

WASPA Member (SP)	Buongiorno UK Limited
Information Provider (IP)	N/A
Service Type	Failing a specific request
Source of Complaint	WASPA Monitor
Complaint Number	#3630
Advertising Rules Version	1.6
Date of Adjudication	14/07/2008

Complaint

The WASPA Monitor initiated the following complaint:

“30123 - Loading - Buongiorno UK Limited

The T&C's of this commercial are too small”

SP Response

In its response the SP indicated that when airing the disputed advertisement it was according to the WASPA regulations at the time. It then further responded by sending various advertisements that were according to the new regulations.

Sections of the Advertising Rules considered

1.2.3. T&C Display Rules

Decision

In adjudicating a matter the Adjudicator has to rely on the information presented to him / her.

In this particular instance it would seem that the Complainant does not necessarily doubt whether the correct procedures are currently followed with new

advertisements being screened by the SP, but rather with the screening of existing / earlier advertisements, and specifically the advertisement in question.

After various requests by the WASPA Secretariat, the SP did provide compliance through the presentation of its new advertisements, but it failed however to indicate whether the advertisement in question has been altered to indicate new compliance.

It would therefore be impossible to assess whether the advertisement in question is compliant or not.

The Adjudicator therefore finds the SP in breach of fulfilling the request and orders the SP as follow:

- The SP has to indicate to the WASPA Secretariat whether they are planning to use the **same** advertisement within five (5) days of notification hereof;
- If so, provide the WASPA Secretariat within five (5) days of notification hereof with a copy of such advertisement, indicating the changes affected in order to comply with the required T&C font sizes as stated in clause 1.2.3 of the WASPA Advertising Rules.

Should the SP however opt **not** to screen the **same** advertisement, it would have no further obligations apart from informing the WASPA Secretariat of its intentions of **not** doing so within five (5) days of notification hereof.