

## Decision of the ADVERTISING REGULATORY BOARD

Complainant	Hazel Imrie
Advertiser	Takealot.com
Consumer/Competitor	Consumer
File reference	Takealot – Hazel Imrie
Outcome	Undertaking
Date	21 June 2019

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Hazel Imrie against advertising on the Takealot.com website.

### Description of the advertising

The advertising is for a pet carrier and states, *inter alia*:

- “Mpet Airline Carrier”; and
- “These pet carriers are IATA approved and have been approved by Bidair pet lounge. Ensuring no hassles when pets need to fly.”

### Complaint

In essence, the Complainant submits that the carrier is not airline approved and does not comply with international standards.

## Response

The Advertiser responded and submitted that:

- It is not a member of the ARB or bound by its rulings, but it has elected to respond as it is a customer centric business and committed to fair and honest advertising;
- The ARB should raise matters such as this with the third party supplier;
- It has investigated the product and found that the information is indeed incorrect. It has disabled the product and will not carry the advertisement until such time that the advertiser amends it.

## 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.

### **Third party suppliers**

The Advertiser submitted that the ARB should address complaints of this nature to the third party suppliers who place this advertising on its website.

The Directorate has sympathy with the Advertiser in this regard. Its business structure allows third party suppliers to place advertising, and this occurs at such a volume that it would be impossible for the Advertiser to investigate each piece of advertising before placement.

That having been said, the advertising appears under the Advertiser's brand. The Advertiser is not simply a forum for advertising, but a company that consumers perceive as supplying the goods that they purchase on the website. The advertising clearly states that the order is "fulfilled by Takealot". The customer perceives themselves as contracting with Takealot, and the goodwill of a successful transaction accrues to Takealot. Most telling, the Advertiser is in a position – as is evidenced in this matter – to control the content of the advertising when there is a problem.

For all these reasons, the Directorate is satisfied that the Advertiser is the correct Respondent in this matter.

### **Merits**

The main objective of the Advertising Regulatory Board is to protect consumers from advertising that contravenes the Code of Advertising Practice. In the vast majority of instances where advertising is found to contravene the Code, the ARB will require the advertising to be withdrawn or amended.

In this matter, the Advertiser has withdrawn the advertising and undertaken to ensure that the advertising is amended in a manner that appears to address the complaint at hand.

The ARB Directorate is satisfied that the withdrawal by the Advertiser is unequivocal and addresses the complaint before it, and therefore accepts this undertaking in resolution of the matter.