



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	Mira Networks
Information Provider (IP) (if any)	www.sms.ac
Service Type	Free SMS service
Source of Complaints	Mr S Swanepoel
Complaint Number	1015
Date received	12 February 2007
Code of Conduct version	4.8

Complaint

The complainant lodged a complaint via the WASPA website on 12 February 2007 regarding his inability to unsubscribe from the IP's free SMS service.

The complaint states that:

Mr Swanepoel has been trying to get off sms.ac for quite some time. He has spoken to Princess and it was indicated that he would be refunded and unsubscribed from the service.

He wishes the complaint to be formal, as he has tried on numerous occasions to sort out the problem and has received smses saying he would be unsubscribed within 24 hours and nothing has happened. He was even told to phone an international number to fix things being 09 800 7220 3000, which he says does not exist.

He is most unhappy as on prior conversations with Mira, it was indicated to him that he was on their system erroneously.

SP Response

The SP has responded to the complaint by forwarding a direct response from the IP.

The IP has stated that:

I received your request regarding our customer Sean Swanepoel. SMS.ac has a 100% refund policy that we extend to all of our customers and we will assure that this is always followed. It appears Mr. Swanepoel is deserving of a refund and we will refund his account.

Customer Care has been and will continue to be SMS.ac's biggest strength. We provide a 24/7 customer care department that is our direct link to the customer; we take this area of our business very seriously. In accordance, we have contacted the customer and given him a 100% refund. We will investigate further to ensure that our policy is always followed.

If you have any questions or like to speak with me before forwarding the response to WASPA please feel free to contact me anytime.

Sections of the Code considered

I have considered the following sections of the Code:

Section 3 (3.1; 3.3; 3.9);

Section 4;

Section 5;

Section 6.2.3; and

Section 11.

Decision

The Secretariat is to request the following information from the complainant, to be furnished within 10 days:

1. The date on which he first attempted to unsubscribe from the service and the method used?
2. Details of all further attempts made by him to unsubscribe, including the date and method of the attempts?
3. Confirmation of whether further charges have been billed to his account after the date on which he first attempted to unsubscribe from the service.

Once the foregoing information is received, I will be in a position to make a final decision regarding this complaint.