

<b>COMPLAINT NUMBER</b>	21/446
<b>ADVERTISER</b>	SmileDirectClub
<b>ADVERTISEMENT</b>	SmileDirectClub Television
<b>DATE OF MEETING</b>	8 November 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The SmileDirectClub television advertisement promotes their teeth aligners. The advertisement shows a woman putting the aligners on her teeth. The voiceover says "These are SmileDirectClub aligners. They can turn a smile like this into a smile like this, in as little as 4-6 months..." Before and after photos of a different woman are then shown. In the "Before" photo she has a big gap between her two front teeth. In the "After" photo this gap has disappeared. Across the bottom of the screen is the text: "Actual customer who received compensation..."

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

**Complaint:** The ad is for a smile aligner and they show a before and after photo which is two different people not the same person as they imply it is

**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 was concerned the advertisement was misleading because the before and after photos were of two different people.

The Chair said the likely consumer takeout of the advertisement was having your teeth aligned can make a big difference to your appearance, for example by removing a gap between your two front teeth.

The Chair said the two photos in the advertisement demonstrate what this transformation can look like. The Chair said she had no reason to believe the two photos weren't of the same woman, given they were taken on different days, 4-6 months apart, with different lighting and makeup. The Chair noted the text on the advertisement "Actual customer who received compensation..."

The Chair said the advertisement was not likely to mislead or confuse consumers and therefore did not meet the threshold to breach 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.