

Advertising Standards Authority

Broadcast Advertising Adjudications

9 February 2005



ADVERTISER: Barclays Bank
AGENCY: Bartle Bogle Hegarty
Date: 9 February 2005

Media: Television and Poster

No. of complaints: 1

COMPLAINT:

Barclays poster advertisements claimed 'Barclays has more specialists in more industries than any other bank'. Its television advertisements claimed 'we have more business specialists in more industries than any other bank'.

A competitor, The Royal Bank of Scotland (RBS), said it doubted whether the claims were capable of objective substantiation given the different structures and approaches used by different banks. It added that it was not clear from the advertising how Barclays defined 'industry specialist'. RBS believed comparative ongoing evidence would be needed to support the claim and said it hadn't provided Barclays with any. It added that it contacted Barclays direct for its evidence to support the claim but was told such information was commercially sensitive. RBS said its information was also commercially sensitive and therefore couldn't understand how a fair and proper comparison could have been made. It questioned how Barclays could attempt to quantify the number of industry specialists RBS or other banks had and believed a fair comparison would be difficult, if not impossible.

ADJUDICATION: Complaint upheld

Barclays provided the evidence it had used to make the claim. This came from multiple sources within Barclays and from its competitors. It confirmed that no other UK bank organised itself in the same way as Barclays and accepted that it was difficult to be 100 percent definitive about the internal structures operated by its competitors but believed it had approached the challenge in a rigorous way.

The Authority found the evidence provided was insufficient to objectively substantiate the claim as much of it was subjective, unverified, from unpublished individual sources and had not been definitively corroborated. We felt that a reasonable viewer was likely to presume the claim was based on publicly available information. Although we accepted there was no deliberate intention to mislead we found the advertisements in breach of the following rules:

The poster advertising was in breach of CAP Code Edition 11 clauses 3.1 (Substantiation), 7.1 (Truthfulness) and 19.1 (Comparisons).

The television advertising was in breach of CAP (Broadcast) TV Advertising Standards Code Rules 5.1 (Misleading advertising), 5.2.1 (Evidence) and 5.4.6 (Comparative advertising).

ADVERTISER: Deal of the Day
BROADCASTER: Deal of the Day
Date: 9 February 2005

Media: Television

No. of complaints: 1

COMPLAINT:

Advertisements called *Beat the Clock* were shown on teleshopping channel Deal of the Day. Each advertisement lasted several minutes and promoted a particular product which was only available to purchase during the transmission of the advertisement. Viewers were encouraged to purchase the particular product by telephoning a number onscreen before the onscreen clock reached zero. The advertisements were pre-recorded and repeated regularly although they appeared as if they were live broadcasts. In each one the presenter stressed the decreasing available time in which to buy the products by making comments such as:

'You need to be hitting the phones now. You've only got one minute left. You've got to be very, very quick. Do it now. I hope you beat the clock. In every game you've got to beat the clock.'

A viewer complained that it was misleading for the presenters to emphasise the restricted purchase time during the advertisement as in fact viewers would have other opportunities to buy the product for the same price when the advertisement was shown again.

ADJUDICATION: Complaint upheld

Deal of the Day said it had broadcast *Beat the Clock* as a new concept in teleshopping and that it did not intend to mislead viewers into thinking they had only one opportunity to purchase a product. It said that viewers would only be able to purchase the item shown during the transmission of the advertisements but confirmed that they were pre-recorded and would be shown repeatedly. It said that in the future it would amend the advertising to make it clear to viewers that the footage was pre-recorded and would be repeated until the product sold out.

We believed viewers would think that *Beat the Clock* was a unique opportunity to purchase a product at a specific price. We welcomed the prompt decision to amend the advertising. However it was nonetheless in breach of CAP (Broadcast) TV Advertising Standards Code rule 5.1 (Misleading) when broadcast and should not be shown again in that form.