



REPORT OF THE ADJUDICATOR

WASPA Member (SP): Integrat
Information Provider (IP): Peach Mobile & Gozomo
Service Type: Subscription Services
Source of Complaints: Consumer
Complaint Number: 0155

Complaint

This complaint was referred to WASPA by an SP member whose own customer support had been contacted by a member of the public who complained that she was being charged for services that she had not subscribed to. The complainant also alleged that she wanted to stop these services but had not been informed how to do so. The WASPA Secretariat determined that the SP was Integrat and the IP's were Peach Mobile and Gozomo and the complaint was forwarded to the SP for its response.

SP Response

The complaint was forwarded to the SP who responded that its call records showed that subscription requests had been received from the complainant's mobile telephone number in respect of three different services during the period 11 May 2005 to 16 June 2007. The SP also alleged that the consumer had conceded telephonically on 2 February 2006 in conversation with a representative of the SP that her grandson could have subscribed to these services. The message logs provided by the SP showed all the content contained in the notification messages sent to the complainant's mobile phone after the subscription requests had been processed. These message details appear below:

47	18244026	R	ABGMAIN	Number redacted	Number redacted	0	Welcome to Peach Mobile's premium subscription service. You will receive a hot New True sound each week for 4 Weeks. Total Cost R20	2005-07-16 11:29:41
52	16886177	R	ABGMAIN	Number redacted	Number redacted	0	Welcome 2 Gozomo's new & exciting sms subscription service. U will receive 1 Truesound/week. 2 unsubscribe sms LAUGH45 STOP to 31996. Cost R10/msg rec.	2005-07-04 15:34:13
60	12362511	R	YELLO	Number redacted	Number redacted	013	Welcome to Impact Mobile's premium subscription service. You will receive a hot True Sound every week. R6 per msg. To unsubscribe sms CAT4 STOP to 31993	2005-05-11 15:53:08

Decision

The information contained in the call logs provided by the SP showed that subscription request from the complainants' mobile telephone number had been processed on 11 May 2005, 4 July 2005 and 16 July 2005 respectively. As these logs are the best objective evidence of what transpired, I am unable to find, on a balance of probabilities, that charges for the subscription services were debited against the consumer's account in contravention of the WASPA Code of Conduct.

It is, however, apparent on the SP's own version that the notification message sent to the complainant's mobile phone on 16 July 2005 in respect of the True Sound 4 week subscription did not comply with section 11.1.7 of the Code which stipulates as follows:

"11.1.7. Once a customer has subscribed to subscription service, a notification message must be sent to the customer containing the following information:

- (a) The cost of the subscription service and the frequency of the charges;
- (b) Clear and concise instructions for unsubscribing from the service;
- (c) The member's contact information."

No instructions for unsubscribing were contained in the notification message of 16 July 2005. In this regard only, the complaint is upheld.

Sanctions

The SP formally is reprimanded for breach of section 11.1.7 of the Code and is directed to refund into the consumer's bank account the amount of R20 being the total cost of the 4 week True Sound subscription.