

Decision of the ADVERTISING REGULATORY BOARD

Complainant	Jacques van den Heever
Advertiser	Mobile Telephone Network (Pty) Ltd
Consumer/Competitor	Consumer
File reference	456 – MTN – Jacques van der Heever
Outcome	Undertaking
Date	2 October 2019

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Jacques van den Heever against advertising in MTN’s in-store brochure.

Description of the advertising

The advertising in question is:



Complaint

In essence, the Complainant submits that the product is not LTE but rather fixed LTE, which is different from LTE, as it can only be used in one location.

Response

The Advertiser addressed the merits, raising inter alia that:

- The advertised service offering is called “Made For Home”. It offers Fixed LTE connectivity to customers by means of a specifically configured setup.
- Unlike Fibre-To-The-Home (FTTH) connections, which typically require long lead times to allow for trenching or the erection of poles to carry the lines, LTE, and more specifically Fixed LTE products are quick and easy to install and activate. The inclusion of the descriptors “LTE” in the advertisement were merely to denote the fact that this was not an FTTH solution, but rather one that relied on MTN’s superior LTE network.
- The product was deliberately called “Made For Home”, as it was intended to be used at the subscriber’s home, allowing all occupants to connect to the MTN router, which contains a single SIM card with predetermined data allocation.
- The SIM cards inserted to these routers are specifically configured to only allow connectivity in the designated area (i.e. the user’s home). This allows optimum network performance at that location.
- The router offered with this deal could actually be used at other locations, but this would require an alternate SIM card which is not geographically limited in the manner that MTN’s Made For Home SIM cards are limited.
- The image relied on in this advertisement clearly shows a couple sitting on a couch along with the headline “Connect for less with HOME Wi-Fi”. This image, coupled with the prominently displayed word “HOME” again ties in with the specific nature of MTN’s Made For Home product offering.

However, the Advertiser also advised that all future advertising will feature the acronym “FLTE” denoting Fixed LTE, which it submitted should clear up any confusion.

Application of the Code of Advertising Practice

The following clauses were considered in this matter:

Misleading claims – Clause 4.2.1 of Section II

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

The main objective of the Advertising Regulatory Board is to protect consumers from advertising that contravenes the Code of Advertising Practice. In the vast majority of instances where advertising is found to contravene the Code, the ARB will require the advertising to be withdrawn or amended.

In this matter, the Advertiser has undertaken to ensure that the advertising is amended in a manner that appears to address the complaint at hand.

The ARB Directorate is satisfied that the undertaking by the Advertiser is unequivocal and addresses the complaint before it, and therefore accepts this undertaking in resolution of the matter.