

HELP NOTE

Help Note for avoiding inappropriate promotions Version 1: November 2006

Introduction

This PhonepayPlus Help Note is to assist service providers in achieving compliance with our Code of Practice. It is a non-binding document and does not form part of the Code of Practice.

Service providers seeking clarity about the application of any Code provision to a particular service are strongly advised to contact the Executive **before** starting to operate the service.

Provisions for dealing with inappropriate promotions are set out in section 5.12 of the Code. This is separate from issues around misleading promotional material, on which there are separate Code provisions.

What is inappropriate?

PhonepayPlus takes a commonsense and practical approach in determining whether promotional material or content are likely to be inappropriate. The Board also attempts to balance the industry's need to find innovative methods by which to promote a service to a large audience and the need to protect consumers from receiving offensive or harmful promotional material.

It is perhaps best to illustrate how this works in practice by citing some examples of instances when a service provider's promotional material has been found to be inappropriate. In the past we have adjudicated on various cases where the promotional material or content was found to be inappropriate. Examples include:

- Sending promotional material for sexual entertainment services to consumers who had previously taken part in a competition service.
- Advertising chat services in children's publications.
- Sending premium rate fax-back promotional material to businesses where the content of the fax-back service has no relevance to business.
- Material that takes advantage of vulnerability, e.g., because of an illness or a bereavement

Why is it important that promotional material is appropriate?

Inappropriate promotional material can cause offence and harm to consumers. It is important that promotional material is both appropriate to the service it is advertising and the audience at which it is targeted.

Promotional material should also be suitable for the audience at which it is aimed. This is particularly important in relation to advertisements for sexual entertainment services and those that contain images of violence or adult language. Promotional material for these services is likely to be inappropriate to people under 18 and should be restricted accordingly.

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 be later found in breach of the Code.

Further information

Contacting the Executive:

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