



REPORT OF THE ADJUDICATOR

WASPA Member (SP) iTouch

Information Provider (IP) s/a
(if any)

Service Type Adult content subscription service

Source of Complaints WASPA Monitor

Complaint Number 3673

Date received 7 March 2008

Code of Conduct version 5.7

Complaint

The complaint is in regard to a television advertisement for the IP's adult content subscription service. The complainant alleges that the advertisement does not comply with Advertising Rule 1.2.3 in that the compulsory terms and conditions at the bottom of the screen are not legible due to the size of the font used and are obscured by background images being displayed intermittently in the advert.

SP Response

The SP has not furnished any response to the complaint.

Sections of the Code considered

Rule 2.2.3 of the Advertising Rules, including:

Display Text Font Size:

15 points MINIMUM

Display Text Type:

.....

- The T&C text may not be positioned or formatted in a manner where it may be obscured by other text or visual information that may be displayed as part of the ad

.....

- The T&C text must not be part of a colour scheme that may obscure easy reading of complete details of the T&C text

** The T&C text must not be obscured by any background flashing or other visual animations that practically and objectively obscures easy reading of complete details of the T&C text*

Decision

I have perused the copy of the advertisement furnished with the complaint. I agree with the complainant that the font is not the correct size and that the images which flash intermittently across or around the T & C text have the effect of obscuring the easy reading of the complete details of the T & C text.

The complaint is accordingly upheld.

Sanction

The SP has previously been found guilty of a similar infringement (see complaint 189).

The SP is hereby ordered to remove the advert from any future flighting schedules until the T&C text font and surrounding images are amended to comply with the Advertising Rules.

The SP is also fined R10 000.00.