



Advertising Standards Authority of South Africa

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To:

[REDACTED]

Email:

[REDACTED]

From: Mrs Farzana Omar

Date: 20 May 2011

Reference:

SAMSUNG / [REDACTED]

Dear Mr Roux

We refer to the above matter and enclose herewith a copy of the ASA Directorate ruling.

Yours sincerely

THE ADVERTISING STANDARDS AUTHORITY OF SOUTH AFRICA

FARZANA OMAR
CONSULTANT: DISPUTE RESOLUTIONS
CC

Encl. ASA ruling (3 pages)

President: Morwyn E. King SC
Directors: N Nkomo (Chairperson) KH Wittenborg (Vice chairperson) TN Msibi (CEO)
OR Terblanche I Louw IR May IRB Shepherd J Siney-Gould



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RULING OF THE ASA DIRECTORATE

In the matter between:

[REDACTED]

COMPLAINANT

and

SAMSUNG ELECTRONICS SA (PTY) LTD

RESPONDENT

20 May 2011

SAMSUNG / [REDACTED]

[REDACTED] lodged a consumer complaint against a leaflet promoting the various Samsung Smart phones.

The advertisement features an image of the Samsung i8000 phone and lists its features as, *inter alia*:

- "Windows Phone 6.5full touch QWERTY
- 3.7" 16 million WVGA AMOLED Display
- 5MP AF Camera With Dual Power LED
- Video at 120 fps @ 320x240 in slow motion mode
- GPS + Garmin navigation for life solution "

COMPLAINT

In essence, the complainant submitted that he had purchased the i8000 smart phone in 2010 based on the assumption that he would receive Garmin updates for the life of the handset. He was later informed by Garmin that this feature had been discontinued with no future map updates to be made available, rendering the advertising misleading. He attached a response from Garmin in support of this. The email, emanating from

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Directors: N Nkomo (Chairperson) KH Willenberg (Vice chairperson) TN Msihi (CEO)
DR Terblanche I Louw IR May IRB Shepherd J Siney-Gould

Garmin's Senior Mobile Product Specialist states that "Garmin Mobile XT has been discontinued and will no longer support Map updates".

When the Directorate pointed out that the complaint appears to relate to advertising from 2010, which, in terms of Clause 3.3 of the Procedural Guide does not qualify as "current", the complainant noted that these leaflets are still being disseminated at cell phone shops. He obtained one from a Vodacom 4U shop as recent as 4 April 2011.

RELEVANT CLAUSE OF THE CODE OF ADVERTISING PRACTICE

In light of the complaint Clause 4.2.1 of Section II (Misleading claims) was taken into account.

RESPONSE

The respondent submitted that the marketing material in question states that the specifications are subject to change without notice. There was no intent on the part of Samsung to mislead any consumer.

The complainant misinterpreted the product on offer as Samsung did offer GPS and Garmin navigation for life solution but no representation was made to map updates, and no mention is made that the annual map updates would be free. The license 'for life' refers to the software package which is made available.

It, however, notes the confusion and possible misunderstanding and in this regard has taken steps to address the complaint. As a gesture of good faith it has decided to send the complainant a CD with Garmap for mobile and activation code. It has further elected to withdraw the marketing material which is the subject matter of complaint and to ensure that all advertising avoid ambiguity and misunderstanding.

ASA DIRECTORATE RULING

The ASA Directorate considered all the relevant documentation submitted by the respective parties.

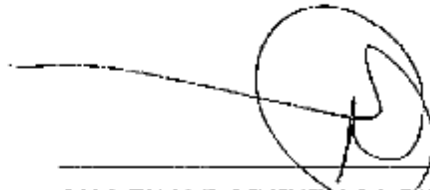
The ASA has a long standing principle which holds that where an advertiser provides an unequivocal undertaking to withdraw or amend its advertising in a manner that

addresses the concerns raised, the undertaking is accepted without considering the merits of the matter.

The respondent submitted that the marketing material forming the subject matter of complaint will be withdrawn. It also clarified that it would ensure that all advertising avoid ambiguity and misunderstanding. This clearly addresses the concerns raised by the complainant.

The undertaking is therefore accepted on condition that all advertising is withdrawn in its current format within the deadlines stipulated in Clause 15.3 of the Procedural Guide, and is not used again in future.

The respondent's attention is also drawn to Clause 15.5 of the Procedural Guide.



ON BEHALF OF THE ASA DIRECTORATE