



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	Mira Networks
Information Provider (IP) (if any)	Echovox
Service Type	Content subscription service
Source of Complaints	Anonymous
Complaint Number	8063
Date received	13 November 2009
Code of Conduct version	8.0

Complaint

An anonymous complainant lodged a complaint against the SP for a misleading web-based advertisement for a subscription service. The URL for the site where the advert was found is: <http://lp.m-boost.com/?cid=zartpfer5ssferzu3hftrese&cc=za>.

SP's response

The SP responded by stating that this web campaign was run by one of its clients and that it was not aware of the campaign before receiving notice of this complaint. The client was instructed to withdraw the campaign and stop all sms traffic relating to it. The client confirmed that it would do so on the same day.

The client also confirmed that there were 9 (nine) registered users since the inception of the promotion, who had all been deregistered. The client also confirmed that no such service will be offered to users within South Africa in future.

Sections of the Code considered

Section 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.

Decision

Based on the response from the SP and its client regarding this campaign, and my own viewing of the relevant web pages, copies of which were provided with the complaint, I confirm that the campaign contravenes section 11.1.2 of the WASPA Code.

The complaint is accordingly upheld.

Sanction

Contraventions of section 11.1.2 are viewed in a serious light. There have been numerous complaints lodged by consumers against the practice of enticing subscriptions from people interested in competing in online quizzes and IQ tests.

However, it has been noted that the SP took reasonable steps to ensure that the campaign run by its client was stopped immediately. It also appears from the advices of the content provider that all registered users were deregistered.

The following sanctions are given:

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1. The SP is requested to provide the WASPA Secretariat with a list of all users subscribed to the service since its inception within 7 (seven) days of receipt of this report.

 2. The SP is ordered to refund all amounts charged to registered users of this service and to provide proof to the WASPA Secretariat that it has done so within 7 (seven) days of providing the list in terms of sanction 1) above.