

## Decision of the ADVERTISING REGULATORY BOARD

Complainant	Mark Kirby
Advertiser	Telkom SA SOC
Consumer/Competitor	Consumer
File reference	Telkom – Mark Kirby
Outcome	Undertaking
Date	10 April 2019

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Mark Kirby against Telkom’s flyer advertising Fibre.

### Description of the advertising

The flyer states, *inter alia*:

- Including unlimited data\*
- Unlimited calls\*\*

### Complaint

In essence, the Complainant submitted that:

- the data is in fact subject to a fair use policy and is therefore not “unlimited”;
- the unlimited calls are only Telkom to Telkom.

The Complainant submitted that there are no terms and conditions on this advertisement clarifying the situation.

## Response

The Advertiser responded and submitted that the advertisement complained of was distributed by a particular dealer, without Telkom's approval, between the period of 18 March 2019 and 29 March 2019. All related pamphlets were subsequently destroyed and the objectionable advertisement will no longer be displayed.

Telkom confirms that the advertisement was not approved by Telkom and the dealer altered the approved related advertisement to suit their marketing and/or sale angle, which is being addressed through a formal process by Telkom.

## 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majority of instances where advertising is found to contravene the Code, the ARB will require the advertising to be withdrawn or amended.

In this matter, the advertiser has explained that the advertising was not approved material and has been withdrawn and destroyed. The Advertiser submitted the correct material which includes the limitations referred to by the Complainant.

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.