

COMPLAINT NUMBER	21/179
ADVERTISER	NordVPN
ADVERTISEMENT	NordVPN YouTube
DATE OF MEETING	19 April 2021
OUTCOME	No Grounds to Proceed

Advertisement: The NordVPN YouTube video advertisement includes the text “NordVPN can hide your personal data” and “Go to nordvpn.com/incognito for a huge deal off of a 2 year plan!”.

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

Complaint: A New Zealand YouTuber has repeatedly advertised a VPN as being able to serve the purpose of all-in-one security. In his latest advertisement, Internet Historian claims that VPNs can act as all-in-one security tools in keeping the public’s information hidden from companies, hackers, and governments; this is far from the truth in all regards but especially in regards to companies. Companies can track users through advertising IDs, cookies, and javascript trackers; a company does not need a user’s IP (which is all that Nord VPN is hiding) to gather user information. This goes against "Rule 2 (b) Truthful presentation" in the advertising standards code as Nord is not able to serve the purpose that Internet Historian is advertising it for (all-in-one security).

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 advertisement was misleading

The Chair referred to a precedent decision, 19/026, regarding a television advertisement for NordVPN, which was Not Upheld by the Complaints Board. The advertisement said: “Every time you’re on-line your private information can be stolen, sold or exploited. That’s why you need NordVPN. On-line protection trusted by millions of people worldwide. NordVPN uses military grade encryption that protects your information from on-line tracking. In just a few clicks protect up to 6 devices for the limited time offer of just \$2.99 US per month...”

The Complaints Board said the advertisement was not likely to mislead or deceive consumers in terms of pricing, the level of security on offer or the value of its services.

The following is an extract from that decision:

The Complaints Board said the Nord VPN Virtual Private Network product routes the user's internet traffic through a remote server as a way of hiding IP address and encrypting all incoming and outgoing data.

The Complaints Board said a key message in the advertisement was the statement that "Nord VPN uses military grade encryption that protects your information **from online tracking.**" The Board said there was no claim made in the advertisement the product could protect against the threat of credit card or password theft. The Complaints Board agreed the product advertised was one of the tools consumers could use to support their online security and was likely to be used in conjunction with others – for example - a virus protection product.

The Chair said the precedent decision was relevant to the complaint currently being considered. The Chair said the advertisement does not make an absolute claim but states that "NordVPN can hide your personal data". The advertisement also directs the consumer to the product's website, where more information about the product can be obtained.

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