



REPORT OF THE ADJUDICATOR

WASPA Member (SP):	TIMw.e. New Media Entertainment South Africa
Information Provider (IP):	Not applicable
Service Type:	Subscription service
Complainant:	Member of the public
Complaint Number:	6760
Code Version:	7.0 (consideration also given to version 7.4)
Advertising Rules Version:	2.3

Complaint

The complainant is a member of the public who has complained that he was subscribed to the SP's subscription service despite not entering an activation code intended to activate such a subscription. He has also complained that his efforts to achieve a resolution with the SP met with little, if any, response. His complaint was as follows:

Please give me proof that I subscribed to Games regarding the above cell phone number. If somehow through your wonderful ways of getting people to join by means of small print that is not really that visible the please prove that I warrant a charge of various amount over the past 3 months (fluctuating) meaning that I have done downloads.rnrn rnrnAwaiting your urgent reply.rnrnAlaine Mascaux - I have gone into the site today and tried to find out how it works. I put in my cell number by a game that I could buy and I need to wait for my pin number to be sms'd to my phone. I never got this pin number. If you look into your history of the past three months, I have never downloaded a game. If for some reason you see games have been downloaded then it is definitely a scam.rnrn rnrnPlease advise urgently - I am short over R400 of which you have taken on my cell phone account, I would

appreciate a speedily response - <http://za.natta.com/web/za/rnrn rnrn> This is the company I have been charged R4,99 per day and they say that I could have done some IQ test which I may of but definitely did not put in a cell phone number as I generally don't. These are the e-mails I have sent the as well as phoning them but I get no response,rnrn rnrn rnrn

The logs (annexed to this report, marked Annexure "A" - the complainant's phone number has been redacted to protect his privacy) indicate that after receiving three messages inviting him to enter a code the complainant appears to have been subscribed to the service. The messages read as follows and were sent on 12 February 2009:

Insert your password uantat and receive 3 Games and 1 Truetone every week. Please check T&C at www.za.natta.com/web/za/tac.

The complainant then appears to have received the following message roughly a minute later welcoming him to the service:

*Welcome! U have joined Games Club. 3 Games + 1 Tune per week, R4,99/day.Stop?Dial *120*33535# and follow the menu(1c/sec). Helpline:(0)11 4470357. Total TIM*

The complainant unsubscribed from the service on 3 June 2009.

The complainant's comments that he didn't receive an activation code or otherwise respond to the invitation to enter an activation code suggests that he was involuntarily subscribed to the service.

Service provider's response

The SP responded to the complaint as follows:

Hi,

In attach there is the proof that he did subscribe to our services and that he did not send a Stop to cancel the services.

Please give me feedback on this case. thanks

Bernardo Vasconcellos

Marketing Assistant

TIM w.e.

The “proof” the SP enclosed with its email was essentially the logs which I have annexed to this report.

What followed was a veritable war of words between the complainant, the SP, Mira Networks and Vodacom. This correspondence is annexed to this report, marked Annexure “B”.

Sections of the Code considered

This complaint was filed prior to the most recent update to the Code to version 7.4. I have accordingly considered versions 7.0 and 7.4 for the purposes of this report in order to determine compliance with the Code (referencing version 7.0) and the remedy for non-compliance (referencing version 7.4). Having regard to the issues raised in this complaint, I have also considered other sections of the Code which are pertinent.

I have therefore considered the following sections of the Code:

Version 7.0	Version 7.4
<p>11.1.2: Any request from a customer to join a subscription service must be an independent transaction, with the specific intention of subscribing to a service. A request from a subscriber to join a subscription service may not be a request for a specific content item.</p>	<p>11.1.2: Any request from a customer to join a subscription service must be an independent transaction, with the specific intention of subscribing to a service. A request from a subscriber to join a subscription service may not be a request for a specific content item and may not be an entry into a competition or quiz.</p>

Version 7.0	Version 7.4
<p>11.1.10: Where a subscription service is initiated by a user replying to a message from a service provider where that message contains instructions for activating a service and/or where that message contains an activation code that when inputted by the user activates a subscription service, then that message, along with the subscription initiation instructions and/or activation code, must also include the subscription service information in the following format, flow and wording:</p> <p style="padding-left: 40px;">[service activation instructions and/or activation code]. U'll b subscribed to [XYZ service] from [name of service provider] @ [cost of service and frequency of billing]. Help? Call [call centre number + "(VAS)" if applicable]. To unsubscribe, [unsubscribe instructions].</p>	<p>11.1.10: Where a subscription service is initiated by a user replying to a message from a service provider where that message contains instructions for activating a service and/or where that message contains an activation code that when inputted by the user activates a subscription service, then that message, along with the subscription initiation instructions and/or activation code, must also include the subscription service information in the following format, flow and wording:</p> <p style="padding-left: 40px;">[service activation instructions and/or activation code]. U'll b subscribed to [XYZ service] from [name of service provider] @ [cost of service and frequency of billing].</p>
<p>11.2.1: A monthly reminder SMS must be sent to all subscription service customers. This reminder must be sent within 30 days of the initial notification message, and once per calendar month thereafter.</p>	<p>11.2.1: A monthly reminder SMS must be sent to all subscription service customers. This reminder must be sent within 30 days of the initial notification message, and once per calendar month thereafter.</p>

Version 7.0	Version 7.4
<p>11.2.2: The reminder messages specified in 11.2.1 must adhere exactly to the following format, flow, wording and spacing:</p> <p>U r subscribed to [name of service provider] [content/service description]. Cost [cost of service and frequency of billing]. For help, sms HELP [optional keyword] to [short code] or call [call centre number + "(VAS)" if applicable]. To unsubscribe, sms STOP [service keyword] to [short code].</p>	<p>11.2.2: The reminder messages specified in 11.2.1 must adhere exactly to the following format, flow, wording and spacing:</p> <p>U r subscribed to [name of service provider] [content/service description]. Cost [cost of service and frequency of billing]. For help, sms HELP [optional keyword] to [short code] or call [call centre number + "(VAS)" if applicable]. To unsubscribe, sms STOP [service keyword] to [short code].</p> <p>or</p> <p>U r subscribed to [name of service provider] [content/service description]. Cost [cost of service and frequency of billing]. For help call [call centre number + "(VAS)" if applicable]. To unsubscribe, sms STOP [service keyword] to [short code].</p>
<p>11.5.2: Customers must be able to unsubscribe from any subscription service via SMS using no more than two words, one of which must be 'STOP'.</p>	<p>11.5.2: Customers must be able to unsubscribe from any subscription service via SMS using no more than two words, one of which must be 'STOP'. If a reply could pertain to multiple services, either all services should be terminated, or the recipient should be given a choice of service to terminate.</p>

Version 7.0	Version 7.4
	<p>11.5.6: When a customer has requested that they be unsubscribed from a service, an unsubscribe notification must be sent to that customer, and must use the following text format, flow and wording:</p> <p style="padding-left: 40px;">You've been unsubscribed from [service name].</p> <p style="padding-left: 40px;">or</p> <p style="padding-left: 40px;">You've been unsubscribed from [service name]. To resubscribe [service activation instructions]. U'll then b resubscribed @ [cost of service and frequency of billing].</p>

Sections of the Advertising Rules considered

Not applicable to this complaint.

Decision

The primary area of concern in this complaint is that people are being involuntarily subscribed to the SP's subscription service and the activation code mechanism is a ruse. WASPA has received a number of complaints suggesting this is, indeed, the case.

The complainant was subscribed to the service roughly a minute after receiving the initial message with the activation code which the complainant insists he never received. It begs the question whether the activation code is a pre-requisite for a subscription's activation or whether simply supplying the SP with a mobile number suffices (regardless of the pretence under which the SP solicited the mobile number).

Sections 11.1.2 of the Code specifically prohibits subscribing a person to a subscription service where that person has not concluded an "independent transaction" to subscribe to the SP's subscription service or lacked the "specific intention" to subscribe to that service.

The SP has not furnished WASPA with any substantive indication that the complainant concluded an "independent transaction" with the "specific intention" of

subscribing to its subscription service. Its logs made no mention of any communication from the complainant that would suggest he satisfied the test outlined in 11.1.2 of the Code.

The welcome message that is sent out does not contain an easy unsubscription mechanism contemplated in 11.5.2 and instead requires that new subscribers dial a sequence of digits and presumably follow voice prompts. The first time a subscriber receives instructions how to unsubscribe using a short code and the word "STOP" is usually a month after becoming a subscriber but I note from the logs that the messages sent to the subscriber don't contain that mechanism and instead repeat the arduous mechanism in the initial message. This is an infringement of section 11.5.2 of the Code.

In addition, I see no real compliance with the requirements of section 11.1.10 of the Code. The SP's welcome message (quoted above) may be its attempt at compliance with 11.1.10 but I submit there is a marked difference between "*U have joined Games Club ...*" and wording along the lines of "*You'll be subscribed to the Games Club service ..*". The welcome message sent disguises the subscription nature of the service whereas the wording set out in section 11.1.10 is intended to state the subscription nature of a service explicitly.

Furthermore, the reminder messages do not meet 11.2.2's formatting requirements.

Taking the information and evidence before me into consideration, the SP's subscription mechanism appears to operate independently of prospective subscribers' desire or intention to subscribe and while it may certainly allow people to become subscribers should they respond positively to the invitations to subscribe, it also appears to subscribe people who have no intention subscribing in the first place.

Based on the information I was briefed with, the service infringes 11.1.2, 11.1.10, 11.2.2 and 11.5.2 of the Code.

Sanctions

1. The SP is ordered to refund all amounts charged to the complainant as a result of her subscription to the SP's subscription service in question;
2. To the extent the complainant's subscription to the subscription service was not terminated as the documentation before me indicates, the SP shall unsubscribe the complainant from the subscription service;
3. The SP is ordered to cease the service giving rise to this complaint until such time as the service complies fully with the Code and sections 11.1.2, 11.1.10, 11.2.2 and 11.5.2 of the Code in particular;
4. The SP shall send an sms notification to all existing subscribers of the campaign in the format prescribed in 11.4 of the current Code;
5. The SP is fined -
 - 5.1. R75 000 for its non-compliance with 11.1.2 of the Code;
 - 5.2. R50 000 for its non-compliance with 11.1.10 of the Code;
 - 5.3. R75 000 for its non-compliance with 11.2.2 of the Code; and
 - 5.4. R75 000 for its non-compliance with 11.5.2 of the Code.

These fines must be paid to the WASPA Secretariat within five (5) days of notification of this report's findings.

Annexure "A"

Time	Origin	Destination	Message
2009-02-12 06:55:40	133535	[REDACTED]	Insert your password uantat and receive 3 Games and 1 Truetone every week. Please check T&C at www.za.natta.com/web/za/tac .
2009-02-12 06:56:54	133535	[REDACTED]	Welcome! U have joined Games Club. 3 Games + 1 Tune per week, R4,99/day.Stop?Dial *120*33535# and follow the menu(1c/sec). Helpline:(0)11 4470357. Total TIM
2009-02-12 06:56:55	33535	[REDACTED]	Click to get the coolest games now! www.za.natta.com
2009-02-13 06:41:32	33535	[REDACTED]	Download now
2009-02-14 06:41:54	33535	[REDACTED]	Download now
2009-02-15 06:16:57	33535	[REDACTED]	Download now
2009-02-16 06:50:58	33535	[REDACTED]	Download now
2009-02-17 06:52:21	33535	[REDACTED]	Download now
2009-02-18 07:02:01	33535	[REDACTED]	Download now
2009-02-19 08:11:05	33535	[REDACTED]	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-02-20 06:55:12	33535	[REDACTED]	Download now
2009-02-21 06:59:25	33535	[REDACTED]	Download now
2009-02-22 06:47:11	33535	[REDACTED]	Download now
2009-02-23 07:14:52	33535	[REDACTED]	Download now
2009-02-24 06:54:58	33535	[REDACTED]	Download now
2009-02-25 06:55:27	33535	[REDACTED]	Download now
2009-02-26 08:10:57	33535	[REDACTED]	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-02-27 07:37:16	33535	[REDACTED]	Download now
2009-02-28	33535	[REDACTED]	Download now

07:12:30			
2009-03-01 06:46:56	33535	██████████	Download now
2009-03-02 07:02:48	33535	██████████	Download now
2009-03-03 07:15:29	33535	██████████	Download now
2009-03-05 08:13:09	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-03-07 07:01:56	33535	██████████	Download now
2009-03-08 06:40:25	33535	██████████	Download now
2009-03-09 07:03:41	33535	██████████	Download now
2009-03-10 07:43:20	33535	██████████	Download now
2009-03-11 10:35:32	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-03-11 10:56:34	33535	██████████	Download now
2009-03-11 11:19:17	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-03-11 19:01:05	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-03-12 08:12:30	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-03-12 08:25:37	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-03-13 06:32:49	33535	██████████	Download now
2009-03-14 07:09:32	33535	██████████	Download now
2009-03-14 18:55:52	133535	██████████	FreeMsg: You are subscribed to Games Club.Cost R4,99/day. To Stop Subscription, SMS STOP to 33535. Helpline: (0)11 4470357 (VAS Rates). Total Tim
2009-03-15 06:28:30	33535	██████████	Download now
2009-03-16 07:09:05	33535	██████████	Download now

2009-03-17 07:31:00	33535	██████████	Download now
2009-03-18 07:12:30	33535	██████████	Download now
2009-03-19 08:12:13	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-03-19 08:54:15	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-03-20 06:49:52	33535	██████████	Download now
2009-03-21 06:52:23	33535	██████████	Download now
2009-03-22 06:44:10	33535	██████████	Download now
2009-03-23 07:01:56	33535	██████████	Download now
2009-03-24 07:44:32	33535	██████████	Download now
2009-03-25 07:22:02	33535	██████████	Download now
2009-03-26 08:11:21	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-03-26 08:52:02	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-03-27 06:09:49	33535	██████████	Download now
2009-03-28 06:22:58	33535	██████████	Download now
2009-03-29 07:26:50	33535	██████████	Download now
2009-03-30 07:25:53	33535	██████████	Download now
2009-03-31 08:15:39	33535	██████████	Download now
2009-04-01 08:17:55	33535	██████████	Download now
2009-04-02 09:07:31	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-04-02	133535	██████████	Click 2 get the coolest games now! www.za.natta.com

10:24:16			
2009-04-03 07:07:24	33535	██████████	Download now
2009-04-04 07:10:12	33535	██████████	Download now
2009-04-05 07:20:52	33535	██████████	Download now
2009-04-06 07:31:26	33535	██████████	Download now
2009-04-07 07:42:50	33535	██████████	Download now
2009-04-08 08:02:27	33535	██████████	Download now
2009-04-09 09:11:25	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-04-09 09:20:01	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-04-10 07:00:45	33535	██████████	Download now
2009-04-11 07:14:42	33535	██████████	Download now
2009-04-12 07:25:42	33535	██████████	Download now
2009-04-13 07:26:04	33535	██████████	Download now
2009-04-13 19:04:22	133535	██████████	FreeMsg: You are subscribed to Games Club.Cost R4,99/day. To Stop Subscription, SMS STOP to 33535. Helpline: (0)11 4470357 (VAS Rates). Total Tim
2009-04-14 08:27:05	33535	██████████	Download now
2009-04-15 08:15:07	33535	██████████	Download now
2009-04-16 08:59:03	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-04-17 07:01:46	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-04-17 07:11:09	33535	██████████	Download now
2009-04-18 07:31:51	33535	██████████	Download now

2009-04-19 08:48:20	33535	██████████	Download now
2009-04-20 07:36:31	33535	██████████	Download now
2009-04-21 07:48:42	33535	██████████	Download now
2009-04-22 08:34:33	33535	██████████	Download now
2009-04-23 09:05:36	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-04-23 10:06:55	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-04-24 07:03:45	33535	██████████	Download now
2009-04-25 07:11:51	33535	██████████	Download now
2009-04-27 07:27:14	33535	██████████	Download now
2009-04-28 08:15:59	33535	██████████	Download now
2009-04-29 08:55:48	33535	██████████	Download now
2009-04-30 08:57:09	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-04-30 10:58:01	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-05-01 07:03:11	33535	██████████	Download now
2009-05-02 07:05:38	33535	██████████	Download now
2009-05-03 07:17:37	33535	██████████	Download now
2009-05-04 07:23:34	33535	██████████	Download now
2009-05-05 08:37:09	33535	██████████	Download now
2009-05-06 08:14:00	33535	██████████	Download now
2009-05-07	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:

08:45:07			(0)11 4470357!TotalTim
2009-05-07 10:21:42	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-05-08 07:09:30	33535	██████████	Download now
2009-05-09 07:10:02	33535	██████████	Download now
2009-05-10 07:28:34	33535	██████████	Download now
2009-05-11 07:32:19	33535	██████████	Download now
2009-05-12 09:03:13	33535	██████████	Download now
2009-05-13 08:27:05	33535	██████████	Download now
2009-05-13 18:59:33	133535	██████████	FreeMsg: You are subscribed to Games Club.Cost R4,99/day. To Stop Subscription, SMS STOP to 33535. Helpline: (0)11 4470357 (VAS Rates). Total Tim
2009-05-14 09:13:02	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-05-14 09:15:56	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-05-15 07:05:48	33535	██████████	Download now
2009-05-16 07:00:38	33535	██████████	Download now
2009-05-17 07:20:39	33535	██████████	Download now
2009-05-18 07:29:45	33535	██████████	Download now
2009-05-19 11:59:55	33535	██████████	Download now
2009-05-20 07:40:52	33535	██████████	Download now
2009-05-21 09:06:38	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-05-21 09:10:28	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-05-22 07:02:05	33535	██████████	Download now

2009-05-23 07:08:39	33535	██████████	Download now
2009-05-24 07:23:11	33535	██████████	Download now
2009-05-25 07:25:09	33535	██████████	Download now
2009-05-26 08:37:05	33535	██████████	Download now
2009-05-27 08:12:52	33535	██████████	Download now
2009-05-28 08:50:27	33535	██████████	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline: (0)11 4470357!TotalTim
2009-05-28 09:05:35	133535	██████████	Click 2 get the coolest games now! www.za.natta.com
2009-05-29 07:07:24	33535	██████████	Download now
2009-05-30 07:09:14	33535	██████████	Download now
2009-05-31 07:26:42	33535	██████████	Download now
2009-06-01 07:21:35	33535	██████████	Download now
2009-06-02 08:01:09	33535	██████████	Download now
2009-06-03 08:27:54	33535	██████████	Download now

Annexure **"B"**

From: "Alaine Labuschagne" <alaine@braaibbq.co.za>
Subject: **Re: [WASPA.complaints] 0796968420**
Date: 18 June 2009 7:03:59 AM SAST
To: "Cecelia" <cecilia@miranetworks.net>
Cc: juus@moneyweb.co.za, compants@waspa.org.za
Reply-To: "compants@waspa.org.za" <compants@waspa.org.za>

I WILL SAY AGAIN, NO ONE HAS ACCESS TO MY PHONE AND I DID NOT GO INTO ANY WEB SPOT. PROVE TO ME THAT I HAVE DOWNLOADED GAMES AS THIS IS WHAT I WOULD DO SHOULD I HAVE SUBSCRIBED.

From: Cecelia [mailto:cecilia@miranetworks.net]
Sent: 17 June 2009 14:21
To: alaine@braaibbq.co.za
Subject: FW: 0796968420
Importance: High

Hi,

As you can read in the already sent mails, the charging messages of our service can only be sent after the password is inserted in the web spot.

And it was, the proof of that is the sent messages, without following that procedure the system cannot send the messages of the club.

If it wasn't you it was someone with access to your phone.
Since it is necessary the access to the phone we are not responsible for the unawareness of the subscription.

Regards,
Support

THIS PROVES ONLY THAT YOU SENT ME SMS'S AND NOT THAT I SUBSCRIBED. YOU CANNOT SEND ME AN "ADVERTISING" SMS AND AUTOMATICALLY SUBSCRIBE ME TO THIS SERVICE IF I DON'T SEND YOU AN SMS'S THAT ASKS YOU TO STOP. IF YOU WANT ME TO SUBSCRIBE TO SOMETHING THEN YOU SEND ME AN SMS AND ASK ME TO REPLY SHOULD I WANT TO SUBSCRIBE, OF WHICH IS NOT THE CASE HERE AS I NEVER SUBSCRIBED. I RECEIVE SMS'S ON A REGULAR BASIS THAT I CLASS AS "JUNK MAIL" THAT I IGNORE. THIS IS GENERALLY DERIVED FROM PEOPLE WHO GET MY NUMBER FROM MAILING LISTS AND THE ADVERTISERS BUY THEIR MAILING LIST (OR SOMETHING LIKE THIS).

YOU SHOW ME WHERE I SUBSCRIBED AND NOT THE SMS'S THAT YOU SENT ME BUT THE SMS THAT I **SENT YOU.**

AWAITING YOUR REPLY

Alaine Labuschagne

From: Cecelia [mailto:cecilia@miranetworks.net]
Sent: 10 June 2009 09:27
To: alaine@braaibbq.co.za
Subject: FW: 0796968420

Hi,

Sent: 08 June 2009 11:20
To: Alaine Labuschagne
Subject: Re: RE: RE: 0796968420 Ref: 000R1a52C8K43M6U



Dear Alaine

There unfortunately is no way that you can stop anybody from registering your number for these types of services apart from always keeping your sim card with you and never leaving it unattended.

Please be advised that Vodacom cannot be held responsible for the manner the user manages his/her cell phone i.e. if the phone should be left unattended and usage takes place, Vodacom cannot take responsibility for the usage.

Should you have any further queries, please contact us via e-mail at customercare@vodacom.co.za.

Warm Regards

Kaashief Nassiep

Email Contact Centre

On 6/8/09 11:22 AM, Alaine Labuschagne wrote:

I do not understand how such networks can do such a thing without my knowledge as I have never subscribed. But for the future, is there any way that you can block my cell phone account from any service provider from ever deducting movies from my cell phone account as I feel now that anyone can just charge my cell phone account and I am held responsible by you for this account. Since this has happened to me I have heard that it is not an un-common event that happens as other people have had the same problem, but fortunately they did not take 4 months to see what was happening.

From: customercare@vodacom.co.za [mailto:customercare@vodacom.co.za]
Sent: 08 June 2009 10:13
To: Alaine Labuschagne
Subject: Re: RE: RE: 0796968420 Ref: 000R1a52C8K43M6U

<http://www.vodacom.co.za/services/callback/callback.jsp>



Dear Alaine

WASPs are third parties developing and offering services using the Vodacom network. Vodacom does not take any responsibility for any billing on a subscriber's account by a WASP. They make use of Vodacom's cellular network infrastructure and billing relationship with the subscriber to deliver and bill for these services, such as SMS voting, Traffic reports, Games, Competition lines, banking transaction charges etc.

Customer's accept and register to WASP services at their own will. If subscriber wishes to cancel subscription to a particular WASP service, he/she to contact the WASP to get the subscription cancelled.

As a registered WASP offering services, it is the WASP's responsibility to fully manage and support its services. The WASP must therefore have their own WASP Customer Care number to be able to handle various queries/complaints from their clients. Vodacom can assist to route WASP customer queries to their call centre.

Kindly note that all WASP complaints can be forwarded to the Wireless Application Service Provider's Association via email complaints@waspa.org.za or alternatively on the website <http://www.waspa.org.za/>.

Should you have any further queries, please contact us via e-mail at customer care@vodacom.co.za.

Warm Regards

Kaashief Nassiep

Email Contact Centre

On 6/8/09 11:03 AM, Alaine Labuschagne wrote:

Surely you cannot add something to my cell phone account without my authorization. I have call Mira and Teamwe and neither of them will give me anymore information other than saying that I am subscribed with them, of which I have never done such a thing a subscribed with them.

From: customer care@vodacom.co.za [mailto:customer care@vodacom.co.za]
Sent: 08 June 2009 07:09
To: Alaine Labuschagne
Subject: Re: 0796968420 Ref: 000R1a52C8K43M6U

Dear Alaine

Thank you for your email communication to Vodacom.

Please be advised that you are registered for service offered by a company called Mira Networks. They can be contacted on 011 4422735 for more information.

Should you have any further queries, please contact us via e-mail at customer care@vodacom.co.za.

Warm Regards

Kaashief Nassiep

Email Contact Centre

On 6/8/09 7:35 AM, Alaine Labuschagne wrote:

Dear Sir/ Madam

I have been dealing with a complaint I have against TIMw.e. New Media, for deducting around R150 a month from my Cell phone account with you for the past 4 months. I have now spoken to WASPA and they advise me that TIMw.e. New Media, is not a member. You should not be deducting amount from cell phone accounts unless they are WASPA member. I would hereby request that you refund me or deal with this matter with TIMw.e. New Media and make sure that all subscriptions are refunded that were charged to my cell phone account this year.

I have lodged a complaint with WASPA (ticket #17680), against TIMw.e. New Media, and hope that you will also look into the matter. TIMw.e. New Media are charging for Game Subscriptions and charging to Cell phone accounts. I have never subscribed to such a service and am 46 years old and have no inclination or knowledge of playing games on my cell phone of which is not even capable of playing games on.

I hope that I will have some response from you as I am at present not getting any response from TIMw.e. New Media.

Awaiting your response

Regards
Alaine Mascaux

http://www.vodacom.co.za/services/vodacom_broadband/index.jsp



“This e-mail is sent on the Terms and Conditions that can be accessed by Clicking on this link
<http://www.vodacom.co.za/legal/email.jsp> ”

http://www.vodacom.co.za/services/vodacom_broadband/index.jsp



“This e-mail is sent on the Terms and Conditions that can be accessed by Clicking on this link
<http://www.vodacom.co.za/legal/email.jsp> ”

From: "A aine Labuschagne" <a aine@braaibbq.co.za>
Subject: **Re: [WASPA.complaints] #6760 RE: 0796968420 Ref: 000R1a52C8K43M6U**
Date: 17 June 2009 11:07:39 AM SAST
To: "Cece ia" <ceci.iam@miranetworks.net>
Cc: ju.ius@moneyweb.co.za compaints@waspa.org.za
Reply-To: "compaints@waspa.org.za" <compaints@waspa.org.za>
▶ 2 Attachments 471 KB

I did not go in and put a password into the "web spot" and I am the only person who has access to my phone especially at the time of the day it was done as I am in my car on the way to work with my phone in my bag. I do not care what you are saying, I want proof that I put in this password and proof that I have also downloaded games, as this would also prove that I did not subscribe as why would I subscribe if I did not download games. It is easy to send me your messages to me (of which I treated as junk mail and never read). If you have someone crooking the system on the inside then they can do wonders to get what they want. I want proof that I subscribed of which you still not have supplied me with (my messages to you not your to me) as well as proof that I have been using my subscription and downloading games.

From: Cecelia [mailto:cecilia@miranetworks.net]
Sent: 17 June 2009 08:55
To: alaine@braaibbq.co.za
Subject: FW: #6760 RE: 0796968420 Ref: 000R1a52C8K43M6U

Hi,

We accuse the reception of your email that deserved our better attention.

We confirm that our services are already cancelled for the number [REDACTED]

Our services were activated by web spot at 12 of February of 2009, the customer or someone else with the mobile phone, inserted the number in the web spot, receiving later on one sms with one password, again inserted the password in the web spot activating our services.

As it is possible to see the first sent message is the one with the password (sent after the number insertion)

[REDACTED]

Time	Origin	Destination	Message
2009-02-12	133535	[REDACTED]	Insert your password uantat and receive 3 Games and 1 Truetone every week. Please check T&C at www.za.natta.com/web/za/tac .

After were sent the messages of the club, the welcoming one and the one with the link to access the contents that are only sent when password is entered.

[REDACTED]

Time	Origin	Destination	Message
2009-02-12	133535	[REDACTED]	Welcome! U have joined Games Club. 3 Games + 1 Tune per week, R4,99/day.Stop?Dial *120*33535# and follow the menu(1c/sec). Helpline (0)11 4470357. Total TIM
2009-02-12	33535	[REDACTED]	Click to get the coolest games now! www.za.natta.com

Our services are only activated when the password is entered, without the indicated procedure there is no possibility for our system to subscribe and to originate the clubs messages.

In the footnote, the link of the web spot and in the sent messages are the terms of use and the cost of the service and the way to cancel.

Since it is necessary the access to the phone we are not responsible for the unawareness of the subscription, there for there is no right for a refund.

Best Regards,
Support

Please explain this comment that you send in your reply as I, nor my family (who have no access to my phone as it is strictly mine and is always with me) have ever been on such a web spot.. So the comment below is impossible as I have not been on any Web spot" whatever a web spot is". I really think Mira should get around to giving me proof of my correspondence I have supposedly sent them as they so say, instead of giving me copies of SMS's that they sent me. There needs to be some investigation into finding out how Timewe are conning the public like this.

Your comment that I need explanation on

"Our services were activated by web spot at 12 of February of 2009, the customer or someone else with the mobile phone, inserted the number in the web spot, receiving later on one sms with one password, again inserted the password in the web spot activating our services."

COPY OF E-MAIL TO MIRA.....

Hi

I have received these SMS's and classed them as junk SMS's as to me they are advertising. I did not subscribe to this service, did not answer the SMS nor did I say stop as the SMS does not say that I have to send a stop command to disable the subscription. In my eyes I would have to respond to this SMS to subscribe, of which I did not.

I, and allot of people out there receive Junk SMS's of which we just ignore or delete (most of the time I see it is advertising and do not read further, I do not expect to be caught by an SMS that sais I need to cancel a subscription that I did not subscribe to). If we respond then we can be charged for the subscription but I did not do this. They have to prove to me that I responded and that I put in the password and subscribed (of which I know that I didn't). I do not classify that these SMS's sent to my phone proves that I subscribed otherwise anyone can get my cell phone number and send me an SMS's and automatically subscribe to the service. As per the message I received below from Timewe you will see that the gentleman says that I did not send a stop to cancel.. If I did not subscribe then I am not aware that I need to send a Stop message back. According to me the SMS's were junk mail and I ignored, it should not be sent to people hoping they do not know that they should send a stop message back so as to avoid automatic subscription. They are obliged to give me my money back and if they look into more depth they will see that I have never used their service and downloaded any content (because as far as I am concerned I never subscribed, even if they automatically subscribed me by default which in my mind is illegal) If I repeat allot then it is only to get the message across that these people are conning the public into subscribing.

This is what Timewe's response is..... this is not proof that I subscribed, this is proof that they sent me SMS's

**Hi,
In attach there is the proof that he did subscribe to our services and that he did not send a Stop to cancel the services.**

Please give me feedback on this case. thanks

**Bernardo Vasconcellos
Marketing Assistant
TIM w.e.**

Awaiting your response.

Regards
Alaine Labuschagne
From: WASPA Complaints (Lorraine Hartzler) [mailto:complaints@waspa.org.za]
Sent: 09 June 2009 16:03
To: alaine@braaibbq.co.za
Cc: Complaints
Subject: Resolution of complaint Ref:#6760

SMS List Result for: [REDACTED] since 20081002

ID	Time	Origin	Destination	ServiceId	Content	Type	Charge	Status	Conf	Xconn	Message	Ref1	Ref2	Ref3
2120018770	2009-02-12 06:55:40	133535	[REDACTED]	3344	1	0	1	null	27010006	Truetone every week. Please check T&C at www.za.nafta.com/web/za/tac . Welcome! U have joined Games Club. 3 Games + 1 Tune per week, R4,99/day.Stop?Dial *120*33535# and follow the menu(1c/sec). Helpline:(0)11 4470357. Total TIM	3592	0	88493032	
2120030492	2009-02-12 06:56:54	133535	[REDACTED]	3344	1	0	1	null	27010006	R4,99/day.Stop?Dial *120*33535# and follow the menu(1c/sec). Helpline:(0)11 4470357. Total TIM	3592	1	88493032	
2120030495	2009-02-12 06:56:55	33535	[REDACTED]	3344	6	1	1	10	27010006	Click to get the coolest games now! www.za.nafta.com	3592	1	88493032	
2132134252	2009-02-13 06:41:32	33535	[REDACTED]	3344	6	1	1	10	27010006	Download now	3592	0	88493032	
2144188863	2009-02-14 06:41:54	33535	[REDACTED]	3344	6	1	1	10	27010006	Download now	3592	0	88493032	
10099165	2009-02-15 06:16:57	33535	[REDACTED]	3344	6	1	1	10	27010006	Download now	3592	0	88493032	

21554113	02-16 06:50:58 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
33547683	02-17 06:52:21 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
46455663	02-18 07:02:01 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
61050351	02-19 08:11:05 2009-	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
72039467	02-20 06:55:12 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
84450189	02-21 06:59:25 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
97223676	02-22 06:47:11 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
108464958	02-23 07:14:52 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
121411430	02-24 06:54:58 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
133873180	02-25 06:55:27 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
148003319	02-26 08:10:57 2009-	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
159273067	02-27 07:37:16 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
171869067	02-28 07:12:30 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
184755036	03-01 06:46:56 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
195665424	03-02 07:02:48 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
208741986	03-03 07:15:29 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
235317465	03-05 08:13:09 2009-	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
258231876	03-07 07:01:56 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
270737945	03-08 06:40:25 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
281886971	03-09 07:03:41 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
294467289	03-10 07:43:20 2009-	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
305026848	03-11 10:35:32 2009-	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592 2	88493032

306476737	2009-03-11 10:56:34	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
310635564	2009-03-11 11:19:17	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592 2	88493032
315829826	2009-03-11 19:01:05	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592 2	88493032
320666235	2009-03-12 08:12:30	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
321008216	2009-03-12 08:25:37	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592 2	88493032
331398057	2009-03-13 06:32:49	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
344140351	2009-03-14 07:09:32	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
352450856	2009-03-14 18:55:52	133535	████████	3344	1	0	1	null	27010006	FreeMsg: You are subscribed to Games Club.Cost R4,99/day.To Stop Subscription, SMS STOP to 33535. Helpline: (0)11 4470357 (VAS Rates). Total Tim	3592 0	88493032
355630275	2009-03-15 06:28:30	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
366772850	2009-03-16 07:09:05	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
379069206	2009-03-17 07:31:00	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
391881250	2009-03-18 07:12:30	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
404867188	2009-03-19 08:12:13	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
405572543	2009-03-19 08:54:15	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592 2	88493032
415589474	2009-03-20 06:49:52	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
427994026	2009-03-21 06:52:23	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
441505256	2009-03-22 06:44:10	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
453394230	2009-03-23 07:01:56	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
466543156	2009-03-24 07:44:32	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
479031536	2009-03-25 07:22:02	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
493613131	2009-03-26 08:11:21	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11	3592 2	88493032

											4470357!TotalTim		
493758961	2009-03-26 08:52:02	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592	2	88493032
504907588	2009-03-27 06:09:49	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
517637415	2009-03-28 06:22:58	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
530222613	2009-03-29 07:26:50	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
542332403	2009-03-30 07:25:53	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
555374855	2009-03-31 08:15:39	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
567836311	2009-04-01 08:17:55	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
580444339	2009-04-02 09:07:31	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592	2	88493032
582558551	2009-04-02 10:24:16	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592	2	88493032
590696945	2009-04-03 07:07:24	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
602547621	2009-04-04 07:10:12	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
614589887	2009-04-05 07:20:52	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
626313936	2009-04-06 07:31:26	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
639629648	2009-04-07 07:42:50	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
651848598	2009-04-08 08:02:27	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
665948129	2009-04-09 09:11:25	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592	2	88493032
667190206	2009-04-09 09:20:01	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592	2	88493032
677798877	2009-04-10 07:00:45	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
691000360	2009-04-11 07:14:42	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
703515957	2009-04-12 07:25:42	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032
715915336	2009-04-13 07:26:04	33535	████████	3344	6	1	1	10	27010006	Download now	3592	0	88493032

FreeMsg: You are subscribed to

725033847	2009-04-13 19:04:22	133535	████████	3344	1	0	1	null	27010006	Games Club.Cost R4,99/day. To Stop Subscription, SMS STOP to 33535. Helpline: (0)11 4470357 (VAS Rates). Total Tim	3592 0	88493032
728899435	2009-04-14 08:27:05	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
741830500	2009-04-15 08:15:07	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
755227204	2009-04-16 08:59:03	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
766099574	2009-04-17 07:01:46	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592 2	88493032
767403728	2009-04-17 07:11:09	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
779374331	2009-04-18 07:31:51	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
791274132	2009-04-19 08:48:20	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
804588881	2009-04-20 07:36:31	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
818383313	2009-04-21 07:48:42	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
831806020	2009-04-22 08:34:33	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
847322855	2009-04-23 09:05:36	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
849497235	2009-04-23 10:06:55	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592 2	88493032
859243715	2009-04-24 07:03:45	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
872467722	2009-04-25 07:11:51	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
898925303	2009-04-27 07:27:14	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
912993642	2009-04-28 08:15:59	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
926738545	2009-04-29 08:55:48	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
942391310	2009-04-30 08:57:09	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
945116283	2009-04-30 10:58:01	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592 2	88493032
954433671	2009-05-01 07:03:11	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032

968256109	2009-05-02 07:05:38	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
981679760	2009-05-03 07:17:37	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
994965808	2009-05-04 07:23:34	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1009295605	2009-05-05 08:37:09	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1023411692	2009-05-06 08:14:00	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1038110572	2009-05-07 08:45:07	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
1040465175	2009-05-07 10:21:42	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592 2	88493032
1049596894	2009-05-08 07:09:30	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1062812524	2009-05-09 07:10:02	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1075666040	2009-05-10 07:28:34	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1088602936	2009-05-11 07:32:19	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1101964567	2009-05-12 09:03:13	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1116161156	2009-05-13 08:27:05	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1126846824	2009-05-13 18:59:33	133535	████████	3344	1	0	1	null	27010006	FreeMsg: You are subscribed to Games Club.Cost R4,99/day.To Stop Subscription, SMS STOP to 33535. Helpline: (0)11 4470357 (VAS Rates). Total Tim	3592 0	88493032
1131996824	2009-05-14 09:13:02	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
1133500228	2009-05-14 09:15:56	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.natta.com	3592 2	88493032
1143698412	2009-05-15 07:05:48	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1157875067	2009-05-16 07:00:38	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1171278573	2009-05-17 07:20:39	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1184150257	2009-05-18 07:29:45	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1197873576	2009-05-19 11:59:55	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1211963696	2009-05-20	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032

07:40:52

1227678745	2009-05-21 09:06:38	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
1229159779	2009-05-21 09:10:28	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.nafta.com	3592 2	88493032
1239538879	2009-05-22 07:02:05	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1253196271	2009-05-23 07:08:39	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1266680506	2009-05-24 07:23:11	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1279601601	2009-05-25 07:25:09	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1293843692	2009-05-26 08:37:05	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1308076628	2009-05-27 08:12:52	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1323827823	2009-05-28 08:50:27	33535	████████	3344	1	1	1	10	27010006	Get 100 Credits to download all u want! SMS COOL to 33535.Subs R4,99/day.Stop? dial *120*33535# and follow the menu(1c/sec).Helpline:(0)11 4470357!TotalTim	3592 2	88493032
1325070647	2009-05-28 09:05:35	133535	████████	3344	6	0	1	10	27010006	Click 2 get the coolest games now! www.za.nafta.com	3592 2	88493032
1335909864	2009-05-29 07:07:24	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1349947929	2009-05-30 07:09:14	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1363787234	2009-05-31 07:26:42	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1377605756	2009-06-01 07:21:35	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1391432122	2009-06-02 08:01:09	33535	████████	3344	6	1	1	10	27010006	Download now	3592 0	88493032
1405542121	2009-06-03 08:27:54	33535	████████	3344	6	1	1	null	27010006	Download now	3592 0	88493032

From: customercare@vodacom.co.za [mailto:customercare@vodacom.co.za]
Sent: 10 June 2009 14:42
To: alaine@braaibbq.co.za
Subject: Fw: Re: RE: RE: RE: RE: 0796968420 Ref: 000R1a52C8K43M6U



Dear Alaine

Please be advised that see the response received from the Mira Networks below:

We confirm that our services are already cancelled for the number 0796968420.

As it is possible to see the first sent message is the one with the password (sent after the number insertion)

[REDACTED]

Time	Origin	Destination	Message
2009-02-12	13353527796968420		Insert your password uantat and receive 3 Games and 1 Truetone every week. Please check T&C at www.za.natta.com/web/za/tac .

After were sent the messages of the club, the welcoming one and the one with the link to access the contents that are only sent when password is entered.

[REDACTED]

Time	Origin	Destination	Message
2009-02-12	13353527796968420		Welcome! U have joined Games Club. 3 Games + 1 Tune per week, R4,99/day.Stop?Dial *120*33535# and follow the menu(1c/sec). Helpline:(0)11 4470357. Total TIM
2009-02-12	33535	[REDACTED]	Click to get the coolest games now! www.za.natta.com

Our services are only activated when the password is entered, without the indicated procedure there is no possibility for our system to subscr be and to originate the clubs messages.

In the footnote, the link of the web spot and in the sent messages are the terms of use and the cost of the service and the way to cancel.

Since it is necessary the access to the phone we are not respons ble for the unawareness of the subscription, there for there is no right for a refund.

In attach is the charged messages sent to the customer R4,99 each.

Should you have any further queries, please contact us via e-mail at customercare@vodacom.co.za.

Warm Regards

Kaashief Nassiep

Email Contact Centre

On 6/8/09 3:06 PM, customercare@vodacom.co.za wrote:

Dear Alaine

Please be advised that I will escalate it if I do not receive any feedback within 24 hours.

Should you have any further queries, please contact us via e-mail at customercare@vodacom.co.za.

Warm Regards

Kaashief Nassiep

Email Contact Centre

On 6/8/09 2:46 PM, Alaine Labuschagne wrote:

Thank you, maybe they will respond to you as they have not yet responded to me. I have in the meantime lodged a complaint with WASPA.

Regards
Alaine

From: customercare@vodacom.co.za [mailto:customercare@vodacom.co.za]
Sent: 08 June 2009 13:40
To: Alaine Labuschagne
Subject: Re: RE: RE: RE: 0796968420 Ref: 000R1a52C8K43M6U



Dear Alaine

Please be advised that I have sent you query through to the coordinator at Mira Networks and we await feedback as to how the service was registered for.

Should you have any further queries, please contact us via e-mail at customercare@vodacom.co.za.

Warm Regards

Kaashief Nassiep

Email Contact Centre

On 6/8/09 12:58 PM, Alaine Labuschagne wrote:

You do not understand. I have not left my phone with anybody, I have not subscribed to this service, my phone is always with me. Therefore this is a scam and I do feel it is anyway my fault that this has happened. What has happened is illegal and I feel that Vodacom should not add any charges to their customers account without proof of any subscription that has taken place.

From: customercare@vodacom.co.za [mailto:customercare@vodacom.co.za]
Sent: 08 June 2009 11:20
To: Alaine Labuschagne
Subject: Re: RE: 0796968420 Ref: 000R1a52C8K43M6U



Dear Alaine

There unfortunately is no way that you can stop anybody from registering your number for these types of services apart from always keeping your sim card with you and never leaving it unattended.

Please be advised that Vodacom cannot be held responsible for the manner the user manages his/her cell phone i.e. if the phone should be left unattended and usage takes place, Vodacom cannot take responsibility for the usage.

Should you have any further queries, please contact us via e-mail at customercare@vodacom.co.za.

Warm Regards

Kaashief Nassiep

Email Contact Centre

On 6/8/09 11:22 AM, Alaine Labuschagne wrote:

I do not understand how such networks can do such a thing without my knowledge as I have never subscribed. But for the future, is there any way that you can block my cell phone account from any service provider from ever deducting movies from my cell phone account as I feel now that anyone can just charge my cell phone account and I am held responsible by you for this account. Since this has happened to me I have heard that it is not an un-common event that happens as other people have had the same problem, but fortunately they did not take 4 months to see what was happening.

From: customercare@vodacom.co.za [mailto:customercare@vodacom.co.za]

Sent: 08 June 2009 10:13

To: Alaine Labuschagne

Subject: Re: RE: 0796968420 Ref: 000R1a52C8K43M6U



Dear Alaine

WASPs are third parties developing and offering services using the Vodacom network. Vodacom does not take any responsibility for any billing on a subscriber's account by a WASP. They make use of Vodacom's cellular network infrastructure and billing relationship with the subscriber to deliver and bill for these services, such as SMS voting, Traffic reports, Games, Competition lines, banking transaction charges etc.

Customer's accept and register to WASP services at their own will. If subscriber wishes to cancel subscription to a particular WASP service, he/she to contact the WASP to get the subscription cancelled.

As a registered WASP offering services, it is the WASP's responsibility to fully manage and support its services. The WASP must therefore have their own WASP Customer Care number to be able to handle various queries/complaints from their clients. Vodacom can assist to route WASP customer queries to their call centre.

Kindly note that all WASP complaints can be forwarded to the Wireless Application Service Provider's Association via email complaints@waspa.org.za or alternatively on the website <http://www.waspa.org.za/>.

Should you have any further queries, please contact us via e-mail at customercare@vodacom.co.za.

Warm Regards

Kaashief Nassiep

Email Contact Centre

On 6/8/09 11:03 AM, Alaine Labuschagne wrote:

Surely you cannot add something to my cell phone account without my authorization. I have call Mira and Teamwe and neither of them will give me anymore information other than saying that I am subscribed with them, of which I have never done such a thing a subscribed with them.

From: customercare@vodacom.co.za [mailto:customercare@vodacom.co.za]
Sent: 08 June 2009 07:09
To: Alaine Labuschagne
Subject: Re: 0796968420 Ref: 000R1a52C8K43M6U



Dear Alaine

Thank you for your email communication to Vodacom.

Please be advised that you are registered for service offered by a company called Mira Networks. They can be contacted on 011 4422735 for more information.

Should you have any further queries, please contact us via e-mail at customercare@vodacom.co.za.

Warm Regards

Kaashief Nassiep

Email Contact Centre

On 6/8/09 7:35 AM, Alaine Labuschagne wrote:

Dear Sir/ Madam

I have been dealing with a complaint I have against TIMw.e. New Media, for deducting around R150 a month from my Cell phone account with you for the past 4 months. I have now spoken to WASPA and they advise me that TIMw.e. New Media, is not a member. You should not be deducting amount from cell phone accounts unless they are WASPA member. I would hereby request that you refund me or deal with this matter with TIMw.e. New Media and make sure that all subscriptions are refunded that were charged to my cell phone account this year.

I have lodged a complaint with WASPA (ticket #17680), against TIMw.e. New Media, and hope that you will also look into the matter. TIMw.e. New Media are charging for Game Subscriptions and charging to Cell phone accounts. I have never subscribed to such a service and am 46 years old and have no inclination or knowledge of playing games on my cell phone of which is not even capable of playing games on.

I hope that I will have some response from you as I am at present not getting any response from TIMw.e. New Media.

Awaiting your response

Regards
Alaine Mascaux

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A horizontal advertisement banner for Vodacom. On the left, a man in a white jacket and green shirt smiles while holding a mobile phone. A rainbow-colored bar is behind him. The background is blue. Text on the right includes: "ONLY VODACOM KEEPS YOU SURFING WITH ONE RATE!" in large white letters, followed by "Broadband Advanced, the single rate, high speed carry-over Internet package for people who like their Internet easy." in smaller white text. Below that is "Broadband Advanced" in a blue box. To the right is the Vodacom logo (a green globe with a blue swoosh) and the text "Find out more >" above it, and "South Africa's Leading Cellular Network" below it.

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