



Vodafone's advertising campaign ruled unlawful

According to the GVH's (Hungarian Competition Authority) decision, Vodafone Magyarország Mobil Távközlési Zrt. (Vodafone) broadcasted comparative advertisements and engaged in unfair market behaviour in its "Network of the Most" campaign. The GVH imposed a 125 000 000 HUF (approx. 415 000 EUR) fine on Vodafone for the infringement.

The GVH concluded that the categorical statements of some advertisements in the campaign had conveyed the message to consumers that Vodafone has the best and fastest data network. Consequently, these advertisements were **comparative and unlawful**. Due to the nature of mobile internet (communication technology, network workload, environmental conditions) the speed of networks cannot be legitimately and objectively compared. Among other reasons, verifiable comparison is not possible because the National Media and Infocommunications Authority of Hungary no longer publishes mobile operators' coverage maps and other technology data (GPRS, EDGE, 3G, HSPA).

The GVH also determined that the **following sentences**

"At the fastest, longest, highest and widest places the Vodafone 3G network is available. As the only network in the country with a 97,4% coverage, the Network of the Most goes with you everywhere. Vodafone, the Network of the Most"

orally communicated in Vodafone's TV advertisements were deceptive, as consumers generally pay attention to the information emphasised at the beginning of an ad and lose some interest towards the end of an ad, thus missing (in this particular case) the information that the superlative adjectives used were in fact referring to the sights of Hungary shown in the advertisement and not to the network of Vodafone.

The measurements taken about Vodafone's network were not representative, the mobile operator did not disclose any comparative data, and of the 10 locations shown in the advertisements, Vodafone could only prove that proper 3G coverage existed in one of these locations.

The GVH based the calculation of the fine on the advertising costs of Vodafone. During the determination of the amount of the fine the GVH regarded as **aggravating factors** that the advertisements reached a broad range of consumers, and that the undertaking had previously been sentenced several times for similar infringements. It was considered as an **attenuating factor** that consumers were able to obtain more adequate and detailed information from other sources before making a decision.

Case number: Vj/77/2013.

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Hungarian Competition Authority

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