



## REPORT OF THE ADJUDICATOR

<b>WASPA Member (SP):</b>	TIMw.e. New Media Entertainment South Africa
<b>Information Provider (IP):</b>	Not applicable
<b>Service Type:</b>	Single content items initiating subscription service
<b>Complainants:</b>	Anonymous
<b>Complaint Number:</b>	7987
<b>Code Version:</b>	7.4
<b>Advertising Rules Version:</b>	2.3

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### Complaint

This is a formal complaint.  
The Complainant wrote:

“Clause 11.1.3 stated 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 R4.99/day.”

The Complainant provided the following feedback:

“This is certainly clear that Timwe did not take the complaint seriously and giving an excuse that the email was in achieve. Indeed, it was more than 10 days to respond to the complaint.  
Not having to say they do have breaches on the advertising guidelines, the subscription service and other relevant texts were rather small which may cause obstruction for subscribers to read and the font were very small while other players in the field have made the font larger.  
I would suggest having adjudicators to look into these landing pages.”

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### Service provider's response

The SP provided the following response:

“Sorry for not replying to this formal complaint... I moved the email to an archive folder by mistake.

I don't see anything wrong with these campaigns. All have various contents and you can hear or see a preview of all the contents advertised.

Please let us know if there is anything wrong with these campaigns.”

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### **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.

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### **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.

The Adjudicator reviewed the various websites. It was found that all the websites comply with section 11.1.3 of the Code of Conduct apart from the “Love Thermometer” website which does not display any additional examples of what the subscription service might offer. The Adjudicator therefore finds the SP in breach of section 11.1.3 and subsequently section 4.1.2.

It has however also come to the attention of the Adjudicator that none of the T&Cs on the websites mentioned conform to the Advertising Rules' required font size. The current size is 9 while it should be 12.

The SP is therefore also found in breach of section 9 of the Advertising Rules.

The Complaint is partially upheld.

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### **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;

The SP is formally reprimanded and instructed to align its websites with the current Code of Conduct and Advertising Rules' section 9.