



Committee of Advertising Practice  
Mid City Place 71 High Holborn London WC1V 6QT  
Telephone 020 7492 2222 Fax 020 7242 3696  
Textphone 020 7242 8159 E-mail enquiries@cap.org.uk  
Online www.cap.org.uk

Ms C Bowe  
Chairman, Ofcom Consumer Panel  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA

7 January 2008

Dear Collette

Thank you for your letter of 18 December about the problem of broadband speeds often not meeting the theoretical maximum figures.

I note your letter to Ed Richards and his reply. The work he outlines should go a long way towards ensuring that the trading practices employed by broadband providers will operate in the consumer interest.

You have, however, written to me about giving more prominence to broadband speeds in advertising material. Not all advertising material is subject to the CAP or BCAP Codes and OFCOM's work should ensure that website content, for example, adheres to the same standards as marketing communications that are subject to our Codes.

Neither CAP nor BCAP can insist on advertisers emphasising speeds in their advertisements. We can nevertheless try to ensure that advertisements that are within our jurisdiction do not mislead consumers. In the last year or so we have done that and we shall continue to do so. As you are no doubt aware, the ASA has over the last three years adjudicated on complaints about advertisements by various broadband providers. We have tried to ensure that all advertisers in the sector understand both the implications of those adjudications and what they need to do to ensure that their advertisements do not mislead. We have undertaken monitoring, compliance and copy advice work on broadband advertisements and worked with colleagues at the BACC and the RACC to try to ensure that those responsible for pre-clearing TV commercials and radio commercials understand the potential for consumers to be misled.

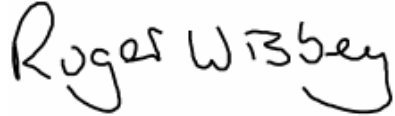
We agree that information that explains the variation of broadband speed delivery is helpful to avoid consumers misunderstanding a speed stated in

an advertisement. As broadband technology develops, the explanatory copy that is necessary in advertisements that mention broadband speeds changes and we shall continue to strive to ensure that all players in the broadband market understand what they should and should not do in their advertisements to avoid misleading consumers; that includes the prominence of the explanatory copy in relation to the stated speed.

The CAP and BCAP staff responsible for monitoring, compliance and the giving of advice know that they need to continue their vigilance in this product sector. The ASA's receipt in recent months of comparatively few complaints about broadband speed advertisements illustrates the effectiveness of their work. Your letter is a timely reminder that we should continue to focus on broadband provider advertisements. And we shall.

Thank you for writing to me.

Yours sincerely

A handwritten signature in black ink that reads "Roger Wisbey". The signature is written in a cursive, slightly informal style.

**Roger Wisbey**  
**Secretary**