



## REPORT OF THE ADJUDICATOR

<b>WASPA Member (SP)</b>	Sybase 365
<b>Information Provider (IP)</b> (if any)	AMV
<b>Service Type</b>	Subscription service
<b>Source of Complaints</b>	Anonymous
<b>Complaint Number</b>	2470
<b>Date received</b>	3 November 2007
<b>Code of Conduct version</b>	5.3

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### Complaint

An anonymous complaint relating to an advert appearing in the November, 2 issue of People Magazine was lodged via the WASPA website on 3 November 2007. The complainant alleges that the advert does not display the pricing and frequency of charges for the service alongside the advertised short code as per the requirements of the Code read together with the Advertising Rules.

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### SP Response

The SP's response is its standard response to WASPA complaints. However, a substantive response has been submitted by the IP dated 13 November 2007. In its response, the IP has admitted that the advert contravenes the Code by failing to print the pricing and frequency of charges next to the short code and by failing to refer to the service as a subscription service in the main body of the advert.

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### Sections of the Code considered

*6. Advertising and pricing*

*6.1.1. In addition to the provisions listed below all members are bound by the WASPA Advertising Rules, published as a separate document.*

*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.*

**WASPA ADVERTISING RULES 1.6 FINAL – Section 5: Magazines**

**1.2 COST & T&C INFORMATION DISPLAY RULES**

*For each unique access number, the full cost of the access must be displayed immediately access number or content access code in a manner that is easily visible and readable.*

*The pricing and T&C text must not be placed within the ad or formatted in a manner where it may be obscured by other information that may be displayed as part of the ad. All access cost and T&C information must be placed horizontally.*

**1.2.2.2 Position Of Cost Text:**

*For each unique access number, the full and final cost of the access must be displayed immediately below, or above, or adjacent to the unique access number or Content access code in a non-serif font, even if there is a uniform cost of access displayed throughout the magazine and/or a series of pages allocated to one advertiser.*

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**Decision**

The SP has failed to display the full and final cost of the access immediately below, or above, or adjacent to the advertised short code. It has therefore contravened the Code and Advertising Rules.

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**Sanction**

The disclosure and proper placement of pricing information in advertisements relating to subscription services is emphasized throughout the Code and Advertising Rules. Failure to list such information cannot be condoned despite the SP's statement in mitigation.

I have noted that the IP has already:

- a) Disabled the short code and taken steps to ensure that no new subscribers are signed up.
- b) Disabled all active users
- c) Undertaken to issue refunds to any disgruntled users.

In addition, the SP is fined R2 500.