

COMPLAINT NUMBER	20/590
APPEAL NUMBER	21/004
APPLICANT	The Complainant
ADVERTISER	Lifestyle Focus Limited
ADVERTISEMENT	Lifestyle Focus Limited website Pestrol Rodent Free Pro
DATE OF MEETING	30 July 2021
OUTCOME	Appeal Allowed in part, Complaint Upheld in part Advertisement not to be used again in its current form

SUMMARY

The Complaints Board ruled on 13 April 2021 the complaint about the website advertisement for Pestrol Rodent Free Pro, a rodent repeller which uses technology instead of chemicals, was Upheld in part. The Complaints Board ruled four of the statements in the advertisement were misleading, four of the statements were not misleading and the Board declined to adjudicate on one of the statements.

The Complainant appealed the Decision because, in the Complainant's view, the material supplied by the Advertiser failed to substantiate the four claims which the Complaints Board ruled as not misleading.

The Chairperson of the Appeal Board considered that the application raised sufficient grounds for the matter to be considered by the Appeal Board.

The Appeal Board noted that the appeal from the Complainant only referred to the statements that were ruled not misleading by the Complaints Board.

The Appeal Board agreed with the Complaints Board that three of the four statements in the advertisement were not misleading. The Appeal Board agreed with the minority of the Complaints Board that one of the statements was misleading, but due to the amendments made by the Advertiser, this aspect of the complaint was settled.

In summary the Appeal Board ruled three statements in the advertisement were not misleading and one statement, which was misleading, but then amended, was settled. The Appeal Board declined to adjudicate one statement.

The Appeal Board said as the other four statements in the advertisement were misleading, as ruled by the Complaints Board, the advertisement was still in breach of Principle 2 and Rule 2(b) of the Advertising Standards Code.

The Appeal was Allowed in part and the Complaint was Upheld in part.

Decision: Complaint **Upheld in part**, Appeal **Allowed in part**

Please note this headnote does not form part of the Decision.

APPEAL BOARD DECISION

The Complaints Board ruled on 13 April 2021 the complaint about the website advertisement for Pestrol Rodent Free Pro, a rodent repeller which uses technology instead of chemicals was Upheld in part.

The Complainant appealed the Decision. The Chairperson considered that the Application raised sufficient grounds for the matter to be considered by the Appeal Board.

The Chairperson directed the Appeal Board to consider the advertisement 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.

The Complaints Board Decision

The Complaints Board upheld in part a complaint about a website advertisement for Pestrol Rodent Free Pro, a rodent repeller which uses technology instead of chemicals. The Board said four of the statements were misleading because the claims made had not been substantiated, four of the statements were not misleading and the Board declined to adjudicate on one of the statements. The Complaints Board said the advertisement was to be removed.

Complainant's Appeal

The Complainant appealed the Complaints Board decision on the grounds that the material supplied by Pestrol failed to substantiate the claims which were deemed to be not misleading by the Complaints Board, and the material also failed to satisfy the requirements in the ASA Guidance Note on Responding to a Complaint about Misleading Claims: <https://www.asa.co.nz/codes/code-guidance-notes/responding-to-a-complaint-about-misleading-claims/> (A full copy of the Complainant's appeal is in Appendix 4)

Summary of the Advertiser's Response to the Appeal

The Advertiser defended the advertisement and provided published studies, test reports and recommendations production support of the claims made in the advertising. (See Appendix 5).

Appeal Board Discussion

The Appeal Board carefully considered the advertisement, the information provided by the Complainant, the Advertiser and the decision of the Complaints Board.

Preliminary Comments

The Appeal Board noted that its role is to assess whether the evidence provided by the Advertiser sufficiently supports any claims made in the advertisement.

It is neither its role, nor the role of the Complaints Board, to be an arbiter of scientific fact or to assess the efficacy of a product.

The Appeal Board noted that the appeal application from the Complainant focussed on the claims which were ruled not misleading by the Complaints Board. This is because the Complainant agreed with the Complaints Board ruling that four of the claims were misleading.

The Appeal Board noted that there were only four claims which were ruled not misleading by the Complaints Board, not five, as suggested by the Complainant: "In my view, the material supplied by Pestrol fails to substantiate the *five* claims which were deemed to be not misleading by the board...". The Appeal Board noted the Complaints Board declined to adjudicate on the fifth claim.

The Appeal Board agreed with the Complaints Board decision to decline to adjudicate the claim "Up to 10 units required for larger buildings" because this statement is part of the instructions about how to use the product and individual circumstances can vary greatly.

The Appeal Board did not review the following four claims in the advertisement, which were deemed to be misleading by the Complaints Board:

- Doesn't harm cats and dogs etc due to their different genetic structure to rodents
- If sufficient units installed, house will be pest-free in short period of time spacing at beginning
- Each unit contains a 'variable pulse generator' that disturbs and disorients rodents and cockroaches, driving them away, and
- Ionic technology emits electrically charged negative ions, which mimic the electric charge of an incoming storm Pests seek shelter far away, the air is purified.

Is the advertisement misleading?

The Appeal Board considered each of the four claims in the advertisement, that the Complaints Board had ruled not misleading. The Appeal Board then considered the amendments made by the Advertiser, in the response to the appeal, to see if any aspects of the complaint could be settled.

The Appeal Board made the following decisions:

1. Use of electro-magnetic, ultrasonic and ionic technology

The Appeal Board agreed with the Complaints Board that this aspect of the complaint was not misleading. This is because the claim was about the method by which the device works. The Advertiser had provided substantiation to show the device uses electro-magnetic, ultrasonic and ionic technologies.

2. Use of electro-magnetic pulsing, which covers approx 150m²

The Appeal Board agreed with the Complaints Board that this aspect of the complaint was not misleading. This is because the Advertiser had provided substantiation to show the device uses electro-magnetic pulsing. The Board said while the advertisement did not appear to refer specifically to a coverage area of "150m²" it did provide indications for the number of units required for different sized properties.

3. Emits negative ions which constantly purify the air

The Appeal Board did not agree with the decision of the majority of the Complaints Board, which said this aspect of the complaint was not misleading.

The Appeal Board agreed with the view of the minority of the Complaints Board, that this statement was misleading, because this claim had not been adequately substantiated. The

Appeal Board agreed the use of the word “constantly” in the phrase “the Ionic technology *constantly* works to purify the air you breathe, helping create a pest free and healthy environment within your home or business” meant this was a high-level claim and therefore required greater substantiation than that which was provided.

Is this aspect of the complaint Settled?

The Appeal Board agreed this aspect of the complaint had been Settled. The Appeal Board noted the Advertiser had amended the statement, so it now read: “Ionic technology is therefore complementary to rodent control, helping create a pest free and healthy environment within your home or business. Ionic technology has been used for many years in Air Purification throughout New Zealand and Australia.” The Appeal Board noted the revised version of the statement and ruled this aspect of the complaint was settled.

4. Helps in the control of cockroaches

The Appeal Board agreed with the Complaints Board that this aspect of the complaint was not misleading. This is because this is a low-level claim, which had been adequately substantiated. The Board said the Ultrasound and Arthropod Pest Control: Hearing is Believing study (Reference 4e provided by the Advertiser), referred to studies on the impact of ultrasonic technology on cockroach populations. The conclusion section in the study says: “Ultrasound produced from the devices had a marginal effect in repelling cockroaches”.

In Summary

The Appeal Board agreed with the Complaints Board that three statements in the advertisement were not misleading. The Appeal Board agreed with the minority of the Complaints Board that one of the statements was misleading, but due to the amendments made by the Advertiser, this aspect of the complaint was settled.

The Appeal Board noted that the appeal from the Complainant focussed on the four statements ruled not misleading by the Complaints Board. The Appeal Board agreed with the Complaints Board’s decision to decline to adjudicate on one of the statements.

The Appeal Board said three statements in the advertisement were not misleading, one statement which was misleading, but then amended, was settled, and four statements were misleading. The Appeal Board declined to adjudicate one statement.

The Appeal Board said as the other four statements in the advertisement were misleading, as ruled by the Complaints Board, the advertisement was still in breach of Principle 2 and Rule 2(b) of the Advertising Standards Code.

Outcome

Decision: Complaint **Upheld in part**, Appeal **Allowed in part**

APPENDICES

1. Description of Advertisement
2. Complaint
3. Summary of the Complaints Board Ruling
4. Appeal Application from the Complainant
5. Response to the Appeal Application from the Advertiser

Appendix 1

DESCRIPTION OF ADVERTISEMENT

The Lifestyle Focus Limited website advertisement promoting Pestrol Rodent Free Pro included photos, a video and a range of statements, including the following:

- Uses electromagnetic, ultrasonic and ionic technologies
- Using a variable pulse generator, the Pestrol Rodent Free emits fluctuating sound waves ensuring pests do not become accustomed or immune to the Ultrasonic waves.
- Due to ionic technology, the unit emits negative ions which constantly purify the air you breathe.
- No harm to pets like cats, dogs, birds or fish as they have different genetic structure to rodents
- Gets rid of rats, mice and also helps repel cockroaches
- 10 Units are sufficient for 5+ bedroom, triple storey homes, large office blocks or small motels
- If sufficient number of units are installed inside the house, your house will be pest-free in short period of time.
- The Pestrol Rodent Free Ultrasonic frequency emits a pulse or wave that disturbs and disorients rodents and cockroaches, driving them away from your home or business. The high frequency sound creates a very uncomfortable environment for the rats, mice, and roaches making it almost impossible for them to communicate, breed, gather food, nest, and live their daily lives.
- Ionic technology emits electrically charged negative ions that are very common in our atmosphere. Negative ions are produced naturally by lightning before a storm. Animals are naturally sensitive to negative ions and you may notice that long before lightning storm, cockroaches, rodents and other animals sense a change in the environment... Pests become confused and frightened and tend to seek shelter far from the range of any Pestrol Rodent Free product.

The voiceover on the video said "...Pestrol combines three electronic rodent repellent technologies. You just plug it in. Pestrol electromagnetic impulses turn your home hostile to pests..."

Appendix 2

COMPLAINT

I'm writing to make a complaint about "Pestrol Rodent Free Pro" products advertised on the Pestrol website (e.g. <https://www.lifestylefocus.co.nz/buy-online/pestrol-rodent-free/>). Pestrol describes these products as electronic units which are meant to be plugged in to the wall, and claims they are effective at repelling a variety of pests. I believe the following claims breach Principle 2 (Rule b) of the Advertising Code:

1. The unit is claimed to use "Electromagnetic, ultrasonic and ionic technologies" to repel pests.
2. The unit is claimed to make use of 'Electromagnetic pulsing' which 'covers approx. 150m²'.
3. The unit is claimed to emit "negative ions which constantly purify the air you breathe."
4. The unit is claimed not to harm "pets like cats, dogs, birds or fish as they have [a] different genetic structure to rodents."
5. The unit is claimed to "Also help in the control of Cockroaches."
6. The advertisement claims that up to 10 units would be required for larger buildings (for a price of around \$900).
7. The advertisement provides a vague explanation of how the 'electromagnetic technology' works ("sending pulsing or shifting signals through the wires"), and also claims that "If [a] sufficient number of units are installed inside the house, your house will be pest-free in [a] short period of time."
8. The advertisement claims each unit contains a "a variable pulse generator" which "emits a pulse or wave that disturbs and disorients rodents and cockroaches, driving them away from your home or business," referring to the 'ultrasonic technology'.
9. The advertisement makes a string of claims about how the 'ionic technology' is supposed to work: "Ionic technology emits electrically charged negative ions that are very common in our atmosphere. Negative ions are produced naturally by lightning before a storm. Animals are naturally sensitive to negative ions and you may notice that long before lightning storm, cockroaches, rodents and other animals sense a change in the environment. Many animals become unsettled, change their behaviour and begin looking for protection from the incoming storm. This device's Ionic feature mimics the electric charge of an incoming storm throughout your home or office, transforming your area into a hostile environment. Pests become confused and frightened and tend to seek shelter far from the range of any Pestrol Rodent Free product. Besides making your indoors pest free, the Ionic technology constantly works to purify the air you breathe, helping create a pest free and healthy environment within your home or business."

Is the advertiser able to substantiate all of these claims? Is the advertiser able to show the results of an independent electrical inspection or some kind of certification process to show these units actually contain the necessary electronics to carry out what they claim to?

It's impossible for a consumer to evaluate the specifications of these units as the advertiser provides only vague statements (Ultrasonic Frequency: Various frequencies used; Ultrasonic Wave: At selected intervals; Electromagnetic Pulse: At computer generated intervals) and doesn't provide any specifications for the "ionic" mode of action. If these units are claimed to employ these three technologies, the advertiser should state their specifications, for example, at least the range of ultrasonic frequencies the device

can emit. Is the advertiser able to substantiate the claim that the 'Electromagnetic pulsing' covers approx. 150m²?

The repetitive use of pseudo-scientific jargon is also likely to mislead and confuse consumers into believing that these products are effective. For example, the claims about 'negative ions purifying the air', the lack of harm to pets due to a 'different genetic structure', the ability of the unit to repel cockroaches, the claim that a certain number of units would be required for buildings of a certain size, and the claims about how each of the three 'technologies' employed by these units are effective at repelling pests, are either ambiguous, exaggerated, unrealistic, or provide a false representation of the capabilities of these products, especially in the absence of any meaningful disclosure of the units specifications.

Following a review of the peer-reviewed scientific literature on this topic, I'm sceptical that Pestrol is able to substantiate any of the claims they have made in these advertisements. Some of the earliest work on ultrasound as a tool for rodent repulsion showed that, while rodents initially showed a mild aversion to ultrasound, they quickly became habituated and freely explored rooms with sonic devices operating in them, apparently unaffected.¹ This kind of early result helps to explain why very little research continued into this area: it was simply shown to not be worth the investment as rodents quickly habituated to the noise and returned to their previous activities.

Turning to insects, studies from both the University of Nebraska¹ and the USDA Agricultural Research Service³ concluded that ultrasonic devices have no effect on the behaviour of cockroaches, after testing a wide variety of frequencies. A thorough study published in the respected journal *Economic Entomology* testing nine ultrasonic devices, showed ultrasound is not effective at repelling cockroaches.¹ A more recent study conducted by researchers from Louisiana State University and Kansas State University concluded "The result failed to provide evidence that ultrasonic technology could be used as an effective pest management tool to repel or eliminate the German cockroach."² This result was confirmed in another peer-reviewed study published a year later which concluded "ultrasound in general is not a promising tool for repelling mosquitoes and cockroaches."³

In 2001, the US Federal Trade Commission went as far to send warnings to more than 60 manufacturers of ultrasonic pest devices stating any claims of efficacy need to be supported by scientific evidence.⁴ The FTC highlighted several claims which it had used as a basis for court action against six companies who, in its determination, made false and unsubstantiated claims about the effectiveness of ultrasonic devices in controlling rodent or insect infestations:

- Eliminates rodent infestations;
- Repels insects;
- Serves as an effective alternative to conventional pest-control products;
- Increases or assists the effectiveness of other pest-control methods;
- Eliminates fleas on dogs or cats; and
- Scientific tests prove product effectiveness.

¹ H. Greaves and F. P. Rowe, "Responses of Confined Rodent Populations to an Ultrasound Generator," *The Journal of Wildlife Management* 33, no. 2 (April 1969): 409, <https://doi.org/10.2307/3799844>.

² J. B. Ballard and R. E. Gold, "Ultrasonics: No Effect on Cockroach Behaviour," *Pest Control* 50, no. 6 (1982): 24-26. ³C. F. Schreck, J. C. Webb, and G. S. Burden, "Ultrasonic Devices: Evaluation of Repellency to Cockroaches and Mosquitoes and Measurement of Sound Output," *Journal of Environmental Science and Health. Part A: Environmental Science and Engineering* 19, no. 5 (July 1, 1984): 521-31, <https://doi.org/10.1080/10934528409375178>.

P. G. Koehler, R. S. Patterson, and J. C. Webb, "Efficacy of Ultrasound for German Cockroach (Orthoptera:

Blattellidae) and Oriental Rat Flea (Siphonoptera: Pulicidae) Control," *Journal of Economic Entomology* 79, no. 4 (August 1, 1986): 1027-31, <https://doi.org/10.1093/jee/79.4.1027>.

⁵ Fangneng Huang and Bhadriraju Subramanyam, "Lack of Repellency of Three Commercial Ultrasonic Devices to the German Cockroach (Blattodea: Blattellidae)," *Insect Science* 13, no. 1(2006): 61-66, <https://doi.org/10.1111/j.1744-7917.2006.00069.x>.

⁶ Aqeel Ahmad, Bhadriraju Subramanyam, and Ludek Zurek, "Responses of Mosquitoes and German Cockroaches to Ultrasound Emitted from a Random Ultrasonic Generating Device," *Entomologia Experimentalis et Applicata* 123, no. 1 (2007): 25-33, <https://doi.org/10.1111/j.1570-7458.2006.00519.x>.

⁷ Anonymous, "FTC Warns Manufacturers and Retailers of Ultrasonic Pest-Control Devices," US Federal Trade Commission, May 3, 2001, <https://www.ftc.gov/news-events/press-releases/2001/05/ftc-warns-manufacturers-and-retailers-ultrasonic-pest-control>.

The first four claims are found within advertisements on the Pestrol website. These and the claims outlined above constitute what I believe to be a breach in the advertising standards code.

Appendix 3

SUMMARY OF COMPLAINTS BOARD RULING

The Complaints Board upheld a complaint about a website advertisement for Pestrol Rodent Free Pro, a rodent repeller which uses technology instead of chemicals. The Board said the advertisement made claims that had not been substantiated.

Is the advertisement misleading?

The Complaints Board considered each of the nine aspects of the complaint in turn, to decide if any of the statements in the advertisement were misleading. The Board made the following rulings:

5. Use of electro-magnetic, ultrasonic and ionic technology

The Complaints Board said this aspect of the complaint was not misleading. This is because the claim is about the method by which the device works. The Advertiser had provided substantiation to show the device uses electro-magnetic, ultrasonic and ionic technologies. The Board noted the references to the studies provided by the Advertiser.

6. Use of electro-magnetic pulsing, which covers approx 150m²

The Complaints Board said this aspect of the complaint was not misleading. This is because the Advertiser had provided substantiation to show the device uses electro-magnetic pulsing. The Board said while the advertisement did not appear to refer specifically to a coverage area of "150m²" it did provide indications for the number of units required for different sized properties.

7. Emits negative ions which constantly purify the air

A majority of the Complaints Board said this aspect of the complaint was not misleading. The majority said this is a low-level claim about the method by which the device worked and it had been adequately substantiated by the reference to the US Department of Agriculture and Agriculture Research Service studies referred to by the Advertiser. Those studies show that ionizing technology removing dust and bacteria from the air.

A minority disagreed. The minority said this claim had not been adequately substantiated. The minority said the use of the word "constantly" in the phrase "the Ionic technology *constantly* works to purify the air you breathe, helping create a pest free and healthy environment within your home or business" meant this was a high-level claim and therefore required greater substantiation than that which was provided.

8. Doesn't harm cats and dogs etc due to their different genetic structure to rodents

The Complaints Board said this aspect of the complaint was misleading. This is because the consumer takeout of the advertisement was that the device was safe for pets and this claim had not been adequately substantiated.

9. Helps in the control of cockroaches

The Complaints Board said this aspect of the complaint was not misleading. This is because this is a low-level claim, which had been adequately substantiated. The Board said the Ultrasound and Arthropod Pest Control: Hearing is Believing study (Reference 4e provided by the Advertiser), referred to studies on the impact of ultrasonic technology on cockroach populations. The conclusion section in the study says: "Ultrasound produced from the devices had a marginal effect in repelling cockroaches".

10. Up to 10 units required for larger buildings

The Complaints Board declined to adjudicate on this aspect of the complaint. The Board said this is part of the instructions about how to use the product. The Board noted that individual circumstances can vary so much depending on such things as wiring, number of floors in the home etc...

11. If sufficient units installed, house will be pest-free in short period of time

The Complaints Board said this aspect of the complaint was misleading. This because it as an absolute efficacy claim that a house will be pest free in a short period of time. No substantiation had been provided that pest free status would be achieved and there was no substantiation about the time that the device would take to achieve that.

12. Each unit contains a ‘variable pulse generator’ that disturbs and disorients rodents and cockroaches, driving them away

The Complaints Board said this aspect of the complaint was misleading. This is because the efficacy claim is a relatively high level claim and had not been adequately substantiated. The Board said the studies referred to such things as how the technology causes pests to lose their appetite and have increased thirst, but they do not show that it “drives them away”. The Board accepted that there was some substantiation for the reference to the variable pulse generator turning the technology on and off, so the pests don’t become accustomed to the effect of the technology and stop reacting to it.

13. Ionic technology emits electrically charged negative ions, which mimic the electric charge of an incoming storm. Pests seek shelter far away, the air is purified.

The Complaints Board said this aspect of the complaint was misleading. This is because this claim is a high level absolute efficacy claim and it had not been adequately substantiated.

In Summary

The Complaints Board ruled four of the statements were misleading, four of the statements were not misleading and the Board declined to adjudicate on one of the statements.

The Complaints Board said parts of the advertisement were in breach of Principle 2 and Rule 2(b) of the Advertising Standards Code.

Appendix 4

APPEAL APPLICATION FROM THE COMPLAINANT

Complaint 20/590 between myself and Pestrol (Lifestyle Focus Ltd) was considered by the complaints board and upheld in part. I'm grateful for this decision, but after reading the decision, and the material provided by Pestrol, I would like to appeal it as I believe the advertiser has failed to adequately substantiate the misleading claims I highlighted. I'd like to appeal on the following two grounds:

1. Evidence provided to the Complaints Board has been misinterpreted to the extent it has affected the decision.
2. The decision is against the weight of evidence.

First I'd like to draw the attention of the board to the ASA Guidance Note on Responding to a Complaint about Misleading Claims. It states the following are characteristics of scientific evidence (emphasis mine):

1. Tests, studies, other scientific research which are controlled, randomised and methodologically sound;
2. Based on expertise of a professional in the field;
3. Objectively conducted by qualified people and published in a recognised, peer reviewed forum;
4. Using procedures accepted as accurate.

In my view, the material supplied by Pestrol fails to substantiate the five claims which were deemed to be not misleading by the board, and the material also fails to satisfy the four requirements listed above. My comments relating to each are found below.

4a - Reference from Prof Danthanarayana

This appears to be a letter written in 2005 by a Professor who claims to have conducted primary research into the efficacy of pest control devices based on differences in feeding/drinking between 1996 and 2003. I would first like to note the board mentioned studies showing a difference in feeding are not sufficient to substantiate claims on the Pestrol website. Second, a Google Scholar search for his name between 1994- 2008 returns only three published studies, and all are related to life history traits of light brown apple moth. Therefore, this mans claims that his research shows electromagnetic pest control devices are able to alter the feeding habits of rodents are unable to be evaluated, as (third) he appears not to have published any papers in peer-reviewed fora, and (fourth) due to a lack of peer-reviewed outputs on this topic, he appears not to be a professional in the field.

4b - Letter from Manufacturer

This appears to be a letter from the Chinese manufacturer of the devices which simply says the device "includes three technologies Electromagnetic Ultrasonic Ionic". I'd like to point out that the ASA guidance note says that "Sales material from the manufacturer" "does not constitute adequate substantiation". As I brought up in the original complaint, without any specifications (or even ranges of specifications), how would a consumer know that the units do indeed "contain these technologies" (what inside the units produce them?), or that these technologies are tuned in a way as to emit an efficacious frequency/amount relevant for pest control purposes? If an advertiser is selling a product which they claim contains a certain kind of component then they should be able to at least give some basic parameters (in this case a frequency range and decibel level range for the ultrasound allegedly emitted, a relevant parameter for however the 'electromagnetic' part is meant to work, some kind of indication of the rate of ion release, etc). Especially when the parameters are important for a consumer to

be able to discern if the device works as advertised (as only certain parameters of these technologies are supposedly useful for pest control).

4c - Genesis Lab report

This appears to be a 2002 report from a lab (Genesis Laboratories) who were paid by Global Instruments to test their electromagnetic pest control device (Pest-a-cator). This is not a peer-reviewed study, and, as the authors of the report note:

"The study results were not designed to establish a cause and effect relationship" and "Clearly social behaviors, survival instincts, and stress were uncontrolled variables that were influencing the behaviour of the mice in addition to any responses to the Pest-a-cator."

This means the results do not adequately substantiate any claims made by the advertiser as the experiments were never designed to establish cause and effect.

The authors also noted that even if the device appeared to influence mice behaviour, the mice soon became accustomed to the devices and returned to their normal baseline behaviours after a week:

"The female wild house mice in particular changed behaviour patterns in association with the signal, with moderate avoidance behaviour at first, followed by apparent gradual habituation after about a week."

Even if this report did show a cause and effect relationship between a pest control device and mice behaviour (something which the authors say it can't do as a result of its limitations), it still wouldn't provide evidence to substantiate Pestrols claims, as the study measured feeding and drinking behaviour (which the board has already ruled as irrelevant for substantiating the advertisers claims).

4d - Report for Global Instruments - Glover

This appears to be a report prepared for Global Instruments by someone who describes themselves as a "consultant and independent researcher of electronic pest control devices", but who apparently doesn't provide any credentials or certifications to prove this. This is not a peer-reviewed study. The wording of this report is most unusual, not just in terms of the vocabulary used, but in some cases it is clearly unscientific. For example, the author states their goals in no uncertain terms:

- "1. I hoped to see a behavioural change, by the device causing mice and rats to come out of hiding into the open areas.
2. I wanted to see the device cause confusion in mice and rats making it easier to trap them on glue boards.
3. I hoped to see a residual effect of the device after its removal."

The fact that the author wanted to obtain these results before even conducting the study immediately calls into question the reliability of the results in the face of this incredible bias, and this stands out as not being in line with generally accepted scientific practise. The next major issue with this study is that devices were placed into spaces differing in their size, and the rodent infestation in each space was not experimentally manipulated (i.e. by putting a known number of rodents into each space). This means there was no attempt to control for different variables, or randomise any treatments, which means the methods are not sound. Because each site is a residential home, it is impossible to quantify all the potentially confounding factors that could influence the outcome of the test. In short, despite the authors claims otherwise, this is not an experiment but a series of observational studies at different addresses, with no way of knowing if the devices have had any effect on rodent numbers (which are summed together and then put into a single graph). These are basic errors of study design and scientific interpretation, and are not commonly accepted as accurate procedures. This study was not controlled, randomised, methodologically sound, or carried out by an expert in their field.

4e - Ultrasound and Arthropod Pest Control

This appears to be a powerpoint presentation by a Kansas State University researcher (who I agree would be qualified as a professional in their field). But I'm unsure why Pestrol included this material as it agrees with the substance of my complaint. Specifically:

Slide 17: The author lists a series of "preposterous claims by manufacturers and retailers" which includes a similar phrase used by Pestrol ("Gets rid of household pests without chemicals or poisons").

Slide 20-22: A summary of 90 studies using ultrasound in an attempt to repel a variety of pests, including cockroaches, fleas, mosquitoes, etc. Out of 90 tests, only 18 (20%) were considered to have been a success, and all use different frequencies and strengths of ultrasound. The weight of evidence presented here overwhelmingly supports the view that ultrasonic devices are ineffective for arthropod pest control, and there are no results relevant to rodents presented here. As far as I can see, the rest of the slides are not relevant to this complaint.

4f - High Intensity Ultrasonic Sound... Pinel

This is a nominally peer-reviewed article published in 1972 which claims to "evaluate the possibilities of using a device which emits high-intensity, ultrasonic sound to control rat populations", however, its worth noting that many of the assertions made in this article are not supported by citations, and the general tone is a speculative opinion piece rather than a comprehensive review of the evidence available at the time (the 1970s). The venue of publication would also seem to back this up, as Psychological Reports describes itself as carrying "experimental, theoretical, and speculative articles and comments in all areas of psychology" and is not in the field of pest management, or even animal behaviour. A reply from Morley & Abelson (1974) published in the same journal 2 years later calls into question the simplistic assumptions presented by Pinel:

"The data presented here question the simplicity of eliminating a rat population easily and rapidly by the use of ultrasonic sounds. The behavior called audiogenic seizure is complex and involves processes of both priming and protection. The parameters involved in audiogenic seizures in mice may not be identical with those of the rat. Rats are genetically complex organisms that are capable of more adaptation than may be apparent. They may be able to quickly respond to pressures of selection. One basis for selection may relate to the apparent separation of escape from noise behavior and audiogenic seizures in the auditory nervous system of the rat. These difficulties suggest that the production of sounds for short periods of time may not result in a better rat trap, but instead a better rat. Whether it is a feasible procedure may hinge on the production of non-auditory deleterious physiological effects of the ultrasonic sounds, assuming of course that the rats cannot also develop resistance to these. These latter effects would be difficult to establish with the infrequent sound production which Pinel suggests."

4g - Variables Affecting Ultrasonic - Wildl

This appears to be an abstract of a peer reviewed article published in the Journal of Wildlife Management in 1982 which claims to show that certain frequencies (Hz) and intensities (dB) of ultrasound affect the feeding behaviour of rats. I note the board has already mentioned that evidence of changes in feeding is not sufficient to substantiate the claims made by the advertiser. In addition, this paper claims there were differences between the frequencies and intensities of ultrasound in their effectiveness at disrupting feeding behaviour, and the final sentence of the abstract reads: "Efficacy of the devices was therefore highly dependent upon ultrasonic frequency, intensity, and the pre-existing rodent infestation condition." If efficacy of the devices is highly dependent upon these specifications, then why doesn't Pestrol disclose these specifications in its advertising material instead of using vague statements similar to "frequencies: varying frequencies" etc.

5a - Test Report

This appears to be a test report showing that Pestrols devices comply with New Zealand safety standard 60335.1:2002 "Household and similar electrical appliances - Safety - Part 1: General requirements". In the components table (p7) there is a negative ion generator listed, but nothing about an ultrasonic sound emitter or any componentry which could emit electromagnetic forces through house wiring. I note this standard (60335.1:2002) has been superseded twice (60335.1:2011, 60335.1:2020).

5b - Suppliers Declaration of Conformity

Paperwork related to above report. No relevant details I can see.

Development and preliminary testing... article D211420_2ijesi

This is an obviously nonsense paper published in a known predatory/scam journal (i.e. a journal which charges authors to publish their article without peer review or any checks on the validity of the work). The journal is listed on the Predatory Journal List extracted from Jeffrey Bealls list (a well-known academic who campaigns against academic fraud). See here: <https://predatoryjournals.com/journals/>

They apparently tested their 'device' with three groups of mice (number unknown) and one other single mouse, for a total replication value of four. This work would be laughed at by proper academics.

This reference should not be considered by the board, and I would invite the board to seek a third party opinion from any academic in this field as I'm confident they would tell you the same thing.

Extra evidence - Report by DoC

I would like to draw the attention of the board to an additional piece of evidence I missed in my initial complaint. In 2006 Kay Clapperton authored a 55 page literature review for the Department of Conservation called "A review of the current knowledge of rodent behaviour in relation to control devices", and this was published as a scientific monograph in the series Science for Conservation. This report was internally and externally peer-reviewed and is considered part of the formal international scientific literature. Tellingly, Clapperton dedicates scant space to ultrasonic devices and dismisses them as lacking in evidence for efficacy (emphasis mine):

"Ultrasonic sound was once heralded as a promising rat repellent system (Pinel 1972, 1974). High-intensity ultrasonic sound elicits a flight response, and rats rapidly learn to avoid sources of noxious sound. However, while there are ultrasonic products available for domestic use, this system is not used in large scale rodent control. There is no scientific evidence that ultrasonic devices are effective, presumably because of problems with habituation and practicalities of field application." (p 26)

The fact that an author from the New Zealand government agency dedicated to controlling pests could not find any reliable scientific evidence for the efficacy of ultrasonic devices for a major review is significant. Electromagnetic or ionic technologies are not even mentioned in the review because they are known to be pseudoscientific by experts who work in pest science.

Conclusion

In summary, the advertiser has only provided two peer-reviewed sources to substantiate their claims (I exclude the nonsense paper published in the scam journal above). From considering all the sources, it is clear that the advertiser has been unable to satisfy the requirements that evidence be:

1. Tests, studies, other scientific research which are controlled, randomised and methodologically sound;
2. Based on expertise of a professional in the field;
3. Objectively conducted by qualified people and published in a recognised, peer reviewed forum;
4. Using procedures accepted as accurate.

Most of the material provided by the advertiser is unscientific, poorly designed, conducted by people who are not experts, and is not peer reviewed. The advertiser even provides a powerpoint (item 4e) which clearly shows their claims go against the weight of evidence in this area. Therefore, it is my view that:

1. Evidence provided to the Complaints Board has been misinterpreted to the extent it has affected the decision.
2. The decision is against the weight of evidence. I ask the board to review the material provided by the advertiser in light of this appeal.

I especially ask the board to consider my appeal that the advertisers claims go against the weight of evidence by referring to the powerpoint slides they provided, and the Department of Conservation report mentioned above.

I appreciate the efforts of the complaints board to resolve this matter, and am grateful to the board for considering my appeal. I look forward to being notified of the outcome.

Appendix 5

RESPONSE TO THE APPEAL APPLICATION FROM THE ADVERTISER, LIFESTYLE FOCUS LIMITED

Complaint number: 20/590. Appeal number: 21/004

1. We refer to the Complaints Board's decision dated 13 April 2021 (**Decision**) regarding the complaint about an advertisement for the Pestrol Rodent Free Pro product (**Product**), which was upheld in part.
2. The Complainant appealed that Decision. The appeal application has been considered by the Chairperson of the Appeal Board. On 4 June 2021, the Chairperson ruled that the appeal application be accepted.
3. The parties have been provided with the opportunity to comment. We set out below our comments.

Summary

4. Principle 2 requires that advertisements must be truthful, balanced and not misleading.
5. Rule 2(b) requires that advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge.
6. We note the well-established principle that the role of the ASA is not to judge the science provided as substantiation for a particular point of view or to be an arbiter of scientific analysis. That is confirmed in the Decision.
7. As we explain in further detail below, we submit that the advertisements are truthful, balanced and not misleading. In particular:
 - 7.1 There is substantiation for claims (as set out in further detail below, and as previously disclosed in relation to the Decision).
 - 7.2 Numerous consumers have provided feedback confirming the efficacy of the Product (we note that customer feedback is not considered scientific substantiation and nor are we suggesting that it should – our point is that it is telling that we have received very positive reviews left by customers, whether through our websites, Mitre10 or otherwise). Customer reviews, ratings and testimonies support the advertisement's claims.
 - 7.3 We operate a 60-day money back guarantee. It is significant that the Product return rate (both now and historically) is extremely low (less than 1%). Our Product is currently for sale at Mitre10 for \$99.90. We appreciate that this is not an insignificant sum for our customers to spend. However, the cost of the unit reinforces that if the Product did not do what it claimed to do, it is more likely that customers would utilise the money back guarantee that we have in place (and we suggest they would be less-likely to return a low-value product). The overwhelming majority of our customers do not use the guarantee because they stand by the Product, and its claims, as we and other third parties do.
 - 7.4 We have sold a large number of these units over many years, it is significant that complaints and returns for the Product are so low – that would clearly support that consumers are not being misled or deceived.

8. In summary, the adverts were prepared with a due sense of social responsibility to consumers. They are balanced, truthful and do not, and are not likely to mislead consumers.

Background

9. We have been selling the Rodent Free product since 2009.
10. We have spent significant resources and time in developing and refining the Product.
11. Prior to launching the Product, we purchased seven electronic rodent repeller units from overseas for testing. Lifestyle also purchased equipment in order to carry out tests of the ultrasonic and electromagnetic functions of other products from the USA and Canada (ie to ascertain the ultrasonic and electromagnetic ranges/functions of the units). I also travelled to USA, Singapore, Canada, China and Taiwan to meet with manufacturers of this type of product.
12. After carrying out tests, identifying shortcomings in other manufacturers/distributors' units and following discussions with other major manufacturers in the USA and Canada, we decided to manufacture our own unit. The Product was built on information received from, and after experimentation with, a number of other leading electronic rodent repellers.
13. We wanted to create and sell an electronic rodent repeller unit that was highly effective and successfully moved rodents out of premises.
14. After testing, we decided to use a combination of electromagnetic and ultrasonic technologies plus the ionic feature to help purify the air. Our tests (referred to further below), demonstrated that this combination used in a unit was successful in dealing with rodents and can help with other pests like cockroaches. I estimate that we would have carried out 125+ unit tests before finally settling on the make-up and specifications of our own unit.
15. In 2012, we sent approximately 250 Product units, that utilised electromagnetic, ultrasonic and ionic features, to individuals who enquired about the Product. The purpose of that was to get their feedback on how the units worked. The feedback on the Product was overwhelmingly positive.
16. Customer reviews of the Product have been overwhelmingly positive. We refer to this later on in this response.
17. We also note that there are also a large number of electronic Rodent Repellers sold by Amazon and eBay and other online sellers plus other outlets in NZ (see for example, <https://www.amazon.com/Ultrasonic-Mouse-Repellent/s?k=Ultrasonic+Mouse+Repellent>).

Testing

18. Since the commencement of our business we have always conducted our own tests to ascertain the effectiveness of the units we sold. We carry out in-field tests on 3 separate dwellings that utilize 12 Rodent Free units. These are in dwellings that all previously had many rodents in residence. Their presence was obvious on a number of fronts – the fact that rodents were caught in traps, their droppings, damage done to storage boxes and signs of them attacking food in storage areas.

19. The key testing dwelling is 370 sq metres and has 5 Rodent Free units installed. On a regular basis we test to see if there are any rodents present by using a glue trap with bait placed in various locations within this dwelling (and the others).
20. Over a 11-year period (during which the Products have been installed at the premises) we have never caught any rodents nor has there been any sign of any rodent activity or droppings, despite their presence previously. Prior to using our Products, we used poisons and traps and we could never get the rodents numbers under control.
21. The other two dwellings are checked weekly for rodent activity and there is no rodent activity present.
22. We have always checked the electromagnetic and ultrasonic technology with our own testing equipment. We also have tested hundreds of units in a range of locations, so we are certain of the capabilities of the product. As a result, our feedback from real customers has been very positive (as set out further below). We have taken reasonable steps to ensure that our advertisements are responsible.
23. We understand that we are referring to our tests (which are many). We have tried to engage a university in New Zealand to undertake testing. The cost and time involved was extremely prohibitive (including a \$200,000 fee and a two year waiting list). It is not easy, and it is very costly, to commission an organisation to consider and develop substantiation. That being said, this does not mean that there has been no testing at all by others to substantiate the Product's claims. We have already referred to some of those in our previous submissions prior to the Decision.
24. In addition, we refer you to the **attached** article by Philip Whitford. We have highlighted key aspects. In particular, you will note:
 - 24.1 The ultrasonic equipment used in the test was a TRANSONIC PRO, Bird-X Inc., Chicago IL. This equipment was used on "quiet volume" (frequency range 20 kHz-45 kHz at 72 - 78 dB @ 0.5 m) for all tests conducted. The relevant frequency ranges for our Product means that our Product is louder and, we submit, more disrupting to rodents making it very effective in moving rodents away than the unit that was tested by the author (which is more designed for commercial areas). The ultrasonic Repeller in the Product cannot be heard by people normally and it is designed to cause rodents to want to move out of the area covered by the unit.
 - 24.2 The article states:

*Contrary to prior reports of lack of demonstrated efficacy, or only partial efficacy of ultrasound units to repel rodents (Munro and Meeham 1987, Bomford and O'Brien 1990), the results for the tests with the Transonic PRO ultrasound unit were **unequivocal and strongly indicated audibility to the mice and a high level of efficacy at repelling them such that it significantly reduced evidence of mouse presence in the house.***
 - 24.3 Furthermore:

It is evident that ultrasonic frequencies produced by the T-PRO units tested in this study are audible to wild white footed deer mice (and cause them to avoid proximity of such sounds). Repeated years of tests demonstrated the efficacy of the T-PRO unit in discouraging mice from using the areas where the sound units were on, and almost completely eliminated need to clean mouse droppings from kitchen counters or to bait, set, or empty mouse traps, or to worry about use of poisons in homes with pets or small children. With proper placement and

numbers of sound units for the areas to be protected, the units provide an extremely easy, inexpensive means to reduce mouse problems. There was no evidence that the mice habituated to the ultrasonic sounds.

24.4 The article also states:

*The most logical explanation for why prior studies might have failed to find ultrasound effective is that “ultrasound” as a name defines an extremely large range of sounds above normal human hearing frequency, from 21 kHz to well over 140 kHz. Thus, use of incorrect ranges of ultrasound frequencies to attempt to repel mice in past research would mean that the species studied might not have been able to hear the sounds. **The sound pressure level at which the ultrasound is produced by the ultrasonic pest control device is also extremely important to success of the device in repelling mice, and many of the early device tests produced less than 75 dB at the speaker, too little to deter rodents, apparently.***

(Note that the bold wording in this paragraph is the reason for our comments at paragraph 26.2)

24.5 The author’s comments regarding why it is preferred to use open-field tests (as opposed to lab-based tests).

24.6 The author reports results of first multiple year long tests of an ultrasonic pest repelling device used in a natural environment where the mice were free to leave the area entirely in response to the sounds broadcast. Test evidence suggests strongly that they did just that in most cases and failed to habituate to the sounds as a result. Efficacy of the units at reducing mouse evidence and mice trapped was approximately 90% across all three test cycles when the sound unit was on and coupled with snap traps as an integrated pest management system, as compared to the three cycles when the ultrasound was off and mouse catch rates were very high.

24.7 The author’s views that there was no evidence observed in this study that the sounds generated by the Transonic PRO as it was used, were audible or distressing to dogs.

25. We’ve also **attached** a copy of a translated letter from the Hanoi Department of Science and Technology. The letter states that electromagnetic fields makes rats, mice and cockroaches uncomfortable and causes them to avoid the area where there are such electromagnetic fields.

26. We note the Complainant raises some allegations with regards to documents that we provided in our response to the original complaint. Again, noting that the ASA’s role is not to judge the science provided as substantiation and that it is not the arbiter of scientific analysis, we comment briefly as follows:

26.1 Professor Danthararyana has 42 years of experience as a Zoologist, an Ecologist, an Entomologist and an Applied Entomologist. He represents that he has over 100 publications including research papers and book chapters. Professor Danthararyana’s report was paid for by another organisation and unfortunately we are not able to disclose a copy of it to the ASA. However, the clear view of Professor Danthararyana is that electromagnetic devices would be of benefit in rodent pest control situations.

26.2 The purpose of document 4b from the manufacturer was to obtain the manufacturer’s confirmation that the Product contains ultrasonic,

electromagnetic and ionic features. It is not simply “sales material” from a manufacturer. We have not disclosed unit specification as that is commercially-sensitive material that is critical to our business (the importance of such data is reinforced by paragraph 24.4 above). We note that the Complaints Board is not able to accept or consider any material which is marked as “Confidential” (as our unit specifications would be) as all material provided is contained within the ASA’s decisions that are made available to the public via the ASA website. However, we have provided two videos that show electromagnetism and ultrasound being measured by devices held next to the Product. The product used to measure electromagnetism is the TriField Meter Model 100XE and a Magenta Bat5 Digital Precision is used for ultrasonic testing.

26.3 The Genesis Lab report was a study undertaken by a third party. We comment on the report as follows:

26.3.1 Feeding behaviour was altered in response to electromagnetic signal: *“This behaviour is consistent with an interpretation that mice had developed an aversion to the first chamber...”* and *“preliminary study of white-footed mice behaviour in the test apparatus demonstrated a significant preference for the non-activated chamber...”* The point is that feeding was disrupted in response to the electromagnetic signal and consequently the mice significantly preferred the non-activated chamber (*moving the signal closer was associated with a rapid shift of food source preference back to the non-activated chamber*). In short, mice were avoiding areas, even where food was provided.

26.3.2 The report states that devices which formed part of the study have applications as part of an integrated rodent management plan.

26.4 The Global Instruments report is again a report by a third party. Just because the author sets out what he was hoping to achieve does not mean that the recorded observations are irrelevant as the Complainant seems to suggest. The report states:

26.4.1 That tests were carried out on numerous test sites that had visible signs of rodent, roaches and other pests (to varying degrees).

26.4.2 It was observed that Global Instrument’s device drove rats, field mice and roaches from hiding within walls as early as the first 7 hours of installation.

26.4.3 *During the sixth week of testing to the seventh week of testing while the devices were removed, no evidence of rats or mice were seen at any site indicated.*

26.5 Despite what the Complainant’s views on document 4e – the slides ultimately support our low-level claim that the Product assists with cockroach control. In particular, slide 47 states that *the number of cockroaches in the enclosures with active ultrasonic units were consistently lower than those found in the enclosures with inactive units*. Furthermore, *“ultrasound produced from the devices had a marginal effect in repelling cockroaches”*. Some customer reviews of the Product (**attached**), also refer to the impact the Product has on cockroaches. The low-level claims that we have made are supported. Document 4e does not refer to rodents. We have provided the ASA with other documents/materials, including as set out at paragraph 24, with regards to substantiating claims with regards to rodents.

- 26.6 The Pinel report (document 4(f) as previously disclosed to the ASA), cites numerous academic sources. It is not reasonable for the ASA to discount it. It states:
- 26.6.1 *“...high intensity ultrasonic sounds, which are not even perceived by man, can be intolerable to rats”.*
 - 26.6.2 *“The first and most obvious effect of high-intensity, ultrasonic sound on rats is to cause flight from the source of the sound. Numerous investigators have shown that rats will rapidly learn to avoid sources of noxious sound, even at intensities well below those being discussed in the present paper (e.g., Barnes Kish, 1957; Campbell Bloom, 1965; Harrison Tracy, 1955).”*
 - 26.6.3 *“...it is readily apparent that high-intensity, ultrasonic sound could used effectively in rat control”*
- 26.7 The Wildl report extract, clearly refers to the avoidance by rats of food in three test chambers (and accordingly an avoidance of areas). For the reasons set out in paragraph 26.2 we cannot disclose our commercial sensitive data regarding frequency ranges as the Complainant requests – it would be commercially damaging for us to do so (particularly if the Complainant is someone linked to a competitor of ours).
- 26.8 The Development and preliminary testing of an electronic pest repeller with automatic frequency variation states:
- 26.8.1 This study presents the development and preliminary performance evaluation of an improved electronic pest repeller with automatic frequency variation. The study is aimed at developing a device that is capable of emitting ultrasonic energy of varied frequencies. These frequencies do affect the auditory senses of pests such as rodents, avian and nocturnal insects by making them uncomfortable in their abode.
 - 26.8.2 An extensive performance evaluation is required to determine the efficacy of the device on different pests. However, preliminary results obtained from the preliminary performance evaluation revealed that the device has the potential to eliminate rodents.
 - 26.8.3 Each group of mice shows an abrupt response to the activation of the device. Group A and group B responded instantly whereas it took group C about thirty seconds to show the same kind of response. In each case, the mice abandoned their food, stampeding and jumping against the walls of the cage looking for ways of escape. In the case of the female house mouse, it was observed to display some kind of discomfort, uneasy and some abnormal behavior such as jumping and became frantic. The moment the device was deactivated, the mouse jumped out of its abode, leaving its litter behind. This was accompanied by the death of the offspring after the second day since their mother never returned to feed them.

Despite the Complainant's views, it remains the case that this article has been produced by a third party. The ASA is not an arbiter of scientific analysis. The simple point remains that the claims of the advert are supported by the article.

- 26.9 With regards to the Department of Conservation (**DoC**) report referred to by the Complainant:
- 26.9.1 The DoC report was issued in 2006. We hadn't even started selling the Product at that date. However, following the creation of our Product, Government departments have purchased the Rodent Free and our commercial units since the report's date and reported positive results back to us.
- 26.9.2 This response and our previous response provides a contrary view given to the DoC report (which we note is four sentences of a 55 page report).
- 26.9.3 I disagree with the report. We have sold ultrasonic units to a large number of commercial operators including farmers, grain storage facilities, warehouses, large dairy companies, tourist facilities and even (as above) government departments. The reports we have received back have been very encouraging over a 12 year period.
- 26.9.4 The report itself can hardly be viewed as scientific evidence to reasonably refute the Product's claims. It simply records the author's view that, back in 2006, the author was unable to find evidence (by carrying out computer searches) that ultrasonic devices are effective. It does not involve any actual testing by the author. We refer again to our comment at 26.9.2. It makes no comment of ultrasonic, electromagnetic and ionic devices.
- 26.9.5 In any event, the author actually states that "high-intensity ultrasonic sound elicits a flight response, and rats rapidly learn to avoid sources of noxious sound". If anything, that supports our claim.

Customer feedback and our 60-day guarantee

27. We encourage feedback from our customers as this helps us find out more about the product performance.
28. We sell our products through Mitre10. Our customer review rating is 4 out of 5. See further information here:
- 28.1 Rodent Free Review comparison on Mitre10: <https://www.mitre10.co.nz/shop/search?text=rodent%20repeller&q=rodent%20repeller>
- 28.2 Rodent Free product on Mitre10: <https://www.mitre10.co.nz/shop/pestrol-rodent-free-repeller-125mm/p/274719>
29. We've **attached** customer reviews from our New Zealand website (4.5/5 star rating). The reviews of the Product are overwhelmingly positive and some also refer to the impact on cockroaches.
30. The customer reviews are significant and persuasive in demonstrating that customers are not misled nor are they likely to be misled by our advertising. The vast majority confirm that they are satisfied with the Product (and its advertised claims).
31. We also operate a 60-day moneyback guarantee on the Rodent Free product to give people a chance to test the product and see it work.

32. Our return rate of Rodent Free Units is very low (significantly less than 1% over a 12 year + period).
33. A large number of our new sales come from existing customers and their recommendation to others to buy the Product.
34. We like to sell products that work and most of all have supporting customers.
35. In summary, our reviews and our money-back guarantee scheme demonstrates that the large majority of customers are very happy with the performance of the units.

Summary of remainder of the Decision

Doesn't harm cats and dogs etc

We are not aware of any issues. The ultrasonic button can be switched off. We also refer to Philip Whitford's article.

Helps in the control of cockroaches

We have also noted in one of the test homes which is approximately 470sqmetres the number of cockroaches in the home has been reduced by almost 100%. Some customers also confirm the same results. We note the Complaint Board's view that this is a low-level claim. It has already been appropriately substantiated. Some customers also report that their cockroach problems have been taken care using the Product.

Up to 10 units required for larger buildings

We have previously provided suitable substantiation for this. The number of units required depends on the number of independent power boards in the home and the size, layout and age of the home and electrical wiring. We have previously provided indications of the number of units required for different sized properties.

If sufficient units installed, house will be pest free in short period of time.

We disagree with the Complaints Board. Our customers and our internal testing demonstrate that rodents leave dwellings in a short time-frame. However, we appreciate that we can be more specific, we have amended the advert to refer to more specific timeframes which are based on our testing and experience.

Each unit contains a variable Pulse generator'.....

One of the videos provided shows the "pulsing" of the electromagnetic field. The addition of this generator to the unit is important so rodents do not get used to the sound. Based on our own testing and report back from thousands of customers thus is exactly what happened - if the units were not causing the rodents to leave our customers would let us know.

Ionic Technology emits electrically charged negative ions.

Ionic technology is a complementary aspect to the Product, helping to purify the air and create a healthy environment within a customer's home or business.

This unit has a very small Ionic Generator that will assist in the reduction of odours and smells.

Ionic technology has been used for many years in air purification throughout New Zealand and Australia.

36. We are satisfied based on own testing (supported by third party documents) and customer feedback that the Rodent Free units simply work as advised and will usually cause rodents to leave within a 3-14 day period when set up correctly.

The adverts were truthful based on our own tests and the views of various third parties. We have advertised with appropriate social responsibility. Adverts can always be improved for clarity, since the Decision we have amended the wording on our website. This is set out in the Annexure to this letter.

Annexure

Updated website wording

Pestrol Rodent Free is an **Electronic Rodent Repeller**, which combines 3 Technologies, Electromagnetic, Ultrasonic and Ionic.

Designed & developed in New Zealand, the Rodent Free is an electronic alternative to Rat & Mice Traps, Baits & Poisons. The rodent repeller has been designed to protect your walls, ceilings and open spaces from invading rodents. It simply plugs into your power socket and once turned on, will start protecting your home. If you are somebody that hates the sight of rats & mice and don't want to deal with traps, bait stations and disposing of rodents, then this product is the answer.

<https://www.youtube.com/watch?v=6rl2Pk2oIPc>

BENEFITS

SAFE & ENVIRONMENTALLY FRIENDLY – Chemical Free, Odour Free & harmless to humans. The unit does not interfere with household appliances. Meets all NZ electrical standards and is 100% Safe!

EASY & CONVENIENT TO USE– The unit simply plugs into your power point and utilises the wiring within your building to act as a repelling barrier against Rodents. Pestrol Rodent Free Pro covers walls, ceilings, and open spaces.

100% MONEY BACK GUARANTEE – 1 Year Manufacturing Warranty. 60 Day money back guarantee. In business for over 20 years. We stand by our products! We provide customer service that cares and when needed is willing to take the extra steps for you to succeed in controlling pests.

CREATED IN NZ – As advertised on radio, TV, Google and Social NZ wide. New design with improved technology designed & developed in NZ.

Why choose the Pestrol Rodent Free Pro as your rodent deterrent?

- No installation required, simple plug in device
- Effectively covers walls, ceiling and open spaces
- Uses Electromagnetic, ultrasonic and ionic technologies
- Chemical free and a safe product to use around the family.
- Normally does not affect pets and if required the ultrasonic function can be switched off.
- Utilises the existing wiring within the walls of your home to send signals which irritate pests
- Also helps in the control of Cockroaches
- Made of fire retardant materials plus has an inline safety fuse.
- **60 day money back guarantee**

How many Rodent Free Rat & Mice Repellers do I need?

- 1 unit is sufficient for 1-2 bedroom house.
- 2 units are sufficient for a 2-3 bedroom house.
- 3 units are sufficient for a 3-4 bedroom house.
- Multi-level houses would require 1-2 units per floor.
- 5 Units are sufficient for a 4-5 bedroom + garage
- Age and state of the electrical wiring will affect the number of units required.
- Units are sufficient for 5+ bedroom, triple storey homes, large office blocks or small motels
- 5 + units or more will be required for larger areas.

Where to use:

- Inside your house
- Garage
- Shed
- Restaurant/Café
- Offices
- Hotels
- Hospitals
- Workshop

Setting up the deterrent device:

There is a switch on the left side of Rodent Free device. When you plug in the device in mains, make sure the switch is all the way to the bottom so that all the three technologies are active in repelling the rodents. Rodents will get disturbed once the Rodent Free is plugged in. It will take from 1-7 days normally to get of rodents from a building. In some cases, it may take 14 or even 30 days to get rid of all rodents in unusual circumstances. This is based on feedback from customers and general field testing over 12 years.

How does it work?

Rodent Free Pro makes use of three technologies to repel the rodents : **Electromagnetic, Ultrasonic, Ionic.**

Electromagnetic Rodent Control and Deterrent

The Electromagnetic technology used in the Pestrol Rodent Free utilises the existing wiring within the walls of your home or building by simply sending pulsing or shifting signals through the wires. This pulsing is tuned to directly affect the pest's nervous system. The signal is turned on and off at set intervals so that rodents and cockroaches don't build up a tolerance. Electromagnetic vibrations irritate the pests and they tend to stay away. The electromagnetic technology is the most powerful defence of this unit.

Ultrasonic Rodent Control

The Ultrasonic technology utilises a high frequency sound which is emitted from the unit at intervals. This Ultrasonic sound is not audible to humans.

The Pestrol Rodent Free uses a **variable pulse generator** that emits changing fluctuating sound waves. The unit also switches the unit off and on, ensuring pests do not become accustomed to the technology. The varying high frequency sounds creates a very uncomfortable environment for the rats, mice, and roaches making it almost impossible for them to communicate, breed, gather food, nest, and live their daily lives.

The Ultrasonic sound waves cannot pass through solid objects and walls. The Ultrasonic sound emitted from this unit will be effective in the room that you have placed the unit in.

Ionic Rodent Control

Ionic technology is therefore complementary to rodent control, helping create a pest free and healthy environment within your home or business.

Ionic technology has been used for many years in Air Purification throughout New Zealand and Australia.