

**Advertising Standards Authority**

**Broadcast Advertising  
Adjudications**

29 March 2006



## ADVERTISERS IN THIS WEEKS REPORT

National Postcode Lottery .....	3
scootaMATIC .....	4

**ADVERTISER:** National Postcode Lottery

**AGENCY:** Robson Brown Ltd

**Date:** 29 March 2006

**Media:** Television

**No of complaints:** 1

**COMPLAINT:**

A TV ad for the National Postcode Lottery stated, in onscreen text at the end of the ad, "Tickets cost £2, payable by Direct Debit ...".

The complainant objected that the ad was misleading, because the minimum number of tickets that could be purchased was four and not one as the ad suggested.

**ADJUDICATION:** Complaint upheld

Robson Brown, the agency acting on behalf of the National Postcode Lottery, said they had not intended to mislead viewers and argued that the ad was clear. They explained that tickets for the lottery cost £2 each and that, to play the game, customers were obliged to pay by Direct Debit. They pointed out that banks collected direct debits on a monthly basis and that this information was clearly explained prior to registration, either on the National Postcode Lottery website or by a call centre operative. They told us that the ad was no longer on air and they had no further plans to use it.

The Broadcast Advertising Clearance Centre (BACC) said they believed it was clear from the ad that the minimum commitment to purchase would be four weeks' worth of tickets. They argued that the voiceover made clear that the service was subscription-based by encouraging viewers to "sign up now" and, therefore, they believed it was clear it was not possible to purchase an individual, one off ticket. They also believed viewers generally understood that direct debits were collected monthly; this, together with the fact that the lottery was a weekly event, clarified that players would need to purchase a month's worth of tickets – four tickets at £2 each.

The ASA noted onscreen text made clear that the cost of the tickets was to be paid by direct debit and the cost of an individual ticket was £2. We considered, however, that it was not clear that the minimum purchase was four tickets per month. We told the BACC and National Postcode Lottery to make the significant conditions of play clear in future ads.

The ad breached CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising), 5.2.3 (Qualifications) and 5.3.1 (Accurate pricing). It should not be shown again in its current form.

**ADVERTISER:** scootaMATIC  
**AGENCY:** Attinger Jack  
**Date:** 29 March 2006  
**Media:** Television  
**No. of complaints:** 1

**COMPLAINT:**

A TV ad for a mobility scooter called Easyshopper opened with a voiceover that stated "Special offer: mini portable". The ad showed a woman sitting in a chair next to the Easyshopper scooter and a smaller portable scooter. The voiceover stated "The scooter that folds up and fits in the boot of your car"; the Motability logo appeared on the screen as the portable scooter was dismantled. The ad then showed the Easyshopper 8 driving around while the text "Excludes those on Motability scheme" appeared on the screen. The next scene showed the woman driving the Easyshopper scooter; the Motability logo and the text "Free offer only available on the Easyshopper 8" appeared on the screen. The text "FREE Portable with every Easyshopper" appeared on the screen throughout the ad.

The complainant objected that the ad was confusing and misleading, because at times the Motability logo appeared on the screen and at other times the text "Excludes those on Motability scheme" appeared at the bottom of the screen.

**ADJUDICATION:** Complaint upheld

The Broadcast Advertising Clearance Centre (BACC) said scootaMATIC offered the Motability scheme as part of their service in general and on many products. They said the Motability logo appeared on the screen to make viewers aware that scootaMATIC were a well-known and established provider of car and scooter schemes for disabled people. They said the text "Excludes those on Motability scheme" referred to the offer of a free portable scooter. The BACC believed the ad's message was clear and not contradictory.

Attinger Jack said it was important to show the Motability logo because it conveyed to consumers that scootaMATIC were a recognised provider of scooters and an approved Motability dealer. They said it was also important to state "Excludes those on Motability scheme" because it communicated a restriction on the free offer.

The ASA noted the text "Excludes those on Motability scheme" appeared when the ad was referring to the Easyshopper and the Motability logo appeared when the ad was referring to the free portable scooter. We considered that the ad did not make clear that the text "Excludes those on Motability scheme" referred to the offer of the free portable scooter and that some viewers could infer that it referred to the Easyshopper, or to all of scootaMATIC's products. We considered that the text "Excludes those on Motability scheme" contradicted the impression given by the Motability logo that everything in the ad was available on the Motability scheme. We also considered that the claim "Free offer only available on the Easyshopper 8" contradicted the text "FREE Portable with every Easyshopper". We concluded that the ad was misleading. We told scootaMATIC to

ensure that future similar ads did not communicate restrictions on offers in a way that was contradictory or likely to mislead or confuse consumers.

The ad breached CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising), 5.2.3 (Qualifications) and 5.4.2 (b) (Superimposed text). It should not be shown again in its current form.