



## REPORT OF THE ADJUDICATOR

|                                              |                         |
|----------------------------------------------|-------------------------|
| <b>WASPA Member (SP)</b>                     | Playfon                 |
| <b>Information Provider (IP)</b><br>(if any) | same                    |
| <b>Service Type</b>                          | Content services        |
| <b>Source of Complaints</b>                  | Mr Sinethemba Sidlayiya |
| <b>Complaint Number</b>                      | 1628                    |
| <b>Date received</b>                         | 25 June 2007            |
| <b>Code of Conduct version</b>               | 5.2                     |

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### Complaint

The complainant lodged a complaint on 25 June 2007 regarding an unauthorised charge of R25 to his mobile phone account for a subscription service which he has not received any service for.

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### SP Response

The SP responded to the complaint on 12 July 2007 and from the explanation given appears to acknowledge that the charge was made in error. As compensation the SP has offered the complainant free content as compensation.

There appears to be a dispute between the parties as to whether the complainant agreed to accept the SP's offer. However, the SP has provided proof in the form of an e-mail from the complainant which reads as follows:

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*Good morning Viktor, I would like have these songs Loaded to my phone, Outcast-Hey ya,Eminem-cleaning out my closet / I'm back / when I'm gone / shake that.*

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

No particular sections of the code were considered for this complaint.

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### **Decision**

I am satisfied that the SP has remedied the billing error and has compensated the complainant by way of the free downloading of certain ringtones which the complainant has accepted.

The formal complaint is dismissed.