

# THE CODE COMPLIANCE PANEL OF PHONEPAYPLUS TRIBUNAL DECISION

Thursday 7 JULY 2011 TRIBUNAL SITTING No. 80 / CASE 3  
CASE REFERENCE: 856856

Service provider:	Isis Holdings Ltd, Isle of Man
Type of service:	'070' missed call service (fixed line)
Service title:	Unknown
Service number:	Various 070 numbers
Cost:	50 pence / 51 pence per minute from BT landline; £2.00 per call from a mobile phone
Network operator:	Switchconnect Limited, Bristol
Number of complainants:	9

## THIS CASE WAS BROUGHT AGAINST THE SERVICE PROVIDER UNDER PARAGRAPH 8.5 OF THE CODE

### BACKGROUND

The Executive received nine complaints, all which were consistent in claiming to have received an unsolicited phone call from one or several '070' prefixed numbers. Complainants who answered the call reported to have heard a recording of a male voice shouting "*Hello, hello, can you hear me?*" or something similar before the call was disconnected on the other side of the line. Complainants who returned the call incurred a higher rate call charge for a call which appeared not to be connected but, in fact, was, or for hearing a recording of a message stating "*we do not accept incoming calls*".

The Executive submitted that these missed calls were unsolicited and misled consumers to return the call under the impression that they had missed a call. The Executive was also concerned about the lack of pricing and contact information, as well as the inappropriate promotion of the service numbers.

### The Investigation

The Executive conducted this matter as a Standard Procedure investigation in accordance with paragraph 8.5 of the PhonepayPlus Code of Practice (11th Edition, Amended April 2008) ('the Code') and raised the following breaches of the Code:

- Paragraph 3.3.1 – General Duties of Service Providers
- Paragraph 5.2 – Legality
- Paragraph 5.4.1(a) – Fairness (Misleading)
- Paragraph 5.7.1 – Pricing information (Cost)
- Paragraph 5.8 – Contact information
- Paragraph 5.12 – Inappropriate promotion

The Service Provider did not respond to the breaches raised by the Executive. The Tribunal considered the case on 7 July 2011.

### Decision

The Tribunal decided not to adjudicate on case due to the prior dissolution of the Service Provider as a corporate entity.

