

COMPLAINT NUMBER	21/415
ADVERTISER	Farmers Trading Company
ADVERTISEMENT	M.A.C Cosmetics, Website
DATE OF MEETING	9 August 2021
OUTCOME	No Grounds to Proceed

Advertisement: The Farmers web page advertises a promotion in which consumers receive a "FREE" full-size lipstick" with any purchase of a MAC product. The banner contains three images of lips in different shades, and an image of three different coloured lipsticks. At the bottom of the banner, text states that the offer is available 29th July 2021 to 2nd August 2021, and terms and conditions apply.

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

Complaint: Free lipstick promotion actually only allows you to pick from 3 shades. Lots of advertising to promote a free lipstick with any purchase however nothing on the main page to advise there are 3 shades to choose from and all the in store promotion is TINY so it's very unclear you can't pick any shade you want. Farmers St Luke's also has all lipstick shades at the front of the Mac display stand under the promotion sign which again lends itself to making you think you can get any shade.

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 said the advertisement was misleading to promote free lipstick with any purchase when the offer was restricted to three shades.

The Chair carefully reviewed the advertisement and terms and conditions and said the most likely consumer takeout was the offer of a free lipstick was confined to the colours shown in the images in the offer. The Chair said the website advertisement showed three images of lips displaying Chili, Whirl and Mocha lipstick colours. The advertisement also repeated the three colours in the lipstick product form.

The Chair confirmed the terms and conditions also contained the imagery of the three specific lipstick options with the text "choose your free gift."

The Chair noted the Complainant had referred to the instore MAC display, however without an image of the instore promotion, she said this was not an advertisement she could consider.

The Chair said the Advertiser had given sufficient information as to what was included in the free gift offer and the advertisement was unlikely to mislead or deceive most consumers.

The Chair ruled 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.