



Taken for a song

Making a call is just one use for the modern mobile phone. Today's phone is also a games console, music player, photo album and internet device.

Some functions can be very costly—data downloads, in-apps payments and mobile premium services (MPS). Services, such as ring tones, horoscopes and competitions are delivered via text message and charged at a higher than standard rate. MPS are often aimed at the teenage market and can be downloaded to mobile phones, including those on pre paid plans.

The recent case highlights potential problems with these products where consumers may be misled as to the nature and cost of the service. In accessing one of these services the consumer might not realise that they are signing up to an ongoing costly subscription rather than a one off purchase of a ring tone or responding to a quiz.

In October last year the ACCC took action against Global One and 6G—providers of mobile premium services—for false, misleading and deceptive conduct in relation to television advertisements for the purchase of games, quizzes and ring tones.

In particular these advertisements included a promotion for mobile users to download a song by the popular young Canadian singer Justin Bieber.

Using the Bieber ring tone as an example of the services advertised, to download the ring tone cost a joining fee of \$13.20 and an ongoing subscription cost of \$6.60 per six days—that's over a dollar a day.

In April this year Justice Bennett found the advertisement made a representation to the consumer that they were making a one-off purchase rather than requesting access to a subscription service charged at premium rates and was therefore misleading.

The matter is now the subject of an appeal by Global One and 6G.

While the ACCC will step in and take action where the law is not being upheld, it is also important that all mobile phone users—parents and teenagers—check what they are really signing up for. If you are having problems with MPS remember, text 'stop' if you want to discontinue the service or contact the MPS provider by looking them up on www.19sms.com.au. Anyone wanting to bar such services can contact their mobile service provider.

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