

FINAL RULING

The Social Travel Club Ltd t/a Love Home Swap **Case number:** A16-358978

Holden House
57 Rathbone Place
London
W1T 1JU

Media: Internet (on own site)
Sector: Holidays and travel

Number of complaints : 1

Ad

The home exchange service website, www.lovehomeswap.com, seen in October 2016, featured the claim "Pick from 100,000+ homes". Further text at the bottom of the webpage stated "100,000+ homes. 160+ countries".

Issue

HomeLink International Ltd, who understood that there were many inactive listings advertised on the Love Home Swap website, challenged whether the following claims were misleading and could be substantiated:

1. "Pick from 100,000+ homes"; and
2. "160+ countries".

Response

1. Love Home Swap expressed their willingness to co-operate in ensuring their advertising was compliant with the Code. They provided a spreadsheet of over 101,000 properties advertised on their website that they said were available to swap the date the complaint was made. They said that their site operated in part on a "dip in, dip out" basis as members generally swapped once or twice a year, and sometimes less frequently. Their model comprised paid subscription members and pay per booking members. They said that all their users were set up to receive email alerts for all swap requests that came through, and were able to respond to all swap requests. They clarified that a 'pay per booking' member must upgrade to a paid subscription membership, which varied between £12 a month and £20 a month, or otherwise use the more expensive 'pay per booking' option of £499 per booking before being able to finalise a swap.

They said that if a member did not wish to have their property visible on the website, they could mark that property as "inactive" on the property listing. They said that nearly 6,000 properties had been marked as inactive by users, which showed that the process for making a property inactive was well understood by users. They said that businesses and consumers understood that within the sharing economy, customers were themselves responsible for managing their own listing. They provided examples of other home-exchange and short-term rental websites in the sharing economy where the site operators were not responsible for managing listings. Further, they said they had rejected nearly

36,000 listings because the users had not filled in all of the required fields. Love Home Swap believed that was evidence that they were pro-active in only displaying the properties of those users who genuinely wished to make their property available for swapping. During the investigation, they said they had identified around 130 listings from their database that were test listings, and subsequently removed them from the website.

2. Love Home Swap provided a spreadsheet of 158 countries where they said homes were available to swap at the time the complaint was received. They explained that the number fluctuated daily as properties were added or removed, but was currently on or below 160. They said that they had amended their advertising to state that there were "150+ countries" where properties were available.

Assessment

1.& 2. Upheld

The ASA considered consumers were likely to interpret the claims "pick from 100,000+ homes" and "160+ countries" to mean that there were over 100,000 homes in over 160 countries available for users to exchange with.

We understood that, in addition to users with ongoing paid subscriptions, the "100,000 homes" in "160+ countries" figures also included users not on a subscription such as users who had cancelled their subscription, users who had chosen not to subscribe after a 14 day free trial and users who had not yet started the free trial. In those cases, the user would still receive email alerts for swap requests, and would be offered the chance to upgrade to the paid subscription if they wished to finalise a swap. Their listing, however, would remain on the site indefinitely unless they marked their property as inactive.

We considered that those who had never entered into a subscription or had cancelled their subscription might still have been interested in swapping their home. However, it was also likely that a significant number had no genuine interest in exchanging their home. Indeed, we identified several listings with barely any information that did not appear to be genuine listings that were included in the list of 100,000 homes. Furthermore, some users might have sold their property or might no longer have been able to exchange their property for various different reasons. In those circumstances, we considered that the listings were effectively inactive, and we were therefore concerned that the claims "100,000+ homes" and "160+ countries" would include such scenarios.

While consumers might have appreciated that those figures would have included a small number of inactive listings, they would likely expect Love Home Swap to have had measures in place to identify inactive listings and remove them from the number of available homes and countries. We acknowledged that users had the option to mark their property as inactive by ticking a box on the website, but considered that many users might not have felt the need to take that step, and so the listings would still appear as active. We understood that Love Home Swap did not take any additional steps to identify inactive listings. For instance, one option could have been to have emailed non-subscription members to check if they were still interested in exchanging their home, and remove from the number of homes and countries those who did not respond or said they were no longer interested.

Because the ad indicated that there were over 100,000 homes available for users to exchange homes with, when it was likely that a significant number of listings were inactive, and Love Home Swap had not taken sufficient steps to remove inactive listings from that figure, we considered that the claim "100,000 homes" had not been substantiated. While we welcomed their amendment of the claim "160+ countries" to "150+ countries", we considered that, in the absence of further checks to ensure that there were active listings in 150 countries, that claim had also not been substantiated. We therefore concluded that the claims were likely to mislead consumers.

The ad breached CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.7 (Substantiation).

Action

The ad must not appear again in its current form. We told Love Home Swap not to make claims about the number of homes available and the number of countries in which homes were available unless they put in place sufficient measures to ensure that the figures did not include inactive listings.

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