



REPORT OF THE ADJUDICATOR

WASPA Member (SP) Buongiorno UK

Information Provider (IP) s/a
(if any)

Service Type Subscription

Source of Complaints Ms P Damonse

Complaint Number 4614

Date received 28 July 2008

Code of Conduct version 6.1

Complaint

This complaint has been escalated from the informal complaint procedure. The SP was requested to:

1. Unsubscribe the complainant from the service in question (details of the particular service were not included in the complaint);
2. Provide proof of subscription;
3. Provide the complainant with a refund.

SP Response

The SP initially requested an extension of time from WASPA to respond to the formal complaint. However, the SP has failed to do so.

Sections of the Code considered

Section 11.2

Decision

This matter should have been finally resolved using the informal complaint procedure. However the SP has failed to respond. I must therefore consider the complaint in the absence of any response from the SP.

The SP has actioned the unsubscribe request but has failed to provide proof of subscription and has failed to respond to the request for a refund to be passed. In the absence of proof of subscription, my finding is that the complainant was wrongfully charged for a subscription service that she did not join. The complainant is therefore entitled to be refunded all amounts she has incurred in relation to this service.

Sanction

The unsubscribe system offered by WASPA provides members such as the SP with a cost effective way to resolve complaints from consumers timeously. The fact that the SP has ignored all but one of the requests made to it and then has ignored the opportunity to respond to the formal complaint is contrary to the spirit of the code.

In addition to refunding the complainant for all amounts she has incurred in relation to the service in question, the SP is also fined R10 000.00. These sanctions are not suspended pending any appeal by the SP.