

Guidance Note

The use of 'limitless', 'unlimited' or similar, in marketing communications



Advertising
Standards
Authority



1. About this Guidance

The use of descriptors that imply ‘limitless’ use/volume/capacity such as ‘unlimited’ or similar in marketing communications.

This Guidance Note relates to the use of claims such as unlimited or limitless or words or phrases that communicate unlimited use or access to an advertised product or service.

The Guidance was created following a review of advertising claims, taking account of submissions by various stakeholders, and taking account of developments in this area.

This guidance is effective from 25th April 2024. A six-month lead in will be permitted to allow advertisers time to amend, if necessary, their advertising.

Why Comply?

Failure to comply with this guidance note, may result in a breach of the Advertising Standards Authority Code of Standards for Advertising and Marketing Communications (‘The Code’).

The Code sets out the standards for marketing communications in Ireland and advertisers are encouraged to familiarise themselves with its requirements.



2. Use of ‘Unlimited’, ‘Limitless’ or Similar

Descriptors that communicate unlimited use or access to products or services, such as ‘unlimited’, can only be used where there are no thresholds or limits applied. This requirement applies to **all** products and services advertised or promoted in a marketing communication.

This Guidance does not prohibit a company from offering a service which has a limit on usage/consumption. When there is such a limit, it should not be described as unlimited or similar.

Attention is drawn to the requirements of the Consumer Protection Act, 2007.

3. Misleading Consumers

It is a general principle of the Code that advertisers should not mislead consumers by including or omitting information. Evidence of the significance of a given factor will be considered on a case-by-case basis and we will take into account the impression created by the marketing communication, as well as any specific claims that are made. Adjudications by the independent Complaints Committee will be based on the likely effect on consumers when taken as a whole or in context, not the advertiser’s intention.

¹REGULATION (EU) 2015/2120 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (Text with EEA relevance)

4. Sector Specific Considerations

Electronic Communications providers and operators

Telecommunication providers and operators are permitted by legislation to use reasonable traffic-management measures, which must be transparent, non-discriminatory, proportionate, and not based on commercial considerations. As such, this guidance is also to be read in the context of the obligations that service providers have, in particular under, the open internet (“Open Internet Regulations”)¹

We will, where necessary and appropriate, have due regard to telecommunications operators’ obligations under legislation.

APPENDIX I

While advertisers must comply with all relevant rules of the Code of Standards for Advertising and Marketing communications, particular attention is drawn to the following requirements of the Code:

- 4.1 A marketing communication should not mislead, or be likely to mislead, by inaccuracy, ambiguity, exaggeration, omission or otherwise.
- 4.3 Claims such as “up to” and “from” should not exaggerate the value or the range of benefits likely to be achieved in practice by consumers.
- 4.4 Advertisers should not exploit the credulity, inexperience or lack of knowledge of consumers.
- 4.5 The design and presentation of marketing communications should allow them to be easily and clearly understood.
- 4.6 Disclaimers, asterisked, footnoted or “small print” information should not contradict more prominent aspects of the message. Such information should be of sufficient size and/or prominence and be located and presented in such a manner as to be clearly and easily legible and/or audible; where appropriate such information should be linked to the relevant part of the main copy.
- 4.9 A marketing communication should not contain claims – whether direct or indirect, expressed or implied – which a consumer would be likely to regard as being objectively true unless the objective truth of the claims can be substantiated.
- 4.10 Before offering a marketing communication for publication, advertisers should satisfy themselves that they will be able to provide documentary evidence to substantiate all claims that consumers are likely to regard as objective. Relevant evidence should be sent without delay if requested by the ASAI and should be adequate to support both detailed claims and the overall impression created by the marketing communication.
- 4.11 If there is a significant division of informed opinion about any claim made in a marketing communication, the claim should not be portrayed as universally accepted.
- 4.13 Marketing communications should not:
- (a) misuse, mischaracterise or misleadingly cite any technical data, e.g. research results or quotations from technical and scientific publications;

- or
- (b) use scientific terminology or vocabulary in such a way as to suggest falsely or misleadingly that an advertising claim has scientific validity.
- 4.22 If a price is stated in a marketing communication, it should relate to the product depicted or specified in the marketing communication. Care should be taken to ensure that prices and illustrated products match.
- 4.25 If the cost of accessing a message or service, or communicating with the advertiser, is greater than the standard rate, this should be made clear in any marketing communications.
- 4.26 If a marketing communication involves a claim or creates an impression that a product was previously offered at a different price or at a particular price, it should be the case that the product was in fact previously offered at the specified price openly and in good faith and for a reasonable period of time.
- 4.27 Advertisers should be in a position to meet any reasonable demand created by their advertising. If a product proves to be unavailable for any reason, or only available in insufficient quantity to meet demand, advertisers should take immediate action to ensure that any further marketing communications are amended or withdrawn.
- 4.28 Where there is limited availability of some or all of the products advertised, apart from indicating that there may be other terms and conditions which apply, advertisers should:
- (a) not exaggerate the availability of any of those products, and
- (b) be able to demonstrate that there is a reasonable supply or proportion of each of the various products available.