

Case Reference	R/E/I/042
Title	Press advertisements dated 25 th June 2004 and 2 nd July 2004 – “The truth is here – It’s not about having dedicated access. It’s about who can give you the highest download speed to do more” (“Advertisements”).
Case Opened	6 August 2004
Case Closed	25 August 2004
Complainant	SingNet Pte Ltd (“SingNet”)
Respondent	Please see IDA's determination below.
Case Summary	SingNet alleged that StarHub Cable Vision Ltd (“SCV”)’s Advertisements depicting a red-capped swimmer in a swimming pool in SCV’s advertisements were a clear and direct reference to SingNet’s ADSL Broadband service advertisement. As a result, SingNet claimed that SCV’s advertisements suggested that SingNet had promised to offer with its ADSL service, “dedicated access” to the Internet, which was inaccurate. SingNet also claimed that SCV’s statement regarding the highest download speed of 3000kbps was inaccurate because SCV could not guarantee the highest download speed. With these two allegations, SingNet deemed SCV’s advertisements as inaccurate and misleading.
IDA’s Determination	IDA assessed that it is possible for the picture depicting a red-capped swimmer in a swimming pool in SCV’s advertisements to remind a reader of SingNet’s ADSL Broadband service advertisements. However, IDA is of the view that unless SingNet is able to establish exclusive ownership or use of the red-capped swimmer in a swimming pool advertising concept, SingNet has no strong grounds to claim clear and direct reference to SingNet’s ADSL Broadband advertisement when other companies use similar advertising concepts.

IDA also noted that the phrase “dedicated access to the Net” is quoted from a Computer Times article, and the subsequent statements in the SCV advertisements are general explanation about Internet access. The explanatory statements are objective and made no reference to SingNet’s ADSL Broadband service.

Since there is no strong grounds to claim that SCV has made clear and direct reference to SingNet’s ADSL Broadband advertisement, IDA therefore does not see SCV’s use of phrases like “The truth is here...” or “don’t believe it...” in conjunction with “... offering you dedicated access to the Net...” or “...promise a dedicated internet access” as implying that SingNet’s Advertisement is not true or that SingNet had promised to offer dedicated access to the Internet with ADSL.

Regarding SCV’s use of the phrase ‘highest download speed’ to describe its MaxOnline 3000 service, IDA noted that SCV was comparing the speed against the various speeds of 1500kbps, 512kbps and 256kbps, and IDA recognised that 3000kbps is numerically the highest. The phrase is therefore factually correct and not misleading. IDA also noted that SCV’s advertisement does not guarantee a download speed of 3000kbps, but simply mentioned that it offers a download speed of ‘up to’ 3000kbps.

In view of the above, SCV’s Advertisements are not misleading and IDA therefore rejected SingNet’s request for enforcement.