

ASA Adjudication on Homebase Ltd

Homebase Ltd

489–499 Avebury Boulevard
Saxon Gate West
Milton Keynes
MK9 2NW

Date: 16 November 2011

Media: Brochure

Sector: Retail

Number of complaints: 1

Complaint Ref: A11-150303

Ad

A brochure for Homebase kitchens, received in February 2011, stated "UK's best installation service" on the front cover. Text inside the brochure stated "Unbeatable service with the UK's best kitchen installation - When it comes to fitting your kitchen, nobody does it better. We offer a full room solution which includes carpentry, electrics, plumbing, plastering and tiling - all the services you need to make your dream kitchen a reality. We will give you a dedicated project management team to oversee the entire project, ensuring that disruption is kept to a minimum and that your kitchen is ready to use the moment we leave your home" and "Let us make it easy for you ... Rest assured that our award winning installation team have received the highest accolades in the industry ... We are proud to have more awards and accreditations than any other kitchen retailer in the UK." Below a picture of an ISO logo [UKAS tick], text stated "ISO 9001:2008 - We're the only UK kitchen retailer to receive this award ...". Five other logos appeared alongside: Trustmark, FIRA Gold, NICEIC, Gas Safe and The Furniture Ombudsman.

Issue

B&Q challenged whether the following claims were misleading and could be substantiated:

1. "UK's best installation service";
2. "We offer a full room solution ..." because they did not believe Homebase provided a floor fitting service";

3. "We will give you a dedicated project management team to oversee the entire project, ensuring that disruption is kept to a minimum and that your kitchen is ready to use the moment we leave your home" because they did not believe Homebase made on-site visits";
4. "... our award winning installation team have received the highest accolades in the industry ...";
5. "We are proud to have more awards and accreditations than any other kitchen retailer in the UK"; and
6. "ISO 9001:2008 - We're the only UK kitchen retailer to receive this award ...".

CAP Code (Edition 12)

[3.13.333.383.7](#)

Response

1. Homebase said they did not believe the claim was an objective one, capable of substantiation. They said a customer was likely to purchase a kitchen only once every 10–15 years and from a single retailer, in comparison with services which customers would be engaged in on a more regular basis, such as car maintenance, where they could compare the service provided by different suppliers in a more objective way. But if the claim was to be seen as an objective one, capable of substantiation, Homebase believed readers would understand it as a comparison with other providers who offered installation of kitchens purchased from them across the UK. They supplied a table listing and comparing the number of awards and accreditations held by Homebase and the four companies whom they believed to be their main competitors. In addition, Homebase said they commissioned monthly customer satisfaction surveys of their installation service from an independent research company and supplied the most recent examples, surveys of 150 installation customers undertaken in February and March 2011. Homebase said they had had discussions with their Primary Authority Trading Standards Service which had covered all the points of the investigation. They said they had been advised by them that none of the issues warranted formal investigation under law.

2. Homebase supplied examples of customers' orders for fitted kitchens which included removal of existing floor covering, the subsequent preparation of the floor and then the supply and installation of new floor covering, and copies of site visit sheets which referred to flooring work being carried out. They believed that information refuted the complaint that they did not provide a floor fitting service.

3. Homebase said their contact centre team in Widnes was responsible for staying in contact with a customer, giving them information on delivery dates, stock availability and contacting them during installation. They said a store consultant would visit a customer to conduct a home measure and that a comprehensive technical survey would also take place. They said a Regional Installation Manager (RIM) would liaise with a customer and conduct site inspections both as part of the installation process and in response to a specific request

from a customer. They supplied examples of RIM site visit reports. They believed that information refuted the complaint that Homebase did not provide a dedicated project management team because they did not make on-site visits.

4. Homebase said their brochure listed and explained the accreditations and awards they had received. They said there was no reason why a retailer should not make this information available to customers in this way. They supplied a comment from FIRA (a branch of the Furniture Ombudsman) which described the inspection and auditing of the installation process that took place in order for a company to hold the FIRA Gold Installation Certification Scheme. Homebase said they were not aware of other schemes that were considered better.

5. Homebase supplied a table listing and comparing the number of awards and accreditations held by Homebase and the four companies whom they believed to be their main competitors. Homebase believed they had gone further than the minimum requirement of simply being members of trade organisations and protection schemes. Homebase said they had entered into formal partnership with NICEIC (the independent voluntary body for electrical contracting industry in the UK) so that NICEIC audited and provided training for Homebase's installers. They said Homebase was the only national retailer to enter into such a partnership with NICEIC. Homebase also supplied information about the other trade bodies that they were members of or otherwise involved with. They said membership of the Furniture Ombudsman allowed them to accept payment in advance and offer a payment protection scheme; that FIRA had awarded them a gold award for installation and fitting of kitchen furniture (they supplied a copy); that they were audited by Trustmark and had been awarded the status of an approved scheme operator and that all their gas engineers were registered with Gas Safe. They said that, although that was a legal requirement, there were still incidences of illegal gas work being carried out by unregistered individuals. They believed any company or individual who was registered was entitled to promote their registration with Gas Safe.

6. Homebase said they had only become aware on being notified of B&Q's complaint that B&Q had also received an award for kitchen installation in line with ISO 9001:2008. They undertook to amend the claim in future copies of the brochure and to avoid making claims that had the potential to become misleading during the lifetime of an ad.

Assessment

1. Upheld

Although Homebase's Trading Standards Service would not have been considering the claim under the CAP Code, the ASA noted that they had advised Homebase that, in their view, the term "best" was likely to suggest a subjective claim, not capable of substantiation, and had noted that Homebase had agreed to avoid the term in future. The ASA noted that the "best" claim appeared in the context that Homebase provided "[the] UK's best installation service." Because of that context, we considered the claim was capable of substantiation rather than being simply advertising puffery. We noted that Homebase intended the claim to refer only to a comparison with other providers who offered installation of kitchens purchased from

them across the UK. We considered, however, that the claim did not make that limitation clear and that it suggested a comparison with all of Homebase's UK competitors. Because of that, we considered that Homebase needed to substantiate the claim with evidence that compared the quality of Homebase's installation service with that of all their UK competitors. We noted that, although Homebase had supplied a considerable amount of information relating to the awards and accolades their installation service had received and their customers' level of satisfaction, some of the information related to Homebase only and was not a comparison with their competitors. Where the information did compare Homebase with their competitors, the comparisons were made with a limited number of competitors only. Because the evidence Homebase had supplied did not compare the quality of their installation service with that of all their competitors, we concluded that Homebase had not substantiated the claim and that it was misleading.

On this point the claim breached CAP Code (Edition 12) rules 3.1 (Misleading advertising), 3.7 (Substantiation), 3.33 (Comparisons with identifiable competitors) and 3.38 (Other comparisons).

2. & 3. Not upheld

We considered that Homebase had supplied evidence that demonstrated that they offered a full room supply and installation service that included the supply and fitting of floor covering and a project management team that did make on-site visits. Because of that, we concluded that the claims were not misleading.

On points 2. and 3. we investigated the claims under CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.7 (Substantiation) but did not find it in breach.

4. Upheld

We noted that, although Homebase had supplied details of the accolades their installation team had received, they had not supplied evidence to show that those accolades were considered to be the highest in the industry. We noted that the comment from FIRA was worded cautiously, in that the spokesperson had said "I do not believe there is a better independent installation certification scheme ..." Because we did not consider Homebase had demonstrated that the accolades they had been awarded were the highest in the industry, we concluded that they had not substantiated the claim and that it was misleading.

On this point the claim breached CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.7 (Substantiation).

5. Upheld

We noted that Homebase had supplied a comparison of the awards and accreditations they held in relation to the four companies whom they believed to be their main competitors. We considered, however, that the claim, which referred to "... any other kitchen retailer in the UK", suggested a comparison with all kitchen retailers in the UK. Because of that, we considered that Homebase needed to substantiate the claim with evidence that compared

the awards and accreditations of all kitchen retailers in the UK, not just those whom they believed to be their main competitors. Because the evidence Homebase had supplied did not do that, we concluded that Homebase had not substantiated the claim and that it was misleading.

On this point the claim breached CAP Code (Edition 12) rules 3.1 (Misleading advertising), 3.7 (Substantiation), 3.33 (Comparisons with identifiable competitors) and 3.38 (Other comparisons).

6. Upheld

We welcomed Homebase's acknowledgement that the claim was incorrect and their assurance that they would ensure claims reflected the most up-to-date information in future and that they would avoid making claims that had the potential to become misleading during the lifetime of an ad. We noted, however, that B&Q's certificate of registration for ISO 9001:2008 was dated 8 April 2010 and that Homebase's brochure was not launched until November 2010. We noted that the CAP Code stated that advertisers needed to hold documentary evidence to prove their claims before distributing their marketing material. We considered that claims that were valid when an ad was first distributed could become invalid during the lifetime of an ad but that, in this case, the claim would also have been invalid when the ad was first distributed. Because the evidence Homebase had supplied did not demonstrate that the claim was true when their ad was first distributed, we concluded that it was in breach of the CAP Code.

On this point the claim breached CAP Code (Edition 12) rules 3.1 (Misleading advertising), 3.7 (Substantiation), 3.33 (Comparisons with identifiable competitors) and 3.38 (Other comparisons).

Action

The ad must not appear again in its current form.