

COMPLAINT NUMBER	22/255
ADVERTISER	Samsung New Zealand
ADVERTISEMENT	Samsung, Instagram
DATE OF MEETING	29 August 2022
OUTCOME	No Grounds to Proceed

Advertisement: The advertisement posted on the Samsung NZ Instagram account has an image of two Odyssey Ark monitors with the statement "Take your gaming to the next level". The advertisement is headed with text that says, 'Pre-register and go in the draw to win a Neo G8 Monitor'. The advertisement also states that T&Cs apply.

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

Complaint: Samsung NZ is advertising a draw for a costly computer monitor. The terminology used in the advert states "Pre-Register" and go in the draw to win...This suggests signing up for something, to be notified later.

However, when anyone visits their website to enter, you discover the only way to enter is to 'Pre-Order' a \$4,962.35 item.

This is purposely misleading the public.

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 as it was not clear consumers had to make a purchase to enter the prize draw.

The Chair carefully reviewed the advertisement and said consumers were being asked to pre-register to a mailing list and doing this meant they would be entered in the draw for a chance to win an Odyssey Neo G8 monitor.

The Chair reviewed the terms and conditions that applied to the offer and said it did not require consumers to make a purchase. She noted consumers would be signing up to receive marketing communications from Samsung and confirmed the pre-register form included two tick boxes ensuring consumers understood this fact as well as confirming they understood the terms and conditions of the free draw.

The Chair said the advertisement was not likely to mislead or confuse most consumers and 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 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.