



## REPORT OF THE ADJUDICATOR

<b>WASPA Member (SP)</b>	Sybase 365
<b>Information Provider (IP)</b> (if any)	Blink Mobile
<b>Service Type</b>	Content subscription service
<b>Source of Complaints</b>	WASPA Monitor
<b>Complaint Number</b>	3150
<b>Date received</b>	20 January 2008
<b>Code of Conduct version</b>	5.7

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### Complaint

The complaint is in regard to a television advertisement for the Pacman mobile phone game. The content is part of a subscription service offered by the IP. The complainant alleges that the advertisement does not comply with Advertising Rule 1.2.3 in that the compulsory terms and conditions displayed are obscured by background images showing intermittently in the advert.

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### SP Response

The SP responded on 11 February 2008 by referring to its relationship with the IP and then attaching a substantive response from the IP.

The IP in its response disagrees with the complainant's analysis of the advertisement and states the following:

1. During the advertisement the T&C text is clearly in the foreground, with any other images in the same area being relegated to the background;
2. There is a clear contrast between the T&C text and the background

The IP concedes that for short periods there is animation activity occurring in the background in the vicinity of the T&C text, however it believes that this does not practically or objectively obscure easy reading of the complete details of T&C text. At most these occur for short periods of time and effect only small portions of the text, and at all times effect only the background.

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### **Sections of the Code considered**

#### *Advertising rules*

##### *1.2.3:*

- The T&C text may not be positioned or formatted in a manner where it may be obscured by other text or visual information that may be displayed as part of the ad <snip>
  - The T&C text must not be part of a colour scheme that may obscure easy reading of complete details of the T&C text
  - \* The T&C text must not be obscured by any background flashing or other visual animations that practically and objectively obscures easy reading of complete details of the T&C text
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### **Decision**

I have perused the copy of the advertisement furnished with the complaint as well as the still screenshots provided by the IP. In my objective opinion, I do not believe that the animated characters that flash intermittently near the T & C text has the effect of practically and objectively obscuring easy reading of the complete details of the T & C text.

The complaint is not upheld.

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