



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	Sybase 365
Information Provider (IP) (if any)	mBill
Service Type	Competition / Subscription service
Source of Complaints	T Devalogan
Complaint Number	5909
Date received	2 March 2009
Code of Conduct version	6.2

Complaint

The complainant lodged a request via the unsubscribe facility on the WASPA website. The complainant was unsubscribed by the SP but this complaint was escalated as a refund was not given.

SP's response

The SP has acknowledged that due a system error, no automatic subscription confirmation message was sent to the complainant when she subscribed for the service.

The SP has advised that a refund of R360.00 was processed and a cheque was sent to the complainant.

Sections of the Code considered

Section 11

Decision

This complaint is related to similar complaints which I have dealt with in the past regarding the IP's iPhone Trivia and/or Fun Message of the Day subscription service. I refer to my adjudicator's reports # 5081 and 5165.

In terms of the order handed down in report # 5165, the IP was ordered to refund all amounts incurred by entrants and/or subscribers to this competition and service. It was also clearly stated that such refunds had to be paid in South African rands.

The SP has stated that a cheque for R360.00 was processed and sent to the complainant. However no evidence of this payment has been presented and the complainant has not received same.

The SP is therefore ordered to pay the sum of R360.00 into the complainant's bank account in South African rands within 10 (ten) days of being furnished with the complainant's bank account details.

The complainant is kindly requested to furnish the SP with his bank account details.
