



REPORT OF THE ADJUDICATOR

WASPA Member (SP) Marketel

Information Provider (IP)
(if any)

Service Type Advertising

Source of Complaints WASPA Monitor

Complaint Number #2730

Date received 22 November 2007

Code of Conduct version 5.3

Complaint

The WASPA Monitor noted a potential breach of the Code of Conduct and/or Advertising Rules where a television commercial flighted on 20 November 2007 did not have a customer care or support number available.

SP Response

The SP admitted the breach and its Response focused on the remedial measures being implemented:

“The adverts in question, although compliant in all aspects of the Advertising Rules of the Code of Conduct, are indeed in contravention of the Advertising Rules of the Code of Conduct with regards to Advertising Rules clause 2.3.6 Contact details within T&C.

We have addressed the matter with the client(information provider), who assures us total effort and best endeavor to adherence to the code. The service currently runs 12 different advertising versions through various television mediums and the advertising is currently being altered for complete compliance.

A valid website, customer service number and SMS based help system are being introduced to both the service and the advertising material and will be ready from production by Monday the 10th.

Client has committed to refunding and compensating any complainants on the service and has provided Marketel with new advertising schedules highlighting the schedules and changes on the advertising material.

Further Marketel apologizes for the lapse in monitoring the previously flighted advertising material and has placed procedures in place to ensure a non-repeat of the incident.”

Sections of the Code considered

The following section of the WASPA Advertising Rules was considered:

2.3.6 CONTACT DETAILS: Provide web site address AND helpline number /shortcode // Contact details must be displayed as part of the T&C details.

- Advertisers must include a helpline number or a working web site address that has direct applicability and linkage to the advertiser

Decision

The version of the SP is confirmed and the Adjudicator finds that there have been breaches of section 2.3.6 of the WASPA Advertising Rules.

In determining an appropriate sanction the Adjudicator has taken into account:

- The frank and painless admission of the breaches by the SP
- The full apology by the SP and the undertaking by the IP to provide compensation (even though this is unlikely to be necessary)
- The evident seriousness with which the SP has viewed the Complaint and the remedial steps taken.
- The previous, relatively clean record of the SP

The SP is issued with a fine of R5 000, payment of which is suspended for a period of six months subject to the SP not being found to be in breach of the Advertising

Rules in this time. For the avoidance of doubt this sanction will only apply in respect of advertising flighted by the IP cited in this matter after 10 December 2007.

The SP is further ordered to reveal the name of the IP to the Secretariat when requested.