



REPORT OF THE ADJUDICATOR

Complaint reference number:	23716
WASPA member(s):	DSTV Online (IP) Integrat (Pty) Limited (SP)
Membership number(s):	0144; 0030
Complainant:	WASPA Media Monitor
Type of complaint:	Advert
Date complaint was lodged:	14/01/2014
Date of the alleged offence:	12/12/2013
Relevant version of the Code:	12.4
Clauses considered:	4.1.1; 6.2.1-6.2.4
Relevant version of the Ad. Rules:	Not applicable
Clauses considered:	Not applicable
Related cases considered:	Not applicable

Complaint

On 12 December 2013, the WASPA Media Monitor informed the SP that Heads-Up HU219 had been filed against it. The Heads-UP referred to a DSTV commercial promoting the E-Class Mercedes Coupe motor vehicle using short code 32445. No SMS cost was displayed in the commercial.

The SP referred the matter to the IP and after some delay on the part of the IP, an initial commitment was given by the IP that it would revise the commercial. No further response was received and throughout the period in question, the commercial continued flying and all WASPA requests were ignored.

Service provider's response

The SP referred the matter to the IP who is also a WASPA member.

The IP has, after giving an initial commitment to revise the commercial, not made any attempt to respond to the complaint and/or revise the commercial after numerous reminders were sent by the Secretariat.

Sections of the Code considered

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

6.2.1. All advertised prices must include VAT.

6.2.2. All advertisements for services must include the full retail price of that service.

6.2.3. Pricing must not contain any hidden costs. Where applicable, pricing for content services must include the cost of the content and indicate any bearer costs that may be associated with downloading, browsing or receiving that content.

6.2.4. Pricing contained in an advertisement must not be misleading.

Decision

I have perused a copy of the commercial and the SMS cost is not displayed.

In the absence of any response from the IP, I am therefore satisfied that the IP has contravened sections 4.1.1 and 6.2.1 to 6.2.4 of the WASPA Code of Conduct.

Sanction

The contravention is of a serious nature and is further aggravated by the IP's lack of response to the complaint despite repeated reminders being sent to it.

In mitigation, this appears to be the IP's first offence and no previous complaints involving the IP could be found.

In light of the foregoing, the IP is fined an amount of R25 000.00 and is directed to stop flighting the commercial in question until the SMS costs are correctly displayed.