

WASPA Member (SP)	Glomobi
Information Provider (IP)	N/A
Service Type	Misleading Costs
Source of Complaint	WASPA Monitor
Complaint Number	#3048
Code of Conduct Version	5.7
Date of Adjudication	18/02/2008

Complaint

The Complainant lodged the following complaint:

“The attached commercial does not display the full access cost of purchasing content from this provider. It is misleading and the viewer does not know how to read "R4-00 4 x weekly". The full access cost should be displayed.”

SP Response

The SP responded by providing the following:

“Please note that this is not a club subscription which is billed weekly. Four content items are delivered per week – billing is done per message. Glomobi’s use of R4 4X per week, provides perfect clarity on billing. In the event that the user subscribes and then un-subscribes after the first content delivery this user will be billed R4, thus displaying the access cost as requested by the complainant would be deceptive.”

Sections of the Code considered

The following section of version 5.7 of the Code of Conduct were considered:

6.2.4. Pricing contained in an advertisement must not be misleading. If multiple communications are required to obtain content, then the advertised price must

include the cost for all communications required for that transaction. A clear indication must always be given that more premium messages are required.

Section of the Advertising Rules considered

1.2.1 Full access cost

Decision

In adjudicating a matter the Adjudicator has to rely on the information submitted and hence presented to him/her. In this instance the Adjudicator was presented with a movie clip from where the assumption was drawn that certain irregularities with regards to the costs occurred. The Complainant iterated that these costs were misleading due to the fact that it lacked clarity due to the absence of the full cost being displayed.

After reviewing the clip and having taken into consideration that the advertisement, apart from the terms and conditions displayed at the bottom, also revealed the cost in the top right hand corner, the Adjudicator is of the opinion that there is no indication of any malignant practices on behalf of the SP. Although this method of billing might be set apart from others, the response given by the SP makes perfect sense having read the terms and conditions together with the top right hand corner display of costs. However, should a consumer only read the terms and conditions, the cost structure might appear to be misleading.

The complaint is therefore partially upheld.

The SP is instructed to amend its terms and conditions so as to read R4 per sms 4 X weekly to make it correlate with what is described in the top right hand corner.
