

COMPLAINT NUMBER	17/162
COMPLAINANT	J Naftel and C Lord
ADVERTISER	Chorus Ltd
ADVERTISEMENT	Chorus Ltd, Television
DATE OF MEETING	27 June 2017
OUTCOME	Settled in part, Not Upheld in part

SUMMARY

The advertising campaign for Chorus promoted the concept of “Ask for better” in relation to ultra-fast broadband. One advertisement in the “Better is Here” campaign portrayed several everyday scenarios where Kiwis should “ask for better”. A voiceover said: “Why don’t we ask for better? Like broadband.” and ended with the voiceover saying: “Find out how much better your broadband could be, Visit askforbetter.co.nz. Better is here New Zealand. Ask for it,”

J Naftel complained that one advertisement in the campaign promoting free installation was misleading as it required the appropriate existing infrastructure in the street. The Advertiser, Chorus, acknowledged the wording explaining the offer could have been clearer and it has made changes to the television advertisement and the website. The Complaints Board agreed to settle this complaint.

C Lord’s complaint was that the “Better is Here” advertisement said better internet was “right under our feet” and available for the asking which they considered to be blatantly incorrect.

The Complaints Board agreed it was sufficiently clear that what was advertised was not Chorus fibre under the feet of, and available to, everyone, everywhere, but “better” internet, with consumers advised that “better” is here and to “ask for better” and check whether better broadband was available to them.

Accordingly, the Complaints Board ruled that J Naftel’s complaint was **Settled** and C Lord’s complaint was **Not Upheld**.

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisements with reference to Rule 2 of the Code of Ethics. This required the Complaints Board to consider whether the advertisements contained any statement or visual presentation or created an overall impression which directly or by implication, omission, ambiguity or exaggerated claim was misleading or deceptive, was likely to deceive or mislead the consumer, made false and misleading representation, abused the trust of the consumer or exploited their lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be

misleading.)

The Complaints Board ruled J Naftel's complaint was Settled and C Lord's complaint was Not Upheld.

Complaint from J Naftel

The Complaints Board turned to consider J Naftel's complaint. They said the advertisement offered to switch customers to fibre "as offered via the Government ufb roll-out which Chorus is being paid hundreds of millions of dollars to do." The complaint continued: "The method indicated by the advert is via cable underground. If you enter an agreement with a provider who supplies the install, via Chorus as the majority supplier, you are not able to get the install for free as mentioned multiple times in the advert. If your existing install is not underground, as is the case in the majority of New Zealand homes, you are required to pay ..."

J Naftel said the claim of an install underfoot by Chorus was a blatant lie and the offer would not be available to the vast majority of customers.

The Advertiser's Response to J Naftel

The Advertiser said J Naftel considered the "Geoff" advertisement gave the impression Chorus would provide an underground fibre installation to all customers free of charge but the Advertiser did not consider the advertisement gave that impression. The Advertiser said that relevant text in the advertisement stated that "standard residential fibre installation" was free in areas that have fibre in the street. The advertisement noted some providers may charge an installation fee and advised consumers to check when placing their order. The advertisement directed consumers to a website (www.askforbetter.co.nz) which provides details about standard residential fibre installations.

However, the Advertiser also said:

"We acknowledge the accessibility of our explanation of what constitutes a "standard residential fibre installation" to consumers could be improved. Consequently, Chorus is in the process of amending the text that appears in the advertisement to provide a fuller explanation of "standard residential fibre installation". The text now provides (additions italicised):

"Chorus currently offers standard residential fibre installations *usually via existing infrastructure (i.e. on a like-for-like basis)* for FREE in areas that have fibre in the street. Some broadband providers may charge a fee for installation of their equipment, so check when placing your order."

The Complaints Board Discussion on J Naftel Complaint

The Complaints Board acknowledged the reply from the Advertiser, Chorus, and noted their intention to provide additional explanatory text in the "Geoff" advertisement as to what constitutes a "standard residential fibre installation" and an additional explanation on installation options on the askforbetter website.

The Complaints Board said the amendments the Advertiser was making to the television advertisement and the supporting website provided clarity regarding the promotion.

Given the self-regulatory action by the Advertiser to amend the advertisements, the Complaints Board agreed the J Naftel complaint was Settled.

Complaint from C Lord

The Complaints Board then turned to consider C Lord's complaint. It noted C. Lord considered the advertising campaign including television advertisements, billboards and a website to be misleading. C. Lord said that Chorus advertising said better internet was "right

under our feet” and could be asked for. C. Lord said in part: “I approached them to question how they could say this as it is blatantly incorrect and their response was that it unfortunately did not apply to me or many others but did apply to some.”

The Advertiser's response

The Advertiser said C Lord appeared to consider the “Better is here” campaign suggested all consumers were able to access the Chorus fibre network. The Advertiser did not consider the advertisements gave that impression but rather encouraged consumers to check whether better broadband was available to them. It was made clear better broadband on the Chorus network would be available to approximately 1.4 million New Zealanders.

Precedent

To assist it in coming to its decision the Complaints Board reviewed a possible precedent decision, Decision 07/212, which was Not Upheld.

It concerned a Telecom New Zealand Limited website advertisement which said Telecom advertised mobile coverage for 97% of where Kiwis live and work. The Complaints Board considered the qualifying statement in relation to the 97% coverage claim in the advertisement, which said “the places Kiwis work, live and play”, the Complaints Board was satisfied that the material provided substantiated the claim that Telecom’s mobile network coverage was available in 97% of the populated areas throughout New Zealand.

The Complaints Board Discussion on C Lord Complaint

The Complaints Board reviewed three television advertisements from the “Better is Here” campaign and noted that out of home advertising focused on the “better is here” tagline and the availability of better broadband to 1.4 million New Zealanders. The campaign was supported by a dedicated website, www.askforbetter.co.nz.

The Complaints Board noted the television advertisements used a level of hyperbole and an unseen ‘voice of god’ narrator. The 30 second advertisements were set in suburban streets. In the Complaints Board view, this setting supported the likely consumer takeout that ‘better’ broadband could be available in your area. The advertisements clearly directed consumers to the askforbetter website, to “ask for better” broadband and check whether it was available to them rather than the advertisements giving a blanket assurance it was already there for the asking.

The Complaints Board noted the qualified language used in the advertisements, including the use of the word “could”, the promotion of the website to get more information and the reference in some of the advertising to it being available to 1.4 million New Zealanders. The Complaints Board agreed consumers would generally be aware that broadband was being rolled out all over New Zealand.

The Complaints Board agreed it was sufficiently clear that what was advertised was not Chorus fibre under the feet of, and available to, everyone, everywhere, but “better” internet, with consumers advised that “better” is here and to “ask for better” and check whether better broadband was available to them.

Taking the above into account, the Complaints Board agreed consumers were unlikely to be misled or deceived about the offer and the advertisements were not in breach of Rule 2 of the Code of Ethics.

Accordingly, the Complaints Board ruled that C Lord’s complaint was **Not upheld**.

DESCRIPTION OF ADVERTISEMENTS

The 30-second Chorus “Ask for better – Geoff” broadband advertisement was one of two in which New Zealanders in everyday scenarios were encouraged to “ask for better.”

The “Ask for better – Geoff” advertisement opened with an image of a man cleaning a car on the driveway. A voiceover said: “Geoff here can always smell a bargain. But he’s unaware that right now, beneath his soggy feet is a faster, more reliable fibre connection that Chorus will install for free.” At the bottom of the screen was a disclaimer: “Chorus currently only offers standard residential fibre installations for FREE in areas that have fibre in the street. Some broadband providers may charge a fee for installation of their equipment so check when placing your order.” The advertisement ends with the instruction “Go to askforbetter.co.nz and find out if you can get better broadband.”

The 60-second Chorus “Better is Here” advertisement opened with a man in a restaurant clearly not enjoying his meal.” A voiceover says: “Asking for better isn’t a strength for us Kiwis. For example, Alex here is clearly not loving his seafood chowder. But watch what happens.” The diner tells the waitress the meal is “lovely.” This is followed by a man who is clearly not enjoying a massage but not saying so and a woman forcing a smile after being served a flat muffin instead of a plump one in a delicatessen. The advertisement continued with a couple in front of a television. It stops to buffer and the spinning wheel comes up and the voiceover saying: Why don’t we ask for better. Like broadband.” The advertisement then cuts to images from the “Geoff” advertisement and ended with the floating graphic, the Chorus logo and the voiceover saying: “Find out how much better your broadband could be. Visit askforbetter.co.nz. Better is here New Zealand. Ask for it.”

COMPLAINT FROM J NAFTEL

The advert offers to switch customers to fibre as offered via the government ufb rollout which Chorus is being paid hundreds of millions of dollars to do.

The method indicated by the advert is via cable underground.

If you enter an agreement with a provider who supplies the install, via Chorus as the majority supplier, you are not able to get the install for free as mentioned multiple times in the advert. If your existing install is not underground, as is the case in the majority of New Zealand homes, you are required to pay the inflated cost of Chorus, and Downer as their sole supplier, making the installation underground. The costs for doing these installs subsidises the standard installs. To claim that you are able to have an install underfoot by Chorus is a blatant lie. It misrepresents the offer and the offer is not available to the vast majority of customers as advertised.

COMPLAINT FROM C LORD

Chorus currently run an advertisement stating that we can ask for better internet, and that it is available and it is right under our feet - and that we can ask for it.

I approached them to question how they could say this as it is blatantly incorrect and their response was that it unfortunately did not apply to me or many others but did apply to some.

...

CODE OF ETHICS

Rule 2 Truthful Presentation: Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation,

abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

RESPONSE FROM ADVERTISER: CHORUS LTD

Introduction

1. We refer to the letter from Donna Flynn at the Advertising Standards Authority dated 29 May seeking Chorus' comments on Complaint 17/162, which comprises two complaints as follows:
 - a. one lodged by C Lord on 24 May 2017 (the "**Lord Complaint**"); and
 - b. one lodged by J Naftel on 20 May 2017 (the "**Naftel Complaint**"), in each case regarding Chorus' "Better is here" advertising campaign.
2. We are writing to provide Chorus' response to the complaints and to propose a basis for resolution of the Naftel Complaint. We **enclose** a completed complaint response form, and outline Chorus' position on the complaints below.

Chorus' Role

3. The government has partnered with broadband infrastructure companies, like Chorus, to get ultra-fast broadband to the majority of the country by 2025. Chorus is undertaking the lion's share of this work and we're nearly two thirds of the way through, with a total of 708,000 homes and businesses now able to connect to our fibre network. Because fibre is not yet available for some customers, we continue to look for ways to boost the performance of our existing copper broadband network to enable as many New Zealanders as possible to have better broadband available. VDSL provides consumers with a stepping stone to better broadband in this regard.
4. Over the last 2 years, we have increasingly developed a strong focus on supporting consumer access to good information about broadband in New Zealand. This focus has been prompted by our research which identified many consumers are confused about their broadband options due to a lack of consistency in the information available about the New Zealand broadband market. We have also sought to do more to raise New Zealanders' awareness of the better broadband choices that exist today, with the "Better is here" campaign being one of our current key initiatives to promote such awareness. One of the other initiatives we developed to help us achieve this aim is our online broadband checker. The online broadband checker tool gives consumers more information and transparency about their broadband options. The broadband checker first went live in February 2016 and we've been making changes and improvements to the user experience since this time to:
 - a. provide as much information as feasible to consumers about their broadband options, where possible using consumer-friendly language; and
 - b. increase transparency for consumers, creating a central resource for all consumers connected to our broadband network.

Summary of the "Better is Here" campaign

5. The advertisements referred to in the Complaints are part of our broader "Better is Here" campaign. Like the broadband checker, the "Better is here" campaign aims to raise consumer awareness of broadband options available to New Zealanders on our network. The campaign is designed to prompt New Zealanders to consider their current broadband, whether they have better broadband options available to them on our network and, if so, to ask for better.

6. A key theme of the campaign is that Chorus has a world class fibre network that many New Zealanders could connect to in order to improve their broadband. The advertisements in the campaign are designed to draw New Zealanders to the askforbetter.co.nz website to get more information about the broadband options available to them. The broadband checker is prominent on the website as it is incorporated into the main banner of the landing page.
7. The campaign is made up of the following forms of advertising (which are discussed in more detail below and in the complaint response form to the extent that they relate to the Complaints):
 - a. Askforbetter.co.nz, a website through which consumers can find out whether better Chorus broadband is available to them;
 - b. "ask for better" TV advertisements (30 and 60 seconds), which set out the key themes of the campaign and directs consumers to the askforbetter.co.nz website;
 - c. Christine TV advertisement, which focuses on the fact that over 1.4 million New Zealanders can get faster and more reliable broadband;
 - d. Geoff TV advertisement, which focuses on the fact Chorus currently provides free standard residential fibre installations; and
 - e. A series of billboards, adshels and online advertising banners highlighting the benefits of better broadband, the availability of better broadband ("right under your feet") and the fact that over 1.4 million New Zealanders can get better broadband.

The Complaints

8. As discussed with the Authority, Chorus has prepared a single response to the Complaints. We address the Complaints in the enclosed complaint response form. Chorus considers that neither advertisements the subject of the Complaints contravene Rule 2 of the Advertising Code of Ethics nor any of the underlying Basic Principles. We summarise the context of these Complaints and Chorus' position below.

Naftel Complaint — Geoff TV advertisement

9. The complainant appears to consider the Geoff TV advertisement gives the impression Chorus will provide an underground fibre installation to all customers free of charge. We do not consider the advertisement gives this impression. As is explained in detail in the substantiation section of the complaint response form, the relevant text in the advertisement states that "standard residential fibre installation" is free, and directs consumers to a website which explains that standard residential fibre installations are installations using existing infrastructure (e.g. existing aerial or underground infrastructure). Consequently, Chorus considers the advertisement is not misleading or deceptive or likely to mislead or deceive, and that it has not been prepared with a lack of due sense of social responsibility to consumers and society.
10. We acknowledge the accessibility of our explanation of what constitutes a "standard residential fibre installation" to consumers could be improved. Consequently, Chorus is in the process of amending the text that appears in the advertisement to provide a fuller explanation of "standard residential fibre installation". The text now provides (additions italicised):

Chorus currently offers standard residential fibre installations *usually via existing infrastructure (i.e. on a like-for-like basis)* for FREE in areas that have fibre in the street. Some broadband providers may charge a fee for installation of their equipment, so check when placing your order.

11. Chorus also intends to provide additional explanation on installation options on the askforbetter website as follows (additions italicized):

Chorus currently offers standard residential fibre installations, *usually via existing infrastructure (i.e. on a like-for-like basis)* for FREE in areas that have fibre in the street. *The method of installation will be the most cost effective method available. Charges may apply where you choose alternative installation, e.g. underground where aerial is available.* Some broadband providers may charge a fee for installation of their equipment, so check when placing your order.

12. We considered the advertisement was already clear that only standard residential fibre installations are free of any charge by Chorus, so the improvements we have set out above should now leave the matter in no doubt. Accordingly, we request this matter be resolved by way of settlement on the basis that Chorus is in the process of amending the advertisement the subject of the Naftel Complaint and the askforbetter website in each case to refer expressly to the offer of free standard residential fibre installation being to installations on existing infrastructure.

Lord Complaint — "Better is Here" campaign

13. The complainant appears to consider the "Better is Here" campaign suggests that all consumers will be able to access Chorus' fibre network. As is explained in more detail in the substantiation section of the complaint response form, we do not consider the campaign gives this impression to consumers. Rather, the campaign encourages consumers to check whether better broadband is available to them, and makes clear better broadband on the Chorus network will be available to approximately 1.4 million kiwis.
14. In accordance with your letter, we have not made any contact with C Lord since being notified by the Authority about the Complaints. However, prior to this, Chorus engaged with C Lord in response to his queries to explain:
- a. the aim of the campaign - to make clear that better broadband is available to many New Zealanders who don't know about it or haven't yet actively sought information about the possibility of upgrading their existing broadband connection; and
 - b. the progress of Chorus' fibre broadband roll out and why Chorus fibre broadband in particular is not yet available at C Lord's property (but will be in due course).

Conclusion

15. Chorus takes the Complaints seriously, and will remain proactive in considering our legal and consumer obligations in regard to future advertising. We will continue to ensure that any claims made in future advertising are clear and a link to any supporting information is made available to consumers where appropriate.
16. Please let us know if you require any further information.

Complaint Response Form	
A basic, neutral description of the advertisement	Lord Complaint – "Better is Here" campaign As this complaint relates to the overall campaign, the following advertisements are relevant:

- *Ask for better TV advertisements (30 seconds and 60 seconds)*: These advertisements give a number of examples of everyday situations where New Zealanders should ask for better, but do not. The advertisement encourages New Zealanders to ask for better broadband, and highlights that better broadband is “right under your feet”. The narrator directs viewers to askforbetter.co.nz to find out if they can get better broadband.
 - *The Christine TV advertisement*: This advertisement depicts a woman (Christine) cutting the hedge outside her house. A narrator explains to her that over 1.4 million New Zealanders can get better broadband. The narrator directs consumers to askforbetter.co.nz.
 - *The Geoff TV advertisement*: (see description below)
 - *The askforbetter.co.nz website*: The main banner of the landing page of the website includes the question “Are you one of 1.4 million kiwis who can get better broadband right now?”, above the broadband checker tool (i.e. a search bar which consumers can use to find out if better broadband is available to them at a particular address).
 - *The Ask for better billboards*: The billboards focus on the availability of better broadband by depicting people standing on various types of outdoor surfaces and include one of the following statements:
 - “Better broadband is right under your feet. Ask for it”.
 - “Over 1.4 million kiwis can get better broadband. Ask for it.”
 - “Better broadband is right under your jandals. Ask for it.”
- All of the billboards direct consumers to the askforbetter.co.nz website.
- *Online advertisements*: The online advertisements are similar to the billboards and include one of the following statements:
 - “Better broadband is right under your feet. Ask for it”.

	<p>- “Are you one of the 1.4 million kiwis who can get better broadband right now?”</p> <p>Naftel Complaint – Geoff TV advertisement</p> <p>The advertisement depicts a man (Geoff) cleaning a car outside his house. A narrator explains there is a faster and more reliable fibre connection right under Geoff’s feet that Chorus will install for free. The narrator directs viewers to askforbetter.co.nz to find out if they can get better broadband. Text at the bottom of the advertisement explains that Chorus offers standard residential fibre installations for free and that some broadband providers may charge for installation of their equipment.</p>																						
Date advertisement began	The campaign went live on 01 May 2017 and the first television spot ran Fri 05 May 2017.																						
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	<table border="1"> <thead> <tr> <th data-bbox="724 860 1059 896">Media/Dates</th> <th data-bbox="1059 860 1447 896">Locations</th> </tr> </thead> <tbody> <tr> <td data-bbox="724 896 1059 1003">Broadcast television On air from 05 May-30 June 17</td> <td data-bbox="1059 896 1447 1003">TVNZ, Mediaworks, SKY, Prime and Choice</td> </tr> <tr> <td data-bbox="724 1003 1059 1111">Video on Demand Live from 05 May-30 June 17</td> <td data-bbox="1059 1003 1447 1111">Across 6,586 white listed sites - (geo-targeted NZ eyeballs only)</td> </tr> <tr> <td data-bbox="724 1111 1059 1218">Audience on Demand Live from 05 May-30 June 17</td> <td data-bbox="1059 1111 1447 1218">Across 6,586 white listed sites - (geo-targeted NZ eyeballs only)</td> </tr> <tr> <td data-bbox="724 1218 1059 1326">Homepage takeover (desktop only) Thu 11 May 17</td> <td data-bbox="1059 1218 1447 1326">nzherald.co.nz</td> </tr> <tr> <td data-bbox="724 1326 1059 1433">Homepage takeover (desktop & mobile) Wed 10 May 17</td> <td data-bbox="1059 1326 1447 1433">YouTube.com (geo-targeted NZ eyeballs only)</td> </tr> <tr> <td data-bbox="724 1433 1059 1541">Mobile intersitial (mobile & tablet) Sun 7 May 17</td> <td data-bbox="1059 1433 1447 1541">Stuff.co.nz app</td> </tr> <tr> <td data-bbox="724 1541 1059 1648">Digital billboards 01-13 May 17</td> <td data-bbox="1059 1541 1447 1648">Auckland & Wellington locations where Fibre or VDSL available</td> </tr> <tr> <td data-bbox="724 1648 1059 1771">Static billboards 01-31 May 17</td> <td data-bbox="1059 1648 1447 1771">Auckland, Wellington, Hawkes Bay, Manawatu, & Otago locations where Fibre or VDSL available</td> </tr> <tr> <td data-bbox="724 1771 1059 1910">Adshels 14-27 May 17</td> <td data-bbox="1059 1771 1447 1910">Auckland, Wellington, Hawkes Bay & Manawatu locations where Fibre or VDSL available</td> </tr> <tr> <td data-bbox="724 1910 1059 2020">Social media Live from 04 May-30 June 17</td> <td data-bbox="1059 1910 1447 2020">Facebook and Instagram sponsored posts using the TVC creative</td> </tr> </tbody> </table>	Media/Dates	Locations	Broadcast television On air from 05 May-30 June 17	TVNZ, Mediaworks, SKY, Prime and Choice	Video on Demand Live from 05 May-30 June 17	Across 6,586 white listed sites - (geo-targeted NZ eyeballs only)	Audience on Demand Live from 05 May-30 June 17	Across 6,586 white listed sites - (geo-targeted NZ eyeballs only)	Homepage takeover (desktop only) Thu 11 May 17	nzherald.co.nz	Homepage takeover (desktop & mobile) Wed 10 May 17	YouTube.com (geo-targeted NZ eyeballs only)	Mobile intersitial (mobile & tablet) Sun 7 May 17	Stuff.co.nz app	Digital billboards 01-13 May 17	Auckland & Wellington locations where Fibre or VDSL available	Static billboards 01-31 May 17	Auckland, Wellington, Hawkes Bay, Manawatu, & Otago locations where Fibre or VDSL available	Adshels 14-27 May 17	Auckland, Wellington, Hawkes Bay & Manawatu locations where Fibre or VDSL available	Social media Live from 04 May-30 June 17	Facebook and Instagram sponsored posts using the TVC creative
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Is the advertisement still accessible – where and until when?	Yes, the campaign is scheduled to run until the end of June 2017 using the media mix detailed above. From July onwards we will be downweighting television and using targeted media in specific areas that have a high volume of customers that could get better broadband.
Who is the product / brand target audience?	<p>The campaign is targeted at the 1.4 million New Zealanders that could have a better broadband experience on the Chorus network. This is a national audience as Chorus covers 75% of the national fibre roll-out. We also offer VDSL across the majority of our network (including in areas where Chorus isn't the local fibre company), which is a better alternative to the ADSL connection we identified the targeted 1.4 million New Zealanders to be on.</p> <p>We have used television to get national reach and to create awareness around better broadband availability. Targeted media such as digital and outdoor has then been used to hone in on specific areas where large portions of customers that could get better reside.</p>
Clear substantiation on claims that are challenged by the complainant.	<p>Lord complaint - “Better is here” campaign</p> <p>Chorus does not agree the “Better is here” campaign suggests that all consumers will be able to access Chorus’ fibre network. Rather, the campaign is directed at informing consumers that Chorus’ broadband network is extensive, and that many New Zealanders can access better broadband on our network, being fibre or VDSL. The campaign makes clear that not all consumers will be able to access better broadband on Chorus’ network. In particular:</p> <ul style="list-style-type: none"> • the campaign encourages consumers to check whether they can access better broadband via the askforbetter website, which includes a tool to identify: <ul style="list-style-type: none"> ○ the availability of broadband options on Chorus’ network (including fibre) at individual addresses; and ○ where fibre is not yet available, when it will be available or the fact fibre is not currently scheduled to be available at the relevant address; and • the askforbetter website, one of the television adverts and several billboards state that better broadband is available to approximately 1.4 million kiwis.

Naftel Complaint – Geoff TVC advertisement

The advertisement informs consumers Chorus offers standard residential fibre installations for free in areas that have fibre in the street. The advertisement directs consumers to a website that explains that a standard residential fibre installation is an installation using existing infrastructure (e.g. existing aerial or underground installation).

The advertisement includes pop up text explaining that “Chorus currently offers standard residential fibre installations for FREE in areas that have fibre in the street. Some broadband providers may charge a fee for installation of their equipment, so check when placing your order”.

The text leads the consumer to the inference there are two types of residential fibre installations; standard and non-standard. The text makes it clear there is no charge by Chorus for standard installations, with the reasonable assumption being there is or may be a charge for non-standard installations. The text prompts consumers to find out if their fibre installation will be standard or non-standard. The closing screenshot in the advertisement directs consumers to the askforbetter website which also provides details about standard residential fibre installations.

The narrator and a screenshot in the advertisement direct consumers to askforbetter.co.nz. This website provides information on broadband options and includes the same text as the text that appears in the advertisement, explaining that standard residential fibre installations are free in certain areas. That text is hyperlinked to the “Installing fibre at home” section of the main Chorus website (www.chorus.co.nz), which contains a definition of a standard installation. The definition states the “standard installation service includes: Connecting your property to the fibre network in your street via existing infrastructure using one of these options: aerial cable, surface-mounted cable or buried cable by way of existing conduit, soft trenching, slot trenching or hard trenching”.

Consequently, Chorus does not consider the advertisement gives the impression all customer can have a free underground fibre installation, regardless of the form of their current broadband installation. The reference to “standard residential fibre installation” and the direction to the website allows consumers to determine the type of connection Chorus would offer to install free of charge at their property.

However, as explained in more detail in the accompanying letter, the accessibility of the

	<p>explanation of what constitutes “standard residential fibre installation” could be improved and we are in the process of modifying the Geoff TVC advertisement and our websites to achieve this (as detailed in our cover letter).</p>
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RESPONSE FROM THE COMMERCIAL APPROVALS BUREAU ON BEHALF OF THE ADVERTISER

CAB approved this Chorus commercial on 03/05/17 with a G classification. Under CAB’s internal procedures, the commercial is categorised as a Telecommunications advertisement.

There are two complaints against this commercial, and the first claims the ad is misleading in its offer of ‘free installation’. According to the complainant, the offer of free installation is made ‘multiple times in the advert’.

Upon viewing the commercial, we can hear that word ‘free’ is not mentioned a single time, let alone multiple times. The complainant is mistaken in their claim, and the commercial cannot be found at fault.

The second complaint appears to be one of service, rather than one related to the content of the commercial itself. Without further detail as to the exact nature of the complainant’s issue, CAB cannot respond and will defer to the advertiser.

[Note from the Secretariat: The reference to free installation is in a different advertisement to that referred to the CAB for a response]