

WASPA Member (SP)	Celerity Systems
Information Provider (IP)	N/A
Service Type	Competition Irregularities
Source of Complaint	WASPA Monitor
Complaint Number	#3317
Code of Conduct Version	5.7
Date of Adjudication	27/02/2008

Complaint

The Complainant raised a complaint detailing the following:

“Press ad promoting a competition in the "Big News" Problem: No closing date. No cost of sms.”

SP Response

In its response the SP indicated that it is not disputing the omission of the costs and the closing date. The SP further responded by illustrating to the WASPA Secretariat the actions it took to eradicate the omission and went to great lengths in informing the IP of the subsequent breaches.

Sections of the Advertising Rules considered

The following sections of version 1.6 of the Advertising Rules were considered:

5.2. Cost and T&C Information display rules

5.2.1. Broad Overview:

Text showing full cost and T&C is required.

Sections of the Code of Conduct considered

9.1.1. Any promotional material for a competition service must clearly display the full cost to enter the competition and any cost to the user to obtain the prize.

9.1.4. Promotional material must clearly state any information which is likely to affect a decision to participate, including:

- a the closing date;
- b any significant terms and conditions, including any restriction on the number of entries or prizes which may be won;
- c an adequate description of prizes, and other items offered to all or a substantial majority of participants, including the number of major prizes;
- d any significant age, geographic or other eligibility restrictions;
- e any significant costs which a reasonable consumer might not expect to pay in connection with collection, delivery or use of the prize or item.
- f the entry mechanism and workings of the competition.

Decision

In adjudicating a matter the Adjudicator has to rely on the information submitted and hence presented to him/her. In this particular instance, the SP indicated that there was indeed an omission on behalf of the client to provide certain details required. The Adjudicator is of the opinion that this breach extended to sections 9.1.1 and 9.1.4 of the Code of Conduct as well as to section 5.1.2 of the Advertising rules.

It is therefore held that the SP **has breached** sections 9.1.1 and 9.1.4 of the WASPA Code of Conduct read with section 5.1.2 of the Advertising Rules.

The Complaint against the SP is upheld.

In determining an appropriate sanction, the following factors were considered:

- The SP's prompt response and follow-up with its client;
- The prior record of the SP with regard to breaches of sections 9.1.1 and 9.1.4 of the WASPA Code of Conduct read with section 5.1.2 of the Advertising Rules; and
- The actions taken on behalf of the client.

The SP is fined R 5 000, 00 of which the whole amount is suspended for 6 (six) months, as from date of Adjudication. Should there be any similar breaches during this six month period, the SP would be obliged to pay the fine.

The SP is further ordered to ensure that its clients are made aware of the various requirements laid down by the WASPA Code of Conduct.
