

COMPLAINT NUMBER	20/408
ADVERTISER	Chorus NZ
ADVERTISEMENT	Chorus, Television
DATE OF MEETING	14 September 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Chorus advertisement targets late adopters of fibre. Many users still on copper broadband experience problems around their internet connections freezing, responding slowly, pixilation or other side effects associated with a slow internet connection. By connecting to Chorus fibre these types of issues are a thing of the past which supports the tag line “It’s how we internet now.” The advertisement shows a group of friends who stage a ‘technology intervention’ for their friend Carl who is still on copper broadband. They introduce a Chorus technician named Sammy who is there to install fibre for Carl.

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

Complaint 1: This advertisement about a neighbour who doesn’t have ultrafast fibre broadband makes the man appear an idiot because he doesn’t have fibre broadband. This is unfair as some may not be able to afford fibre optic broadband and others may decide not to obtain it and are happy with normal broadband. It doesn’t mean they are idiots or people to be pitied.

Complaint 2: This statement is misleading by suggesting everyone has Fibre, no we don’t. Rural communities are not on fibre as they simply will not lay expensive cable and prefer to keep the copper running... Checking their website my and everyone around me has no fibre. It would be better if Chorus were true and said...FIBRE, it’s How most of New Zealand Internet’s.

Complaint 3: This ad campaign breaches rules 1(c), 2(b) and 2(d).

1(c) Degrading to people without the power to make the upgrade to fibre Internet, e.g. some renters (who may have difficulty convincing their landlords to upgrade), people in multi-unit dwellings and on shared right-of-ways (who may have difficulty getting consent)

1(c) Degrading to the elderly, who may choose a lower-grade connection

1(c) Gives rise to contempt, abuse or ridicule towards a significant sector of the community

1(c) Denigrates and demeans people without the power to make the upgrade, who may want the benefits of a fibre connection, but are unable to get consent for it

1(c) Uses offensive, degrading or provocative images to attract attention or promote the sale of products or services

2(b) Deceives or confuses consumers, abuses their trust or exploits their lack of knowledge

2(d) Denigrates competing services

An educational campaign about the forthcoming switch off of the copper network would be more helpful and informative to consumers, and would explain why the upgrade to fibre is the recommended pathway.

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

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(c), Rule 2(b), Rule 2(d)

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

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.

Rule 2(d) Comparative advertising: Comparative advertisements, or advertising that identifies a competing product or service, must be factual, accurate, make clear the nature of the comparison, must not denigrate competitors and must be of 'like' products or services available in the same market.

The Chair acknowledged the Complainants' concerns including the advertisement is offensive to those not able to upgrade to fibre, misleading as fibre is not available to all New Zealanders and denigrates competing services.

Is the advertisement offensive?

Rule 1(c) of the Advertising Standards Code required the Chair to consider if the advertisement was likely to cause serious or widespread offence, in light of generally prevailing community standards.

In the Chair's view, the advertisement used a level of hyperbole to promote the Advertiser's view of the benefits of moving to a fibre connection. The Chair said the advertisement did not meet the threshold to be likely to cause serious or widespread offence. This is because consumers could choose whether their internet use would be improved by getting fibre from Chorus and for some, the effort to upgrade may not be worth it. The Chair said the advertisement was not degrading to sectors of the community that did not or could not upgrade their internet connection.

Is the advertisement misleading or denigrating competitors

The Chair said the advertisement is not misleading. The Chair acknowledged the concerns about the lack of choice to access to fibre for some rural communities but said in her view, the phrase "Its how we internet now" was a reflection of the overall shift to ultrafast broadband, not a reference to access for all New Zealanders.

The Chair said there is nothing in the advertisement that is likely to mislead consumers and it did not denigrate competing services.

The Chair said the advertisement was not in breach of Principle 1 or Rule 1(c) or Principle 2 and Rules 2(b) and 2(d) of the Advertising Standards Code.

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

Chair's Ruling: Complaints **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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.