Wireless Application Service Provider Association

REPORT OF THE ADJUDICATOR

Complaint reference number:	25343
WASPA member(s):	Buongiorno
Membership number(s):	0002
Complainant:	Monitor
Type of complaint:	Unsubscribe process
Date complaint was lodged:	2014-10-27
Date of the alleged offence:	
Relevant version of the Code:	13.1
Clauses considered:	4.2, 5.4, 5.5
Relevant version of the Ad. Rules:	
Related cases considered:	n/a

Complaint 25343 is raised by the Media Monitor and relates to the WASP's use of the MTN and Vodacom unsubscribe all functionality instead of merely using their own unsubscribe short code.

Initial Complaint

The above is potentially in breach of the following clauses, quoted from the WASPA Code of Conduct Version 13.1:
4.2. Members must at all times conduct themselves in a professional manner in their dealings with thepublic, customers, other service providers and WASPA.
5.4. Members must have honest and fair dealings with their customers.
5.5. Members must not knowingly disseminate information that is false or deceptive, or that is likely to mislead by inaccuracy, ambiguity, exaggeration or omission.

WASP Response

The WASP responded to the complaint by indicating that they had themselves picked up the error and remedied the stop all command in the two welcome messages for their two respective services. They had also sent notification to all subscribers to such services that they should opt out in a different manner and not using the stop all command.

The WASP did not feel that the sections listed by the complainant, namely 4.2, 5.4 and 5.5 had been breached.

Accordingly the WASP did not feel that the formal adjudication process was necessary. The WASP submitted that there was no breach of the Code and, to the extent that there was any breach, this has been remedied at the earliest possible moment and no prejudice has resulted and no sanctions should be applied to the WASP.

Sections of the Code considered

4.2. Members must at all times conduct themselves in a professional manner in their dealings with thepublic, customers, other service providers and WASPA.
5.4. Members must have honest and fair dealings with their customers.
5.5. Members must not knowingly disseminate information that is false or deceptive, or that is likely to mislead by inaccuracy, ambiguity, exaggeration or omission.

Decision

I find no breach of the code.

In particular I agree with the WASP that their remedial behaviour was in good time and as such no prejudice was suffered. I further agree in this instance that there were no mala fides at play when the WASP drafted the unsubscribe instruction.

Sanctions

No sanctions.