



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	Sybase 365
Information Provider (IP) (if any)	mBill
Service Type	Competition / Subscription service
Source of Complaints	S Shum
Complaint Number	5955
Date received	27 March 2009
Code of Conduct version	7.0

Complaint

The complainant lodged a request via the unsubscribe facility on the WASPA website. The complainant was unsubscribed and a cheque for an unknown amount in Australian dollars was sent by the SP to the complainant. Unfortunately the cheque was so badly defaced (scratched out etc) that it could not be presented for payment.

The complainant informed the SP but has not been able to obtain a refund. The complainant was visiting Australia and offered to collect the money personally, but received no response from the SP

SP's response

The SP responded to the complaint by attaching the log file showing how the complainant was initially subscribed. The SP also stated that the refund was issued in March 2009 with forward dating the cheque as allegedly requested by 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 cheque that was tendered to the complainant was inadequate for the purpose of refunding the complainant.

The SP is therefore ordered to pay the sum of R230.00 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.
