



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	ViaMedia
Information Provider (IP)	Opportune Trading 117 CC t/a Xcite Mobile
Service Type	Content Download
Source of Complaints	Competitor
Complaint Number	#0630
Code of Conduct Version	4.6

Complaint

A complaint was received from a competitor of the SP regarding the pricing for a content item requested by the complainant from the IP, through the SP. The complainant states:

The ad states that the cost for Non Club Members is R5.00. I downloaded an item and was charged R0.50 and then additional R5.00. Therefore I was charged R5.50 and not R5.00 as stated.

Xcitemobile is therefore charging R5.00, while ignoring the fact that the number 31314 is rated at R0.50

The complainant included an excerpt from its itemised billing, as well as a copy of the advertisement concerned.

The complainant referred to Clause 6.2.2 of the WASPA Code of Conduct, which provides:

6.2.2. All advertisements for services must include the full retail price of that service.

SP Response

The SP provided the following response from the IP:

We find this complaint very strange but we have investigated it thoroughly. Our content downloads are advertised at R5 and we have configured them to be charged at R5.

Normally we'd deny such a complaint but on the first of November 2006 we moved the number 31314 from a R5 premium rate to a 50c premium rate (this

can be verified with the network resources). The balance of the R5 i.e. R4.50 being charged by MT billing.

It may have come to pass that the complainants SMS hit an incorrectly configured SMSC at the network or that ViaMedia's cache's hadn't updated with the correct change (or was changed too early). It's not clear. We have, however, been testing daily and thoroughly, since the complaint and are being consistently and correctly charged R5 only (i.e. 50c PR and R4.50 subsequently on a correct content requests).

Or perhaps the complainant is confused with a subscription request for which there is a R5 weekly fee plus an initial 50c sms fee (or USSD fee). But this is clearly advertised.

We hope we have, but we're not sure if we've resolved the complaint with the above explanations.

Decision

At the outset, the Adjudicator noted that the detailed billing provided by the complainant is an excerpt from the Vodacom online detailed billing. The amount of R5,00 referred to by the complainant and referenced by the notation "Online Content" appears to be prefaced with a minus sign (that is "-R5.00"), indicating a refund of R5,00 or the debit of an amount of minus R5,00.

In the absence of further details from the complainant and this apparent inconsistency, the Adjudicator did not find a breach of the WASPA Code of Conduct, as alleged.