

COMPLAINT NUMBER	21/080
ADVERTISER	G.J.Gardner Homes
ADVERTISEMENT	G.J.Gardner Homes Television
DATE OF MEETING	1 March 2021
OUTCOME	No Grounds to Proceed

Advertisement: The presenter in the GJ Gardner television advertisement says to camera "You know there's a reason more customers choose one New Zealand company to build their homes - Trust.... You've just voted them Readers Digest most trusted home builder, again...".

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

Complaint: My concern is that the advertisement states that GJ Gardeners is NZ's Most Trusted Builder.

This statement seems to come off the back of a Readers Digest Award to G J Gardeners as being voted (by Readers Digest readers) as NZ's most trusted builder as voted by Readers Digest readers.

Does the opinion of one group of New Zealanders give the right for the advertiser to make the claim on behalf of all New Zealanders?

There may be an equal number of New Zealanders who disagree with the claim.

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 concern the advertisement was misleading.

The Chair said the advertisement makes the claim that the reason New Zealanders choose GJ Gardner to build their homes is because they trust them. The Chair said the claim is qualified by the reference to the research commissioned by Reader's Digest, which is provided as substantiation. The consumer has the opportunity to seek more information about this research if they wish.

The Chair said the advertisement was not likely to mislead or confuse consumers and therefore did not meet the threshold to breach 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.