

<b>COMPLAINT NUMBER</b>	21/395
<b>ADVERTISER</b>	Enable Fibre Broadband
<b>ADVERTISEMENT</b>	Enable Fibre Broadband, Facebook
<b>DATE OF MEETING</b>	27 July 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Enable Fibre Broadband sponsored Facebook advertisement promotes their fibre broadband service. The advertisement begins with the text, "If your home is connected via the copper network this may affect your phone and internet connection." The advertisement shows an image of corded telephone hanging upside down next to text which states "The copper network is on the way out. Enable fibre broadband offers the fastest, most reliable alternative."

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

**Complaint:** Enable state that "The copper network is on the way out" on their advert shown social media and on their Web page <https://enable.net.nz/>  
The advert graphic contains a copper based telephone handset, dangling as if being hung.

This appears to shock people not already connected to fibre that they may loose phone or Internet connectivity by the copper service(s) being removed.

Copper network throughout NZ is not being removed, nor is it being removed in the Christchurch areas that Enable operate in. Nor are Enable responsible for the copper network in any form.

I find the advertisement intentionally misleading.

**The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 1(g), Rule 2(b);**

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

**Rule 1(g) Fear and distress:** Advertisements must not cause fear or distress without justification.

**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 was concerned the advertisement is misleading to imply copper-based communication networks are being removed which could create fear for consumers still using them.

The Chair carefully reviewed the advertisement and said there were two aspects to the consumer takeout. The Advertiser is communicating that the copper network is older technology and fibre is the new replacement technology. The Advertiser is also promoting their own product as the new technology to deliver better internet.

The Chair said it is a fact that New Zealand is transitioning from the old copper network to new technologies but noted a statement on the Commerce Commission website that states. "Your copper landline and internet connection **CANNOT** be taken away until an equivalent fibre service is readily available at **NO** additional cost."

The Chair considered whether the Advertiser was applying undue pressure on consumers to change to the Advertiser's product via the visuals or the language used in the advertisement. As required by the Advertising Standards Code, the Chair considered whether the advertisement caused fear and distress without justification and whether it was misleading. She concluded that the message portrayed in the advertisement was true. The image of the dangling phone served to show the old technology and that the language used such as "on its way out" was not likely to put undue pressure on consumers to immediately switch providers. She said the advertisement could encourage consumers on the copper network to investigate future options for their telephone and internet services, which would be inevitable over time.

The Chair said the advertisement was unlikely to mislead or deceive consumers or cause undue distress. The Chair ruled the advertisement did not meet the threshold to breach Principle 1, Principle 2 or Rules 1(g) or 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.