



REPORT OF THE ADJUDICATOR

WASPA Member (SP): iTOUCH
Service Type: CONTENT REQUEST
Source of Complaints: WASPA MEMBER
Complaint Number: 0189

Complaint

The Complainant in this matter is Exactmobile (“the Complainant”) and the Service Provider is iTOUCH (“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 broadcast 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 personalised operator logos) did not display pricing for service in the minimum required font size.

SP Response

The SP submitted its response to WASPA on 23 March 2006 in which it admitted that the font size was smaller than is required by the Advertising Guidelines and explained that the advertisement had been broadcast in error, having been developed prior to the latest Advertising Guidelines being published.

Decision

Based on the admission of the SP, the complaint is upheld.

Sanctions

The SP is fined in the amount of R10 000; R5 000 of which is suspended provided the SP does not breach the provisions of the Advertising Guidelines for twelve months from the date of this adjudication. The amount of R5000 must be paid to WASPA within 5 days of notification of this decision.