

**Advertising Standards Authority**

**Broadcast Advertising  
Adjudications**

21 September 2005



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**ADVERTISER:** Beds Direct Nationwide Ltd t/a Heli-Beds  
**AGENCY:** Michael Blythe Productions Ltd  
**Date:** 21 September 2005  
**Media:** Television  
**No. of complaints:** 1

### **COMPLAINT**

A TV ad for a pine double-bed from Heli-Beds suggested the price had been cut from £349 to £169. The voiceover said “Ask for this week’s flying offer. A Seville pine double-bed. Was 349, now 169.”

A viewer complained that the ad was misleading as she had visited the store to buy the bed in the ad and it was being sold at £199. Heli-Beds advised her that in order to pay £169 viewers needed to quote the TV ad at the time of purchase.

### **ADJUDICATION**

Heli-Beds said they had broadcast a range of similar ads to promote a variety of sales and all of them included “Ask for this week’s flying offer”. They said it was therefore clear that viewers would have to ask to take advantage of the prices stated in the ad. They said they would amend the offer so that, as of 1 August 2005, customers would not have to “Ask for this week’s flying offer” to take advantage, adding that the items would be priced in store to match televised offers.

The BACC said they had not been fully advised of the nature of the offer by Heli-Beds. They did not believe “Ask for this week’s flying offer” was sufficient to alert viewers to the condition of actually having to ask to take advantage of the offer.

We agreed with the BACC that “Ask for this week’s flying offer” was not sufficient to make viewers aware that the advertised discount would only be available if they specifically asked for it in-store. We welcomed the decision to amend the terms of the offer.

The ad breached CAP (Broadcast) TV Advertising Standards Code rule 5.1 (Misleading advertising).

**LICENSEE:** ITV  
**BROADCASTER:** ITV  
**Date:** 21 September 2005  
**Media:** Television  
**No. of complaints:** 1

**COMPLAINT:**

Advertisements were shown on ITV during the evenings of 25 and 26 February 2005.

A viewer complained because he believed the sound levels rose during the commercial breaks and was worried that the noise would disturb his neighbours.

**ADJUDICATION:** Complaint upheld

ITV said it routinely checked the loudness of advertisements at the time they were ingested into the playout system and sent back those it considered particularly compressed for remixing. However, late delivery meant that that was not always possible, in which case it reduced the loudness levels itself before broadcast. It pointed out that automated playout meant there was no way of knowing what the adjacent programme would be at the time the advertisement was played out. It added that with or without automation, it would be too time consuming to put together every commercial break before transmission to check loudness levels. It also found that the sound levels quoted in ITV's technical guidance notes were different to those quoted in the Advertising Standards Code. It said it did not believe that made a significant difference to the sound levels of the advertisements because its staff reduced levels further than the guidelines stated if they felt it would improve the overall perceived loudness level of the break. However, it said it would change its guidelines to reflect the relevant Code rule and remind the playout centers of the importance of complying with the Code.

Ofcom's technical department provides the ASA with expert advice and conducts tests for noise related issues in advertisements. It examined the sound levels of the advertisements during the times highlighted by the viewer. It said that although the advertisements did not peak at a higher sound level than the surrounding programmes, some of them were highly compressed, which meant their minimum sound levels had been raised artificially during the production stage in order to make them stand out. Highly compressed advertisements of this nature must have their peak volume reduced before broadcast and maintain a particular range of volume to ensure the subjective volume is consistent with adjacent programming and to prevent excessive loudness changes. Ofcom said that although the peak loudness of the compressed advertisements had been reduced in comparison with the peak loudness of the programming, the volume reduction achieved did not meet the required level. It concluded that the advertisements sounded incongruous with the surrounding programmes and the peak volume of the compressed advertisements was higher than permitted by the Code.

We acknowledged the efforts made by ITV to reduce the loudness of highly compressed

advertisements and accepted that increased levels of automation created problems for broadcasters in loudness balancing. However, the amount by which ITV reduced the peak loudness of the compressed advertisements was not enough to guarantee its sound output would comply with the Code in all instances. We agreed with Ofcom that the highly compressed advertisements sounded subjectively louder than the main content of the surrounding programmes.

ITV was therefore found in breach of CAP (Broadcast) TV Advertising Standards Code rule 6.9 (Sound levels in advertisements) and was reminded to ensure that its output levels for advertisements comply with the Code.