

Advertising Standards Authority of Ireland  
7 Herbert Street  
Dublin 2  
D02 K838

18 June 2021

ALDI SWAP & SAVE CAMPAIGN

Dear Sirs,

I wish to make a formal complaint concerning the Aldi Swap & Save advertising campaign, which I believe breaches the ASAI code in a number of material respects.

### **1. Complainants**

This complaint is made by RGDATA – a representative body for the independent retail grocery sector in Ireland. Typically our members are family owned community retailers operating grocery stores in towns and villages throughout Ireland. Our members are key stakeholders within their local communities and provide significant employment and acting as local social and economic hubs. They operate in a fiercely competitive market competing with each other and with a range of other retailers, including Aldi. They would not however have the resources to undertake the extent of advertising and marketing that a larger competitor such as Aldi can achieve.

In addition to making this complaint on behalf of RGDATA and our members, I am also lodging the complaint in a personal context as a consumer.

### **2. The Respondent**

Aldi Stores Ireland is the operator of 140 shops throughout Ireland.

### **3. The campaign**

The advertising campaign that Aldi have undertaken, and which gives rise to this complaint is the Aldi Swap & Save advertising campaign, which has been running on television, radio and print media (as well as Aldi online channels) since Q3 2020.

### **4. Concerns about the Aldi Swap and Save campaign**

The Aldi Shop and Save campaign has been run in two distinct phases. The first phase was from Q3 2020 to Q2 2021 and the second phase has been from Q2 2021 to date. While there are common concerns relating to both phases of the advertising campaign, there are specific additional concerns arising from the first phase of the campaign. I will set out our concerns below but in summary our objections are that we do not believe that the campaign is honest, truthful and it is run in a way that is likely to mislead consumers.

### **First phase of the advertising campaign**

Between Q3 2020 and Q2 2021 Aldi ran an extensive advertising campaign on the national media and social media presenting different families who purportedly switched their shopping choice from unnamed retailers to Aldi and allegedly made significant savings as a consequence. The level of the savings that were quoted range from €291 to €724 – significant sums of money for the average consumer.

Neither the advertisement or the Aldi webpage (aldi.ie/amazing-savings.ie) provided consumers, competitors or regulators with important details to allow the veracity of these pricing claims to be checked. The only information on the price swaps stated on the Aldi website was as follows;

*“ Shopping before switching to Aldi took place between 21/09/20 to 18/10/20 and in Aldi took place between 19/10/20 to 15/11/20. Participants received a gratuity.”*

This level of information provision is hopelessly inadequate and did not give consumers the important information that they need to make an informed decision, in a number of respects;

- i. There was no indication of where the comparative shopping took place – either in terms of the specific retailer or retailers or the location of the stores concerned. This is material information that a consumer would need to have when assessing the veracity of pricing claims.
- ii. There was also no information as to when the shopping took place - was it in a single shopping trip, or over a series of trips spread over a number of different outings. Again this is material information.
- iii. There was no indication of the products, sizes or brands involved – to enable a consumer assess whether this is like being compared with like.
- iv. There was no indication if any of the products involved were under special offer or discount.
- v. There is also a question as to whether price claims based on price surveys carried out as long ago as 7 months previously can be regarded as up to date given that the adverts for the first phase of the campaign were still being run in April 2021.

### **Second phase of the advertising campaign**

Aldi has now removed from its website all reference to the “Swap and Save” families that featured in the first phase of the promotion from late last year until April 2021. Consequently, it remains impossible for the pricing claims made as part of that promotion to be verified by consumers. This is completely unacceptable given the nature and level of the claims that were made by Aldi as part of that campaign – including a suggestion that a family could save €724 per month.

However, Aldi has since then commenced a new phase in this “Swap and Save” advertising campaign – with 6 new families. Some information on price comparisons is now being provided on Aldi’s website in respect of one of these families and this material not only confirms our earlier concerns about the lack of data provided misleading consumers, but now indicates that consumers are being outright deceived by the advertising. There is evidence from Aldi’s own social media channels indicating significant consumer concerns about this campaign and the claims being made ; <https://www.facebook.com/AldiIreland/posts/meet-the-foodie-loving-family-of-four-the-meldrums-they-saved-an-amazing-479-by-/3764978826898021/>

Our key concerns are set out below;

- I. Fundamentally misleading premise – the advertising is now being presented on a basis that consumers swapped from one shop to Aldi and subsequently made significant savings. In essence the savings are presented as the savings they secured when they swapped from their existing retailer to Aldi. This is not in fact the case and it is grossly misleading to present it as such.

In fact the price savings are entirely contrived – certainly in respect of this second phase of the advertising campaign the consumers did not purchase goods from their usual retailer and then switched to Aldi. Instead a mixed basket of varying and differing goods was priced from Aldi over 6 weeks from 1 February 2021 to 8 March 2021. The 6 baskets were then compared against groceries subsequently purchased from an unnamed Super Valu store, purchased on the 9<sup>th</sup> and 14<sup>th</sup> April 2021 – after the alleged Aldi purchases.

Basing the advertising claims on such sequential purchasing is deceptive and grossly misleading of consumers.

Based on the information now available it would now appear as if there was no consumer who switched to Aldi for 6 weeks and compared prices during that period to make savings. Instead, contrived baskets of goods were apparently selected by Aldi over 6 weeks and then compared with prices from one retailer on two dates in subsequent weeks. That is a very different proposition and not one on which a “Swap and Save” tag line to demonstrate savings over 6 weeks can be based.

- II. Misleading comparisons – the pricing and product comparison now provided by Aldi ([www.aldi.ie/amazing-savings](http://www.aldi.ie/amazing-savings) and [www.aldi.tv](http://www.aldi.tv)) is only for one of the 6 families featured in the latest phase of the promotion – the Gayers. No information is provided in respect of the other families who are indicated as having made savings.

- III. The existing information indicates a number of substantial issues which could mislead and deceive consumers;

- a. Price comparisons over differing timelines - the actual price comparisons should have been contemporaneous and not sequential – the time lag between the first shopping survey carried out by Aldi and the last of the sample purchases from Super Valu was eleven weeks – there are a range of pricing movements that could happen in that period, particularly at a time of intensive volatility in supplies due to Brexit. An eleven-week lag is too extended a period on which to base pricing comparisons.
- b. Misleading price comparisons – some of the price comparisons chosen by Aldi are downright misleading. There are a significant number of instances where Aldi could have selected a (doubtless cheaper) Super Valu own brand product as a direct product comparison, but instead went for a dearer private label product. One RGDATA member has estimated that the refusal to choose Super Valu own brand products for specific price comparisons has led to an over estimation of the price differential by nearly €130.00. That is a substantial over estimation and one which could cause material loss to a consumer.

IV. Savings overstated - it would also appear that some of the comparisons selected by Aldi are obviously incorrect - for instance the suggestion that there is a €17.00 differential for a washing powder between Aldi and Super Valu needs serious examination. In other instances it would appear that they selected the wrong comparative products, when directly substitutable (and cheaper) alternatives were available.

The campaign is being presented in a manner which provides false, misleading and deceptive information which is likely to cause an average consumer to act in a way that they might otherwise not. In fact the evidence from Aldi's own social media channels indicates significant consumer concern about the pricing claims being made. The Swap and Save campaign is causing confusion to consumers and raising concerns about the pricing claims being made. <https://www.facebook.com/watch/?extid=SEO----&v=238342237916891>

(Above is the Breslins ad on Aldi facebook, commentators are incredulous at the amount claimed to be saved)

## 5. The ASAI Code

Given the high profile nature of this campaign, the extent of the misleading claims being made by Aldi and the need to ensure that consumers are properly informed when making purchasing decisions, we and I would contend that a number of the provisions of the ASAI code are being breached.

Specifically we would contend that the advertising is breaching so many of the Section 4 provisions on Truthfulness and Honesty as the comparisons used would give rise to a likelihood of a consumer being misled. The comparisons were also unfairly selected in a way to give the advertiser an artificial advantage.

The absence of information provided to consumers in respect of the first phase of the advertising campaign is particularly egregious.

If advertising is to have credibility and integrity, it is critical that advertisers should not present misleading claims or mislead consumers by omission or by making false, exaggerated or incorrect claims about prices or products. The Aldi Swap and Save campaign falls short on so many different levels.

On behalf of RGDATA and on my own behalf as a consumer I would be grateful if the ASAI would investigate this matter and come to a conclusion. This will in part be a test of the effectiveness and bona fides of the ASAI as an industry regulator and I hope that the ASAI will respond accordingly.

Yours sincerely,



Tara Buckley  
Director General  
RGDATA