

**Advertising Standards Authority**

**Broadcast Advertising  
Adjudications**

24 August 2005



**ADVERTISERS IN THIS WEEKS REPORT**

Associated Newspapers t/a Daily Mail ..... 3

Pizza Hut (UK) Ltd ..... 5

**ADVERTISER:** Associated Newspapers t/a Daily Mail  
**AGENCY:** FCB Productions  
**Date:** 24 August 2005  
**Media:** Television and Press  
**No. of complaints:** 1

**COMPLAINT:**

A DVD promotion, ran by the Daily Mail newspaper, was advertised in the newspaper and on television.

a. A front-page flash on the cover of the newspaper stated "FREE DVD MOVIE INSIDE" and showed a picture of a "A Handful of Dust" DVD. Above the headline appeared the text "WORTH £15.99".

b. A TV advertisement for the same promotion showed the DVD followed by a series of clips from the film. While these images appeared onscreen the voiceover said "Free inside your Daily Mail tomorrow, a £15.99 DVD of the glorious movie 'A Handful of Dust' Worth £15.99 it's absolutely free inside tomorrow's Daily Mail."

A complainant objected to the claim that the DVD was "worth £15.99" because the DVD offered by the advertiser did not include the same material as the DVD that was available in shops, such as commentaries, trailers and biographies. He said the DVD offered by the advertiser only included the film.

**ADJUDICATION:** Complaint upheld

Associated Newspapers said the DVD was available in shops for £15.99 and that consumers who had bought the DVD at that price had bought it for the film rather than any additional material it contained. It argued that the value of a DVD was entirely in the film and not in additional material it contained. It compared the situation to going to the cinema, where a customer was paying to see a film and not the trailers that preceded it. It argued that the additional material in the shop-bought DVD represented free promotional material being given away by film companies and was not what customers actually paid for and that additional material that came with DVDs was often referred to as "bonus material" by the industry, which implied they were seen as extras beyond the product actually being purchased (i.e. the film).

The advertising agency, commenting only on the TV advertisement, added that the additional material on the DVD was incidental, could not be purchased separately and had no monetary value in itself. It said the value of the DVD related only to the film and it was not misleading to say that the DVD offered by the advertiser was worth £15.99. It said that 3.3 million people had purchased the Daily Mail and received "A Handful of Dust". It said it had received no complaints but complimentary calls from satisfied readers.

The BACC, also commenting solely on the TV advertisement, said the advertisement had promised a free DVD, which was true. It confirmed that the DVD was being sold for £15.99. It disagreed that the advertisement was misleading and said the fact the shop-bought DVD had extra features was irrelevant.

We accepted that the film "A Handful of Dust" could be purchased on DVD from certain retail outlets at a cost of £15.99 and that it included bonus material that people now expect on DVDs. We noted, however, that the DVD offered by the advertiser, available exclusively as part of its own promotion and featuring only the film, could not be purchased in that form in shops. Because the DVD offered by the Daily Mail had never been sold, and was solely available via its own promotion, we considered that it was misleading to attach a cash value to it. We concluded that the claim that the DVD was worth £15.99 was misleading, regardless of whether it contained the extras offered by a shop-bought DVD.

The front-page flash appearing in the Daily Mail was in breach of CAP Code Clauses 7.1 (Truthfulness), 15.1 (Prices) and 15.5 (Prices - used as a basis of comparison).

The TV advertisement was in breach of CAP (Broadcast) TV Advertising Standards Code Rules 5.1 (Misleading advertising) and 5.3.1 (Accurate pricing).

**ADVERTISER:** Pizza Hut (UK) Ltd  
**AGENCY:** Wieden and Kennedy London  
**Date:** 24 August 2005  
**Media:** Television  
**No. of complaints:** 5

**COMPLAINT:**

An advertisement for Pizza Hut featured actors dressed as birds. Three were sitting around a table sharing a meal when another entered with a milk-bottle top attached to its beak. One of the seated character said 'Dave, did you stop for a drink on the way over here?'. Dave replied 'No'. A character sitting at a nearby table said 'Dave, don't ruin your appetite before that Full Works meal. You see, the four of you get starters, pizzas, drinks and puds, for only £24.99.' while his companion held up a sign saying 'The Full Works Meal £24.99'. On-screen text stated '2 Starters, 2 pizzas, 2 unlimited ice creams and 4 refillable drinks £24.99. Participating restaurants.'

Complainants said the on-screen text contradicted the statement that the meal was for four and included starters, pizzas and desserts.

**ADJUDICATION:** Complaint not upheld

The BACC said they had approved the advertisement on the basis that the on-screen text made clear what the offer included and that it was designed for a group of four people.

Wieden and Kennedy said the restaurant deal was designed for sharing among four people although each of the four would not get individual portions of three courses. It said the spoken part of the advertisement did not state that each diner would get their own starter, main course and dessert and the on-screen text made clear what the deal included.

We noted that four drinks were included in the price and considered that although all four diners may not each get three individual courses the deal was intended for a group of four people to share. We noted that none of the complaints said they had been misled by the advertisement. We considered that the on-screen text clarified the spoken statement rather than contradicted it.

The advertisement was considered under the CAP (Broadcast) TV Advertising Standards Code Rules 5.1 (Misleading advertising) and 5.4.2 (b) (Superimposed text) but was not found in breach.