

Decision of the ADVERTISING REGULATORY BOARD

Advertiser	Marli Cape Town
Consumer/Competitor	Consumer
File reference	4448 – Marli Cape Town
Outcome	Upheld
Date	6 May 2026

The Directorate of the Advertising Regulatory Board has been called upon to consider a consumer complaint against an online website advertising the purchase of shoes by Marli Cape Town, ostensibly, an online store.

Description of the advertising

The complaint referred to an advertisement for orthopaedic shoes which the Advertiser advertised on its website (“the Advertisement”). A copy of the Advertisement appears below:



Complaint

The Complainant's submissions are:

"The company is a complete scam. The company is not in South Africa but the name suggests that it is. The price is a fictional bait tactic because the shoes look expensive but they are actually only worth about R300 as they are plastic and poorly made and don't fit correctly. If I knew they would be shipped from China I would not have bought them, but it does not state that on the website which claims to be a company in Cape Town. They advertise it as stock clearance which is also fake."

The submissions included a picture of the received product:



Response

The Advertiser was given an opportunity to respond to the complaint. However, despite all reasonable efforts to elicit a response from the Advertiser, no response was received. The Directorate therefore has no alternative but to rule on the matter based on the information provided by the Complainant.

Application of the Code of Advertising Practice

The following clauses were considered in this matter:

- Clause 4.2.1 of Section II – misleading advertising/claims

Decision

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

Jurisdiction

The Directorate notes that the Advertiser did not respond. The Directorate notes that the Advertiser is not a member of the ARB.

For the purpose of clarity, the Directorate notes that Clause 3.3 of 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.” Con Court

The matter will therefore be considered for the guidance of the members of the ARB. It remains the Advertiser’s prerogative whether or not to submit itself to the decision.

Merits

The applicable clause of the ARB code that applies in this instance is Clause 4.2.1 of Section II which states: *“Advertisements should not contain any statement or visual presentation which, directly or by implication, omission, ambiguity, inaccuracy, exaggerated claim or otherwise, is likely to mislead the consumer.”*

The Advertiser has not responded to the complaint, which leaves the Directorate in a position that it must rely on what the Complainant has submitted at face value, and consider this and what appears on the website.

The first issue is whether the claim “Cape Town” is misleading. While the words “Cape Town” do not necessarily mean that the products are all made there, the store must at the very least be based there. The Advertiser has submitted nothing to support the claim that the company is based in Cape Town. The website has a picture of a shop that implies that there is a physical store in Cape Town, but no physical address is provided on the website. This is particularly strange as if there is indeed a physical store in Cape Town, the Advertiser would surely want

to encourage customers to visit. A Google map search of “Marli Cape Town” produces no accurate results.

A reverse image search shows that there is a remarkably similar image of another alleged Cape Town shop called “Elize:”



Given this, there is nothing before the Directorate to support the claim that the Advertiser has a presence in Cape Town.

The second allegation is that the price reduction is used to “bait” consumers. It is noted that this is only problematic if the price reduction is not a real sale. In this regard, the Advertiser would be expected to provide evidence of pre- and post-sale prices.

The allegation that there is no stock clearance would require similar evidence. It is noted that the site continues to advertise stock clearance and indicates that this is a “closure sale” despite the website still being up some time after the Complainant first saw it.

The Advertiser has not submitted any appropriate evidence, and in the circumstances the Directorate can only find that these claims are misleading.

Most material of the allegations is around the quality of the advertised product. The Directorate starts by noting that the Complainant did receive a product, which is not always the case with potentially scam websites.

However, a side-by-side comparison makes it clear that she did not receive the advertised product:



While the Directorate is not in a position to comment on the comparative quality of the products, what is clear is that the advertised product is not the product that was received, and is rather a similar but significantly different shoe.

Given this, the image is misleading.

Accordingly, the Directorate considers the Advertisement to be misleading, and finds that it is in contravention of Clause 4.2.1 of Section II of the Code.

Instruction to Members

Members of the ARB are instructed not to accept advertising for Marli Cape Town that:

- Claims it is based in Cape Town
- Advertises price reductions
- Advertises stock clearance
- Advertises the pictured shoes.