

WASPA Member (SP)	Strike Media
Information Provider (IP)	N/A
Service Type	Competition Irregularities
Source of Complaint	WASPA Monitor
Complaint Number	#3592
Code of Conduct Version	5.7
Date of Adjudication	03/04/2008

Complaint

The Complainant raised a complaint detailing the following:

“Competition ad omitted the cost of entering the competition via sms.”

SP Response

In its response the SP indicated that it is not disputing the omission of the costs. 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 its client of the subsequent breaches. The SP also illustrated that there was no mala fide action on behalf of itself or its client but that the problem arose from a vacant position at its client’s distribution department which caused the irregularities. The SP further contended, according to its knowledge, that the advertisement has since been discontinued.

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.

Decision

In adjudicating a matter the Adjudicator has to rely on the information submitted and hence presented to him. In this particular instance, the SP indicated that there was indeed an omission on behalf of the client to display costs. This was also obvious to the Adjudicator after reviewing the advertisement.

It is therefore held that the SP **has breached** sections 9.1.1 of the WASPA Code of Conduct.

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 of the WASPA Code of Conduct; and
- The actions taken on behalf of the client.

The SP is fined R 2 500, 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.
