



REPORT OF THE ADJUDICATOR

WASPA Member (SP):	Grapevine Interactive
Information Provider (IP): (if applicable)	True Love Magazine
Service Type:	Competition
Complainant:	WASPA Monitor
Complaint Number:	4191
Code version:	Code v5.7 and Ad Rules v1.6
Date of Report:	4/7/2008

Complaint

1. On the 19th of May 2008 the WASPA monitor lodged a complaint against the SP in the following terms:
 - Date of breach: May 2008 edition
 - WASP or service: 34688 - Grapevine
 - Clauses breached: 9.1.4
 - Description of complaint: True Love Mag: May 2008
 - Competition: "Exclusive Books Give-Away"
 - Problem: NO closing date
 2. The Monitor included a copy of the advertisement in question, which is included as Annexure "A".
 3. The advertisement in question can be seen the bottom right of the annexure.
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Response

4. The SP referred the matter on to the IP, and forwarded its response to the WASPA Secretariat on the 9th of June 2008.
5. The IP responded as follows:

I understand that one of our reader giveaways did not mention a closing date.

All of our reader competitions and giveaways are organised and thoroughly checked and regulated by our marketing department and these pages always comply with regulations. But unfortunately, this giveaway was arranged by one of our journalists in the editorial department, and was not approved by our marketing department at all. It was totally an editorial initiative.

The journalist arranged this giveaway directly with Exclusive Books, without the knowledge of our marketing department. Exclusive Books supplies the books for our journalist to review on the page each month, and we then thought we'd offer the readers the opportunity to win these very books. We apologise profusely – it was an oversight on our part as our marketing department does not approve editorial pages, and the editorial team is not well versed on the regulations when it comes to competitions.

This oversight however, has been published in three issues: May, June and July 2008 issues of True Love magazine, as these had gone to print before you notified us of this error.

Everyone involved has now been informed of this error and we have pulled these book giveaways with immediate effect, so this will not happen again.

I do hope that we can be forgiven for this oversight – we certainly will not make the same mistake again!

Portion of the Code Considered

6. The following portions of the WASPA Code of Conduct are relevant to this complaint:
 - 6.1. Section 9.1.4 of the Code of Conduct reads as follows:
 - 9.1.4. Promotional material must clearly state any information which is likely to affect a decision to participate, including:
 - (a) the closing date;
 - (b) any significant terms and conditions, including any restriction on the number of entries or prizes which may be won;

- (c) an adequate description of prizes, and other items offered to all or a substantial majority of participants, including the number of major prizes;
- (d) any significant age, geographic or other eligibility restrictions;
- (e) any significant costs which a reasonable consumer might not expect to pay in connection with collection, delivery or use of the prize or item;
- (f) the entry mechanism and workings of the competition.

6.2. Section 5.3.5 of the Advertising Rules (incorporated into the Code of Conduct by section 6.1.1 thereof) reads as follows:

- Promotional material must clearly state any information which is likely to affect a decision to participate, including:
 - o the closing date;
 - o any significant terms and conditions, including any restriction on the number of entries or prizes which may be won;
 - o an adequate description of prizes, and other items offered to all or a substantial majority of participants, including the number of major prizes;
 - o any significant age, geographic, or other eligibility restrictions;
 - o any significant costs which a reasonable consumer might not expect to pay in connection with collection, delivery or use of the prize or item.
 - o any significant facility, access or skill a consumer must have in order to obtain, use or otherwise access the full or even partial extent of the award promised in the advertisement. e.g. Having access to and being able to use the Internet in order to fully utilize the prize

Decision

7. It is clearly mandatory that advertisers of competitions to be run using wireless application services should include the closing date of those competitions.
8. It is equally clear that the IP did not include the closing date, and admits as much.
9. The advertisement in question is apparently in celebration of Mother's Day, which falls on the 11th of May. I am admittedly puzzled as to why this advertisement was then also placed in the June and July issues of the magazine. Perhaps the record is unclear and what the IP meant by saying that the mistake had been repeated in those two subsequent months is that there were similar competitions with different themes in those issues which made the same mistake in omitting the closing date.

10. Given the above, it is clear that there has been a breach of section 9.1.4 of the Code of Conduct and section 5.3.5 of the Advertising Rules read with section 6.1.1 of the Code of Conduct. Due to their similarity, however, I will treat them as one breach.

Sanction

11. In imposing a sanction I have taken note of the following:
- 11.1. The prompt action taken by the SP to advise the IP of the complaint;
 - 11.2. The promptness of the IP in stopping the competition when it got word of the complaint;
 - 11.3. The fact that the mistake appears to have been a once-off oversight on the part of the IP; and
 - 11.4. The fact that only one of the items of information required in section 9.1.4 was omitted.
12. The SP is fined an amount of R5 000, of which R2 500 is suspended for a period of six months, conditional on the SP not breaching section 9.1.4 of the Code of Conduct during this period. The fine is payable to the WASPA Secretariat within 5 days of the SP receiving notice of this report.
13. I note that in complaint number 3882 the SP was found to have breached section 9.1.1 of the Code of Conduct. Section 9.1.4 is closely related to section 9.1.4 and a breach of each so close together indicates a pattern or systemic failure. The SP is fortunate not to have received a larger fine, and is issued with a formal reprimand.

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Annexure "A"

TL BOOKS

By Melinda Ferguson



PHOTOGRAPH Author's own

THE BOOK THAT CHANGED MY LIFE

Samu Khosa is an events and campaigns manager at Struik publishers.

“Imagine growing up in Somalia as a nomad in an authoritarian, patriarchal society. This is the journey I took with Waris Dirie as I traversed the pages of her book, *Desert Flower*. The book speaks of the hardships of a woman's life in a Somalia that advocates female genital mutilation. As a woman I empathised with what Waris had to go through to reach the heights she has – a world-class model. She was raped by a close relative as a child, and later faced a life-threatening skirmish with a lion, while escaping an arranged marriage. Through this story, I glimpsed what many African women have to endure every day. *Desert Flower* took me through tears and laughter, and made me realise that determination is the only key to true self-actualisation; that life's journey is made worthwhile in that by the time success comes, you appreciate your achievements.”



GREAT READS



THE HINDI-BINDI CLUB

By Monica Pradhan
(Bloomsbury, R235)

A great Mother's Day read, *The Hindi-Bindi Club* is an entertaining and highly enjoyable book dealing with the subjects of love, marriage and motherhood. It's also about trying to weave the threads of ancient wisdom into the challenging and often disappointing ways of modern life, while having the courage to hold on to a dream and create new ones.



THE ROAD TO LOST INNOCENCE

By Somaly Mam
(Virago, R189)

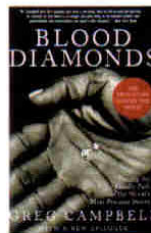
Sold into sexual slavery at the age of 15, Cambodian Somaly Mam has written a truly moving story of her harsh life experiences: her rape at 12 and her forced marriage at 15. Winner of a Woman of the Year Award from *Glamour* magazine, today she is actively involved in the campaign against trafficking of women and children for sexual slavery.



THE ROUGH GUIDE TO CLIMATE CHANGE

By Robert Henson
(Penguin, R170)

If you want to understand what's happening to our planet in a nutshell, this simple and highly informative book is a must. It explains the concept of global warming, the implications of the phenomenon and how we as people and governments in the world can tackle the problem. In the light of our power crisis, it's a must-read.

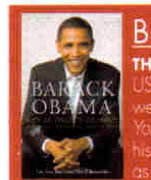


BLOOD DIAMONDS

By Greg Campbell
(Basic Books, R159)

This is the gripping tale of how the blood diamond industry really works. Ever since diamonds were discovered in 1930 in Sierra Leone, these stones have funded some of the most savage rebel wars in history. The trails of this deadly trade are brilliantly followed by award-winning journalist, Greg Campbell.

All books are available at Exclusive Books, countrywide.



BOOK OF THE MONTH

THE AUDACITY OF HOPE By Barack Obama (Canongate, R184)

US democratic presidential hopeful, Barack Obama, has penned an incredibly well-written book on his miraculous ascent into modern-day politics. A *New York Times* No. 1 Bestseller, Obama has become somewhat of a rock star in his broad public appeal. Above all, a humanitarian, who embraces empathy as a philosophy, he is a rare breed in the cutthroat world of politics today.

EXCLUSIVE BOOKS GIVE-AWAY

In celebration of Mother's Day, three readers could win a hamper of five incredible books, including *Eat, Pray, Love* by Elizabeth Gilbert and Maya Angelou's *I Know Why The Caged Bird Sings*. SMS EXCLUSIVEBOOKS/MOTHER/YOUR FULL NAME to 34688. SMSs are charged at R2.

how exclusive books...