



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	Integrat
Information Provider (IP) (if any)	
Service Type	Content download
Source of Complaints	Public
Complaint Number	3339
Date received	13 February 2008
Code of Conduct version	5.7

Complaint

The Complainant stated that he had sent an SMS to the SP during December 2007 regarding ringtones but had cancelled the request immediately upon receiving their replying SMS. Notwithstanding such cancellation the SO debited his airtime account with two separate amounts of R29 and R12 respectively.

During the course of trying to resolve the matter through the WASPA informal complaints procedure there were some delays as information was sought and obtained from the relevant network operator.

SP Response

The SP filed the following formal Response together with supporting logs:

“We refer to the above and confirm that the complainant was unsubscribed from all services successfully as per his requests. We for that reason want to convey the following details which have been brought to the attention of the complainant:

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1. This complainant accessed a website and subscribed himself by entering his cell phone number on the website on the 28th of October 2007, he was then as per his demand unsubscribed from the service on the 28th of October 2007.
 2. The Complainant hereafter subscribed to a different and further service on the 14th November 2007 - and received content, reminder messages and was billed up to 21st of December, where after he was once more unsubscribed upon his request as clearly reflected on the logs we attach hereto for your ease of reference.
 3. Consequently for each application to unsubscribe the complainant was unsubscribed.
 4. The service provider as a result is of the opinion that there was no breach of the Code of Conduct, Advertising Rules and / or advisory notices as provided by WASPA.
 5. We however shall proceed in the spirit of good faith to refund the client for the amounts he claims that he was billed for irregularly.
 6. As such there is no merit to this complaint and it should be dismissed.
 7. If you should have problems in viewing the logs provided beneath we shall proceed to send more legible logs on your request.

We trust you find the above mentioned in order and await your adjudication in due course.”

Sections of the Code considered

The following section of Version 5.7 of the WASPA Code of Conduct was considered:

11.2.4. Members must ensure that the termination mechanism is functional and accessible at all times.

Decision

The version advanced by the SP and supported by the logs is accepted. The Adjudicator cannot accordingly identify any breach of the Code of Conduct and the Complaint is dismissed.

The Adjudicator notes, however, that the SP has offered to refund the Complainant "in good faith" and the Adjudicator regards such offer as binding. Having been informed by the Secretariat that the refund has not been forthcoming as at date of writing of this Adjudication, the Adjudicator orders, to the extent this may be necessary, that the SP effect the offered refund within five days of date of receiving notification of this Adjudication.