



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	iTouch
Information Provider (IP) (if any)	N/A
Service Type	Website advertisement
Source of Complaints	Public
Complaint Number	#1325
Date received	15 May 2005
Code of Conduct version	4.92

Complaint

This Complaint revolves around an alleged failure of the SP in two instances to show the cost of access when displaying a shortcode on one of its websites.

A screenshot of the webpage was provided.

SP Response

The SP acknowledged that the banners on the website did not include access code pricing.

"This was due to the fact that the banners were created the beginning of March 2007 and were meant to be used as a back up banner for the 3rd party advertisers. Unfortunately the banner didn't have the price band on it and this was an honest oversight. Although this oversight did take place, we consider 35050 to be a well known brand that would never intentionally mislead customers, and that a customer's expectation would be that competitions of this nature would be in the R5 price range.

In many cases on the site - it does stipulate that all SMS messages to 35050 are billed at R5, and in cases where the item price is higher, that the balance is billed via multipart billing. The exact wording is as follows:

Click on Buy or SMS the Code to 35050.

(SMS to 35050 - R5 Additional content costs billed thereafter via multipart billing)

The SP indicated further that the website was now compliant in respect of cost of access display.”

Section of the Code considered

The following section of version 4.92 of the WASPA Code of Conduct was considered:

“6.2.5. The price for a premium rated service must be easily and clearly visible in all advertisements. The price must appear with all instances of the premium number display.”

Decision

There is a breach of the code, albeit of a technical nature, which has been admitted by the SP. On consideration of the matter the Adjudicator accepts the version of the SP and finds that there is little to no likelihood of prejudice to consumers or potential users of the service. The fact that the access cost is properly displayed in other instances on the website supports the SP’s assertion that this was an “honest oversight” and there is no evidence whatsoever indicating any intention to mislead users of the website.

While the SP is urged to bear in mind the high standards required of leading members of the industry it is the decision of the Adjudicator to uphold the Complaint insofar as there has been a breach of section 6.25 of the WASPA Code of Conduct but to impose no sanction.