

<b>COMPLAINT NUMBER</b>	21/480
<b>ADVERTISER</b>	Wella
<b>ADVERTISEMENT</b>	Clairol Television
<b>DATE OF MEETING</b>	4 October 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Clairol television advertisement promotes the "Natural Instincts" hair colour product. When the advertisement's voiceover says "Say yes to coconut oil and aloe vera" an image of a plant with the text "Aloe vera" is shown. The advertisement finishes with a shot of the product range and the logos of Countdown and the Chemist Warehouse.

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

**Complaint:** I believe it is false and misleading advertising to show the words Aloe Vera and show the plant Aloe Polyphylla. Misidentification of plant material may lead people to make mistakes and to use agave which looks similar to Aloe Polyphylla but may cause allergic reactions.

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(e), Rule 2(b);**

**Principle 1: Social Responsibility:** Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

**Rule 1(e) Safety:** Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.

**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 was concerned the advertisement was misleading and unsafe because it could lead people to mistakenly use agave instead of aloe vera, and this could cause an allergic reaction.

The Chair said the advertisement is promoting a hair dye product and one of its selling points is the fact that it contains natural ingredients such as aloe vera.

The Chair said she was not in a position to say if the plant shown in the advertisement was an aloe vera or an aloe polyphylla. However, it was very unlikely that a consumer watching this advertisement would rely solely on this very brief image of an aloe plant to determine

whether another plant was an aloe vera or an agave. This would be particularly so if the consumer intended using the plant for a medicinal or culinary purpose.

The Chair said the advertisement was not likely to mislead consumers or encourage an unsafe practice. The Chair said the advertisement did not meet the threshold to breach Principle 1, Rule 1(e), 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](http://www.asa.co.nz). Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.