

IRELAND



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1. Topic:	Childrens' Advertising Code
Who:	Broadcasting Commission of Ireland (BCI)
When:	September 2004
Where:	Ireland
What Happened:	<p>After 3 phases of consultation, October 04 will see the launch of Children's Advertising Code. The Code increases restrictions on TV advertising aimed at children. The levels of protection afforded vary according to distinct age groups - children under 6 years of age, U-15 and those U-18. Using children in children's advertising to comment on or to endorse products they could not reasonably be expected to use is prohibited. Advertising aimed at children should not include violence or scenes that would cause distress to their target audience. Potential for celebrity advertising to have a disproportionate influence on children regarding their choice of food products is addressed with a blanket ban on the use of such house-hold names to endorse same. This was prompted by concerns that children can be unduly influenced by virtue of the loyalty they feel for the character or personality, allied with the lack of discernment normally exercised by adults regarding the true intent of the ad, move criticised roundly by advertisers. Further, the toothbrush symbol will be included in ads for food and beverages with high sugar content in response to concerns raised by Dental Health Foundation.</p>
Comments:	<p>A contentious issue was to differentiate between children's and adult's programmes. While 9pm was traditionally seen as a cut-off point for adult viewing, BCI concluded that this demarcation is not quite as clear-cut: thus a "transitional period" between 9-10pm was mooted to introduce a degree of parental responsibility for the viewing habits of children. Broadcasting after 10pm will not generally be regarded as children-orientated. Only broadcasters governed by Irish law will be subject to the Code, thus their international counterparts like BBC with a wide market in Ireland, and many other satellite stations will be exempt. The moratorium period granted to broadcasters and advertisers to incorporate the Code into their work means it takes effect on 1 January 05</p>

2. Topic:	Complaint re Guinness advertisement
Who:	Advertising Standards Authority of Ireland
When:	September 2004
Where:	Ireland
What Happened:	<p>A Guinness television commercial was the subject of numerous complaints. The commercial had a number of scenarios where two characters discuss "the best pint of Guinness", with both concluding that the best pint is always your last. At this moment, a sign "HMS Titanic" is shown and the set tilts to one side. Complainants considered the use of the sinking of the Titanic in 1912 as a setting for an advertisement offensive and in poor taste. In particular, it was contended that the advertisement was insensitive when it was reasonable to</p>

	assume that the viewing audience would include some people who are direct descendents - children or grandchildren - of the primary victims in the Titanic tragedy.
Comments:	The complaint was upheld . The ASAI noted that the scenario was based on a tragedy in which many lives were lost. The Authority reiterated their mission statement that an advertisement should contain nothing that is likely to cause grave or widespread offence, and this commercial had clearly contravened the Code. The advertisers stridently opposed this criticism as it was never their intention to cause offence. They pointed out that the sinking of the Titanic had occurred 92 years previously and in the interim had been the subject matter for a number of Hollywood films. Further, it was the advertisers' intention to draw reference to use of the word "Titanic" in the vernacular, as the quintessential description of a disaster. Nevertheless, their protests were overruled in favour of the complainants' objections.

3. Topic:	Misleading Price Display by some Petrol Stations
Who:	Director of Consumer Affairs
When:	August 2004
Where:	Ireland
What Happened:	A survey by the Office of the Director of Consumer Affairs on more than 160 retail outlets discovered that certain stations were charging customers higher prices than advertised. The survey found that stations which do not have electronic display notices were showing the price of petrol at 99.9cent while the pump price was up to 103.9cent and unwitting consumers were being charged at the higher rate. The stations in question claimed that the price discrepancies had occurred because the manual display signs had only space for three digits, two digits before the decimal point and one digit after, thus when the price per litre exceeded €1, the true price could not be displayed at the point of sale.
Comments:	The complaints were upheld . The Office of Consumer Affairs cautioned that petrol retailers could face prosecution if they continued to display one price and charge another. While the misleading price indication was not as of yet widespread, (being mainly concentrated in the south east) the potential would exist for same to extend nationwide. Following intervention by inspectors, the stations have all rectified prices with handwritten figures showing the correct (higher) prices. A team of inspectors have been sequestered to ensure that no further discrepancies arise and that crucially no consumers will be misled by the varying prices displayed.

4. Topic:	Leaflet/Flyer Advertising - Meteor Mobile Phone Network
Who:	Advertising Standards Authority of Ireland
When:	July 2004
Where:	Ireland
What Happened:	An advertising leaflet for Meteor Mobile Phone Network was the subject of complaints. The leaflet stated <i>inter alia</i> "Free SIM + €100 Credit - Make the Move - Free text and picture messages for life!" The leaflet then outlined on how consumers could avail of the offer, with the caveat that "terms and conditions apply." Complainants considered the advertisement to be misleading as the free text and picture messages were available <i>only</i> from Meteor to Meteor customers and not to customers on other networks. In response, Meteor argued that customers expected these types of offers would normally only be available between people on the same network, mirroring the terms and conditions pertaining to previous similar offers.

Comments:	The complaint was upheld . The Code of Advertising Standards requires that an advertisement should not mislead by “inaccuracy, ambiguity, exaggeration or otherwise.” The Complaints Committee noted that while many consumers would be aware of this restriction on the use of free texts being available only between people on the same network, such perception would <i>not</i> be universal. Despite the fact that all salient details were available in any Meteor store and on their Website, the Committee was of the opinion that the limitation on free texts was a major condition and should have been referenced in the leaflet.
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5. Topic:	Online competition by BPM Energy
Who:	Advertising Standards Authority of Ireland
When:	September 2004
Where:	Ireland
What Happened:	An online competition by BPM Energy Isotonic drink was the subject of an objection. The competition took the form of a Fantasy Formula 1 competition run over a number of months, the main prize being an all-inclusive trip to the Monaco GP. Each entrant was allocated a budget to buy a team and points were awarded after each round of the F1 championship according to how the team performed in each Grand Prix. A prize was also to be awarded after each of the 17 Grand Prix. Entrants also had to complete a tie-breaker and in the event of a tie in the number of points scored, the judges would choose the winner on the basis of this tie-breaker. After one of the GPs, 5 teams were tied on the same number of points but the judges awarded the complainant’s team the prize on the basis of the tie-breaker. At the end of the competition, the same 5 teams had accumulated the same number of points – all being in joint-first place. Complainant assumed that unless the judges had changed their mind about the tie-breaker, their team would be declared the overall winner. However, to his dismay, not only did he not win, he was unable to discover who the overall winner was, and doubted the authenticity of the competition.
Comments:	The complaint was upheld . The Code of Advertising Standards requires that all sales promotions should be conducted equitably, promptly and efficiently and should be seen to deal fairly and honourably with customers. For example, the Code requires that promoters should either publish or make available on request details of the major prize-winners, and that if the selection of the winning entry is open to subjective interpretation, an independent and competent judge or panel of judges should be appointed to deal with same. ASAI advised the advertisers that greater care should be taken in the administration of similar promotions in the future.

6. Topic:	Voluntary Health Insurance (VHI) Group Scheme
Who:	Advertising Standards Authority of Ireland
When:	September 2004
Where:	Ireland
What Happened:	A poster displayed in the workplace for a VHI Group Scheme was the subject of a complaint. The poster offered staff the opportunity to join the Scheme with the added incentive that “No Waiting Period” would apply to new members. An employee who had joined the Group Scheme was informed however that he would not be covered for treatment for an illness for 5 years as the illness had first occurred prior to the date of joining. He was informed that the “No Waiting Period” related only to illnesses and ailments which first manifested themselves after the date of joining. Complainant considered the advertisement to be misleading in its content.
Comments:	The complaint was upheld . The Code of Advertising Standards requires that

	<p>advertisers should not exploit the credulity, inexperience or lack of knowledge of consumers. While the poster did make reference in a footnote that the offer was subject to certain terms and conditions contained in the relevant sections of the VHI Rule Book (available on request or via the Internet), the ASAI considered this was insufficient. For instance, where footnotes are used, they should be of sufficient size and prominence and easily legible, and be linked to the relevant part of the main copy. Essentially, as the poster made no reference to the relevant terms and conditions, the advertisement was held to be in breach of the Code requirements.</p>
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