

Advertising Standards Authority

**Broadcast Advertising
Adjudications**

17 May 2006



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ADVERTISER: DSG Retail Ltd t/a PC World
AGENCY: M&C Saatchi plc
Date: 17 May 2006
Media: Television
No. of complaints: 2

COMPLAINT:

A TV ad for PC World broadcast in November 2005 showed an assistant in a PC World store demonstrating a Toshiba Qosmio F20 136 laptop to a young woman. The assistant described it as having “Intel Centrino mobile technology ... so you can connect to the internet wirelessly ... it’s our lowest ever priced Qosmio and at £999 they’re going fast.”

1. Two viewers believed the ad misleadingly omitted to state that, in addition to the laptop itself, additional equipment or software such as a wireless modem and router was needed before wireless internet access was possible. They believed the ad should have made this clear.
2. One of the viewers believed the ad was misleading for not making clear that an internet connection was required when, in fact, wireless internet coverage was limited.

ADJUDICATION:

1. Complaints upheld

PC World said that a wireless router would only be necessary for wireless connection away from a hotspot. They said that no additional equipment was required to connect the laptop shown to the internet provided the customer was using a publicly available hotspot. They said they expected a laptop, as a portable device, would typically be used as a way of staying “online” at a hotspot while away from the office or home, and that additional equipment such as a modem or router would not be needed in that situation.

The ASA considered that consumers would be just as likely to use a laptop at home as away from it. The ad had not made any reference to wireless connection using a hotspot. We considered the ad gave the impression that the £999 price quoted enabled users to access the internet wirelessly without the purchase of further equipment. As this would not necessarily be the case we considered the ad misleading.

2. Complaint not upheld

PC World did not believe the line “so you can connect to the internet wirelessly” implied a claim about the extent of availability of wireless connectivity. The Broadcast Advertising Clearance Centre (BACC) endorsed that.

We agreed with their interpretation. We did not consider that viewers would understand the claim to mean that there were no limitations on the availability of wireless internet access.

On point 1, the ad breached CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising), 5.2.1 (Evidence), 5.2.2 (Implications) and 5.2.3 (Qualifications).

On point 2, we investigated the ad under CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising), 5.2.1 (Evidence), 5.2.2 (Implications) and 5.2.3 (Qualifications) but did not find it in breach. The ad must not be shown again in that form.

ADVERTISER: Procter & Gamble UK t/a Lenor
AGENCY: Grey London Ltd
Date: 17 May 2006
Media: Television
No. complaints: 1

COMPLAINT:

A TV ad for Lenor in the Pink fabric softener offered a free sample of the product by visiting Lenor's website.

A viewer complained the ad was misleading, because when she logged on to the website, it said that stocks of the product had been exhausted.

ADJUDICATION: Complaint upheld

The Broadcast Advertising Clearance Centre (BACC) said they cleared many similar Procter & Gamble (P&G) promotions in the past without problem. They said they were confident that P&G's estimate of consumer demand was accurate and so did not request that the ad include on-screen text stating the samples were "subject to availability". They believed P&G's projections were only slightly lower than actual consumer demand and the free samples of the product ran out only close to the end of the campaign.

P&G said they initially believed they had overestimated demand for free samples of Lenor in the Pink on the basis of consumer response to their Bold 2-in-1 Lavender & Camomile online free sample campaign. They said they did not include "subject to availability" in the ad because they always tried to ensure they had enough stock available at all times. P&G said they regretted the viewer had been disappointed, but they believed they had taken every reasonable precaution to ensure they had enough stock and they had not intended to mislead viewers. They said they had made a very detailed projection of how much stock they were likely to need and had only slightly underestimated consumer response. They sent information about how they calculated likely consumer demand to the promotion.

The ASA appreciated that it was often difficult to accurately predict consumer response to promotions; however, we expect advertisers to have sufficient stock to meet demand. Although we noted free samples of Lenor in the Pink ran out near the end of the promotion, we were concerned the ad continued to be broadcast when no stock was available. We considered the ad should have been removed from broadcast as soon as it became apparent that there was not sufficient stock to meet demand.

The ad breached CAP (Broadcast) TV Advertising Standards Code rule 5.1 (Misleading advertising).

ADVERTISER: Time Life UK
BROADCASTER: Rapture TV
Date: 17 May 2006
Media: Television
No. of complaints: 1

COMPLAINT:

A TV ad for a collection of Def Comedy Jam DVDs featured clips of a number of stand-up comedy routines including a segment in which a man came on-stage in his underpants and took a towel out of the front of them.

The Broadcast Advertising Clearance Centre (BACC) cleared the ad with a post 9 pm timing restriction.

A viewer said they saw the ad at 10.30 am on Rapture TV and felt that it was unsuitable for broadcast at this time.

ADJUDICATION: Complaint upheld

Rapture TV said that they did not feel that there was anything in the ad which was inappropriate for broadcast at the time that the complainant mentioned.

The BACC said that they had applied the 9 pm restriction because the ad contained a number of segments which they felt were inappropriate for a general audience. These included a man removing a rolled up towel from his underpants, a man impersonating a gay rapper, a woman making an oblique reference to masturbation and another woman making a sexual reference.

The ASA considered that the restriction applied by the BACC was appropriate and Rapture TV should have observed it.

The scheduling of the ad breached CAP (Broadcast) TV Advertising Standards Code rule 7.3.7 (Use of scheduling restrictions) and CAP (Broadcast) Rules on the Scheduling of Advertising rule 4.2.3 (Treatments unsuitable for children). The ad should not be broadcast again before 9pm.