

AVRRA Challenges iiNet Advertisement

In late 2010 iiNet published an advertisement in the West Australian Newspaper for its new service called *fetchtv*.

fetchtv is a subscription TV and on demand movie service which is being offered by some Internet Service Providers, including iiNet.

In the advertisement, iiNet made a number of statements which effectively made a comparison between *fetchtv* and the products and services available at a video store.

The comparison made was, in AVRRA's view, misleading to consumers as the products and services offered by a video store were not accurately compared with *fetchtv*'s service and therefore the advertisement may be in breach of the Trade Practices Act 1974.

What did the advertisement say?

The advertisement consisted of the following:

1. a 'post-it note' attached to the front page of the Newspaper (Post-it); and
2. a two page spread on pages 24 and 25 of the Newspaper (Spread).

The text on the Post- it read:

- » *Cancel video store membership. iiNet's got something better.*

The text in the Spread read, amongst other things:

- » *Watch the world's latest movies without leaving the house.*
- » *No more late fees. No waiting. No pimply video store attendant smirking at you.*

Why was the advertisement potentially an infringement of the Trade Practices Act 1974?

In AVRRA's view, the advertisement omitted material that would be necessary to make an

accurate comparison between *fetchtv* and the products and services offered by a video store.

For example, a consumer would be likely to believe that fetchtv could replace the service offers by a video store. A video store on average has over 10,000 different titles on offer, something which fetchtv does not offer.

By omitting factors such as the range of titles on *fetchtv*, and by comparing *fetchtv* to video stores with statements such as "cancel your video membership", the advertisement is potentially misleading. It is a message composed to highlight the appealing aspects of *fetchtv* while omitting those factors which are less appealing, such as the title range.

The Trade Practices Act 1974 does not allow such advertisements, as they may be considered misleading to a consumer.

What did AVRRA do?

AVRRA sent a letter of demand to iiNet requesting that iiNet remove the *fetchtv* advertisement from publication and to amend any future advertisements so that they did not make the comparison complained of above. AVRRA received a favourable response from iiNet as they consequently removed the advertisement from publication and also amended the advertisement so as not to make the comparison in future advertisements.

AVRRA acts at all times to protect its members' rights. If you are aware of any other activities that may affect members or the industry, please let us know and AVRRA will endeavour to resolve the situation.

AVRRA 'WORK IN PROGRESS' REPORT

At the Board meeting on the 24th November 2010, the Board spent a considerable amount of time analyzing and discussing the issues that they believe affect our members businesses.

The points raised will form the action plan/direction of AVRRA in the coming year 2011.

Of course there may well be issues that you believe should be addressed and the Board encourages members to *"Have your Say"* Let us know what's on your mind so we can better serve your interests.

- R 18+ South Australia
- Piracy
 - a. illegal downloads
 - b. market stalls
 - c. parallel importation
- Hard Coating Blu ray discs
- Windows
 - a. Pay per view
 - b. iTunes
 - c. Foxtel
 - d. Day and Date download
- World release dates
- Mass merchants predatory pricing
- Pro rental
 - a. Marketing
 - b. Advertising
 - c. Point of Sale
- Two tier pricing
- AVRRA presence with member communications
- Competitor perception False and misleading advertising
- Exclusive titles
- Sales kit policy
- Alternate providers policy
- AVRRA facebook page

APRA Licence suspension for businesses located in flood affected areas!

The Association has received confirmation from APRA that will be writing to all stores that are located in flood affected areas within Australia advising them that there account renewal will be put on hold for the next three [3] months until 1st May 2011 while they establish whether and which businesses are operational.

Members can seek assistance by calling 1300 852 388 or via email disasterrelief@apra.com.au

APRA wishes all members well in these most difficult times.

SOUTH AUSTRALIAN R18+ FILM DISPLAY LEGISLATION: 12 Months on and still no reply from SA Government

The Association wrote to both the Premier and the Attorney General of the South Australian Government on the 2nd February 2010 detailing very clearly the two detrimental effects this legislation would have on our members in South Australia.

Apart from the customary acknowledgement reply [by office staff] nothing else has been heard from the SA Government. There was a state election held in March 2010 so one can understand reviewing this legislation was not paramount on the Government agenda but 12 months and still nothing! That's not acceptable.

The Association has started the new year by again writing to the Premier and the Attorney General seeking information, on behalf of our members, as to the current position on the legislation and the concerns we put forward in our letter 12 months ago.

Let's hope this action results in some answers and we hopefully do not have to wait another 12 months.

AVRRA is going through some changes..

As of the 1st of January 2011
the AVRRA office telephone
number has changed to

02 8920 2991

As of the 1st of January 2011
the AVRRA mailing address has
changed to

**P.O. Box 7074
McMahons Point 2060
Sydney NSW**

Industrial Relations Contact Numbers

One of the most time consuming tasks of any business these days is ensuring wages and conditions for all staff are correct. For the convenience of members we have produced a list of contact details for all the Industrial Relations Departments (Australia)

New South Wales

131 628
www.dir.nsw.gov.au

Victoria

03 9651 5560 or 1800 287 287
www.ir.vic.gov.au

Western Australia

1300 655 266
www.docep.wa.gov.au

Queensland

1300 369 945 within state or
1800 177 717 elsewhere
www.dir.qld.gov.au

South Australia

08 8303 0400
www.industrialcourt.sa.gov.au

Tasmania

03 6233 7657
www.wst.tas.gov.au - *general info*
awards conditions
www.pat.tas.gov.au - *award rates*

ACT and NT

1300 363 264
www.wagenet.gov.au
note this web address also has links
to each state site.

ASSOCIATE MEMBERS



Ovation

collectyourdebt.com.au
collectyourdebt.com.au



eCollect.com.au



Duke



Gryphon
Entertainment



Anchor Bay
Entertainment



Eagle
Entertainment



Pied Piper
Promotions



National Default
Registry



Eco Disc



Lomis
International



Entertainment
Recoveries



APRA|AMCOS
APRA



All Interactive
Entertainment



MSS Retail
Solutions



Rocket Software
(Customsoft)



Peacock Films



MADMAN
Madman