



## REPORT OF THE ADJUDICATOR

<b>WASPA Member (SP)</b>	BlinckMobile
<b>Information Provider (IP)</b> (if any)	n/a
<b>Service Type</b>	Internet advertisement
<b>Source of Complaints</b>	Competitor
<b>Complaint Number</b>	1727
<b>Date received</b>	27 July 2007
<b>Code of Conduct version</b>	5.3

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### Complaint

This is a competitor Complaint which does not allege a breach of the Code of Conduct but alleges the following:

“Code\_Breached: No section: false promises made e.g FREE Radar On Your Mobile

A detailed description was provided but, for reasons which will become clear below, is not reproduced here.

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### SP Response

The SP provided a Response which, for reasons which will become clear below, is not reproduced here.

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### Sections of the Code considered

None.

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**Decision**

The Adjudicator is not prepared to make a decision in this matter for the following reasons:

1. Complaints referred to the formal procedure are adjudicated with reference to the provisions of the WASPA Code of Conduct and not with reference to the personal feelings of the complainant, no matter how strongly these may be expressed.
2. Where a complainant is a competitor there is a strong line of precedent in WASPA Adjudications that Adjudicators in such complaints should adopt a strict interpretation of the Complaint and are not required to give the same degree of latitude as may be provided to a consumer complainant who is unaware of the workings of the industry and who is not expected to having knowledge of the existence and provisions of the WASPA Code of Conduct and Advertising Rules.
3. The Complaint does not specify a breach of the any section of the Code of Conduct. It cannot be equitable to require an SP to respond properly in these circumstances.

The Complaint is dismissed.