[GB] BSkyB Broadcasts “Misleading” Advertisements

IRIS 2009-9:1/17

David Goldberg
deeJgee Research/Consultancy

British Sky Broadcasting Ltd t/a Sky broadcast two advertisements advertising its High Definition service.

To persuade people to sign up for it, the ads promoted as part of the service sports coverage generally and, in particular, the British and Irish Lions' summer tour of South Africa and the Ashes series of cricket matches between England and Australia, for which BskyB had bought the rights.

A number of viewers (seven) objected. Their point was that the ads were “misleading” because, having registered for the HD service, they were then informed that there was a twelve-week waiting period before the HD installation could be completed. By then, they would have missed most coverage of the two sporting events.

The specific section of the BCAP Television Advertising Code engaged by this dispute is Section 5. The rules “in this Section are...designed (amongst other things) to ensure that advertising does not misrepresent the nature, benefits and limitations of advertised offers.”

The specific sub-rules said to apply to the ads were 5.1.1 (“No advertisement may directly or by implication mislead about any material fact or characteristic of a product or service.”); 5.1.3 (“Advertising must not [...] provide in an [...] untimely manner material information if that [...] presentation is likely to affect consumers’ decisions about whether and how to buy the advertised product [...]”); and 5.2.3 (“All important limitations and qualifications must be made clear. Note: Important limitations and qualifications include those on availability”).

The TV ads stated "See every moment of this summer's Ashes in High Definition ..." and "See every moment of the Lions tour in High Definition ...". However, because of the time it took from pre-registration for the service till installation, in fact this “was unlikely to be the case for all existing Sky customers who signed up for the service”.

The ASA adjudication concluded that “the ads were likely to mislead” and ordered that the ads “must not appear again in their current form.”

ASA Adjudication, 2 September 2009

© European Audiovisual Observatory (Council of Europe) 2026

http://www.asa.org.uk/asa/adjudications/Public/TF_ADJ_46888.htm

BCAP TV Advertising Code

http://www.asa.org.uk/asa/codes/tv_code/tv_codes/

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026