



GAZDASÁGI
VERSENYHIVATAL

Maximum fine for misleading dating service ads

The GVH imposed the highest possible fine amounting to 10% of the net turnover achieved in one business year on Digitania Kommunikációs Zrt. The undertaking deceived consumers by advertising its dating service called “SMS magic”. Digitania was fined HUF 63,99 million (approx. EUR 256 thousand).

In June 2006 Digitania, which is in the possession of the Norwegian undertaking Telenor and which main profile is content provision, started to advertise its SMS dating service called “SMS magic” in different newspapers. In the ads the pictures of several women are published generally, with a few sentences next to the picture introducing the woman (“non-independent woman living in the country is looking for a discreet friend”, “kindergarten teacher from the countryside is looking for a reliable partner, does not want any more disappointment”). Besides, the provider informs consumers how to answer the advertisements via SMS and how much they have to pay for a message (HUF 240+VAT).

The investigation of the GVH revealed that in some cases the pictures of the women appearing in the ads were false, many times the pictures were made by commercial agencies. The introduction of the women was not always true either; the provider changed the text several times, in the scope of its creative campaign. Digitania did not provide the possibility to its customers to contact the woman seen in the picture or to get to make the acquaintance of the women referred to in the introductory text in all of the cases, as the pictures were illustrations and the texts were commercial messages of the provider actually.

The GVH established that the operation of the service was strongly manipulated by the provider. The undertaking could not prove that the women in question agreed to publish another picture in the ads instead of their own in deed. Nevertheless, proving this would not have changed the fact that both the introductory texts and the pictures were false, thus Digitania deceived consumers.

The ads of Digitania reached a significant number of consumers and were available for a long time, in addition to this the whole business policy of the dating service “SMS magic” was based on the unlawful practice, therefore the GVH imposed the highest possible fine on Digitania. The undertaking has to pay 10% of its net turnover achieved, according to the audited balance sheet, in the last business year, namely HUF 63,99 million.

Case number: Vj-153/2007.

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Hungarian Competition Authority
Communication Group

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