



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	Buongiorno UK! Vodacom
Telephone Network(s)	MTN Cell C
Information Provider (IP) (if applicable)	
Service Type	Ring tone / Wallpaper download
Source of Complaints	Competitor
Complaint Number	#0010

Complaint

A complaint was received from a competitor of the SP, concerning an advertisement placed by the SP in You Magazine 8 September 2005, under the brand name "Dirty Hippo". The Complaint in particular concerns the pricing information provided in respect of the service as "2 x SMS per Wallpaper or Poly download (R3/SMS)" with the phrase "(R3/SMS)" in a larger font than the balance of the pricing information.

The complaint is a substantial repetition of the complaint #0003 against the same SP in respect of a substantially similar advertisement in a different publication.

Investigation

The Secretariat received a response from the SP, indicating:

The SP has received complaints concerning misleading price information in its advertising, prior to the coming into effect of the WASPA Code of Conduct. It indicated it had taken steps to remedy these complaints by referring to the number of SMSs required for a content download and the cost per SMS rather than a total cost per content download.

The SP indicates it "overlooked" the requirements of the WASPA Code of Conduct and that it has now taken steps to remedy this omission on its part and tendered its apology.

The SP indicates that it displayed the cost per communication and the number of communications required. The SP does not deal with the question of the significant difference in font size between the cost per SMS and the indication that two

communications are required. It also gave no indication that the pricing information was sufficiently clear so as to prevent confusion.

Decision

The Adjudicator upheld the Complaint.

As a sanction was imposed in respect of Complaint #0003 concerning substantially the same breach of the WASPA Code of Conduct, no additional sanction was imposed.