

Advertising Standards Authority

Broadcast Advertising Adjudications

2 February 2005



ADVERTISER: Jamba! AG t/a Jamster
AGENCY: Lorena Medianagentur GmbH
Date: 2 February 2005

Media: Television

No. of complaints: 60

COMPLAINT:

A number of Jamster commercials offered 'Crazy Frog' ringtones, screensavers, and mobile videos. Crazy Frog, an animated model, was featured in the advertisements.

Viewers felt that Crazy Frog itself was inappropriate, as it appeared to have genitals. 22 of the complainants were concerned that children might see the advertising. Five parents were embarrassed by questions their children had asked. A number of the viewers also found the commercial annoying and broadcast too frequently.

ADJUDICATION: Complaints not upheld

Because the advertising contained a text number to make an order, it had automatically been given an ex-kids restriction. This means that the advertising should not be shown in or around programmes made specifically for children.

While unusual for an animated model of this type to be shown with genitalia, no sexual or inappropriate references were made about its anatomy. Although some adults found the animated frog offensive, there were no reports of children being concerned by the advertisement. We considered that an ex-kids restriction, although applied for another reason, was suitable for this advertising. The complaints were not upheld.

We appreciate that the frequent broadcast of the same, or similar, commercials can be annoying to some viewers. However, it is for the advertiser and broadcaster to decide how often a particular advertisement is shown. In the circumstances, we do not believe there are grounds to take any further action. Complaints not upheld.

ADVERTISER: Price Drop / Bid Up TV

BROADCASTER: Price Drop / Bid Up TV

Date: 2 February 2005

Media: Television

No. of complaints: 1

COMPLAINT:

The teleshopping channels Price Drop and Bid Up TV, both owned by Sit-up Ltd and operating a live auction format, advertised a BT home security package with a guide price of £180.

A viewer objected that the guide price was misleading, because the home security package was available direct from the BT website for £99.99.

ADJUDICATION: Complaint upheld

Sit-up Ltd stated that, at the beginning of November, BT had told them that the home security package was available exclusively on the BT website at a cost of £179.99. It sent a print out of the BT website from 2 November, which displayed that price. On that basis, the home security package was auctioned with a guide price of £180 in a broadcast first aired on 27 November. The broadcaster explained that a review of its product range carried out on 29 November found that BT had dropped the price of the package to £99.99, although BT refused to provide details of when the price had changed. On 30 November the guide price was therefore amended to £100. However, despite making this amendment, Sit-up Ltd maintained that the original guide price of £180 was not misleading. It stated that, after being notified by the ASA of this complaint, an internet search found that a website was selling the package for £174.59, which it said was close to the original guide price of £180. It therefore asserted not only that its price monitoring process had worked quickly to ensure the guide price was changed to £100, but furthermore, that the original guide price of £180 was a fair reflection of a price currently being charged by other retailers. It also stated that, regardless of which guide price had been used, the actual selling price of the package was in the range of £48 to £57; it argued that guide prices were not as significant an influence on the price viewers were willing to pay for the package as might have been expected. It therefore maintained that viewers had not been misled.

We noted that Sit-up Ltd had amended the home security package's guide price once it knew that BT's prices had been reduced to £99.99. We considered, however, that broadcasts aired before 30 November had displayed a guide price of £180, which was likely to mislead viewers. We considered that Sit-up Ltd should not have relied on pricing information that had been sourced three and

half weeks before the broadcasts were aired. Furthermore, while we accepted that the package was being sold on a website for £174.59, we did not consider that this provided adequate substantiation for the guide price because it was sourced after the broadcast in question and did not reflect an average of the prices consumers were likely to pay for the package. We therefore concluded that the guide price was misleading and found the advertisement in breach of Rule 5.3.1 (Accurate pricing) of the CAP (Broadcast) TV Advertising Standards Code. The Authority advised Sit-up Ltd to consult the CAP (Broadcast) Help Note on Price Indications and Comparisons in Teleshopping Advertising when using guide prices in future broadcasts.

ADVERTISER: Your Destiny TV
BROADCASTER: The Advert Channel
Date: 2 February 2005

Media: Television

No. of complaints: 1

COMPLAINT:

Your Destiny TV advertised its products and services on The Advert Channel, through a series of teleshopping presentations.

A viewer complained that the products advertised were associated with psychic practices because the advertising referred to a website where personal horoscopes were offered.

The Authority monitored the channel and noted that the advertisements were for a range of products and services that are deemed unacceptable for advertising, including:

- tarot cards for 'telling the future'
- crystals for 'healing'
- books and courses purporting to 'teach psychic skills'
- cards to 'help people become more healthy, wealthy and better at love'
- regular and prominent onscreen text advertising a premium rate, live 'psychic' telephone service and indirect promotion of two websites, which sold a variety of products associated with the occult.

ADJUDICATION: Complaint upheld

The Advert Channel said that Your Destiny TV sold 'new age' jewellery, candles and other related recreational items. It said the premium rate service was for entertainment only.

We found that the services and products being sold through Your Destiny TV were concerned with psychic practices and were therefore not permitted under CAP (Broadcast) TV Advertising Standards Codes 3.1 (Unacceptable products and services), 3.2 (Indirect promotion of unacceptable advertising) and 10.3 (Occult, psychic practices and exorcism).

The advertising should not be shown again in its current form.