

<b>Case Reference</b>	R/E/I/046
<b>Title</b>	SingNet's Advertisement "Be Invincible – Get Maximum Speed without Sharing"
<b>Case Opened</b>	30 September 2004
<b>Case Closed</b>	19 October 2004
<b>Complainant</b>	StarHub Pte Ltd ("StarHub")
<b>Respondent</b>	Please see IDA's determination below.
<b>Case Summary</b>	<p>StarHub alleged that SingNet's advertisement "Be Invincible – Get Maximum Speed Without Sharing" had breached Section 7.4.1 of the Telecom Competition Code ("Code"). StarHub alleged that SingNet's "Be Invincible" advertisement had implied that StarHub's cable modem services suffer from reduced speeds, depending on the number of StarHub users and their applications. StarHub claimed that SingNet's statements had misrepresented StarHub's cable services and hence breached Section 7.4.1 of the Code.</p> <p>StarHub saw strong similarities between this case and SingNet's "Discover today why SingNet Broadband is the better choice" advertising campaign in September 2001. IDA had found SingNet in breach of Section 7.4.1 of the Code for that case.</p>
<b>IDA's Determination</b>	<p>IDA assessed that SingNet did not explicitly make any comparison between ADSL and cable modem services. SingNet's sentence "<i>Regardless of the number of users watching cable or surfing the net at the same time, you can still get consistent bandwidth at a blistering pace</i>" is factually accurate as it refers to the experience of SingNet's customers who subscribe to SingNet's ADSL plans. The sentence did not make any explicit reference to StarHub's cable modem service.</p> <p>IDA disagreed with StarHub's view that there are similarities between SingNet's "Be Invincible" advertisement and SingNet's previous "Discover today why SingNet Broadband is the better choice" advertising campaign in September 2001. IDA found SingNet's previous advertisement in breach of Section</p>

7.4.1 of the Code as SingNet's advertising campaign explicitly compared the access speeds of ADSL and cable modem and described them as "fast" and "slow" respectively, without indicating the speed of access attainable. IDA had assessed that the price and quality comparison made by SingNet in its previous advertisement, without key information on the access speeds/bandwidth, did not provide a fair and objective comparison of ADSL and cable modem services.

However, SingNet's "Be Invincible" advertisement is different from SingNet's previous advertisement as it did not make any explicit comparison between ADSL and cable modem services or use comparative words to describe the ADSL or cable modem services.

IDA determined that SingNet's advertisement had not made any explicit claim or suggestion regarding StarHub's cable modem services that is reasonably likely to confuse or mislead end users, to the extent that it will consequently restrict competition in the broadband market. In view of the above, IDA assessed that SingNet's "Be Invincible" advertisement did not breach Section 7.4.1 of the Code.

Nevertheless, to avoid unnecessary misunderstanding amongst the industry players, IDA has advised SingNet to refrain from making such statements in its future advertisements.