

COMPLAINT NUMBER	21/103
INFLUENCER	@caitlinvsmith
ADVERTISEMENT	@caitlinvsmith Instagram
DATE OF MEETING	13 April 2021
OUTCOME	Settled in part, No Jurisdiction in part

Advertisement: Influencer @caitlinvsmith posted a photo to her personal Instagram page, which showed her wearing products from @talulah_lamaison and @lackofcoloraus. The post was not identified as an advertisement.

The Chair ruled the complaint was Settled.

Complaint: Advertising Gifted Items without AD

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(a);

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(a) Identification: Advertisements must be identified as such.

The Chair noted the Complainant was concerned the advertisement had not been clearly identified as such.

The Chair accepted the complaint to go before the Complaints Board to consider whether the Advertising Standards Code had been breached. As part of the self-regulatory process, Advertisers have the option of amending or removing their advertising to comply with the Advertising Codes.

The Chair noted the Influencer had acknowledged the Instagram post should have been labelled as an advertisement and had since amended it to include the 'Ad' label. This is because the Influencer received a gift from La Maison Talulah and this gift was displayed in the advertisement.

The Chair noted the comment from the Influencer that they do not have a commercial relationship with the other Advertiser mentioned in the post. The Chair ruled this aspect of the complaint was No Jurisdiction.

Given the Advertiser's co-operative engagement with the process, the self-regulatory action taken to correctly label an existing advertisement and a commitment to labelling future advertisements, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was Settled in part and No Jurisdiction in part.

Chair's Ruling: Complaint **Settled in part, No Jurisdiction in part**

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.