

Mobile premium services – Information for consumers

Mobile premium services, often referred to as premium SMS (or MMS), are called premium because customers are charged a premium for using the service—that is, they cost more than a standard SMS (text message) or MMS (multimedia message).

They are accessed from your mobile phone via SMS to a number starting with '191', '193' – '197' and '199', and offer information or entertainment services including ringtones, wallpapers, games, music tracks and videos, horoscopes, news and chat groups.

When accessing services, such as games or video, that require you to download the content from the internet, your phone company may charge you fees for data download on top of your premium SMS charge. Check the terms and conditions of your mobile phone (or pre-paid service) contract for data download charges.

Additional information

It is important to read the terms and conditions carefully before you purchase mobile premium services, so you know exactly how much you will have to pay and how often.

Some mobile premium services are subscription services that require you agree to receive ongoing or periodic delivery of services where you pay to receive SMS or downloads on a regular basis. Always check whether the service you have purchased is a subscription service.

Content suppliers have to follow the rules contained in the Mobile Premium Services Code: C637 2009, which is monitored and enforced by the Australian Communications and Media Authority (ACMA).

Other useful information, including an explanation of 19 SMS jargon, is available at www.19sms.com.au.

How to access mobile premium services

There are a number of ways to access mobile premium services. These include:

SMS—you respond to an advertisement on TV, in a magazine, poster or scratch card by texting a keyword to a number starting with '191', '193' – '197' or '199'.

Online—you enter your mobile phone number in a web page advertising a service.

IVR (interactive voice response) —you call an automated voice service on your mobile phone to request a mobile premium service.

Is it a one-off or a subscription service?

Mobile premium services can be a single service or a subscription to an ongoing service. Subscription services mean you purchase and pay for a periodic or an ongoing service—for example, you pay \$10 a week.

Before you purchase, or send a text to, a mobile premium service, check whether it is an ongoing subscription. This must be clearly stated in any advertising, along with details of how often you will receive the content, its cost and how to stop the service.

Remember:

- Advertising for subscription or ongoing services must include the word 'subscription'.
- Subscription services will also send a text to your mobile phone after your initial request to confirm you want the service.
- You can cancel your mobile premium service at any time by texting 'STOP' to the content supplier.

How to stop a mobile premium service

You can stop a mobile subscription service at any time by texting or replying 'STOP' to the number that sends you the service, or to the number in the confirmation message.

Some content suppliers also offer free call or local call numbers that you can call to cancel your mobile premium service. These will usually be included in the initial advertising and in service confirmation and reminder messages.

Additional information

Once you have sent a 'STOP' text message, you should not be charged for any more services from that number. Note the time and date you sent the 'STOP' message and save the text until you are sure the content supplier is no longer charging you.

You should receive confirmation from the content supplier once your service has been cancelled. It may take up to 24 hours for the content supplier to process your request.

If you continue to receive messages from the content supplier more than one business day after you have stopped your service, contact their helpline to make sure they received your 'STOP' message and that you will not receive extra charges.

If you receive promotional or marketing messages after you have cancelled your mobile premium service, make sure you send a 'STOP' message to each number, as they could be coming from more than one supplier.

If you have not agreed to receive promotional or marketing messages, you could be receiving mobile spam, which is illegal and can be reported at www.acma.gov.au/spam.

Call barring

Call barring is one option to prevent premium SMS charges. Your phone company may be able to provide this service. If not, you may wish to shop around for one that does.

How are costs for mobile premium services calculated?

Costs for mobile premium services may be calculated in a number of ways, and may include:

- a 'sign up' cost
- a set cost per message sent or received
- a combination of cost per message and the amount of data downloaded—for example, a charge for the ringtone or game plus a download charge from your phone company.

How do I know what I have agreed to?

It is important to save all messages from the content supplier until after you receive your bill, especially if you think you have only agreed to a one-off transaction (for example, voting in a competition).

Subscription confirmation and reminder messages should include the cost of the content service, as well as how to stop the service and the helpline number.

Additional information

By law, advertisements for premium services must be clear, up front, accurate, and can't be contradicted by disclaimers or fine print. The terms and conditions that apply to the premium services should be clearly stated.

Think twice about requesting a service if you can't check all of the terms and conditions.

Resolving problems with mobile premium services

If you have problems with a mobile premium service, such as unexpected costs or difficulty unsubscribing from a service, you should try to resolve the problem with the content supplier. Their helpline number should be in the original confirmation message or in reminder messages.

If, after talking to your content supplier, you have not been able to resolve the problem, you may contact the Telecommunications Industry Ombudsman on

1800 062 058 or visit www.tio.com.au.

Quick steps to find the helpline for your 19 charges

If you receive unexplained mobile charges and think they may be for a premium service:

- Check your phone SMS inbox. The content supplier helpline number should be in your subscription confirmation message, as well as any reminder and expenditure update messages you have received.
- If you know the '19' number the charges are coming from, you can look up the supplier's details—including their helpline number—at www.19sms.com.au. Or you can ask your mobile phone company (the business you pay your bills to).
- If you cannot find the '19' number, it may appear on your phone bill. If not (or if you do not get an itemised bill), ask your phone company. They should be able to give you the content supplier helpline number for any premium service charges.

Mobile premium services and children

If you are buying a phone for a minor, it is important to be aware that young consumers may not understand the terms and conditions in ads or confirmation messages. This could result in unexpected high bills.

When handling a dispute involving a minor, a content supplier must take into account whether the bill-payer consented for their phone to be used for the premium service and if they understood the terms and conditions.

If the content supplier does not resolve the issue to your satisfaction, you may take it up with the Telecommunications Industry Ombudsman. The Ombudsman also takes into account whether the bill-payer consented to the service and understood the terms and conditions when resolving disputes that involve minors.

Agencies which may be able to help:

Problems with phone bills and charges	Telecommunications Industry Ombudsman (TIO)	For billing issues contact the TIO on 1800 062 058 or visit www.tio.com.au .
Offensive content	Australian Communications and Media Authority (ACMA)	If you have concerns about inappropriate or offensive content in a premium SMS message, you can make a complaint to ACMA through its online complaints facility at www.acma.gov.au/hotline
Problems with SPAM	Australian Communications and Media Authority (ACMA)	If you are receiving unsolicited messages, you can make a complaint to ACMA through its online complaints facility.
Your consumer rights	Australian Competition & Consumer Commission (ACCC)	<p>If you think you have been misled by advertising for premium services or in any other way, you can complain to the ACCC.</p> <p>The ACCC has a range of information available to help consumers understand their rights, including those relating to premium services.</p> <p>Contact the ACCC Infocentre on 1300 302 502 or visit www.accc.gov.au</p>

Please note: this document is intended as a guide only and should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases.

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