



REPORT OF THE ADJUDICATOR

WASPA Member (Member):	TIMw.e. New Media Entertainment South Africa
Information Provider (IP):	Not applicable
Service Type:	Subscription service
Complainant:	Public
Complaint Number:	#5339
Code Version:	6.2 (with further reference to version 7.4)
Advertising Rules Version:	2.3

Complaint

The complainant is an anonymous member of the public who has challenged an aspect of a service described as “IQ-WORLD Test” (“the service”) which the member has operated. The complaint is fairly narrow and, considering that I have already addressed other aspects of the service in my reports concerning complaints such as 5853 and 5928, I will confine myself to the specific complaint in this matter.

The complaint refers to the size and formatting of the text contained in the terms and conditions on the service’s site. A screenshot of the site which was taken by a WASPA representative on 30 March 2009 is annexed to this report and marked Annexure “**A**”. The complaint is as follows:

Access cost text must be of a size that is at least 80% of the largest access number on the page, or 15 point font size, whichever is the greater.

Formatting & Font Criteria For T&C Text

The complainant has cited sections 9.2.1.1 and 9.2.2 of the Advertising Rules.

Member's response

The member responded to the complaint on 10 December 2008 and essentially said that the changes to the copy on the site were made by the member's agents without first having had the proposed changes approved. The member advised WASPA that the campaign had been "paused" immediately that the member discovered the problem. The member further indicated that the site had only been up for a couple hours.

Ordinarily this prompt action would satisfy me that the member had taken reasonable steps to correct an error, however Annexure "A" was captured at the end of March 2009. I don't have a screenshot from the time when the complaint was lodged so I am unable to compare what the site looked like then compared to the screenshot. What remains clear is that the text of the terms and conditions is fairly small and the question remains whether there has been a violation as the complainant has contended.

Sections of the Code/Advertising Rules considered

Version 6.2	Version 7.4
<p>4.1.2: Members must not knowingly disseminate information that is false or deceptive, or that is likely to mislead by inaccuracy, ambiguity, exaggeration or omission.</p>	<p>4.1.2: Members must not knowingly disseminate information that is false or deceptive, or that is likely to mislead by inaccuracy, ambiguity, exaggeration or omission.</p>

This complaint deals more with an infringement of the Advertising Rules and the following in particular:

Section	Content
9.2.1.1	Formatting Of Access Cost Text: <ul style="list-style-type: none"> • Access cost text must be of a size that is at least 80% of the largest access number on the page, or 15 point font size, whichever is the greater. The access cost text must be in a nonserif font • The pricing text must be clearly shown being independent of any other text or image, and not be placed or formatted in a manner where it may be obscured by other text information, graphics or marks that may be displayed around it. • The cost text must not be part of a colour scheme or design that could obscure (objective) easy reading of complete details of the price. • All access cost information must be placed horizontally
9.2.2.1	Formatting & Font Criteria For T&C Text <ul style="list-style-type: none"> • The T&C text must be in 12 point font size, or 50% of the largest access number on a Web page, whichever is the greater. The T&C must be in a non-serif font • All T&C information must be placed horizontally

Decision

The problem seems to be more with non-compliance with rule 9.2.2.1 rather than with 9.2.1.1. The access cost is fairly prominently displayed in the top right corner and although it isn't possible for me to accurately measure the font size relative to the font size guidelines in the Advertising Rules, I don't believe there has been a violation of rule 9.2.1.1.

There does appear to be a violation of rule 9.2.2.1 on the other hand. The font size of the terms and conditions text appears to be smaller than 50% "of the largest access number" on the site. There doesn't appear to be an access number outside of the terms and conditions, per se, so I have taken into account the remaining text on the site and used this as a basis for comparison. The intent of this rule seems to be to ensure that the terms and conditions are relatively prominent having regard to the balance of text on the page.

The member contended that it addressed the issue almost immediately and yet Annexure "A" was captured several months after the member allegedly addressed the issue. These statements were false and misleading. I therefore of the view that the member did not conduct itself in compliance with 4.1.2 of the Code itself.

Sanctions

I note that the site is no longer accessible using the address <http://www.iq-world-test.com/>. The unavailability of the test at this address mitigates the member's non-compliance with the Advertising Rules. It is therefore appropriate to fine the member the amount of **R5 000** for its failure to comply with rule 9.2.2.1 of the Advertising Rules.

The member's statements that it paused the service to correct the deficiencies in the terms and conditions were false and misleading and in contravention of 4.1.2 of the Code. I further fine the member **R20 000** for making false and misleading statements to WASPA.

Annexure "A"

Best Online Service Award 2008

Subscription Service, R4.99/day

IQ-WORLD QUIZ

100% QUALITY ASSURANCE 2008/09

non-European countries: [Flags]

LOGIN

E-MAIL ADDRESS [Input field]

If you already played, login and check the ranking.
Check your friends IQ.

DAILY RANKING! CHECK

TIME 240 SECONDS

KNOW MORE

Have you measured your intelligence?

- Intelligence is the mental capacity to reason, plan, solve problems, and understand abstract ideas, using language and learning.
- The IQ - intelligence quotient - is an index calculated from the scores obtained in tests that comprise the intelligence related capabilities.
- 100 is the average IQ value, considered "normal intelligence".
- The IQ test takes into account the person's age, gender, right and wrong answers and the time needed to respond.

Take the opportunity to find out your IQ score and invite your friends to compare results!

Terms of use

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