



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	Sybase 365
Information Provider (IP) (if any)	mBill
Service Type	Competition / Subscription service
Source of Complaints	Mr A De Reus
Complaint Number	6160
Date received	3 April 2009
Code of Conduct version	7.0

Complaint

The complainant lodged a request via the unsubscribe facility on the WASPA website. The complainant was unsubscribed and a cheque for the equivalent of R230.00 in Australian dollars was presented to the complainant.

The complainant was advised by his SA bank that the cost of depositing the cheque would be R100.00. The complainant then asked whether he could be refunded in South African rands directly into his bank account. The complainant furnished the SP with his bank account details but the SP then stated that it would be posted a cheque for the amount of R230.00. This cheque was never received by the complainant and this complaint was lodged.

SP's response

The SP has unsubscribed the complainant and tendered a refund in Australian dollars. After being requested to and agreeing to refund the amount owing directly into the complainant's bank account, the SP subsequently stated that it had posted a cheque for the sum of R230.00 in South African rands to the complainant.

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 pay the sum of R230.00 into the complainant's bank account in South African rands within 10 (ten) days of being furnished with the complainant's bank account details.

The complainant is kindly requested to furnish the SP with his bank account details.
