

The complaint

Mr M has complained that he was misled about the service history of the car he acquired on finance from Volkswagen Financial Services (UK) Limited ('VWFS').

What happened

On 14 May 2025, Mr M entered into a finance agreement with VWFS for a used car. However, he feels the car was misrepresented to him by the dealership, as he wasn't told it didn't come with a service history.

Mr M complained to VWFS on 20 May 2025, and it responded on 4 August 2025, to say it didn't agree there had been a misrepresentation.

One of our investigators looked into what had happened. He explained that for him to find there had been a misrepresentation, he'd have to find there had been a false statement of fact, which induced Mr M into entering into the agreement. Or, there would need to be an omission of a material fact, unique to the particular car concerned, and which the customer couldn't reasonably be expected to know about unless they were told about it.

Here, our investigator could see that the dealership doesn't advertise service history as a matter of course. And when he looked at the car's advert from when it was listed on 8 May 2025, he was satisfied that service history wasn't mentioned. Mr M also confirmed that service history was not mentioned verbally or in writing throughout the sales process. So, he didn't think there'd been a false statement of fact.

Our investigator then thought about whether there had been a material omission, specific to that car. He didn't think there had. The dealership confirmed it doesn't advise on service history, unless asked. So, it wasn't specific to this car.

Further, our investigator thought it reasonable to assume that an advert's failure to list service history as a feature should be taken to mean that service history is not included with the car. Similarly, he thought it fair to say that where other non-essential features are not listed in a sales advert, this is taken to mean that the feature is not included with the car.

Finally, our investigator considered whether the lack of service history meant the car wasn't of satisfactory quality at the point of supply. But in this case, he didn't think that a lack of service history would constitute a fault, or that something is actually wrong with the car under the Consumer Rights Act. He also noted that although Mr M was concerned about the potential sell-on value of the car, this represents a hypothetical issue only.

Mr M disagreed, and asked that his complaint be passed to an ombudsman. In summary, he said:

- the omission was material and prevented informed decision-making;
- the dealer's policy is inherently unfair and not consumer-focused;

- the investigator applied too narrow a definition of misrepresentation, as there can be misrepresentation by omission;
- a missing service history materially affects value; and
- it doesn't take into account our service's fair and reasonable remit.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Having done so, I'm not upholding it. I know this will be disappointing, but I'll explain why.

It's clear there wasn't a misrepresentation by a false statement of fact, in that it's agreed by both parties that the service history wasn't mentioned. So, I've considered whether there was a misrepresentation by omission. Mr M is correct to say this an omission can be a misrepresentation, and our investigator also discussed this point in his view. He explained that there would need to be an omission of a material fact, unique to the particular car concerned, and which the customer couldn't reasonably be expected to know about unless they were told about it.

So, I've thought about whether, not being told a specific car doesn't have a service history, should reasonably be seen as: (i) a material omission; (ii) unique to that particular car; and (iii) which the customer couldn't reasonably be expected to know.

On a fair and reasonable basis, I don't think that not mentioning the service history of a car is material, although I appreciate that Mr M feels it is. I say this because cars are typically advertised with a service history, particularly a full one, as a 'bonus' feature, and is something that will likely make that car more attractive. And indeed, this may well affect the price the dealership can achieve for it. So, I don't think a used car would be expected to have a service history as a matter of course. 'Material', in this context, would be something such as the car having been written off, or having a hole in the fuel tank, for example. Further, it is not at all unusual for used cars to be advertised without reference to a service history, if there's isn't one. This is standard and I don't think there's anything untoward about it. It's certainly not unique to this particular car. And I think that, as it's quite usual for cars not to have a service history, that a customer could reasonably be expected to ask about it, if that was a key factor in deciding to choose that particular car. And had Mr M asked, I'd then have expected him to be told the truth. However, the service history was never discussed.

I know Mr M will be very disappointed by my decision, but I think it's fair in the circumstances.

My final decision

For the reasons given above, it's my final decision not to uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 19 May 2026.

Elspeth Wood
Ombudsman