



REPORT OF THE ADJUDICATOR

WASPA Member (SP): Cellfind
Information Provider (IP): Lucky Mobile / Fresh Mobile
Service Type: Content
Source of Complaints: WASPA Member
Complaint Number: 0191

Complaint

The complainant stated that a television advertisement for Fresh Mobile broadcast on ETV over the weekend of 18 & 19 February 2006 breached the WASPA Code of Conduct in that the access cost was displayed in a colour scheme that made it difficult to read. In particular, the complainant alleged that the white pricing with a light green border was impossible to read and was, furthermore, not displayed in the minimum required sized font.

SP Response

The SP responded that it takes care to ensure that its advertisements comply fully with the WASPA Advertising Rules. The SP stated that:

1. The access cost had deliberately been placed in a white font on a dark background which specifically made it easy to see and read the pricing.
2. The pricing information was contained in a box in the top right hand corner of the screen with the other mandatory information required.
3. The pricing information was displayed for the prescribed duration of the advertisement.
4. The pricing was in the required 18 point sized font.

Decision

On the evidence before me, I am unable to determine the font size of the pricing information displayed in the advertisement. However, having viewed a copy of the advertisement in question, I do not regard the pricing information for the premium rated service as being "easily and clearly visible" as required by section 6.2.5 of the Code. This is attributable to the colour scheme used in the advertisement, i.e. the white text pricing information displayed on a lime green background. Section 2.2.2 of

the Advertising Rules provides that the access cost must not be part of a colour scheme that may obscure easy reading of the complete details of the access cost.

The requirements in section 6.2.5 of the Code and in section 2.2.2 of the Advertising Rules that pricing information must be “easily” visible means that it must be capable of being read by a consumer with little or no effort. This is not the case in the advertisement in question.

The complaint of a breach of section 6.2.5 of the Code and of section 2.2.2 of the Advertising Rules is upheld.

Sanctions

The SP is directed not to flight this advertisement again in future without making changes to the colour scheme used therein such that the pricing information is easily visible.

The SP is fined in the amount of R20 000, R14 000 of which is suspended for twelve months from the date of this Adjudication provided that the SP does not breach the provisions of section 6.2.5 of the Code or section 2.2.2 of the Advertising Rules again in that period. The amount of R6 000 is to be paid to WASPA within five (5) working days of notification of this sanction.
