



What can be done against Internet scams?

Persons in Switzerland

Any victim of Internet fraud can file a complaint for misleading advertising at a police station. The police will then be responsible for conveying the complaint to the competent penal authority. In addition to the description of the facts and corresponding evidence (misleading website and any correspondence with the provider) the complaint filed with the police should include the following final sentence:

"I submit the following petition for all the reasons mentioned above: that criminal proceedings be initiated against XY for action in breach of Art. 3 lit. b of the Swiss Federal Law on Unfair Competition (UWG, SR 241) and that XY receive appropriate punishment."

For billable SMS subscription services you can also claim breach of Art. 11b of the Price Notification Decree (PBV, SR 942.211) if you have not received all the relevant information on the subscription on your mobile phone before concluding the agreement and the acceptance of the offer was issued not from your phone but for example your PC.

You also have the option of filing a civil action for unfair competition in the court having jurisdiction at your place of residence. The civil action can also include any financial claims and claims for damages.

Persons resident abroad

Persons abroad whose economic interests have been affected can file complaints with the State Secretariat for Economic Affairs SECO (see address below). If the scam affects a number of persons abroad SECO can file a criminal or civil action in order to bring about a corresponding judgement against the originator of the questionable business practices. However, the SECO cannot demand repayment of money already paid.

Where to get further information on Internet scams and on misleading business practices?

In the pamphlet "How to recognise a scam"
www.seco.admin.ch/dokumentation/publikation/00035/00038/01787/index.html?lang=en

SMS messages that cost
www.bakom.admin.ch/dienstleistungen/info/00542/00544/index.html?lang=en

On the federal level the State Secretariat for Economic Affairs and the Federal Consumer Affairs Bureau are in charge of dealing with Internet fraud. For any questions please contact us by e-mail:

State Secretariat for Economic Affairs SECO
Effingerstrasse 1
3003 Bern
E-mail: fair-business@seco.admin.ch

Federal Consumer Affairs Bureau
Effingerstrasse 27
3003 Bern
E-mail: konsum@gs-evd.admin.ch

Beware of Internet scams!





What are they?

Although some are genuine, many offers on Internet claiming to be free of charge are only so in appearance. It takes no more than a few clicks to take up the offer and the general conditions are long, in small writing and tedious to read. So why bother reading them? The product on offer is free anyway! And one click is so quick! Internet swindlers know this very well and conceal costly traps in their seemingly harmless offers. The following topics require particular vigilance:

- Prize draws
- Ringtones, mobile phone logos and games
- Tests of all kind
- Free text messages
- Romance / chat
- Job search
- Videos for adults
- Clairvoyant services
- Life expectancy
- Poetry
- Free programmes
- Alcohol problems
- Song lyrics
- Help with homework
- DIY help
- Astrology
- Celebrities
- Jokes
- Art

How do these swindles work?

The trick is always the same: unlike for genuinely free offers, the user has to supply his name, postal address and e-mail address even just for testing an offer. The contractual clauses are in small font at the bottom of the page or contained in the general conditions. By signing up, the user enters into an expensive and long-lasting contract.

The victim will then receive a bill by return mail for the service ordered. Internet swindlers are very insistent, flooding you with an endless stream of electronic correspondence. They will not hesitate to call on debt collectors and solicitors and to threaten you with legal action.

Seemingly free offers which are dependent upon signing up to an expensive SMS service are also widespread: for example, the user takes an IQ test which is offered "free" on the Internet. To get the result of the tests the user is asked to enter his/her personal mobile number. In this way he/she is unwittingly entering into a contract for a paid SMS subscription service. He/she then subsequently receives endless SMS messages at increasingly shorter intervals. The receipt of an SMS message can cost between CHF 1.00 and 5.00 and can add up to a significant amount which is then billed by the mobile phone provider in conjunction with its services.

What to do?

Precautions to be taken:

Prevention is better than cure! You must also be particularly careful when it comes to "free offers" on the Internet. If you cannot take up an offer without disclosing your details beforehand or entering your personal mobile number, make sure you read the general terms in detail and look out for any mention of price.

What should be done if you have made a subscription by responding to a misleading offer on Internet:

You must refuse to pay the bill and, as soon as you become aware of your mistake, declare to the supplier by registered post that you were misled by their site and that you therefore contest the validity of the contract. The letter you send must contain at least the following text: "I was misled by your website. I therefore contest the validity of the contract on the grounds of mistaken consent and intent to mislead. The contract is therefore null and void". You only need to send one letter so you can ignore any subsequent correspondence sent by the supplier.

Note: By law you have one year in which to dispute the agreement from the date you learned of the mistake or deception.

In the case of an SMS subscription you should also take the following action:

- immediately stop the service in question by sending an SMS message with the word STOP to the corresponding short number.
- send a copy of the letter disputing the contract to your mobile phone provider, before expiry of the period for paying the bill, and inform it that you are not prepared to pay the SMS subscription and will therefore only pay the undisputed portion of the mobile phone charges. The provider is not permitted to subsequently block your connection. It can however block the connection for value added services.
- contact the Telecommunications Ombudsman, Bundesgasse 26, 3011 Berne (www.ombudscom.ch) if you are unable to subsequently reach agreement with your mobile phone provider or with the provider of value-added service numbers.

Note: if legal action is taken against you you must file a judicial objection to execution of judgement within ten days! We recommend that you immediately file a judicial objection with the Office of Debt Enforcement.