



Report of the Adjudicator

Complaint number	#60724
Cited WASPA members	Fanclash South Africa (1947)
Notifiable WASPA members	Akinga Vertical Service Provider (Pty) Ltd (1944)
Source of the complaint	WASPA
Complaint short description	Unsubscribe request
Date complaint lodged	2024-09-17
Date of alleged breach	September 2024
Applicable version of the Code	17.9
Clauses of the Code cited	5.14, 7.5, 24.24
Related complaints considered	Not applicable.
Fines imposed	<p>The member is fined as follows:</p> <p>R5,000.00 for the breach of clause 5.14 of the Code, payable to WASPA within 7 days of receipt of this adjudication.</p> <p>R5,000.00 for the breach of clause 7.5 of the Code and R5,000.00 for the breach of clause 24.24 of the Code, suspended for 6 months on condition that no further breaches of these clauses occur within this period.</p>

Other sanctions	<p>All subscribed numbers in the complaint must be immediately unsubscribed from the member's service and refunded in full.</p> <p>If the member is unable to identify the specific services subscribed to, all services linked to these numbers must be unsubscribed, and a full refund issued. The refund should cover the period from the initial subscription up to the date of the most recent billing.</p> <p>Proof of the service unsubscription and full refund to be provided to WASPA within 7 days of receipt of this adjudication report.</p>
Is this report notable?	Not notable.
Summary of notability	Not applicable.

Initial complaint

1. A formal complaint was lodged against the member for failing to respond to several unsubscribe requests submitted by the complainant on behalf of several different customers.
2. The aggregator of the member was also informed of this formal complaint.
3. The member was provided with 10 working days to respond to this formal complaint, however, the member failed to provide a response.

Sections of the Code considered

4. The following clauses of the WASPA Code of Conduct ("the Code") are considered, and read as follows:

"5.14. Members must have a procedure allowing customers to lodge complaints regarding the services provided. Members must acknowledge receipt of complaints expeditiously, and must respond to any complaints within a reasonable period of time.

7.5. Members must provide WASPA with any customer records relating to any service which is the subject of a complaint, including, but not limited to:

- (a) where that information is available, a record of the marketing link that the customer followed prior to joining a service;
- (b) all communications sent by or to a customer in the process of joining a service;
- (c) all required reminder messages sent to a customer;

- (d) a detailed transaction history indicating all charges levied and the service or content item applicable for each charge; and
- (e) any record of successful or unsuccessful service termination requests.

24.24. Where a complaint involves any interaction with a consumer, when requested to do so, a respondent must provide clear copies of all relevant logs of that interaction and all relevant marketing material”.

Decision

- 5. The member did not acknowledge receipt of the unsubscribe complaints or respond to the formal complaint. Therefore, the member is found in breach of clause 5.14 of the Code.
 - 6. The complaint also involved interactions with consumers, and the member was required to provide clear copies of all relevant logs of these interactions, along with any associated marketing material. However, the member did not provide any of this documentation. As a result, the member is found in breach of clauses 7.5 and 24.24 of the Code.
 - 7. There have been no previous formal adjudications against the member, which is considered a mitigating factor.
 - 8. In conclusion, the complaint is upheld.
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Sanctions

- 9. The member is fined as follows:
 - 9.1. R5,000.00 for the breach of clause 5.14 of the Code, payable to WASPA within 7 days of receipt of this adjudication.
 - 9.2. R5,000.00 for the breach of clause 7.5 of the Code, suspended for 6 months on condition that no further breach of this clause occurs within this period.
 - 9.3. R5,000.00 for the breach of clause 24.24 of the Code, suspended for 6 months on condition that no further breach of this clause occurs within this period.
- 10. All subscribed numbers in the complaint must be immediately unsubscribed from the member’s service and refunded in full.
- 11. If the member is unable to identify the specific services subscribed to, all services linked to these numbers must be unsubscribed, and a full refund issued. The refund should cover the period from the initial subscription up to the date of the most recent billing.

12. Proof of the service unsubscription and full refund to be provided to WASPA within 7 days of receipt of this adjudication report.
