

**Advertising Standards Authority**

**Broadcast Advertising  
Adjudications**

18 January 2006



**ADVERTISERS IN THIS WEEKS REPORT**

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**ADVERTISER:** Hobbycraft Group Ltd  
**AGENCY:** mb Productions  
**Date:** 18 January 2006  
**Media:** Television  
**No. of complaints:** 1

**COMPLAINT:**

A TV ad for Hobbycraft shown on cable and satellite channels said "Discover Hobbycraft and open up a world of inspiration with everything you need to be creative, all under one roof ..." The ad finished with on-screen text that said "Superstores nationwide".

A viewer in Scotland believed the ad was misleading as Hobbycraft had no stores in Scotland. The nearest stores were in Leeds and Preston.

**ADJUDICATION:** Complaint upheld

The Broadcast Advertising Clearance Centre (BACC) said the "Superstores nationwide" claim did not feature in the pre-production scripts they approved. The claim only appeared at film submission stage in the cable and satellite versions of the ad. The BACC said that in future they would ensure that post-production films matched pre-production scripts, and where additional claims were made they would be challenged.

Hobbycraft apologised if the ad had led viewers to believe there was a Hobbycraft store in Scotland. They said that the advertising campaign had come to an end and they would review the claim for any future cable and satellite campaigns if they still had no store in Scotland.

The ASA considered that as there were no Hobbycraft stores in a significant part of the country north of Leeds the ad had been wrong to claim "Superstores nationwide". The ad therefore breached CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising) and 5.2.3 (Qualifications).

**ADVERTISER:** Morgan Stanley Card Services Ltd

**AGENCY:** Leo Burnett Ltd

**Date:** 18 January 2006

**Media:** Television

**No. of complaints:** 1

**COMPLAINT:**

A TV ad for Morgan Stanley Platinum Card featured "Ted" who, constantly asked to drive his family around, was a regular customer at his petrol filling station. The voice over said "... but at least when he uses his Morgan Stanley Platinum Card he gets a cashback bonus of up to 2%. This year he earned £105 ... Morgan Stanley credit card. Why not get paid for the things you buy anyway?" The ad ended with a telephone number and text which said "Up to 2% cashback bonus". On-screen text during the ad said "Typical 15.9% APR variable. Subject to status. UK residents 18+ Spend £1,140 per month for annual £105 cashback. 5.9% fixed for life of balance transfer. See website for details."

A viewer said that he had not received the advertised 2% Cashback Bonus at the end of the year but only 0.5%. He was subsequently told by Morgan Stanley that the 2% was for new customers only. He believed the ad was misleading.

**ADJUDICATION:** Complaint upheld

The Broadcast Advertising Clearance Centre (BACC) said Morgan Stanley was trying to recruit new customers by showing an everyday situation. The juxtaposition of the ordinary and mundane with the Cashback Bonus for something they would do normally was used to entice new customers to switch to Morgan Stanley Platinum Card. The BACC believed it was clear that the ad was aimed at new customers from the on-screen text "5.9% fixed for life of balance transfer". They said the explanation of the offer in the accompanying literature, the fact that there had been only one complaint, and that the ad had clearly stated "up to" 2% stood as a defence for the clarity of the ad.

Morgan Stanley confirmed that the 2% Cashback Bonus was an introductory offer for new customers only. They explained that existing Platinum Card holders received 1% on their first £2000 spent and 0.5% on all other purchases in a particular year. For new customers the cashback was doubled for the first three months from opening the account (2% on the first £2000, 1% on other purchases). They said that their website detailed the full terms and conditions of the offer; the terms were explained to anyone that rang the telephone number given in the ad, and any applicant would receive the terms and conditions of the Cashback Bonus award programme by post before being bound by a contract. Morgan Stanley also said the on-screen text "Spend £1,140 per month for annual £105 cashback" clearly showed how much cashback could be earned by spending a certain amount. However, despite believing the ad was clear, they said they would add the on-screen text disclosure "2% Cashback available to new customers on the first £2000 spent, for a limited period, subject to conditions" to their advertising.

The ASA understood that the full terms and conditions of the offer were available from other sources and that it was not practicable to list them all in a short TV ad. However, we do expect significant conditions and limitations to be included. In this case, although the ad warned that the cashback was "up to" 2% there was no indication that the highest amount available was for a limited period only, that it was based on a specific amount spent, and only applied to new customers.

We did not consider the on-screen text "5.9% fixed for life of balance transfer" was adequate to alert viewers that the ad was aimed at attracting new customers, especially as the Cashback Bonus was also open to existing customers. We did not consider the text example, "Spend £1,140 per month for annual £105 cashback", was sufficient to explain the complexities of the offer. The overall impression was that it was possible to earn 2% cashback, whereas this was only available to select customers for a limited time, with spending conditions attached. Although we acknowledged the proposed change to the ad, we considered the original ad had been misleading.

The ad breached CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising), 5.2.2 (Implications), and 5.2.3 (Qualifications).