

ISRAEL



David Wolberg
Kuperschmit & Goldstein & Co.
dwolberg@netvision.net.il

1. Case Report	
Topic:	Sexual Innuendo
Who:	Netto M.A. Food Commerce Ltd. Vs. The Second Television and Radio Authority et al
Where:	Israel High Court of Justice
When:	Ruling delivered on September 1, 2004
What Happened:	<p>The Petitioner is the distributor of food products, including “Magic Noodles”, which are prepared by adding boiling water. The Respondent, The Second Television and Radio Authority, empowered by The Second Television and Radio Authority Rules, would not allow the broadcasting of the petitioner’s following television advertisement:</p> <p>A man puts his hand on the shoulder of a Thai woman. The woman responds by beating him to the ground. When the man asks aloud, “What did I do” a narrator replies: “Not every Thai (woman) is hot and ready within four minutes, but Magic Noodles are”.</p> <p>On appeal before the High Court of Justice, the court held that the visual portion of the advertisement is reasonable and not offensive. Both actors are fully dressed and there is a comic atmosphere. The problematic portion of the advertisement is the background narration: “Not every Thai (woman) is hot and ready within four minutes”.</p> <p>Although some may not like the advertisement and find it vulgar, in light of the current advertisements and programs, which are full of sexual images and violence, there was no justification in rejecting the advertisement. When weighing the benefits of disqualifying the advertisement against the Petitioner’s freedom of commercial speech, the latter’s right should prevail.</p> <p>The court therefore accepted the petition and overturned the respondents’ decision.</p>

2. Case Report	
Topic:	Cancellation of a Misleading Advertisement
Who:	015 Internet Gold
Where:	The Second Television and Radio Authority, Jerusalem
When:	Decision rendered August, 2004
What Happened:	<p>Internet Gold, a provider of international telecommunication services, broadcasted a television advertisement in which it compared its prices for overseas telephone calls, to the prices offered by its competitors.</p> <p>Internet Gold claimed its competitors charge above one (1) NIS for a one minute phone conversation with Canada, the USA and Holland, while it</p>

	<p>charges less than one (1) NIS to those destinations.</p> <p>One of Internet Gold's competitors launched a complaint to The Second Television and Radio Authority, stating that it charges less than one (1) NIS per minute to the above-mentioned destinations.</p> <p>After investigating the matter, The Second Television and Radio Authority revealed that the information conveyed in Internet Gold's advertisement was not accurate. Therefore, the advertisement was canceled due to Sections 4 and 25 of The Second Television and Radio Authority Rules (Television Advertisement Ethics)-1994, which prohibit untruthful and misleading facts and statements.</p>
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3. Case Report	
Topic:	Cancellation of a Misleading Advertisement
Who:	013 Barak
Where:	The Second Television and Radio Authority, Jerusalem
When:	Decision rendered, 2004
What Happened:	<p>Responding to the above-mentioned Internet Gold advertisement, one of its competitors, Barak, a provider of international telecommunication services, launched its own television advertisement.</p> <p>Its advertisement consisted of newspaper articles which compared the prices offered by different telecommunication service providers for long distance phone calls. One of the newspapers, "Ha'aretz", stated that Internet Gold's prices are not "revolutionary prices".</p> <p>Internet Gold launched a complaint to The Second Television and Radio Authority, stating that Ha'aretz's article was showed in a misleading manner. The advertisement failed to show the entire article, which qualified the article's statement that Internet Gold's prices are not revolutionary.</p> <p>Following the complaint, The Second Television and Radio Authority, cancelled Barak's advertisement.</p>
Comments:	The above cases demonstrate that advertisers should cautiously compare themselves to competitors. While comparative advertising is not prohibited, there are many restraints and qualifying rules.