

Decision of the ADVERTISING REGULATORY BOARD

| | |
|---------------------|------------------------|
| Complainant | Mrs Ronel Li |
| Advertiser | Camp Master |
| Consumer/Competitor | Consumer |
| File reference | Camp Master – Ronel Li |
| Outcome | Upheld |
| Date | 15 March 2019 |

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Mrs Li against the packaging of a Camp Master twin airbed. The material also appears at www.campmaster.co.za.

Description of the advertising

The advertising specifies that the bed is “191 (L) x 99 (W) x 22 (H)”.

Complaint

In essence, the Complainant submits that the advertised product in fact measures 180 x 91 x 14, which is a big difference.

Response

Despite numerous attempts, the ARB was unable to secure a response from the Advertiser.

Application of the Code of Advertising Practice

The following clauses were considered in this matter:

Misleading claims – Clause 4.2.1 of Section II

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

Jurisdiction

The Advertiser has not responded in this matter and the ARB will therefore assume that it does not consider itself bound by the ARB and the Code of Advertising Practice.

The Memorandum of Incorporation of the ARB states:

“3.3 The Company has no jurisdiction over any person or entity who is not a member and may not, in the absence of a submission to its jurisdiction, require non-members to participate in its processes, issue any instruction, order or ruling against the non-member or sanction it. However, the Company may consider and issue a ruling to its members (which is not binding on non-members) regarding any advertisement regardless of by whom it is published to determine, on behalf

of its members, whether its members should accept any advertisement before it is published or should withdraw any advertisement if it has been published.”

In other words, if you are not a member and do not submit to the jurisdiction of the ARB, the ARB will consider and rule on your advertising for the guidance of our members.

The ARB will, however, rule on whatever is before it when making a decision for the guidance of its members. This ruling will be binding only on ARB members and on broadcasters in terms of the Electronic Communications Act.

The ARB will therefore proceed to consider this matter for the guidance of its members.

Merits

The Complainant has submitted that the advertised product is not the advertised size. The Advertiser has put no contradicting information before the Directorate, nor provided an explanation for the anomaly. The Directorate therefore must conclude on the evidence before it that the advertised twin air bed is not the advertised size.

The difference in size is material enough that it would impact the hypothetical reasonable consumer's buying decision.

In the circumstances, the Directorate has no choice but to find that the claim “191 (L) x 99 (W) x 22 (H)” is misleading and in breach of Clause 4.2.1 of Section II.

Sanction

Members of the ARB are advised not to accept advertising carrying the incorrect information.