

**ADJUDICATION PANEL MEETING OF PhonepayPlus
(NO.617)**

Thursday 20 December 2007

ADJUDICATION

APPENDIX 3

Case Reference:

Service provider & area:	Roger Cameron t/a Red Pheasant, Burnham
Information provider & area:	Not applicable
Type of service:	Competition prize line
Service title :	Prize Line
Service number:	0904 6700155
Cost:	£1.50 per minute
Network operator:	7 Tel Ltd
Number of complainants:	1

BACKGROUND

The Executive received a complaint from a member of the public about an unsolicited call to his home phone in which an automated voice stated that someone in the household had entered into a prize draw and that subsequently a prize was available to be awarded. Listed prizes were stated to include a car, a holiday to Venice, a flat screen TV worth £2000 and £2000 cash. The automated voice also stated that the cost per minute of calling the service would be detailed.

Given there was only one complaint which did not contain a large amount of information, it was the opinion of the Executive that there was insufficient information to raise breaches of the 11th Edition of the Code of Practice ('the Code') with regard to the promotion and operation of this service. The Executive therefore decided to obtain more information about the nature of the promotion and wrote to the service provider requesting further information in accordance with paragraph 8.1.3 of the Code on 10 October 2007.

As no response was received from the service provider, breach of paragraph 8.1.3 of the Code was raised by the Executive in a letter dated 21 November 2007. An opportunity was given to the service provider to respond. However, the service provider failed to provide a response.

A decision on the breach raised was made by the Adjudication Panel ('the Panel') on 20 December 2007.

INVESTIGATION AND DECISION

FURTHER INFORMATION (Paragraph 8.1.3)

- 1) To assist the investigation, in a letter dated 10 October 2007 the service provider was asked to provide further information about the service and its promotion, including call revenue and volume statistics. The service provider failed to respond to the letter and failed to provide the information requested.

- 2) The service provider failed to provide a response to the information requested under this paragraph.
- 3) The Panel decided that the service provider had failed to comply with the request to supply information and therefore concluded that a breach of paragraph 8.1.3 of the Code had occurred.

Decision: **UPHELD**

The Panel concluded that, overall, the breach was **significant**.

SANCTIONS

In determining the sanctions appropriate for the case the Panel took into account the following aggravating factor:

- The service provider failed to respond to the Executive's breach letter.

There were no mitigating factors for the Panel to consider.

The Panel concluded that taking into account the aggravating factor and lack of mitigating factors the seriousness of the case should be regarded overall as **significant**.

The Panel therefore decided to impose the following sanctions against Red Pheasant:

- A formal reprimand;
- A £10,000 fine; and
- A bar on the service for 6 months.