

COMPLAINT NUMBER	20/389
ADVERTISER	2degrees Mobile
ADVERTISEMENT	2degrees, Television
DATE OF MEETING	25 September 2020
OUTCOME	No Grounds to Proceed

Advertisement: The 2Degrees television advertisement promotes their "fighting for fair" campaign on what 2Degrees did to "become NZ's fairest telco". The advertisement uses emojis and explains how 2Degrees "let people keep all their unused Pay Monthly mobile data for up to a year", "give out a free hour of mobile data every day" and "let people share their carryover data for free". Each claim is accompanied by a reference to "the other guys", meaning their competitors.

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

Complaint: During S2020, E25 of Newshub Nation (encore) on channel Three on the 22nd of Aug 2020 a 2 Degrees advertisement was aired that claimed 2 Degrees let their mobile customers keep unused data for up to a year and that other providers don't.

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 concern the claim about keeping unused data was misleading.

The Chair reviewed the claims made in the advertisement and noted the script said:

"How did 2degrees become NZ's fairest telco?
Well, we let people keep all their unused Pay Monthly mobile data for up to a year, unlike the other guys.
We give out a free hour of mobile data every day. And let people share their carryover data for free, unlike the other guys.
They might stop there, but we said how about Aussie business roaming at no extra cost, which the other guys don't do.
And that's how we became NZ's fairest telco.
2degrees. Fighting for fair since 2009."

The Chair noted the statement subject to complaint said: "we let people keep all their unused Pay Monthly mobile data for up to a year, unlike the other guys". The Chair then referred to

information provided by the Secretariat that confirmed Spark allows customers to roll over data up to [a limit of 3.5GB](#).

The Chair said the reference in the advertisement allowing consumers to keep all their unused Pay Monthly mobile data for up to a year (emphasis added), provided context for the statement in comparison to the policies of its competitors.

The Chair said the positioning statement at the top of the advertisement about the steps 2Degrees took to “become NZ’s fairest telco” also helps provide context to consumers.

The Chair said the advertisement was not misleading and did not 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.