



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	US Cellcom
Information Provider (IP) (if any)	
Service Type	Subscription
Source of Complaints	Ms B Hanafey
Complaint Number	12038
Date received	21 February 2011
Code of Conduct version	10.0

Complaint

The complainant logged an unsubscribe request on the WASPA unsubscribe system on 24 January 2011. The SP responded by blocking the complainant's number on its database and uploaded logs to prove subscription. No refund was offered by the SP.

The complainant was not satisfied with the response and the matter has been escalated as a formal complaint for adjudication.

The complainant admits that she sent the keyword to activate the service but mistakenly believed that it was a free promotion from her network service provider. She alleges that the promotion is a trick as the cost of the subscription is contained at the end of the message.

SP's response

The SP denied that the promotion was a trick and provided logs showing that the complainant activated the service by sending the keyword "BONUS" on two separate occasions.

The SP also provided proof of a validly worded welcome message that had been sent to the complainant after the service was activated.

Sections of the Code considered

Section 11.2.5

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:

[service activation instructions and/or activation code]. You'll be subscribed to [XYZ service] from [name of service provider] at [cost of service and frequency of billing].

Section 11.4.1

Once a customer has subscribed to a subscription service, a notification message must immediately be sent to the customer. This welcome message must be a clear notification of the following information, and should not be mistaken for an advert or marketing message:

- (a) The name of the subscription service;
 - (b) The cost of the subscription service and the frequency of the charges;
 - (c) Clear and concise instructions for unsubscribing from the service;
 - (d) The service provider's telephone number.
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Decision

I am satisfied that the complainant validly subscribed to this service and that the SP has complied with the provisions of the Code of Conduct relating to subscription services.

The SP cannot be held responsible if the complainant activated the subscription by mistake. The complaint is accordingly dismissed.