

**ADVERTISER:** ntl Group Ltd  
**BROADCASTER:** Broadband UK  
**Date:** 8 June 2005  
**Media:** Television  
**No. of complaints:** 1

**COMPLAINT:**

A teleshopping broadcast appeared on Broadband UK (a self-promotional channel owned by ntl) advertising ntl's "3 for £30" package, which included a telephone service, a digital television service and a broadband internet service. The broadcast claimed that ntl's 300K broadband was "more than 5 times faster than standard 56K dial-up internet". When listing the services that would be faster using ntl's broadband the presenter said "e-mail your friends and family all around the world a lot faster, in fact five times faster".

1. A viewer objected that the advertisement was misleading, because he believed that the advertiser's service was only five times faster than standard dial-up internet in terms of its download speed; he believed that the upload speed of the advertiser's service was 150K and was not, therefore, five times faster than standard dial-up internet.
2. The Authority challenged the claim that the advertiser's broadband allowed its users to e-mail "five times faster", because we understood that e-mails would only be received five times faster.

**ADJUDICATION:**

1. Complaint upheld

The broadcaster explained that download speed referred to activities that were downloaded or received from the internet to a personal computer, such as web pages, photos, music tracks or documents; upload speed referred to activities that were uploaded or sent from a personal computer to the internet, for example when sending an email containing a photograph. The broadcaster said it was standard industry practice to refer to the speed of broadband only in terms of download speed and provided a number of examples of similar claims made by its competitors. It stressed that the "5 times faster than standard 56K dial up" claim referred only to download speed and that the advertisement did not refer to upload speed.

We noted that it was industry practice to quote the speed of broadband internet in terms of download speed and that the advertisement made no reference to upload speed. We believed, however, that consumers increasingly used the internet to upload material; for example with pictures taken on digital cameras being shared on the internet. We felt that consumers were now more likely to interpret the claim as meaning that all internet use (downloading and uploading) would be five times faster unless told otherwise. We believed that in order for consumers to assess fairly the value of the advertiser's broadband service, the advertisement should have made clear that its claim "5 times faster than standard 56K dial-up" was limited to download speed. We concluded that the advertising was misleading.

## 2. Upheld

The broadcaster said it was willing to change the claim to state “receive e-mails five times faster” in its future advertising.

We considered that, without qualification, the claim “e-mail your friends and family all around the world a lot faster, in fact five times faster” was likely to mislead viewers. We welcomed the amendment suggested by ntl and considered that it would help remove the implication that the broadband service allowed users to send and receive e-mails five times faster. Nevertheless, we concluded that the advertisement was misleading in its current form.

The advertisement was in breach of the CAP (Broadcast) TV Advertising Standards Code Rules 5.1 (Misleading advertising) and 5.2.3 (Qualifications).

### **Important note on the use of speed of broadband**

This adjudication might affect other advertising approved in good faith. Licensees should ensure that such advertising is amended as soon as possible within a “grace period” of three months from 8 June.

For guidance, please enter the word “Internet” on the AdviceOnline database at [www.cap.org.uk](http://www.cap.org.uk). Although it is tailored for non-broadcast advertising, the “Internet” advice has no media-specific aspects and is equally applicable to broadcast advertising.