



ADJUDICATOR'S REPORT

Complaint reference number: 21972

WASPA member(s): Wap Network Group Ltd (IP) (1062) / STS (SP) (0090)

Complainant: Public

Type of complaint: Subscription service

Date complaint was lodged: 2013-10-10

Date of the alleged offence: 2013-08-08

Relevant version of the Code: 12.4

Clauses considered: 11.2.1, 11.2.2 and 11.10.2

Relevant version of the Ad. Rules: Not applicable

Clauses considered: The Advertising Rules were not relevant

Related cases considered: 16354, 18238 and 21659

Complaint

The complaint in this matter is presented in some detail by the complainant. The initial complaint was the following:

This complaint is linked to billing on cell number 071 [REDACTED]

Please review WASPA case reference number: 16354 in combination with this complaint.

On 08-08-2013 at roughly 01:30 I received an sms informing me that I had subscribed to Mobthumbs at a cost of R20/day.

Welcome: Mobthumbs This service is charged at R20 per day. To unsub send THUMBS STOP to 37445. Support: www.wapbill.net or call 021 300 9895

I have no knowledge of subscribing to such a service.

I was informed by my service provider (MTN) on 15-08-2013 that Smart Cell Technologies were responsible for putting through the charges of R120 on my account

I called smart cell technologies and asked for proof of the registration for the service that incurred the charges. They informed me that using my cell browser I had logged onto a page www.mobthumbs.com and accepted the terms and conditions that resulted in the subscription charge of R20/day.

I requested proof of the transaction and received the following response from wapbill.net via email a short while later (original email attached)

From 07.08.2013, at 09:09:59, our records state that there was some mobile content purchased.

The total cost of this content was R160.

This information contradicts the info sent in the sms which stated a subscription charge of R20/day. In the email it appears that I purchased a service for a fixed fee of R160?

I was also informed by my MTN that no data charges were raised at any point on the morning of 07-08-2013, implying that I did not use my phones browser at any point and thus could not have logged onto madthumbs.com and accepted the Ts & Cs and the resulting charges.

I called wapbill.net to clarify. I was informed by a call centre agent that the charge was for a mobile content purchase and that the subscription occurred from a Nokia phone linked to my sim card. I do not have a Nokia phone and have not used one for well over 3 years, I have a Samsung S3 mini, supplied by my service provider with the contract.

The call centre agent then apologised and offered to refund me the R120 deducted from my account, and cancel the outstanding amount of R40, which was subsequently done.

Although I do not find myself out of pocket, I still believe it is highly ethical to activate a subscription based on the supposed visiting of a website. This activity falls well outside the code of conduct and is essentially a fraudulent transaction. I was able to rectify the monetary situation, but I am confident that many others similarly affected will not. Smart Cell Technologies are not playing fair and are essentially stealing from the consumer.

Upon searching your website I saw that similar cases had been raised against Smart Cell Technologies on a number of occasions, and the imposed #ines do not appear to be working(see WASPA case ref: 16354). (One can only assume that the level of theft is so great that the imposed fines are worth the inconvenience)

I therefore request that the matter be looked into and the harshest possible penalties be implemented against Smart Cell Technologies and wapbill.net as I am not satisfied with a simple refund of the stolen money.

The complainant was in contact with Smartcall and Wapbill and was offered a refund which he received. He was not satisfied with the members' responses and escalated the complaint to a formal complaint:

The WASP involved did refund me in full when I raised the issue with them.

My complaint is that the fact that I was billed at all is illegal and unethical. The code of conduct that the WASP agreed to was not followed and I was signed up for a subscription service without my knowledge and without the correct process being followed. In addition to this the content that I was charged does not even exist and I do not understand why anyone would agree to pay for a content that is simply a blank red page on your browser

There are two existing cases where the WASP in question was found by yourselves to have acted outside of the rules, and fined accordingly. These cases were listed in the original complaint.

Based on the above, it is clear that the WASP is not interested in operating their business ethically. In addition, the fines imposed on previous instances have had no effect on their conduct. Despite this they remain members of your association and partners with MTN, who are more than happy to facilitate the theft of funds illegally and unethically by the WASP.

I was fortunate that I have the facilities and ability to complain about the illegal billing and was able to get my money back from the WASP. This will not be the case for thousands of other mobile users who will simply pay them money because they do not know how to #ix the problem. I feel that it is WASPAs responsibility to protect these users from this type of unethical behaviour.

It is on this bases that I would like to continue with the complaint against the WASP, irrespective of whether the money was refunded of not.

I look forward to your response.

Service provider's response and further developments

The complainant and the members engaged in fairly lengthy correspondence regarding the complainant's alleged subscription. These emails are annexed to this report and marked as Annexure "A". Wapbill furnished the complainant with logs which indicate that a Nokia X2-01 was used to subscribe to a subscription service. The logs are very vague and unclear and are annexed to this report and marked Annexure "B".

What stands out is that neither Smartcall or Wapbill were able to explain how the complainant was subscribed to their subscription service, especially given that they have the incorrect device information for the subscription in their supplied logs.

The only positive and meaningful response from the members was a refund to the complainant of the amounts he was charged.

Sections of the Code considered

The complainant cited clauses 11.2.1, 11.2.2 and 11.10.2 of the Code:

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.

11.2.2. Any request from a customer to join a subscription service must be an independent transaction, with the specific intention of subscribing to a service. A request from a subscriber to join a subscription service may not be a request for a specific content item and may not be an entry into a competition or quiz.

...

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.*

Sections of the Advertising Rules considered [if applicable]

The Advertising Rules were not relevant to this complaint.

Decision

This complaint has a number of similarities with complaint 21659 which I adjudicated prior to considering this complaint. In both complaints Smartcall and Wapbill were asked to respond to complaints from members of the public who had been subscribed to a subscription service the members administer and charged subscription fees. Both complainants challenged their subscriptions and were refunded without much information from the members explaining how and why they were subscribed. In both the previous complaint and this one, the members supplied WASPA with unclear and inadequate logs. In this particular case the logs appear to be incorrect at least in that they reference the incorrect device allegedly used to subscribe to the service in question.

In the interests of brevity, I refer to my reasons for my decision in my report on complaint 21659 with particular reference to the adequacy of the members' logs.

Unlike in complaint 21659, the evidence before me in this matter clearly indicates that the complainant ought not to have been subscribed to the service and charged the subscription fees he was charged. The members were inexplicably able to subscribe the complainant without his knowledge or without him having made use of his phone to do so. He went as far as confirming with MTN that his phone was not used to access the subscription service at the relevant time.

I therefore find Smartcall and Wapbill in breach of clauses 11.2.1, 11.2.2 and 11.10.2.

I also note that Smartcall and Wapbill have been implicated in similar breaches in the past, not including complaint 21659.

Sanctions

In light of my findings in this report, I impose the following fines on Smartcall and Wapbill,

individually:

1. Both members are directed to pay fines of R20 000 each for their breaches of clauses 11.2.1 and 11.2.2;
2. Taking into account the fines imposed on both members in my report on complaint 21659, I fine Smartcall and Wapbill further amounts of R10 000 each for their continued failure to supply WASPA with adequate and clear logs as they have been requested to do previously.

Subject: Re: [WASPA.complaints] FW: 0718833401 (WASPA Complaint Complaint #21441) #21972
From: "[REDACTED]" <[REDACTED]>
Date: Fri, 7 Feb 2014 11:16:50 +0200
To: <complaints@waspa.org.za>
CC: archive@waspa.org.za

Dear Mr Reuvers

You are correct in your belief that Wapbill.net has refunded all monies deducted from my account.

However, my issue has not been resolved and I thus request that I be sent for adjudication by an independent party.

In the lengthy email correspondence below, you will see the reasons for my insistence that the matter be adjudicated.

In summary:

1. I have accused wapbill.net of contravening the code of conduct and illegally and without my permission of knowledge signing me up for a subscription service. I can conclusively prove by way of my itemised billing that my handset did not access the internet from 20:34:54 on the 06/08/2013 and 20:35:39 on the 07/10/2013, making Wapbill.net's claim that " On 2013/08/07 @ 09:07:02 AM the above number (sim) accessed the above URL" simply impossible.
2. In addition to the above, wapbill.net is adamant that the phone used to access the claimed URL was a Nokia phone. I do not own a nokia and have not for at least 3 years. This further confirms my suspicion that I did not access the URL and I was billed fraudulently.
3. I have found Wapbill.Net's conduct to be absolutely arrogant and totally unapologetic for the issue at hand. The general sense that I get is that they are of the opinion that now that the money has been returned, the issue can be put to bed. I strongly disagree!

Had I not queried the removal of the funds, the return of the funds would not have occurred. How many other unsuspecting consumers have been illegally billed in the same manner. Why is MTN complicit in this transaction, and why have they made no effort to verify the details of the transaction, and take the necessary steps to prevent similar fraudulent transactions on other clients accounts.

It is therefore my request that Wapbill.net be held accountable for contravening the code, and explain in detail (with associated proof) how and why my account was debited without my knowledge and permission.

In addition, I would like to hear from MTN on how they verify that submitted deduction requests are legal, and what efforts they have made to prevent situation like money form reoccurring.

Please feel free to contact me directly for more detail.

Kind Regards

[REDACTED]
Managing Director

[REDACTED] Corporation

[REDACTED]
[REDACTED] North Riding.

Johannesburg, South Africa.

Ph : +27 (0)11 [REDACTED]
Cell :+27 (0) 83 [REDACTED]
[REDACTED]

From: WASPA Complaints (Charles Reuvers) [mailto:complaints@waspa.org.za]
Sent: 06 February 2014 04:41 PM
To: [REDACTED]
Cc: archive@waspa.org.za
Subject: Fwd: Re: [WASPA.complaints] FW: 0718833401 (WASPA Complaint Complaint #21441) #21972

Dear [REDACTED]

Can you please confirm that the WASPA member - Wapbill.net - has resolved your complaint and need not go to adjudication.

Regards
Charles Reuvers
WASPA Secretariat
<http://www.waspa.org.za/>

----- Original Message -----

Subject: Re: [WASPA.complaints] FW: 0718833401 (WASPA Complaint Complaint #21441)
Date: Mon, 28 Oct 2013 17:29:57 +0200
From: [REDACTED] <[REDACTED]>
Reply-To: complaints@waspa.org.za <complaints@waspa.org.za>
To: 'Wapbill.net Support' <support@wapbill.net>
CC: 'Lorinda Wepener' <Lorinda@smartcalltech.co.za>, legal.dept@wapbill.net, nadine@gemco.co.za, complaints@waspa.org.za, consumer@icasa.org.za

Dear Mr Lewis

The onus to prove the validity of a subscription lies with you, the service provider and the entity responsible for generating the payment request.

What you have thus far managed to do is copy and paste a log proving that you sent an SMS to my number, a fact that nobody is disputing. Your claim is that I logged onto a website with my cell phone browser, accepted some sort of terms and electronically signed some sort of virtual contract allowing you (with the assistance of MTN) to debit my account.

I dispute the fact that my cell phone (Samsung S3 Mini) ever visited your site, and can furnish **proof** that no browsing of any sort took place between 20:34:54 on the 06/08/2013 and 20:35:39 on the 07/10/2013 (attached again for your perusal).

If MTN have no record of my SIM accessing the internet in the morning of the 7th of August 2013, it would be simply impossible for me to have agreed to any terms, and opted into any contract of any sort.

Any subsequent billing for services allegedly rendered, has thus occurred without my permission or knowledge. An "Act or course of deception, an intentional [concealment](#), [omission](#), or perversion of truth, to [gain](#) unlawful or unfair (financial) [advantage](#)" commonly referred to as **Fraud**.

As you correctly noted, you did indeed refund me all of the funds that were taken from my account without my permission, after I queried the validity of the deductions. My question to you is if you would have refunded the money in the event that I did not contact one of your staff on the morning of the 15th August 2013?

The sad truth is that many people only become aware of "content charges" when their prepaid credit is exhausted and that are unable to make a call. This makes the sending of an "opt out" sms and telephone calls to request refunds largely impossible.

Does refunding money obtained fraudulently when one is questioned on the legalities of obtaining the funds render the initial act of taking the money illegally null and void?

We live in an impoverished country with very low levels of literacy and education. Purchasing additional airtime so that one can try and recover money removed from ones account without permission is simply an impossibility for many South Africans, never mind that fact that many are overwhelmed and no idea where to even start to recover the funds that they have lost.

The WASPA code of conduct should protect these individuals from any unscrupulous behaviour of affiliate members, and it is on this basis that I have lodged the complaint.

I have been informed that the complaint will now be sent for independent adjudication and I look forward to hearing the perspective of the adjudicator on this matter, with particular reference to the clauses of the code of conduct mentioned in my initial complaint.

Kind Regards

██████████
Managing Director
██████████ Corporation

██████████
██████████ North Riding.
Johannesburg. South Africa.

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██████████

From: Wapbill.net Support [<mailto:support@wapbill.net>]
Sent: 25 October 2013 05:48 PM
To: ██████████
Cc: 'Lorinda Wepener'; complaints@waspa.org.za; nadine@gemco.co.za; consumer@icasa.org.za; legal.dept@wapbill.net
Subject: Re: FW: 0718833401 (WASPA Complaint Complaint #21441)

Dear Mr ██████████

We have explained how the subscription happened and why you where been billed. You have however denied owning a Nokia phone, however the fact is our system does not lie and we can only go on the information we have.

You have taken the scenario of MTN providing us with an incorrect mobile number out of context. I came up with this scenario as you are insistent that you do not own a Nokia. I also said that I do not see how this scenario would be possible.

I do not really understand where you are coming from with regards to standing up for people that cannot fight for themselves. What exactly are you fighting here? We have been more than accommodating with your requests and are very easy to reach via telephone and email, have you had to fight us for a refund at all? If anything your remarks are extremely condescending.

Your initially rang us on the 14.08.2013 17:36:14 GMT and used our out of hours telephone prompt to unsubscribe yourself from the service. We had a information request from STS to be sent to you the following morning and we replied to you by 15.08.2013 08:52:11 GMT. We then received a phone call from yourself at

15.08.2013 09:35:33 GMT where you spoke to a member of my staff who immediately offered you a refund as there were no videos downloaded. By 15.08.2013 09:45:31 you received a Free SMS messages that contained voucher codes for a refund of R120. At what point did you have to fight with us?

What has taken a considerable amount of time is your assistance on constant information requests.

I also do not take kindly to your slanders remarks of unfounded accusations of fraud. I ask you know to please stop from doing so in the future. Please also note we are not affiliated with MTN in any way.

Regards

Ian Lewis
Wapbill Customer Support

Email: support@wapbill.net
Web: www.wapbill.net
Tel: +27 (0)21 3009 895

wapbill.net

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On 25/10/2013 14:30, [REDACTED] wrote:

Dear WASPA Secretariat

As you will see in the correspondence below, the reason that my account was incorrectly billed appears to have come down to one of two scenarios:

1. The WASP in question (Wapbill.net) has fraudulently requested MTN to debit my account. MTN has then debited the account and transferred the funds to the WASP. This amounts to fraud with MTN enabling the fraudulent transaction.

This assumption is based on the fact that the WASP cannot explain how I subscribed for a service without using data on my phone. (see attached itemised billing as way of proof that the phone was not used for any data transactions 12 hours before or after I supposedly registered for the service.)

2. MTN provided the incorrect cell number to the WASP and I was subsequently incorrectly billed by MTN. If this is the case, I presume that I am not the only person affected, and a situation now exists where MTN and the WASP are enriching themselves at the cost of the consumer.

In either event I feel that the issue needs further investigation as an answer of "We have not had anyone else report this issue, if this is the issue at all" does not mean that the fact that my account was fraudulently debited through a process where Wapbill.net; Smartcall Technology and MTN all financially benefitted is ethically or legally allowable.

It remains my opinion that some WASPS capitalise on the fact that millions of cell users in South Africa simply do not have the means to fight this type of issue, and defraud consumers on a daily basis. To make matters worse service providers, with MTN in particular, facilitate this blatant theft and make money out of the defenceless consumers they are supposed to be serving. Have a look at your local press if my opinion is not sufficient to convince you.

This matter has been on-going for the best part of 3 months now, and I would appreciate a speedy response from the investigator.

Enjoy your weekend.

Kind Regards

██████████
Managing Director
██████████ Corporation
██████████
██████████
██████████ North Riding.
Johannesburg. South Africa.

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██████████

From: Wapbill.net Support [<mailto:support@wapbill.net>]
Sent: 25 October 2013 02:17 PM
To: ██████████
Cc: 'Lorinda Wepener'; complaints@waspa.org.za; nadine@gemco.co.za
Subject: Re: FW: 0718833401 (WASPA Complaint Complaint #21441)

Hi Mr ██████████

We have not had anyone else report this issue, if this is the issue at all.

Unfortunately no I do not have a contact at MTN I can pass on to you.

Regards

Ian Lewis
Wapbill Customer Support

Email: support@wapbill.net
Web: www.wapbill.net
Tel: +27 (0)21 3009 895



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On 25/10/2013 13:09, [REDACTED] wrote:

Hi Ian

This is a very concerning. If it's happening to me, it must be happening to many other people.

Do you have contact at MTN that I can get in touch with to get some answers?

Kind Regards

[REDACTED]
Managing Director
[REDACTED] Corporation
[REDACTED]

[REDACTED]
[REDACTED] North Riding.
Johannesburg. South Africa.

Ph : +27 (0)11 [REDACTED]
Fax : +27 (0)861 [REDACTED]
Cell : +27 (0) 83 [REDACTED]
[REDACTED]

From: Wapbill.net Support [<mailto:support@wapbill.net>]
Sent: 25 October 2013 01:07 PM
To: [REDACTED]
Cc: 'Lorinda Wepener'; complaints@waspa.org.za; nadine@gemco.co.za
Subject: Re: FW: 0718833401 (WASPA Complaint Complaint #21441)

Dear Mr [REDACTED]

When a customer clicks onto the subscription confirmation page MTN pass the mobile telephone number of the person that we need to charge. We log the User Agent allocated to this mobile number.

This passing of mobile number is completed in the background via a server to server hand shake.

The only explanation I can come up with is that maybe MTN gave us your telephone number by mistake instead of someone elses? But I can't see how that would be possible.

Regards

Ian Lewis
Wapbill Customer Support

Email: support@wapbill.net
Web: www.wapbill.net
Tel: +27 (0)21 3009 895

wapbill.net

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On 25/10/2013 11:42, [REDACTED] wrote:

Hi Ian

As mentioned, I have been using a Samsung S3 mini for the best part of 6 months, and a blackberry for 2 years before that. I have never owned a Nokia X2.

Another point is the fact that my service provider has no record of any data access by my phone between 20:23:54 on the 6th and 20:35:39 on the 7th of August.

If I visited your site, clicked to gain access, and confirmed subscription I would have had to use data, and MTN would have billed me.

Can you explain to me how I managed to navigate to your site, choose some sort of content, subscribe to said content and then presumable watch/download the content without my service provider being aware of it, and subsequently billing me for the data? Particularly if my service provider was kind enough to supply m you with my cellular number during the whole transaction?

Kind Regards

[REDACTED]
Managing Director
[REDACTED] Corporation

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[REDACTED] North Riding.
Johannesburg. South Africa.

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[REDACTED]

From: Wapbill.net Support [<mailto:support@wapbill.net>]
Sent: 25 October 2013 11:47 AM
To: [REDACTED]
Cc: 'Lorinda Wepener'; complaints@waspa.org.za; nadine@gemco.co.za
Subject: Re: FW: 0718833401 (WASPA Complaint Complaint #21441)

Dear Mr [REDACTED]

From a technical point of view the information a phone sends to us about itself when somebody is visiting our mobile sites is called a User Agent. The full User Agent sent to us at the point of subscription was:

"NokiaX2-01/5.0 (07.10) Profile/MIDP-2.1 Configuration/CLDC-1.1
Mozilla/5.0 AppleWebKit/420+ (KHTML, like Gecko) Safari/420+"

The subscription process works as follows:

Customer visits site via a mobile phone
Customer clicks on content link to gain access.
User confirms subscription (In the background MTN confirm your mobile

number and we pick up your User Agent)
Customer given full unlimited access to content.

If there is anything else please let me know.

Regards

Ian Lewis
Wapbill Customer Support

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Web: www.wapbill.net
Tel: +27 (0)21 3009 895

wapbill.net

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On 25/10/2013 07:56, [REDACTED] wrote:

Dear Mr Lewis

I am so happy that you sent me this informative email!

I am very impressed that you can tell exactly which phone was used to visit your sites.

The unfortunate little detail for you is that I do not own a NokiaX2-01, and I have never owned a NokiaX2-01. (should you wish, I am sure MTN will confirm that the phone issued with the contract is not a Nokia X2-01)

The phone used with this contract is a Samsung mini S3. Perhaps it's time to go back to the drawing board and try to understand why you billed my account when somebody with a phone I never owned accessed your site.

I would like you to better explain one point please. You state in your mail "The subscription confirmation is an independent transaction and we received the confirmation at 09:09:59 AM."

Please elaborate on the subscription confirmation process and explain to me what I would need to do on the phone browser to sign-up for the service?

I look forward to your urgent response.

Kind Regards

[REDACTED]
Managing Director
[REDACTED] Corporation
[REDACTED]

[REDACTED]
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Ph : +27 (0)11 [REDACTED]
Fax : +27 (0)861 [REDACTED]
Cell : +27 (0) 83 [REDACTED]
[REDACTED]

From: Wapbill.net Support [<mailto:support@wapbill.net>]
Sent: 24 October 2013 05:18 PM
To: [REDACTED]
Cc: Lorinda Wepener; complaints@waspa.org.za;
nadine@gemco.co.za
Subject: Re: FW: 0718833401 (WASPA Complaint Complaint #21441)

Dear Mr. [REDACTED]

I am the team leader from Wapbill the company that charged you for the content initially.

I have been over the case and I would like to confirm the following to you:

It is near impossible for us to know that you have a NokiaX2-01 phone. The only way we are able to discover this is if somebody physically using your phone visited our mobile web site.

Please also note that all dates and times quoted on the logs are GMT .

The correct URL for the ZA mobile website is <http://www.nsfwmob.com/za/sub/>. In your example you have unfortunately navigated to an old UK version of the site which we no longer use.

If you require any more assistance please do not hesitate.

Best regards

Ian Lewis
Wapbill.net Customer Support

Email: support@wapbill.net
Web: www.wapbill.net
Tel: +27 (0)21 300 9895



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On 24/10/2013 15:51, Lorinda Wepener wrote:

Hi

Please see below feedback from the complainant.

Best Regards
Lorinda Wepener
Smartcall Technology Solutions

From: [REDACTED]
Sent: 24 October 2013 09:27 AM
To: Lorinda Wepener; complaints@waspa.org.za;
complaints@mtn.co.za
Cc: nadine@gemco.co.za
Subject: RE: 0718833401 (WASPA Complaint
Complaint #21441)

Hi Lorinda

Thank you for the information supplied with regards to
the WASPA complaint Ref: 21441

I have a question that I would like you to better
explain. You state in your mail "The subscription
confirmation is an independent transaction and we
received the confirmation at 09:09:59 AM."

Please elaborate on the subscription confirmation
process and explain to me what I would need to do on
the phone browser to sign-up for the service?

I have read through your email and dispute the claims
that you have made outright.

My reasoning is as follows:

1. I have contacted my service provider (MTN) and
confirmed that there was no billing activity on my
account for ANY data transfer on the ENTIRE morning
of 07/08/2013. In order to access the URL that you
claim was accessed by the SIM in question, there would
have had to be some data transfer of some sort. There
would then be a corresponding charge on the account
for data used which there is not. one can thus safely
assume that the phone did not access any URL site on
this particular morning, making you claim untrue. (I
will happily supply the itemised billing if requested)

2. The phone browser history log shows no
indication of any internet access to any URL on the
morning of the 7th. This corresponds with MTN billing.

3. The original response I received from wapbill.net (email attached) indicated that mobile content to the value of R160 was purchased on 07/08/2013. The SMS received (as confirmed on your email) indicated a "subscription service" at R20 per day.

Why is there a discrepancy between the two parties' information, and what content was actually purchased?

It appears that the information that you are supplying on behalf of your customer, and the information received directly from Wapbill.net are for different instances.

I think you will agree that the information you have supplied is flawed and very contradictory. My concern is that you are simply supplying false information that has not been verified, simply to make the problem go away, and have in intention of correcting any wrongdoing.

Furthermore...

My complaint to WASPA is based on a breach of the following sections of the code of conduct:

Codes Breached: 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.

11.2.2. Any request from a customer to join a subscription service must be an independent transaction, with the specific intention of subscribing to a service. A request from a subscriber to join a subscription service may not be a request for a specific content item and may not be an entry into a competition or quiz.

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

I visited the URL for the sake of interest and found the following:

1) The website text says things like "(300p for 2 clips)" (see attachment - subscription)

I have absolutely no idea what 300p is and would never guess that this is a sign-in for a subscription service. You are required to make this clear to the consumer.

2) The "Terms" on the website lead to a dead-end (see attachment – terms)

How will potential consumers have any idea of what they are getting themselves into if there are no terms?

How do you justify selling anything without informing potential customers of the rules and T's & C's?

Based on my experience on the website, I am more than ever convinced that the rules as stated above are being flouted and that the whole subscription process is unethical and basically fraudulent.

Over and above this fact, in my case in particular, I can prove that you claims are incorrect and that money was fraudulently removed from my account, and that this fraudulent removal of funds was facilitated by MTN.

On this basis I intend to continue with my complaint against Wabbill.net, Smartcall technology services and MTN.

Kind Regards

██████████
Managing Director
██████████ Corporation
██████████

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██████████

From: Lorinda Wepener
[mailto:Lorinda@smartcalltech.co.za]
Sent: 23 October 2013 04:33 PM
To: ██████████
Subject: 0718833401

Hi ██████████

As requested please find below the details of the subscription on the above number.

Web URL: <http://nsfwmob.com>

On 2013/08/07 @ 09:07:02 AM the above number (sim) accessed the above URL. The subscription confirmation is an independent transaction and we

received the confirmation at 09:09:59 AM.

The first billing attempt failed due to insufficient funds on 2013/08/07. On 2013/08/08 01:18:59 AM the billing was successful and following this the welcome message was sent to the above cellphone number:

2013/08/08			2013/08/08	2013/08/08	Welcome: Mobt
01:19:03	ProfitSol	██████████	DELIVRD	01:19:09	This service is c
AM			AM	AM	at R20 per day.
					send THUMBS S
					37445.
					Support: www.1
					or call 0213009

We received a request to unsubscribe the number on 2013/08/08 and the confirmation of unsubscription was sent:

2013/08/14			2013/08/14	2013/08/14	FreeMSG:
06:36:16	ProfitSol	██████████	DELIVRD	06:36:19	Thank you for
PM			PM	PM	calling Wapbill
					customer
					support. You
					have been
					removed from
					all services.
					Please allow
					up to 24hr for
					all message
					to stop.

Trust you find the above in order and please contact me should you have any further queries.

Best Regards
Lorinda Wepener

0829981145
Smartcall Technology Solutions

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This email has been scanned for viruses and malware, and automatically archived. itevomcid



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

MTN Billing.pdf	Content-Type: application/pdf Content-Encoding: base64
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Optin Details

Site	Number	Network	Handset	Page	Date	Time
NSFWmob.	2.77E+10	MTN	NokiaX2-01/za/sub/m	ε	#####	9:07:02
Subscriptio	2.77E+10	MTN	NokiaX2-01/za/sub/co		#####	9:09:59
NSFWmob.	2.77E+10	MTN	NokiaX2-01/za/sub/vic		#####	9:10:03