

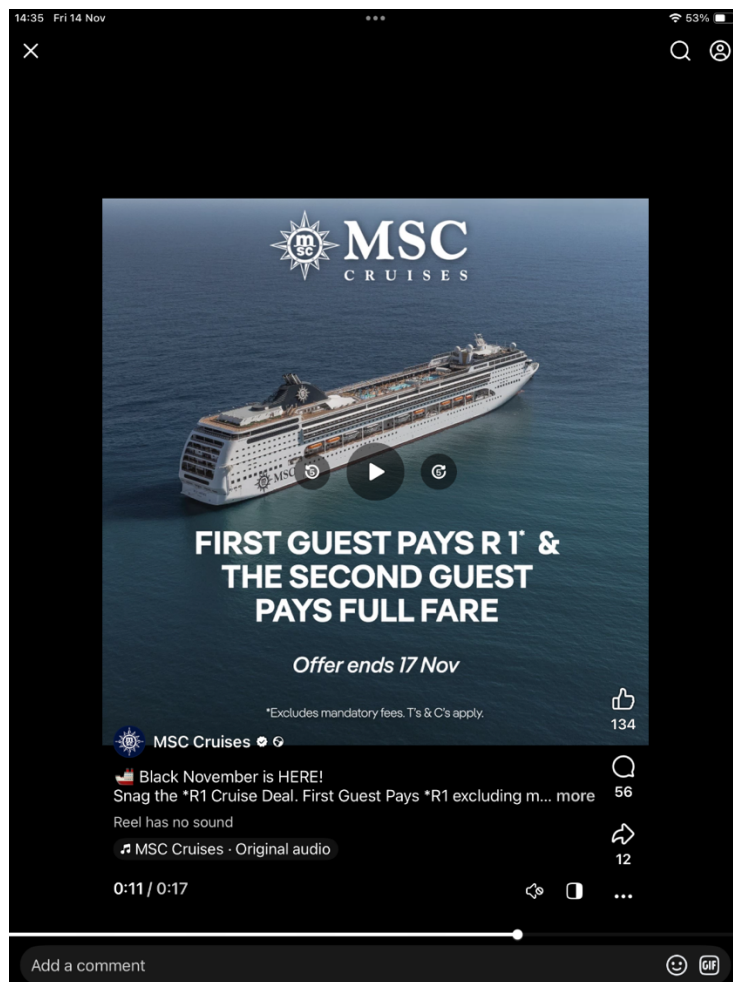
Decision of the ADVERTISING REGULATORY BOARD

Advertiser	MSC Cruises S.A.
Consumer	Mr Wayne Petersen
File reference	4366 - MSC Cruises - Mr Wayne Petersen
Outcome	Upheld
Date	7 January 2026

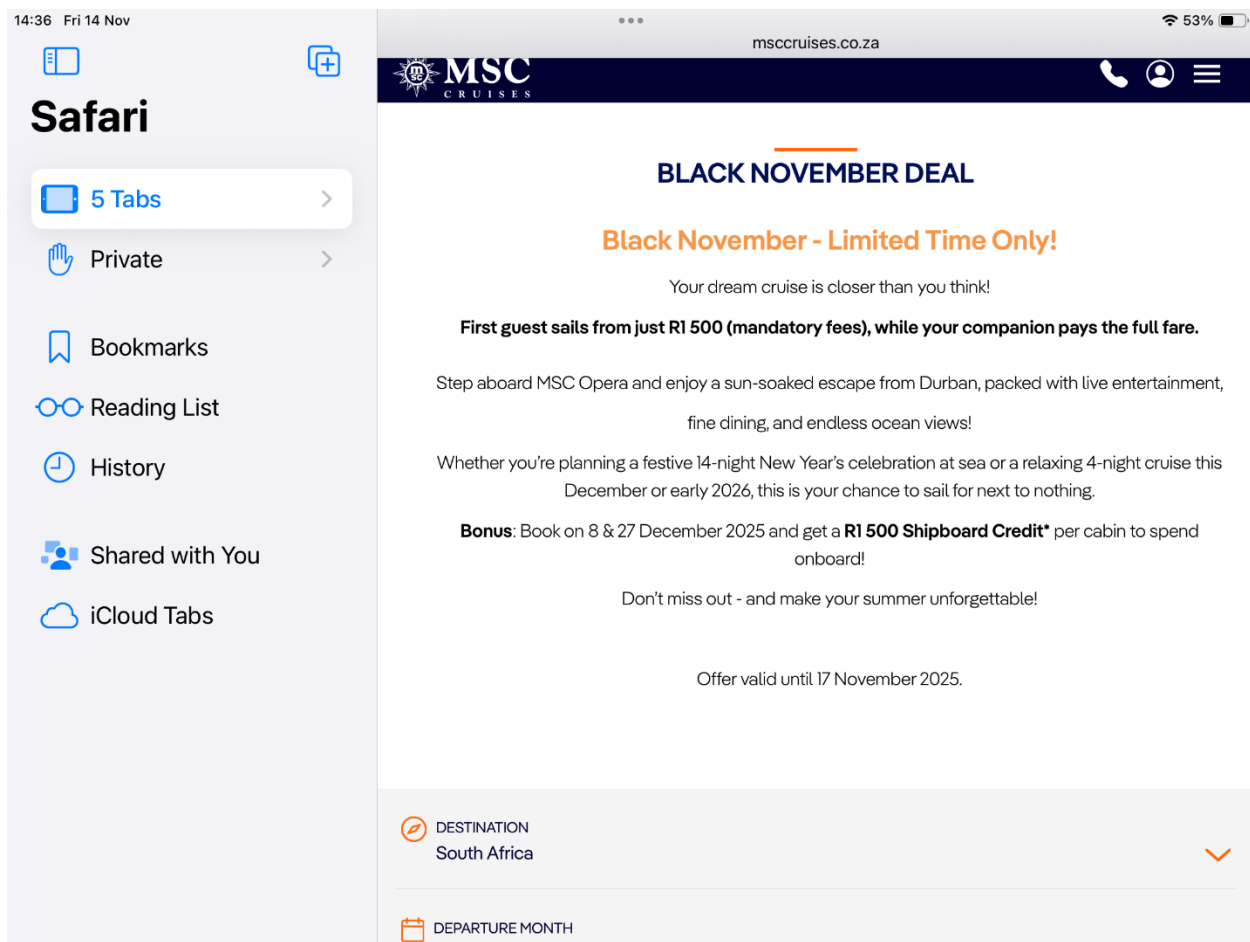
The Directorate of the Advertising Regulatory Board has been called upon to consider a consumer complaint against MSC Cruises S.A. (the “Advertiser”), in respect of a Black November promotional advertisement posted on Facebook and on its website.

Description of the advertising

The Complainant relates to the Black Friday promotional offer depicted in the screenshot below (“the Advertisement”). The Advertisement was placed on Facebook and on the Advertiser’s website.



The promotion was positioned as a limited-time opportunity to enjoy a cruise from Durban aboard the MSC Opera, with options ranging from short 2-night trips to festive 14-night voyages. The promotional offer is, in particular, that the first guest will pay R1 for the cruise, with disclaimers noting that mandatory fees apply and terms and conditions are available *via* linked pages. A screenshot from the Advertiser's website, providing more detail, is reproduced below:



On the Advertiser's booking interface, the following pricing options are depicted:

- "From R1 910 p.p.*" for various cabin types (Interior, Ocean View, Balcony)
- "From R4 838 p.p.*" for longer cruises with onboard credit
- Total prices for two guests ranging from R7 019 to R49 676, depending on the selected cruise and cabin.

Screenshots of the booking interface, as annexed to the Complaint, are reproduced below:

14:37 Fri 14 Nov mscrcruises.co.za

DESTINATION South Africa DEPARTURE MONTH 16 Nov '25 - 16 Oct '28 DEPARTURE PORTS Durban More Filters Search

Results found: 4

Sort by: Soonest to Latest

South Africa, 14 Nights
MSC Opera
Leaving from: Durban
Disembarkation port: Durban

R1500 ONBOARD CREDIT

Available date
27 Dec '25

See full itinerary

Cruise from
R 4 838 p.p.*
Port taxes and hotel service charges included (R 4838)

See detail

*Price is per adult and inclusive of port taxes and hotel service charges
CABIN TYPE: INTERIOR

South Africa, 2 Nights
MSC Opera
Leaving from: Durban
Disembarkation port: Durban

Available date
10 Jan '26

See full itinerary

Cruise from
R 1 909 p.p.*
Port taxes and hotel service charges included (R 1909)

See detail

*Price is per adult and inclusive of port taxes and hotel service charges
CABIN TYPE: INTERIOR

14:37 Fri 14 Nov mscrcruises.co.za

1. PRICING 2. CABIN 3. EXPERIENCE 4. PASSENGER DETAILS 5. ADDITIONAL SERVICES 6. CHECKOUT

Select your offer

Cabin 2 Adults Add MSC Voyagers Club number Reduced mobility Mobility/Ad gl

BLACK NOVEMBER
From **R 4 838 p.p.***
Selected ✓

This offer includes
Shipboard credit 1500 zar

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14:37 Fri 14 Nov mscrcruises.co.za

1. PRICING 2. CABIN 3. EXPERIENCE 4. PASSENGER DETAILS 5. ADDITIONAL SERVICES 6. CHECKOUT

Select your offer

Cabin 2 Adults Add MSC Voyagers Club number Reduced mobility Mobility/Ad gl

BLACK NOVEMBER
From **R 1 909 p.p.***
Select

R1 BLACK NOVEMBER DEAL
From **R 1 910 p.p.***
Select

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Summary Total price: **R 49 676** BACK NEXT

Summary BACK NEXT

Complaint

The Complainant submits that when selecting the Black November offer and adding a second guest, the total price displayed is significantly higher than expected, in some cases exceeding the standard fare for two guests. For instance, the Complainant submits, where the advertised *per-person* price is R4 838, the total shown is R49 676 and where the price is R1 910 *per person*, the total is actually R7 019 for two guests.

The Complainant contends that this pricing structure is misleading and inconsistent with the promotional claims and that the Advertiser has engaged in similar conduct previously.

Response

The Advertiser notes that it is not a member of the ARB and does not submit to the ARB's jurisdiction; its response is provided without prejudice.

The Advertiser confirms that the promotional material referenced by the Complainant formed part of its "*Black November*" campaign, which ran in South Africa from 5 to 17 November 2025.

The Advertiser explains that the promotion allowed the first guest to pay R1, excluding mandatory fees, while the second guest paid the full fare plus mandatory fees. Mandatory fees comprise port charges and hotel service charges, which apply to all passengers and cannot be discounted or altered for promotional purposes. MSC states that these fees vary depending on the length and itinerary of the cruise.

In relation to the Complainant's two examples, MSC provides a breakdown of the pricing:

- for the 14-night cruise priced "from R4 838 p.p.", the first passenger paid only mandatory fees (R4 838), while the second passenger paid the full cruise fare (R40 000) plus mandatory fees (R4 838), resulting in a total of R49 676 for two passengers;
- For the 2-night themed cruise priced "from R1 910 p.p.", the first passenger paid R1 plus mandatory fees and a third-party entertainment fee (totalling R1 910), while the second passenger paid the full fare plus the same mandatory and entertainment fees (totalling R5 109), resulting in a total of R7 019.

MSC submits that these amounts align with the advertised offer and the applicable terms and conditions. It emphasised that all charges are displayed transparently in the booking summary before a customer proceeds to payment and that variations in cruise fares arise either from promotional discounts or from MSC's dynamic pricing model.

MSC denies that the advertisement was misleading or that any pricing irregularity occurred.

Application of the Code of Advertising Practice

The following clauses were considered in this matter:

- Clause 4.2.1 of Section II – Misleading claims
- Clause 19 of Section II – Pricing policy

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

Jurisdiction

The Advertiser submitted that it was not a member of the ARB, and that it did not submit to the jurisdiction of the ARB.

For the purpose of clarity, the Directorate notes that Clause 3.3 of the Memorandum of Incorporation of the ARB states:

“3.3 The Company has no jurisdiction over any person or entity who is not a member and may not, in the absence of a submission to its jurisdiction, require non-members to participate in its processes, issue any instruction, order or ruling against the non-member or sanction it. However, the Company may consider and issue a ruling to its members (which is not binding on non-members) regarding any advertisement regardless of by whom it is published to determine, on behalf of its members, whether its members should accept any advertisement before it is published or should withdraw any advertisement if it has been published.”

This position has been confirmed by the Supreme Court of Appeal, in a judgment against which leave to appeal to the Constitutional Court was refused.

The ARB will therefore proceed to consider this matter for the guidance of its members.

Merits

The Directorate notes that the Black November promotion complained of has since concluded. However, the Complainant alleges that the pricing structure at issue is not an isolated occurrence and that similar discrepancies have arisen in previous promotions by the Advertiser. In these circumstances, and given the potential for recurrence, the Directorate considers it appropriate and helpful to issue a ruling.

Clause 4.2.1 prohibits advertising that is misleading in any way, whether by implication, omission, ambiguity, or exaggeration, while Clause 19 requires that quoted prices must not misrepresent the actual price payable and must clearly indicate any conditions or additional charges that materially affect the final price.

The Directorate accepts that mandatory fees apply to all MSC cruises and that these fees vary depending on itinerary and duration. The Advertiser has also provided a detailed breakdown of how the total amounts in the Complainant's examples were calculated. However, the question is not whether the totals can be mathematically justified after the fact, but whether the Advertisement, as presented to consumers, creates a misleading impression about the nature of the prices quoted.

Across the promotional material, the Advertiser prominently advertises:

- “First guest pays R1* & the second guest pays full fare”, and
- “First guest sails from just R1 500 (mandatory fees), while your companion pays the full fare”.

On the booking interface, the cruises are then displayed as:

- “From R4 838 p.p.*”, and
- “From R1 910 p.p.*”.

These “from” prices appear in the same position and format typically used to indicate the standard per-person fare for a cruise. Nothing in the immediate presentation signals that these amounts are not the ordinary fare, but rather the discounted “R1” promotional fare applicable only to the first passenger.

The effect is that the “from R4 838” and “from R1 910” prices appear to represent the full, undiscounted per-person price, when in fact they represent the heavily discounted promotional price for the first guest only. The actual full fare for the second passenger (e.g. R40 000 in the 14-night example) is not visible at the point where the consumer is forming their initial price expectation.

This presentation is likely to create the impression that:

- the base price of the cruise is R4 838 or R1 910 per person; and
- the “R1” or “R1 500” special is a reduction from those amounts.

In reality, the R4 838 and R1 910 figures are not the original or standard fares; they are the discounted promotional fares applicable only to the first passenger. The full fare for the second passenger is substantially higher, but this only becomes apparent later in the booking flow.

This disconnect between the impression created by the advertised “from” price and the actual pricing structure is material and likely to mislead an ordinary consumer, in contravention of Clause 4.2.1.

Further, Clause 19 requires that pricing must not misrepresent the price payable and must clearly disclose any conditions that materially affect the final amount. While the mandatory fees are disclosed, the presentation of the “from” price as if it were the standard fare, when it is in fact the discounted promotional fare, obscures the true pricing structure and does not meet the clarity required by Clause 19.

Accordingly, the Directorate finds that the advertising is misleading and misrepresents the actual price payable and, therefore, contravenes Clauses 4.2.1 and 19 of Section II of the Code.

Instruction to members

Although the Black November promotion has concluded, the Directorate has found that the pricing representations used in the campaign were misleading. To prevent recurrence of the same misleading impression in future promotional material, ARB members are instructed not to accept or publish any MSC Cruises advertising that presents promotional “from” prices in a manner that may misrepresent the standard fare or obscure the actual pricing structure, as set out in this ruling.