



REPORT OF THE ADJUDICATOR

WASPA Member (SP):	Mira Networks
Information Provider (IP):	Early Moon Trading
Service Type:	Subscription Service
Complainant:	Public
Complaint Number:	9284
Code Version:	9.0
Advertising Rules Version:	Not applicable

Complaint

Complaint 9284 is the escalation of unsubscribe request 37732 where the WASP did not reply.

The formal complaint was sent to the WASP on 2010-04-16 but no response was received from the WASP even after reminder was sent.

The SP was also notified of this complaint on 2010-04-16.

Service provider's response

No response received from Information Provider. On being informed about the lack of response by the Information Provider, the Service Provider unsubscribed the Complainant and blocked them and handed the matter over to the Information Provider on 26 March 2010.

Sections of the Code considered

Not obviously stated but from reference to previous complaints it would appear to be 11.8.12 relating to the honouring of unsubscribe requests within 48 hours.

Sections of the Advertising Rules considered

n/a

Decision

This case is linked to 9063 and 9071 in that it deals with the same Information Provider and the same lack of response. In these cases the Information Provider was issued with a formal reprimand and a fine of R10 000 in respect of each case. I am not certain whether or not such fines were actually paid.

Complaint Upheld.

Sanctions

In view of the clear breach of clause 11.8.12 and in view of the apparent pattern of such breach notwithstanding having been issued with a formal reprimand I feel it only appropriate that the Information Provider be issued with a further formal reprimand and a fine of R15 000, payable within 5 days of this judgement.

Further, that an additional suspended fine of R10 000 be held in abeyance pending the timeous settlement of the abovementioned fine.

I feel no reason at this stage to sanction Mira Networks as they responded in line with the Code to the unsubscribe request. However, that being said the relationship of Mira Networks and repeated offences on the part of the Information Provider should be monitored so as to avoid a type of contributory infringement of the Code.