



REPORT OF THE ADJUDICATOR

WASPA Member (SP):	HR Computek (Pty) Ltd
Information Provider (IP):	Not applicable
Service Type:	Subscription
Complainant:	Public
Complaint Number:	21304
Code Version:	12.4
Advertising Rules Version:	Not applicable

Complaint

In essence, the complainant submitted that he was subscribed to the service in question without his consent.

The complainant did not feel that a refund was sufficient redress.

Service provider's response

The SP offered to refund the member by way of recharge voucher.

It is clear that this voucher was offered, but unclear on whether it was successfully activated.

Sections of the Code considered

11.2.1. Customers may not be automatically subscribed to a subscription service as a result of a request for any non-subscription content or service. Customers may not automatically be subscribed to a subscription service without specifically opting in to that service.

Decision

On receiving this matter, and the similar matter of 21538, I noted that the only explanation of how the complainant had been subscribed came from the complainant's own version. According to this, the SP received the complainant's details from Vodacom and ran it through their system.

As I found this explanation less than credible (as did the complainant himself) I asked the SP for further explanation of how the subscription did in fact occur. No further explanation was forthcoming.

I therefore have no alternative but to conclude that the complainant was subscribed to the service without his consent.

This is a flagrant breach of Clause 11.2.1.

Sanctions

The SP in this matter has breached clause 11.2.1 and has failed to provide any explanation whatsoever for what occurred.

I therefore sanction the complainant to:

A R75 000 fine in respect of this matter;

A suspended fine of R200 000 should a similar breach occur again. Matter 21538 will not count in this respect.