



For media enquiries please contact:
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The Company's official statement

In regards of the allegations by a US citizen and the related lawsuit he filed against Buongiorno USA, for purported violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. §227. Buongiorno denied the allegations of the lawsuit and denied that it violated the TCPA. The US citizen dismissed his claim without any exchange of monies. The order of dismissal is public and final, and definitively closed the claim on September 6 2007.

In fact, during the lawsuit the US citizen didn't prove his alleged violation.

Buongiorno is a founding and proud member of US Mobile Marketing Association and the commercial partner of 80 leading telecommunication operators worldwide reaching a potential audience of over 60 million telephone users globally.

Buongiorno is a Fortune 500 Company, listed on the Milan Stock Exchange (Italy), and has grown its business with a proven record of legitimate behaviours in several continents including Europe where Privacy laws are even more stringent than those in the US.

Buongiorno USA, in compliance with US federal online marketing laws and industry regulations does not – under any circumstance – engage in targeting or communicating with cell phone customers who have not previously initiated a subscription with the company. Even after a customer subscribes Buongiorno gives customers two chances to opt -in to the service before they pay for any content, and it offers customers the chance to opt out at any time in a clearly communicated manner.

Finally, **Buongiorno USA is actively collaborating with the National Consumers League (NCL)** on developing a consumer education campaign on "mobile entertainment services" – content consumers download from Web sites and other locations to their wireless phones and/or personal digital assistants (PDA). The National Consumers League is the nation's oldest consumer advocacy group, based in Washington, DC. The organization's mission is to protect and promote social and economic justice for consumers and workers in the United States and Abroad.

o Questions and answers

Buongiorno S.p.A.

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1) Could you explain the reason why you sent SMS/spam messages to the client?

Buongiorno in compliance with US federal online marketing laws and industry regulations such as MMA and TCPA rules does not – under any circumstance – engage in targeting or communicating cell phone customers who have not previously initiated a subscription with the company.

Any user of Buongiorno's services must have initiated a request and engaged in a conversation with Buongiorno for the sequence of opt-in TXT messages to set off and take place.

Buongiorno's text messages are not spam, but an allowed procedure occurring AFTER the user INITIATES a request with Buongiorno.

2) Therefore, Buongiorno never did any spamming?

Indeed not. Buongiorno is committed to permission marketing, which is the opposite of spamming. There are clear differences in the 2 approaches. For example, "spammers" do their best not to be identified, they do not have a brand, or they change continuously signifier or the server they use to send messages. They are obviously against law. On the contrary, Buongiorno, does not break the law: Buongiorno in compliance with US federal online marketing laws and industry regulations does not – under any circumstance – engage in targeting or communicating cell phone customers who have not previously initiated a subscription with the company. Even after a customer subscribes, Buongiorno gives customers two chances to opt -in to the service before they pay for any content, and it offers customers the chance to opt out at any time in a clearly communicated manner.

Additionally, Buongiorno is actively collaborating with the National Consumers League (NCL) on developing a consumer education campaign on "mobile entertainment services" – content consumers download from Web sites and other locations to their wireless phones and/or personal digital assistants (PDA). The National Consumers League is the nation's oldest consumer advocacy group, based in Washington, DC. The organization's mission is to protect and promote social and economic justice for consumers and workers in the United States and Abroad.

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3) Nevertheless some consumers affirm they received a series of multiple Sms by Buongiorno ,is it a new marketing approach ? *or*

Why did Buongiorno send two notices instead of one, according to MMA regulations?

The Buongiorno's technology platform only track of 1 message to remind user to complete the subscription process the user himself has initiated. This process is compliant with Industry regulations. And the sending of this message is absolutely by no means a spam or a sale technique, but a US federal online marketing laws and industry regulations compliant action.

4) Do you economically reimburse clients who received unsolicited messages?

If duplicate messages were inadvertently sent, Buongiorno offers the refund to any user as we always offered to do, even if there has been absolutely no economic benefit to Buongiorno.

5) Are there any other lawsuits pending on Blinko/Buongiorno? In other Countries and for different reasons?

In the Buongiorno's history there was only one similar claim in Italy, which for what we know so far is going to be closed positively and for lack of evidence.

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6) Has Buongiorno ever used deceptive practices, like Jamster?

Absolutely not. Accusations against Jamster's are based on its T&C of contractual terms of subscription. Buongiorno does not engage in any deceptive practices as our Company is in compliance with US federal online marketing laws and industry regulations does not – under any circumstance – engage in targeting or communicating cell phone customers who have not previously initiated a subscription with the company.

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7) Do you send messages to underage clients?

We don't know the age b/c we don't collect that type of info. We do, however, instruct all subscribers that they must be above the age of 13 in our terms and conditions.

8) Have there been other complaints about service?

Regular customer care issues, mainly on topics related with “how to use the product”. Buongiorno invests a lot of money and energy in a customer care service which support and educates customers about VAS. We handle monthly an average of 15.000, which means approx 600/day.

9) What Buongiorno decides to do to rectify any wrong doing (e.g. refund the dime to their accounts, pay MMA fine (is there one?) and make technical changes that only one notice goes out?

We are not going to rectify anything because Buongiorno is fully compliant to with US federal online marketing laws and industry regulations and it does not – under any circumstance – engage in targeting or communicating cell phone customers who have not previously initiated a subscription with the company.

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