



REPORT OF THE ADJUDICATOR

Complaint reference number:	17001
WASPA member(s):	Viamedia
Membership number(s):	0043
Complainant:	Public
Type of complaint:	Subscription Services
Date complaint was lodged:	2012-04-18
Date of the alleged offence:	N/A
Relevant version of the Code:	11.6
Clauses considered:	11.10.2 & 14.3.14
Relevant version of the Ad. Rules:	N/A
Clauses considered:	N/A
Related cases considered:	N/A

Complaint

The Complainant in this matter alleged that she never subscribed to the service and also never received proof of her subscription, this being the reason for the complaint being escalated.

The Complainant later stated that she might have sent a message according to her own logs but that her intention was probably to send her sister-in-law a birthday message and not necessarily to subscribe.

Service provider's response

The SP provided a response whereby it furnished the Complainant with a detailed log of the subscription request and subsequent reminder messages

The SP then further explained in its reply how the Complainant became subscribed.

Sections of the Code considered

11.10.2. When requested to do so by WASPA, a member must provide clear logs for any subscription service customer which include the following information:

- (a) proof that the customer has opted in to a service or services;
- (b) proof that all required reminder messages have been sent to that customer;
- (c) a detailed transaction history indicating all charges levied and the service or content item applicable for each charge; and
- (d) any record of successful or unsuccessful unsubscribe requests.

14.3.14. On the basis of the evidence presented, the adjudicator will decide whether there has been a breach of the Code. Each case will be considered and decided on its own merits.

Decision

In adjudicating a matter the Adjudicator has to rely on the information submitted and hence presented to him/her. The Adjudicator has taken note of the Complaint and the SP's subsequent reply.

The Complainant has failed to provide any sufficient content or any material for that matter to provide the Adjudicator with any sufficient information assisting him or her to make a decision in the Complainant's favour.

The Adjudicator therefore has no alternative but to concur with the SP's response in as far as it contended the actual subscription of the Complainant by way of the logs that were supplied.

The Adjudicator is therefore in no position to consider the allegations raised against the SP in this matter.

The Complaint is dismissed.

However, the Adjudicator has to reprimand the SP for its failure to comply with section 11.10.2 c) of the Code of Conduct.