

COMPLAINT NUMBER	21/442
ADVERTISER	Sky Network Television Limited
ADVERTISEMENT	Sky Broadband Television
DATE OF MEETING	27 October 2021
OUTCOME	Not Upheld No further action required

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about a television advertisement for the Sky Broadband promoting the WiFi Guy, an App Clip which assesses WiFi signal strength. The Board said the advertisement was not misleading. The Board noted that the advertisement relies on the consumer having some knowledge of the technology associated with this product.

Advertisement

The television advertisement introduces the Sky WiFi Guy, an App Clip (Instant App on Android) which assesses WiFi signal strength. The presenter says if the Sky WiFi Guy “tells you your WiFi sucks maybe it’s time to change up to Sky Broadband? ...”

Summary of the Complaint

There were two complaints about this advertisement. The Complainants were concerned the advertisement was misleading and preying on people who are not technologically savvy because it implies that joining Sky Broadband will fix poor WiFi.

Issues Raised:

- Truthful presentation

Summary of the Advertiser’s Response

The Advertiser defended the advertisement and said it was an accurate portrayal of the WiFi Guy experience. WiFi Guy is a tool consumers can use to help them make a decision about their WiFi. At no point do they suggest that consumers have to change to Sky WiFi to achieve better broadband or promise consumers that Sky Broadband is the only or better solution to solving their WiFi problems.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

Advertising Standards Code

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.

Complaints Board Discussion

The Chair noted that the Complaints Board's role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and
- The context, medium, audience and the product or service being advertised, which in this case is:
 - Context: New provider in home broadband services
 - Medium: Television
 - Audience: Non Sky broadband customers
 - Product: An App clip to test WiFi strength

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement was Sky has a new device that can help you identify if you have good WiFi reception in your house. If not, one solution is to move to Sky Broadband.

Was the advertisement misleading?

The Complaints Board said the advertisement was not misleading. The Board noted the comment from the Advertiser that "The language in the advertisement was carefully crafted to avoid implying that consumers 'must' get Sky Broadband to resolve their WiFi issues".

The Complaints Board noted the quality of an internet service relies on a range of things including the signal strength within a user's home, the performance of the modem and the router, the type of internet connection (fibre, copper etc), the current traffic on the internet links and the broadband product purchased by the consumer.

The Complaints Board acknowledged the concerns of the Complainants and noted that consumers need to have a certain level of knowledge about the product and the way the technology works to understand what the product can and can't do. The Board said this principle also applies to advertisements for other products such as cars or appliances where technical information is included.

The Complaints Board said if you need to download an App, in order to use this product, you would need to have a certain level of technical ability.

The Complaints Board also noted the advertisement was presented in a playful, humorous way, with the presenter sitting in a bathtub, wearing a suit.

The Complaints Board said the advertisement was not misleading, taking into account context, medium, audience and product and was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

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 with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.

APPENDICES

1. **Complaints**
 2. **Response from Advertiser**
 3. **Response from Media**
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Appendix 1

COMPLAINT 1

Sky Broadband are misleading the public by advertising their (or contracted) wireless performance app called the "the wifi guy". They suggest if your wireless is bad as per that app may advise, then it's time to join sky Broadband. This is misleading, by no means does anyone need to join sky Broadband in order to improve wireless systems, it has no relation to it whatsoever, the only possible improvement is they provide a new/improved router, but this is the misleading part, you can buy your own router to fix such things without joining sky Broadband. I believe this is genuinely misleading.

COMPLAINT 2

I didn't think I would ever complain about a commercial before, but after seeing countless ads about broadband I can't take it anymore. The recent sky broadband ad talks about bad wifi with a new app that shows where in your house gets bad wifi, other providers have similar ads and I feel it is preying on people who are not technologically savvy. The sky commercial insists that if you have bad wifi to switch to them. The fact is, it doesn't matter which provider you are with, wifi is only as good as the home your in and the router used to give the wifi as well as the devices trying to connect and a multitude of other reasons. None of them are controllable by who provides the broadband. I feel that this method of advertising is incorrect information being provided and mis-selling their services. Advertising something they can't offer or can't control is a little wrong, gone are the days they talked about value for the service or speed of the internet etc.

Appendix 2

RESPONSE FROM ADVERTISER, SKY

Thank you for the opportunity to provide our response on a complaint about the Sky WiFi Guy advertisement.

We disagree that the advertisement breached the rule 2 B of the ASA code.

We believe the advertisement was an accurate advertisement of our WiFi Guy experience for the following reasons:

- WiFi Guy is a fun and helpful tool to help consumers test their WiFi.
- WiFi Guy was developed as a result of customer research, that highlighted that many NZers are accepting of mediocrity in their broadband service, but as many think that all broadband is created equal, they put up with the service they have. WiFi Guy shows that there is another option that could improve their broadband service.
- The language in the advertisement was carefully crafted to avoid implying that consumers 'must' get Sky Broadband to resolve their WiFi issues. The full script is attached, and the specific reference is as follows (noting the tone of voice is informal and fun, as per the overall ad): "..... And if he tells you your WiFi sucks, maybe it's

time to change up to Sky Broadband, it's made to entertain". The language was carefully written to offer an alternative if a consumer wants to switch their broadband provider.

- Sky has made a significant investment in our WiFi offering (which includes WiFi 6 routers and our booster solution for those who might need it) because we want to give customers the best broadband experience so they can have the best entertainment experience.
- WiFi 6 is the latest version of the wireless technology which enables computers to transmit data using radio signals. It is the most recent in a series of enhancements to the wireless standard - each revision improving the speed, performance, and security of the previous generation. It supports even faster WiFi speeds and the ability to handle multiple simultaneous connections more efficiently.
- Those investments give us confidence in our WiFi offering. However, while we believe our customers might get a better experience with Sky Broadband, at no time do we promise consumers that Sky Broadband is the only or better solution to solving their WiFi problems.

Overall, we believe that the advertisement used careful language and messaging. WiFi Guy is a tool consumers can use to help them make a decision about their WiFi. At no point do we suggest that consumers have to change to Sky WiFi to achieve better broadband. We believe that the advertisement wasn't misleading and stated facts about WiFi Guy and how it can be used to test WiFi in homes.

Appendix 3

RESPONSE FROM COMMERCIAL APPROVALS BUREAU

Complaint 21/442 - SKY Television - Key: SKY/30/1664 - Classification: G

This advertisement for SKY Wi-Fi was approved on 14/06/21 with a 'G' general classification.

The ad promotes a bespoke phone app that reports on the wireless signal strength within a user's home.

Because this app is a custom piece of software offered by SKY, CAB will defer to the advertiser for fuller details of its functions as it relates to the complainants' concerns.