

WASPA Member (SP)	Integrat
Information Provider (IP)	N/A
Service Type	Prohibited services
Source of Complaint	Public
Complaint Number	#4875
Code of Conduct Version	6.1
Date of Adjudication	23/10/2008

Complaint

The Complainant in this matter stated the following:

“Zemgo is a running a tvc with the keyword GET on SABC. They are actually charging the customers on message (questions) received instead of message sent (answers) by the user!”

SP Response

The SP’s response is reproduced here in full:

“Affected Provisions in WASPA’s Code of Conduct:

12.3 *Prohibited Services*

- (a) Quiz services where a customer is billed for receiving quiz messages rather than being billed for sending a response. “Quiz services” covers any form service including a game, trivia, a competition or challenge where a customer is asked questions or prompted to provide a response or solve a problem, whether a prize is offered or not.

2. The Complaint

The Complainant complaint that *“Zemgo is a running a tvc with the keyword GET on SABC. They are actually charging the customers on message (questions) received instead of message sent (answers) by the user!”*

3. The Defense

SP will like to clarify that its Zemgo services launched under short code 42900 is not a competition or a challenge where a customer is asked to answer questions or prompted to provide a response or solve a problem, whether a prize is offered or not. Zemgo service is a general knowledge service.

Zemgo is launched as a general knowledge information service; hence the customer is billed for receiving the general knowledge information. It is not considered a quiz although it has a question at the end of the information because the question at the end of the information is to test the general knowledge of the subscriber of Zemgo and to stimulate their minds.

There is no element of any competition in this service as subscribers of Zemgo are challenging themselves to answer as many correct questions as they can in the time frame provided in order to collect points and have a right to purchase the item at a much discounted price if he is the highest collector of points for that time period and there is no prize given to any party at any time.

4. Conclusion

We will reiterate the fact that SP has at all times intended its Zemgo services launched under its short code 42900 to be a general knowledge information service and not a competition as stated by the Complainant. The Customers are billed for the information received and not for question received. The information merely has a question at the end to tickle the knowledge bud of the subscriber and not meant as a competition in any sense. Hence the complaint under 12.3 should be dismissed.

SP RESPONSE

Integrat is an aggregator and as such only a conduit for the services as provided by the IP.

Integrat is committed to honest and fair dealings with all customers.

Integrat can confirm that all the advertisements for this service has been withdrawn.

Integrat can confirm that this service has been suspended until further notice.

A sample of the message that the IP sent to the client is:

“Item sale this month is samsung U700 at only R5; Malaysia is in Asia. Thailand is in? A: Asia B: Africa. SMS A or B to 42900”

This sample message shows that the customer is sent general knowledge information which is underlined for your ease of reference together with the info of the item on sale.

We trust you find the abovementioned in order and await your adjudication in due course.”

Sections of the Code considered

12.3.2. Prohibited services:

(b) Quiz services where a customer is billed for receiving quiz messages rather than being billed for sending a response. "Quiz services" covers any form service including a game, trivia, a competition or challenge where a customer is asked questions or prompted to provide a response or solve a problem, whether a prize is offered or not.

Decision

In adjudicating a matter the Adjudicator has to rely on the information submitted and hence presented to him/her.

The SP has provided a very detailed description of its actions and further emphasized that customers are not being billed for questions send but rather on information received. The Adjudicator can't find any wrongdoing on behalf of the SP and after carefully reviewing its response has come to the conclusion that the customer is indeed billed for information received. This information is based on providing the customer with general knowledge, and although a question is flagged at the end of the message, this is not what the customer is billed for, therefore in the opinion of the Adjudicator not a so-called "Quiz" service where the customer is billed for receiving quiz messages..

The SP is commended for its swift reaction in withdrawing the service until it received further clarification from the Adjudicator.

The Complaint is dismissed.
