

# Funmobile offers enforceable undertaking under the Spam Act

The ACMA accepted an enforceable undertaking under the *Spam Act 2003* in January from Funmobile Australia Pty Ltd (Funmobile). The enforceable undertaking was offered as a result of an investigation by the ACMA into allegations that Funmobile had sent SMS messages in breach of the Spam Act.

Funmobile is an internet and mobile entertainment service provider that supplies entertainment and infotainment products for both mobile devices and computers.

The ACMA investigation focused on allegations that the messages sent by Funmobile were allegedly sent to mobile phone account holders without the recipients' consent, and without containing a functional unsubscribe facility.

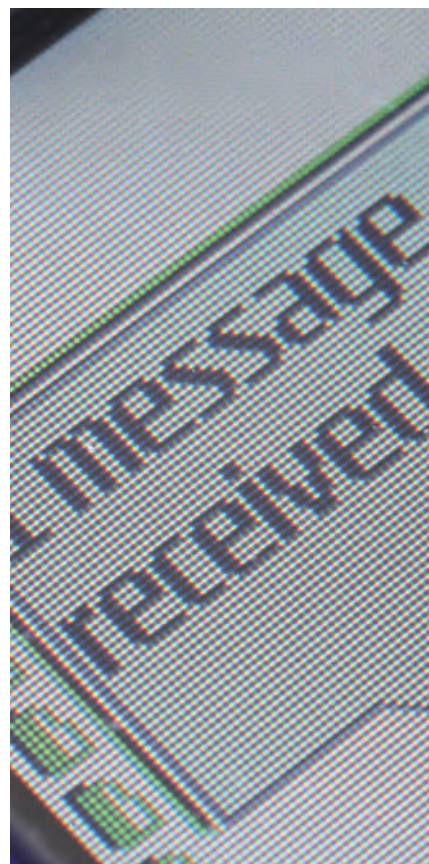
The enforceable undertaking requires Funmobile to put in place training, complaint-handling and quality assurance programs. Additionally, Funmobile has undertaken to pay a financial component of \$55,000.

Enforceable undertakings are one option available to the ACMA in handling breaches of the Spam Act. Others include formal warnings, infringement notices and Federal Court prosecution.

'The ACMA has demonstrated its willingness to pursue, to the full extent of its powers, providers of premium SMS services that systematically operate in breach of rules governing these services,' said Chris Chapman, Chairman of the ACMA. 🗨️

The enforceable undertaking provided by Funmobile is available on the ACMA website at [www.acma.gov.au](http://www.acma.gov.au) (go to For licensees & industry: Licensing & regulation > The ACMA's enforceable undertakings).

Complaints about spam can be made by calling the ACMA on 1300 855 180 or by visiting [www.spam.acma.gov.au](http://www.spam.acma.gov.au).



## How to stop an individual premium SMS service

You can stop an individual subscription premium SMS service at any time by texting or replying 'STOP' to the number that sends you the service, or to the number in the message you received confirming the subscription.

Content suppliers are also obliged to offer a free call or local call number that you can call to cancel your subscription service. These must be included in the initial advertising and in service confirmation and reminder messages.

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 one business day before you receive the confirmation.

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.spam.acma.gov.au](http://www.spam.acma.gov.au).