

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

**Thursday 20 December 2007**

**ADJUDICATION**

**APPENDIX 5**

**Case Reference:**

Service provider & area:	Miss Vanessa O'Neill t/a Flame Promotions, Ammanford (Wales)
Information provider & area:	Not applicable
Type of service:	Competition prize line
Service title :	Prize Line
Service number:	0904 6700315
Cost:	£1.50 per minute
Network operator:	7 Tel Ltd
Number of complainants:	1

The Executive received a complaint from a member of the public regarding an unsolicited and automated call to his home phone alleging that the promotion invited him to call to claim an award worth £2000. The complainant stated that he was given a claim number in order to complete his claim.

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 11<sup>th</sup> 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 11 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 11 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 Flame Promotions:

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