

I'm emailing you as I note that some MSPs on the Committee raised broadband speed claims in advertising on 7 February when you were taking evidence from Ofcom Scotland.

I would like to draw your attention to major change we announced in November last year to the way broadband speed claims can be advertised which will apply to residential broadband services. The new guidance comes into force on 23 May 2018 to give advertisers time to comply.

From May, numerical speed claims in broadband ads should be based on the download speed available to at least 50% of customers at peak time and described in ads as "average". This marks a change from the current position that advertised "up to" speeds should be available to at least 10% of customers. We also recommend that speed-checking facilities, for example those provided on internet service providers' (ISPs') websites, should be promoted in ads wherever possible.

The change follows research into consumers' understanding of broadband speed claims. The research showed that consumers are likely to be materially misled by the advertising of speed claims that follow the current guidance.

We then carried out a full public consultation which strongly indicated that a change to the current standards was supported by evidence and all key stakeholders. We consulted on the following options for the recommended basis for advertised speed claims:

- median download speed measured at peak-time or over 24 hours; or
- a range of download speeds available to the 20th to 80th percentile of users measured at peak time or over 24 hours.

We received a wide range of responses, from major ISPs, a trade body representing over 200 ISPs, consumer groups, think tanks and Ofcom. Respondents unanimously supported change, with most arguing for median speeds measured at peak time, to be described as "average" or similar in ads, as the recommended basis for speed claims. Most respondents also favoured a single figure over a range and a peak-time measure over a 24-hour measure.

We considered that median peak-time download speed is the most meaningful speed measure to customers because:

- Consumers may interpret a range as the speed they are likely to get individually, as opposed to the range that consumers generally are likely to get, and a range doesn't tell consumers where in the range they fall, if at all. A median speed, described as "average", is easily understood and allows for consumers to make comparisons between different ads that they see.
- As peak time is when traffic volumes are highest and traffic management policies are most likely to apply, a peak-time measure provides a better indication of the actual speeds consumers are likely to experience. We thought that a 24-hour measurement has the potential to mislead consumers by not providing an indication of the speed they are likely to receive at the time when people use the internet the most.

There are a lot of factors that affect the broadband speed a customer is going to get in their own home - from technology to geography, to how a household uses broadband. While we know these factors mean some people will get significantly slower speeds than others, when it comes to broadband ads, our new standards will give consumers a better understanding of

the broadband speeds offered by different providers when deciding to switch providers. We continually review our standards to make sure they reflect consumers' experiences, the technology available and the evidence base to make sure our standards are in the right place. Following extensive research and consultation, we hope our new standards will improve customer confidence in future ads.

The new guidance is available [here](#) and the current guidance is available [here](#).

I would be grateful if you could draw this information to the the attention of Committee members.

Please do let me know if you would like further information on our work on regulating broadband advertising.

Best wishes
Shabnum

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