



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	Mobile Messenger
Information Provider (IP) (if any)	
Service Type	Content subscription service
Source of Complaints	Anonymous
Complaint Number	7988
Date received	3 November 2009
Code of Conduct version	8.0

Complaint

An anonymous complaint has been lodged against the SP and in particular against the promotion of its subscription service at the following website:

http://www.test-my-ig.net/za/?p_id=122&EXT_AFFID=0&ce_cid=001mgr0000004..L.K7YKBfTDZ000000

The complainant alleges that the SP has breached section 11.1.3 of the WASPA Code of Conduct by not including at least two examples of the content available from the service promoted.

The complainant also alleges that there has been a breach of section 11.1.2 of the Code in that subscription is bundled with entry into a quiz.

SP's response

The SP responded to the complaint by stating that the relevant URL had been taken down before the complaint was lodged.

In response to the 2 sections of the code that the “anonymous complainant” alleges that this campaign breached:

- a) The SP requested advice from WASPA on how to satisfy this requirement and stated that this advice would be included in its campaign compliance documentation.
- b) The URL has been taken down until changes are made to remove all possible areas of confusion.

Sections of the Code considered

Section 11.1.2

Any request from a customer to join a subscription service must be an independent transaction, with the specific intention of subscribing to a service. A request from a subscriber to join a subscription service may not be a request for a specific content item and may not be an entry into a competition or quiz.

Section 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

The SP has stated that the relevant site was taken down prior to the complaint being lodged. The URL provided by the complainant was therefore not accessible at the date of this adjudication and the contents of the site in question could not be considered.

The complainant has not alleged that they have suffered any loss arising from their subscription to the service prior to the site being removed. It is also not clear from the complaint whether the complainant even subscribed to the service.

As this site has been removed, the cause of complaint has been removed and the complaint can accordingly be dismissed.

However, the SP is warned to comply with section 11.1.2 of the Code in any future campaigns for subscription services that it launches.

Insofar as the SP has requested advice from WASPA on how to comply with section 11.1.3 of the Code, the section is self-explanatory and does not require any further clarification.