

## Decision of the ADVERTISING REGULATORY BOARD

Complainant	Lindsay Quail
Advertiser	White Pages Online Pty Ltd
Consumer/Competitor	Consumer
File references	White Online Pages - Lindsay Quail
Outcome	Upheld
Date	14 July 2020

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Lindsay Quail against White Online Pages' website advertising appearing at <http://whiteonlinepages.co.za/>.

The advertising states, *inter alia*: "White Online Pages is all about control and results for your business. You get control of your information on multiple critical search sites. You get to enhance your listings with photos, descriptions, and digital platforms so you stand ahead of your competitors. White Online Pages an advertising Media Giant with local and International Media Platforms."

### Complaint

The Complainant submitted that her company has no oversight or control over how its information is shared by White Online Pages, nor has she approved the use of the contact form listed under the listings.

She also suggested that the Advertiser may be engaged in fraudulent activities. The Complainant went into some detail on this issue.

## Response

The Advertiser was afforded an opportunity to respond to the complaint and did not do so, even after the Directorate subsequently reminded it that its deadline for response has lapsed. The Directorate also advised White Online Pages that, in the absence of its response, a decision will be issued based on the material before the Directorate.

## Application of the Code of Advertising Practice

The following clause was considered in this matter:

Misleading claims – Clause 4.2.1 of Section II

## Decision

Having considered all the material before it, the Directorate of the ARB issues the following decision.

### Jurisdiction

The Directorate notes that the Advertiser did not respond. Based on this, the Directorate assumes that the Advertiser does not consider itself bound by the ARB.

For the purpose of clarity, the Directorate notes that Clause 3.3 of the Memorandum of Incorporation of the ARB states:

*“3.3 The Company has no jurisdiction over any person or entity who is not a member and may not, in the absence of a submission to its jurisdiction, require non-members to participate in its processes, issue any instruction, order or ruling against the non-member or sanction it. However, the Company may consider and issue a ruling to its members (which is not binding on non-members) regarding any advertisement regardless of by whom it is published to determine, on behalf of its members, whether its members should accept any advertisement before it is published or should withdraw any advertisement if it has been published.”*

The matter will therefore be considered for the guidance of the members of the ARB. It remains the Advertiser’s prerogative whether or not to submit itself to the decision.

## Merits

The Complainant raised a number of issues regarding the *modus operandi* or business practices of White Online Pages. It must be clarified that the Directorate's mandate is to consider complaints regarding the content of advertising or advertising claims, and not business practices. There are relevant authorities or other avenues suitable to deal with business practices, and such issues should be referred to those entities. The Directorate will therefore not consider or rule on those issues raised in the complaint.

Clause 4.2.1 of Section II states: *"Advertisements should not contain any statement or visual presentation which, directly or by implication, omission, ambiguity, inaccuracy, exaggerated claim, or otherwise, is likely to mislead the consumer"*.

The Complainant submitted that she has no oversight or control over how her company's information is protected or shared, despite the advertising claim that:

*"White Online Pages is all about control and results for your business. You get control of your information on multiple critical search sites. You get to enhance your listings with photos, descriptions, and digital platforms so you stand ahead of your competitors."*

The Advertiser has put nothing before the Directorate to support the claims made in the advertising. In addition, the Directorate is aware that numerous complaints are made in relation to the business practices of the Advertiser, all of which indicate that the Advertiser lists companies without their consent or input, and then attempts to elicit payment for such listings. This is not indicative of the advertised claims being met.

**Based on the above, the Directorate finds that White Online Pages' claims are misleading and that they therefore contravene Clause 4.2.1 of Section II of the Code of Advertising Practice.**

## Sanction

Members of the ARB are instructed not to accept advertising making the following claims: *White Online Pages is all about control and results for your business. You get control of your information on multiple critical search sites. You get to enhance your listings with photos, descriptions, and digital platforms so you stand ahead of your competitors.*