



REPORT OF THE ADJUDICATOR

WASPA Member (SP) Natta.com
Information Provider (IP)
(if any)
Service Type Subscription
Source of Complaints Anonymous
Complaint Number 9079
Date received 23 March 2010
Code of Conduct version 8.0

Complaint

The complainant alleges that the SP's subscription service promoted at <http://www.mymobilehits.com/ws/acp?sp=27127&t=62003> breaches section 11.1.2 of the WASPA Code.

A copy of the screensaver for the site was provided with the complaint. The complainant refers to the wording "CHOOSE YOUR GAME" and alleges that only one item can be chosen.

SP's response

The SP states that it does not believe the promotion contravenes the Code but was willing to change the promotion by including the wording "*Lots of games to download*".

The SP then made the suggested change and asked for confirmation that the promotion was in compliance with the Code.

Sections of the Code considered

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.

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

There is no evidence before me that the SP has contravened section 11.1.2.

However, the SP's initial promotion contravenes section 11.1.3 and I am not satisfied that the amended promotion, with the reference to more than one game on offer, is sufficient for the SP to comply with section 11.1.3. Actual examples of the content offered must be displayed on the screen.

The SP has therefore contravened section 11.1.3 of the Code and the complaint is accordingly upheld.

Sanction

There appears to be no previous complaints upheld against the SP.

The SP is therefore given a final warning to ensure that all of its promotions for content subscription services comply with section 11.1.3 of the WASPA Code.