

COMPLAINT NUMBER	21/081
ADVERTISER	Pure South New Zealand
ADVERTISEMENT	Pure South New Zealand Facebook
DATE OF MEETING	8 March 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Pure South New Zealand Facebook advertisement promoted their Te Mana Lamb Rump 4 Pack. The advertisement said the meat has been aged for 21 days and there was a photo of some fresh meat, ready to cook.

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

Complaint: Pure South New Zealand is deliberately misleading the state and quality of the goods it provides through its Facebook posts/advertisements. I recently purchased lamb online from Pure South. 3 x 4pk Te Mana Lamb Rump. When the lamb turned up it was frozen, not fresh as the post/advertisement shows. There was no attempt to highlight in the advert that the lamb would be supplied frozen. Yes, I should have read the (basically hidden) unconnected piece of text relating to the state on their website right at the bottom of the ordering page. My issue is there was nothing about this in their post/advertisement. I would have not bothered clicking on your advertisement and bought \$130 of (frozen) lamb (delivery was \$25). The pictures and post are of fresh lamb, which leads people to believe they are fresh cuts of meat. PSNZ have in no way tried to indicate the meat is frozen in their post/advertisement, a deliberate breach of Advertising Standards Authority Rule 2(a).

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 that often food advertisements employ a level of hyperbole, in order to show the food product in the best light. In this case the meat was shown in a fresh rather than frozen state.

The Chair said the text "State: Frozen" was included in the next part of the advertisement, an information page, which was accessible by clicking on the photo of the lamb rump. The Chair said the customer was required to open this information page, which contained more detail about the product, before completing a purchase.

The Chair said the advertisement did not meet the threshold to mislead or confuse consumers. This is because information about the product being frozen was available on the information page for the product. This information page was part of the advertisement. The Chair said 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.