



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	Sybase 365
Information Provider (IP) (if any)	mBill
Service Type	Subscription service
Source of Complaints	Mrs O'Neill
Complaint Number	5855
Date received	24 February 2009
Code of Conduct version	6.2

Complaint

The complainant lodged a request via the unsubscribe facility on the WASPA website. The complainant was unsubscribed by the SP but this complaint was escalated as a refund was not given.

SP's response

The SP has acknowledged that due a system error, no automatic subscription confirmation message was sent to the complainant when she subscribed for the service.

The SP did unsubscribe the complainant and stated that it tried unsuccessfully to contact the complainant to arrange a refund. Instead a message was left on the complainant's voice mail confirming that the complainant had been opted out of all the SP's services since December 2008.

Sections of the Code considered

Section 11

Decision

This complaint is related to similar complaints which I have dealt with in the past regarding the IP's iPhone Trivia and/or Fun Message of the Day subscription service. I refer to my adjudicator's reports # 5081 and 5165.

In terms of the order handed down in report # 5165, the IP was ordered to refund all amounts incurred by entrants and/or subscribers to this competition and service. It was also clearly stated that such refunds had to be paid in South African rands.

The SP is therefore ordered to refund the complainant with an amount of R310.00 being the costs incurred according to the logs provided by the SP.
