the advertiser to respond in more detail to this single complaint.