



NOTICE TO INDUSTRY

6 March 2008

A REMINDER: DEFINITION OF PROMOTION UNDER THE PHONEPAYPLUS CODE OF PRACTICE

Providers of phone-paid services are reminded that the PhonepayPlus Code of Practice covers the promotion of the service as well as the content promoted.

The PhonepayPlus Code defines a promotion as:

“Promotion means anything where the intent or effect is, either directly or indirectly, to encourage the use of premium rate services, and the term promotional material shall be construed accordingly” [Paragraph 11.3.27, 11th Code of Practice]

A recent case determined by an Adjudication Panel involved a service which had been advertised prominently on the web and was found at the head of the search listings page when a search was made on a search engine using the search words ‘free sms text messages’. The Panel concluded that use of the meta tag word ‘free’ to describe the service constituted part of the promotional material for the service.

Service providers are therefore reminded to ensure that any words used in meta tags on the web used to describe and promote a premium rate service are used with care and are not in any way misleading descriptions of the service (e.g., by describing the service as ‘free’ unless it complies with the correct use of that term as set out in paragraph 5.11 of the Code of Practice).

Any provider in any doubt about the correct use of a meta tag as part of their online marketing activity should contact the PhonepayPlus Executive.

Compliance advice

Compliance advice is available, free of charge and in writing, from the Executive. Please note that Executive advice is not binding on the Board, although a record of advice is maintained and taken into account should a service later be found to be in breach of the Code.

Further information

For more detailed information about how the PhonepayPlus Compliance Team can help, please feel free to contact the team either:

By email: compliance@phonepayplus.org.uk

By phone: **0845 026 1060***

By fax: **0845 026 1061***

(* Calls provided by BT will be charged at up to 4 pence per minute at all times. A set-up fee of up to 6 pence per call applies to calls from residential lines. Mobile and other providers' charges may vary).

Further information about the work of the Compliance Team can also be found on the PhonepayPlus website at www.phonepayplus.org.uk/compliance.