

Problems within the Online Flower Industry and attempted Google censorship

Tired with perceived inaction by government consumer watchdogs in Australia, a private consumer protection Fair Trading website at <http://Fair-Trading.com.au> is in operation to try and make a difference, with a current project aiming at cleaning up the online flower industry.

While still in its infancy, FairTrading.com.au's founder Gordon Craven has taken on some big names such as Canon Australia, True Local (a subsidiary of News Ltd) and the Sunshine Coast Regional Council⁽¹⁾, all with positive outcomes.

Gordon operates the website in his spare time and not only has a passion for fair dealing but also the flower industry as he works part time for his daughter's company Penny's Flowers Pty Ltd.

He says that the internet has brought a huge change to the floral industry with a large amount of flower marketing websites emerging that do not have any hands on dealings with flowers, but in fact only sell arrangements to consumers and then pass on the sales minus substantial commissions to real local florists in the delivery area for processing and delivery. These flower marketing sites are known in the industry as Relay Florists or Order Gatherers. Gordon says.....

"I have substantial evidence demonstrating that orders are illegally devalued resulting in up to 69% commissions being collected by an unscrupulous Relay Florist for its services. In this particular instance, these obscene commissions go to fueling hugely expensive Google Adwords blitzing across the internet. Consumers are unaware of this and are unknowingly paying for it out of the total value of their flowers order."

Adwords EXAMPLE :



Consequently, a failure to provide arrangements that correspond with the description arises as another serious problem in the industry, only to be exasperated during the frantic Valentines & Mothers Day periods.

"the quantity of stems or blooms a consumer would receive for a given display arrangement, or size of say standard, medium or large is seldom ever set out. Together with Substitution Policies, the supplier florist is given the flexibility of processing an order and making a profit after commissions are paid. A florist has little choice to processing the order that has been poached from it, otherwise it will just be sold on to another florist. It is well known in the industry, that supplier florists often get rid of the old stock out of the back of the fridge for relay orders with such high commissions."

Complaints to the ACCC (<http://www.accc.gov.au>) have been made, but as the ACCC have a policy of transparency (which Gordon says in reality means NON-transparency), it is impossible to know if investigations are taking place or if in fact anything at all is being done. In fact a complaint to the Commonwealth Ombudsman about the lack of ACCC transparency, has been made.

A consumer alert of all this via <http://Fair-Trading.com.au/reports/ready-flowers.html> has involved litigation with Ready Flowers Pty Ltd that has a claimed customer base of more than 500,000⁽²⁾. There has been Federal Magistrates Court proceedings⁽³⁾ and Gordon being unsuccessfully sued for defamation in the Supreme Court of Queensland by directors and the lawyers for Ready Flowers⁽⁴⁾.

Gordon says he has also been the victim of false & obscene vilification posted on the internet, been complained about to Google that the Fair Trading website infringes Google's Adwords 'Anti and Violence policy'⁽⁵⁾ **causing Google to attempt to censor the Fair Trading website**⁽⁶⁾, had complaints made to government fair trading agencies⁽⁷⁾ for copyright infringement when the 'fair dealing' provisions of the Copyright act are utilized for 'news, criticism or review' and trademark infringement for use of the words 'Ready Flowers Review'.

While the ACCC seem to do nothing, Federal Court proceedings are current being prepared against Ready Flowers Pty Ltd and others to obtain relief to the Fair Trading website having to be published by a server in Romania because of the numerous alleged groundless legal threats⁽⁸⁾ of copyright⁽⁹⁾ & trademark⁽¹⁰⁾ infringement to Australian companies that originally hosted the website.

REFERENCES :

- (1) <https://www.comcourts.gov.au/file/Federal/P/BRG269/2007/actions>
- (2) <http://www.readyflowersreview.com.au/p/about-us.html>
- (3) <https://www.comcourts.gov.au/file/Federal/P/BRG167/2009/actions>
- (4) <http://www.courts.qld.gov.au/esearching/filedetails.asp?FileNumber=6747/09&Court=Supreme&Location=BRISB>
- (5) <http://adwords.google.com/support/aw/bin/answer.py?hl=en&answer=175902>
- (6) http://fair-trading.com/reports/google_freedom_of_speech.pdf ATTEMPTED CENSORSHIP TO FREEDOM OF SPEECH
- (7) <http://fair-trading.com/reports/NSW-ft.pdf>
- (8) <http://fair-trading.com/reports/hegarty-complains.gif>
- (9) http://www.austlii.edu.au/au/legis/cth/consol_act/ca1968133/s202.html
- (10) http://www.austlii.edu.au/au/legis/cth/consol_act/tma1995121/s129.html

EXAMPLE : failure to provide arrangement that corresponds with description
SOURCE : <http://hitlist.com.au/2011/04/21/worst-online-flower-store-www-readyflowers-com-au/>



The image shows a screenshot of the Ready Flowers website. At the top, there is a navigation bar with links for Home, Information, Customer Service, Points Program, Contact Us, Your Account, and Sign In. Below this is a search bar and a call to action: "CALL FREE 1800 218 050". The main banner features a "Happy Mother's Day" message with a photo of a woman and a child, and a promotion: "Purchase a bouquet with us & receive 20% off your SECOND bouquet!". Below the banner, there is a link to "FROM THE MOTHERS DAY COLLECTION 2011" and a URL: "http://www.readyflowers.com.au/mothers-day/mothers-day-gifts/". The central part of the image shows a comparison between what was ordered and what was received. On the left, a large bouquet of "Glowing Lilies" is shown, with text indicating "7 STEMS 12 BUDS + 12 BLOOMS" and a price of "AUD \$65.00 + \$12-95 DELIVERY". On the right, a much smaller bouquet is shown, with text indicating "3 STEMS 9 BUDS". Arrows point from the ordered bouquet to the received bouquet, and vice versa, with the text "ORDERED THIS" and "GOT THIS" in between. The Ready Flowers logo is also visible.

THE READY FLOWERS COMPLAINTS TO GOOGLE AND RESULTING ATTEMPT AT CENSORSHIP, HAS DEMONSTRATED A NEED FOR A **READY FLOWERS RIDDANCE FUND** TO CONTINUE THE ADWORDS FUNDING, SO HERE IT IS www.RFRF.org