



REPORT OF THE ADJUDICATOR

WASPA Member (SP): WORLDPLAY

Service Type: SUBSCRIPTION SERVICE

Source of Complaints: WASPA MEMBER

Complaint Number: 0190

Complaint

The Complainant in this matter is Exactmobile (“the Complainant”) and the Service Provider is WorldPlay (“the SP”). Both the Complainant and the SP are members of WASPA.

The Complainant filed a complaint on 23 February 2006 alleging that a television advertisement flighted by E-TV on behalf of the SP during the weekend of 18-19 February 2006 (“the advertisement”) breached sections 2.2.2 of the WASPA Advertising Guidelines which bind WASPA members in terms of section 6.1.1 of the WASPA Code of Conduct (“the Code”). Specifically, the Complainant alleged that the advertisement (which offered subscription to a wallpaper picture service) did not display pricing for the subscription service for the duration of the advertisement and displayed the terms and conditions of the service for the minimum required period.

SP Response

The SP submitted its response to WASPA on 14 March 2006 in which it stated that the advertisement had been compiled long before the WASPA code of conduct had come into existence and had, by the time of the response, already been replaced by a new advertisement which the SP stated complied with the WASPA code of conduct and advertising guidelines in all respects. Furthermore, the SP stated that the advertisement would not be broadcast again.

Decision

Having viewed the advertisement, it is apparent that the price for the service and terms and conditions that apply are only displayed for approximately four seconds at the end of the advertisement. Section 2.2.1 of the WASPA Advertising Guidelines require pricing for a subscription service to be displayed for the duration of a television advertisement and any terms and conditions to be displayed for a minimum of ten seconds.

The advertisement does not comply with the provisions of the Code and the complaint is accordingly upheld.

Sanctions

The SP's response that the advertisement has been replaced and will not be broadcast again has been noted. The SP's response that it has over fifteen adverts in circulation has also been noted, however the SP had received prior notification from WASPA on 24 January 2006 of an identical type of complaint that had been laid against it (under complaint number 142) and should therefore have checked all of its advertisements for compliance with the Code of Conduct and Advertising Guidelines before the advertisement in question was broadcast during the weekend of 18-19 February 2006. The SP is fined in the amount of R20 000; R12 000 of which is suspended for twelve months from the date of this Adjudication provided that the SP does not breach any of the provisions of the Advertising Guidelines in that period. The amount of R8000 must be paid to WASPA within 5 days of notification of this decision.