



REPORT OF THE ADJUDICATOR

WASPA Member (SP) Viamedia & Zed Mobile

Information Provider (IP)
(if any)

Service Type Subscription service

Source of Complaints P Sebokwane

Complaint Number 5329

Date received 2 December 2008

Code of Conduct version 6.2

Complaint

The complainant initially lodged an unsubscribe request via the unsubscribe facility on the WASPA website. The complainant was unsubscribed but the requested refund has been refused by both SP's. The complaint has now been escalated for formal adjudication.

SP's response

Both SP's have responded to the complaint by providing proof that the complainant subscribed to the service. Viamedia provided its logs showing that the complainant subscribed to the service on 4 (four) separate occasions. Each time that she subscribed, the complainant received a welcome message which provided clear instructions on how to unsubscribe.

Her subscription was cancelled by Viamedia on 15 October 2008 and by Zed Mobile on 16 October 2008.

Both SP's allege that the complainant validly subscribed to the service and is therefore not entitled to a refund.

Sections of the Code considered

11. Subscription services

11.1.7. Once a customer has subscribed to a subscription service, a notification message must immediately be sent to the customer. This welcome message must be a clear notification of the following information, and should not be mistaken for an advert or marketing message:

- (a) The name of the subscription service;*
- (b) The cost of the subscription service and the frequency of the charges;*
- (c) Clear and concise instructions for unsubscribing from the service;*
- (d) The service provider's telephone number.*

11.2. Termination of a service

11.2.1. Instructions on terminating a subscription service must be clear, easy to understand, and readily available.

11.2.2. Customers must be able to unsubscribe from any subscription service via SMS using no more than two words, one of which must be 'STOP'.

11.2.3. The 'STOP' request described above must be charged at the lowest tariffed rate available (with the exception of reverse billed rates).

11.2.4. Members must ensure that the termination mechanism is functional and accessible at all times.

Decision

Based on the evidence placed before me, I am satisfied that the SP's have not contravened any provision of the WASPA Code.

The complaint is accordingly dismissed.
