

COMPLAINT NUMBER	21/403
ADVERTISER	Kia Motors NZ
ADVERTISEMENT	Kia Motors NZ Television
DATE OF MEETING	2 August 2021
OUTCOME	No Grounds to Proceed

Advertisement: The voiceover for the television advertisement for the Kia Niro electric vehicle included the following: "... until December 31st the Niro ES and SX models qualify for the Government clean car discount...".

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

Complaint: Kia say their electric car qualifies for the govt subsidy. This is incorrect as the govt is a facilitator only and the subsidy is paid by Ute owners like farmers and tradesmen.

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 referred to a precedent decision, 21/023, which was also ruled No Grounds to Proceed. It concerned an Auckland Council website advertisement which promoted the Music in Parks programme for the 2021 summer season. The advertisement invited Aucklanders to "Join us from January to March 2021 for "20 FREE music events in Auckland parks.

This decision said in part: "The Chair noted the Complainant's concern the advertisement was misleading in its promotion of free events given that they are ratepayer funded. The Chair said the likely consumer takeout of the term "free", as used in the advertisement is that there is no admission fee. The fact the Music in Parks programme of events is advertised on the Auckland Council website provides context for the view that the events are funded by the Council and free to the public to participate in."

The Chair said this precedent was relevant to the complaint before her. The Chair said the likely consumer takeout of the term "Government clean car discount" was it referred to the discount for low emission vehicles introduced as a result of a new Government policy.

The Chair noted that the Government's Clean Car Discount scheme will mean that those buying electric and low emission cars will be able to get a rebate of up to \$8,625 on new vehicles and \$3,450 on second-hand vehicles.

The Chair said the advertisement was not likely to mislead or confuse consumers as most people will understand that Government initiatives are generally funded by taxpayers. 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.