

<b>COMPLAINT NUMBER</b>	20/163
<b>ADVERTISER</b>	2degrees Mobile
<b>ADVERTISEMENT</b>	2degrees Television
<b>DATE OF MEETING</b>	28 April 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:**

The 2degrees television advertisement promoting its new unlimited mobile plan included a voiceover which said: "Score unlimited data for four people for just \$40 a person with free hot spotting." The advertisement ends with the 2degrees 0800 number and website address and the text: "Fighting for fair since 2009".

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complaint:** Two degrees claim in their ads that they have been fighting for fair since 2009. How can charging their customers who are on copper connections at slightly better than dialup be charged the same as for their connections as those who have the benefit of fiber connections.

Adsl connections are charged the same as fibres connections at several time the speed. Not fair.

**The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b);**

**Principle 2: Truthful Presentation:** Advertisements must be truthful, balanced and not misleading.

**Rule 2(b) Truthful Presentation:** Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

**The Chair** noted the Complainant's concerns the advertisement is misleading because the plan being advertised charges the same amount regardless of the type of connection the customer has.

The Chair said "Fighting for Fair" is the name of a brand platform which was launched by 2degrees in May 2019. The Chair said "Fighting for Fair" is an aspirational statement signalling their intention to offer "value and fairness" to their customers. On its website, 2degrees gives an example stating: "We went against the grain and did the fair thing by freezing consumer broadband prices for 2019".

The Chair said there is a range of telecommunication companies competing for customers and many different plans are available, including plans with pricing specific to the type of connection.

The Chair said consumers are able to select the most appropriate plan for their particular circumstances.

The Chair said the advertisement was not misleading and had not met the threshold to breach Principle 2 or Rule 2(b) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to proceed.

**Chair's Ruling:** Complaint **No Grounds to Proceed**

**APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.