Wireless Application Service Provider Association

REPORT OF THE ADJUDICATOR

WASPA Member (SP)	iTouch
Information Provider (IP) (if any)	s/a
Service Type	Subscription service
Source of Complaints	Leon Whittle
Complaint Number	1975
Date received	14 August 2007
Code of Conduct version	5.3

Complaint

The complainant lodged a complaint via the WASPA website on 14 August 2007. The complainant claims that a television advertisement on 14 August 2007 attempts to automatically subscribe consumers to a subscription service while advertising a single content item (i.e. bundling).

SP Response

The SP has responded that it used the standard club television template as per the Advertising Rules. In particular the advert clearly showed that the product offering is part of a R5/5 days subscription service. Furthermore an additional value add club benefit of 'unlimited downloads', although not mentioned in the voice over script, is clearly reflected beneath the call to action (Doll to 36060) at the end of the commercial.

Sections of the Code considered

Section 11 of the Code and Rule 2 of the Advertising Rules.

Decision

The SP has made a declaration in its response, in good faith, that the television advertisement in question clearly displayed that the content item used in the advert was but one of the offerings available in respect of the advertised subscription

service. The SP also declared that it used the standard template contained in the Advertising Rules.

There is no evidence before me which I can rely on to reject the SP's declaration and the complaint is therefore dismissed.