



REPORT OF THE ADJUDICATOR

WASPA Member (SP):	Buongiorno UK
Information Provider (IP):	Not applicable
Service Type:	Subscription service initiated by single content items
Complainants:	Anonymous
Complaint Number:	7986
Code Version:	6.2
Advertising Rules Version:	2.3

Complaint

The Complainant stated the following:

“11.1.3 states that any subscription service must include at least two examples of the contents and what we found out that some of these pages do not include the sample. On the advertising guidelines, a full potential cost must be included and must be visible to the subscribers and these landing pages does not include at all, other than stating R6/day.”

The Complainant provided the following feedback to the SP’s response:

“We still think that there is still a breach of codes. We were told to include total price of charges per week, i.e. SUBSCRIPTION SERVICE R50/WEEK but Blinko is not complying it, and they have only R6/day in their website which clearly breaches the codes. And the font sizes are rather small. Please investigate on their websites.”

The WASPA Media Monitor provided the following response to the Complainant’s feedback:

“I have always advised that the TOTAL COST must be displayed, whether this is per day or week or month. As long as it is the TOTAL costs. Therefore if a provider were to display: R3/SMS 3/week = R9/week would be the total cost. I think this is maybe how your complainant must have displayed costing before and is therefore assuming that ALL costing should be displayed per WEEK. This is incorrect; as long as it is the FULL AND FINAL COST it can be

displayed per day, or per week or per month. I hope this clarifies. Our tester will test the links below.”

The Complainant addressed the Monitor with the following question:

“Does that mean if I have a service with 3SMS/week at R10/SMS which I can use R30/week or R4.28/day? Is this correct?”

The Monitor wrote:

“R30/week must be displayed in this case. A daily cost and frequency implies that content will be received on a daily basis. In that example, content is only received 3 times a week; hence R30/week is appropriate.”

In his final response the Complainant wrote:

“I would like to proceed to adjudication as the website I believe is still not compliant.”

Service provider's response

The SP provided the following response:

“We thank you for bringing these landing pages to our attention. The ads can be found amended at the links below for your perusal. We do understand the seriousness of the complaint and can assure you that all landing pages are now being looked at under stringent conditions. As for the landing page escalated below, it has not been live for the last three months, and thus is no longer being advertised.

We trust that the steps taken on our part, puts us in good stead with the secretariat in relation to these complaints respectively.”

Sections of the Code considered

4.1.1. Members are committed to honest and fair dealings with their customers. In particular, pricing information for services must be clearly and accurately conveyed to customers and potential customers.

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.

11.1.3. An advert for a content subscription service which includes examples of the content provided as part of that service must include at least two examples of that content clearly displayed.

Decision

In adjudicating a matter the Adjudicator has to rely on the information submitted and hence presented to him/her. The Adjudicator has taken note of the Complaint and the SP's subsequent response.

In this matter the SP acknowledged errors on its behalf and provided rectified pages. The Adjudicator has reviewed these pages and is satisfied with the content, display and format of the subscription service, text and font size.

The Adjudicator in his/her decision has perused comments made by the WASPA Monitor and is in agreement that the use of R6/day is sufficient in this case.

The Adjudicator is also satisfied that at least 2 examples of content are clearly displayed.

However, these changes were only brought after the complaint was lodged and the Adjudicator has therefore no alternative but to find the SP in breach of section 11.1.3 for its initial incorrect display. The display of cost is however perceived as correct.

The Complaint is therefore partially upheld.

Sanctions

In determining an appropriate sanction, the following factors were considered:

- The prior record of the SP with regard to breaches of the relevant sections of the Code of Conduct; and
- The SP's quick response in rectifying its mistakes.

The SP is fined R 10 000 payable to the WASPA Secretariat within 5 (days) notice hereof.