

<b>COMPLAINT NUMBER</b>	21/335
<b>AWAP</b>	21/001
<b>COMPLAINANT</b>	Z Energy
<b>ADVERTISER</b>	NPD Limited
<b>ADVERTISEMENTS</b>	NPD Limited Website, Facebook and Print
<b>DATE OF MEETING</b>	9 July 2021
<b>OUTCOME</b>	Settled

## **COMPETITOR COMPLAINT**

**Advertisements:** The website, Facebook and print advertisements for Nelson Petroleum Distributors Ltd (NPD) included the text “discount fuel”.

### **Summary of the complaint**

The Complainant, Z Energy, said the advertisements were misleading because it was not clear whether the term “discount fuel” meant a general discount offered on NPD’s standard price or whether it meant “cheap”. The Complainant said it was also not clear whether the discount was “always on” or only occasional.

### **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** ruled to deal with the matter by “adjudication with attendance of the parties” as a competitor complaint, pursuant to Rule 3 of the Complaints Procedures of the Advertising Standards Complaints Board.

The Advertiser, NPD, agreed to make certain amendments to the advertisements, in order to settle the complaint.

The Complainant advised the Secretariat that as a result of the changes made by the Advertiser, the issues raised in the complaint had been resolved.

The Chair ruled the complaint was Settled.

**Chair’s Ruling:** Complaint **Settled – Advertisement changed**