

1 **INTERACTIVE TELEVISION PROGRAMS, PROMOTIONAL COMPETITIONS, TELEVISION INFORMERCIALS, & GAME-SHOWS**

1.1 **SCOPE:**

In cases where Access Channels are utilized, this section applies to:

- Infomercials
- Scheduled TV programming
- In-program promotions or any interactivity with the audience in scheduled TV programming
- Any promotional competitions in any TV advertising where access to mobile content (eg ringtones) does not form the core of the advertisers normal business activities. *[This would apply for example in competitions for an alcoholic drink where Access Channels are used as the method of entry into a competition related to that drink.]*
- Any promotional competitions that form part of paid-for third-party TV advertising in the form of program segments.

Because various TV screen sizes display text at varying resolutions, the display text showing the full cost and the T&C must be formulated by the Content provider to be as visible as on a 37cm screen size TV (or less) as on a 51cm, 54cm, 70cm and upwards etc

Note:

See separate **Section 2** for TV advertisements for mobile content that may be independently flighted during the scheduled program time.

1.2 **Interactive TV-type (ITV) Programming**

[But excluding competition and game-show type programs. These are dealt with in Section 1.3 on Game show-type programming]

1.2.1 **Overview**

This section applies to interactive TV-type (ITV) programs where viewers are able to use any Access Channel to interact with the program e.g. strap-line for interactive viewer comments or *ad-hoc* competitions during the programs, but excludes game-show type programming which is covered in **Section 1.3**

1.2.2 **MANDATORY COST OF ACCESS TEXT DISPLAY RULES**

For an example, see <http://www.youtube.com/watch?v=NrCINj1ifAU> as well as Figure 1 or 2

Cost of Access Information:

Provide full & total potential base subscription and/or per-access cost(s) based on minimum billing period within price box.

Position of Cost of Access "Price Box"

The box must be placed in the top right hand corner of the screen, within the Title Safe Area (see diagrams). The edges of the text must not touch any side of box.

Cost of Access Text Display Trigger:

At any display of, or mention by a voice-over, of a unique access number

Cost of Access Text Display Time:

Minimum 5 seconds simultaneous per each and every mention and/or display of the access number

Cost of Access Text Font:

'Zurich' font

Cost of Access Text Font Size:

20 points MINIMUM

Cost of Access Text Font Colour:

Pure Black

Cost of Access Text Font Position:

Text access cost text must be placed in a visible "Price Box" and centered within that box

Colour Of Cost of Access "Price Box"

- Solid white, with a solid black border around the entire box.
- No transparency in the solid white box is allowed.

Additional Rules For The "Price Box:"

- All text within the price box must be static
- No Caps (except for the first letter of the first word, as well as for an 'SMS') or italics may be used in the price box.
- No text must be placed around the access cost text that may obscure clear reading
- The access cost text must not be positioned or formatted in a manner where it may be obscured by other text or visual information that may be displayed as part of the ad
- The access cost must not be part of a colour scheme that may obscure easy reading of complete details of the access cost
- The access cost text must not be obscured by any background flashing or other visual animations that practically and objectively obscures easy reading of complete details of the cost.
- Notwithstanding any of the above, the price box information must not be unnecessarily populated so as to obscure the purpose of providing clear and concise pricing information. Any additional information should be placed in the T&C box
- **No** multiplication can be used to explain pricing in the pricing box. FULL, potential and upfront pricing must be displayed in the pricing rectangle.
- Any explanation of *how* the pricing is calculated should be should placed in the Terms and Conditions area only and NOT in the Cost of Access box.
- Pricing information should be displayed in the most understandable manner

For additional indications of how pricing should be displayed, see Appendix 1

1.2.3 **MANDATORY T&C DISPLAY RULES**

For an example, see <http://www.youtube.com/watch?v=NrClNj1ifAU> as well as Figure 1 or 2

Trigger:

At any display of, or mention by a voice-over of a unique Access Channel number

Display Time:

Minimum 5 seconds simultaneous per each and every mention and/or display of the access number

Display Text Font Type:

'Zurich' font

Display Text Font Colour

Solid Black

Display Text Font Size:

16 points MINIMUM

Display Text Position:

- On bottom edge of title face of the screen superimposed on a solid white box surrounding all of the text.
- No transparency whatsoever in the solid white box is allowed.
- All text must be centered
- If advertising a subscription service, the words subscription service must be placed at the top, centre section of the solid white box. These two words must be in CAPS and in **BOLD**.

ie "SUBSCRIPTION SERVICE"

T&C Display Text Rules:

- No Caps (except for the first letter of the first word, or for proper nouns, as well as for an 'SMS') or italics may be used as the display font for the T&Cs.
- The T&C text must be static and horizontal for the requisite minimum display time.
- The T&C text may not scroll on the screen, either right to left, left to right nor any other direction.
- The T&C text may not be positioned or formatted in a manner where it may be obscured by other text or visual information that may be displayed as part of the ad.
- The T&C must be formatted so that each sentence is distinct. Each sentence must end with a period.
- The T&C text must not be part of a colour scheme that may obscure easy reading of complete details of the T&C text.
- The T&C text must not be obscured by any background flashing or other visual animations that practically and objectively obscures easy reading of complete details of the T&C text

1.2.4 MANDATORY T&C DISPLAY TEXT

This mandatory T&C display text is the minimum information that must be displayed with the T&C box using the required formatting. The amount of information required has been kept to a necessary minimum so as to keep the T&C box uncluttered.

Any other information placed in the T&C box is optional, unless it is an additional, critical component of any offering to a consumer. This additional information has its own formatting criteria. See **Figures 1 & 2**.

For an example, see <http://www.youtube.com/watch?v=NrCINj1ifAU> as well as Figure 1 or 2

A: Number Of Text Messages To Be Received Or Sent Per Time Period

Mandatory text: eg "3 SMS/week"

Note: For clarity, numeric values only must be used to indicate the number of SMS messages

B: Indicate If WAP/GPRS Are Required:

Mandatory text: "Network charges extra".

C: Indicate If Incomplete Transactions Are Still Billable

Mandatory text: "Errors billed"

D: If A Subscription, Indicate The Access Channel Number To Stop A Subscription

Mandatory text: "SMS stop 31234"

E: Indicate Advertiser Company Name:

Mandatory text: "XYZ Company"

F: Advertiser Help Phone Number Details

Mandatory text: "Help 0xx-123-4567" or
"Help 08x-222-1345 (VAS)"

- Only phone numbers issued in terms of the ICASA numbering plan may be used No voicemail boxes may be used for customer care
- Customer support may not be provided via premium rated numbers, and may only be provided via standard-rate or VAS-rate numbers

G: Location Of Full T&C:

Mandatory text: "T&C at xyz.co.za"

H: If A Competition, Indicate When Competition Closes:

Mandatory text: "Competition Closes 1 Jan 20— "

Figure 1: Formatting criteria for subscription service TV advertisements

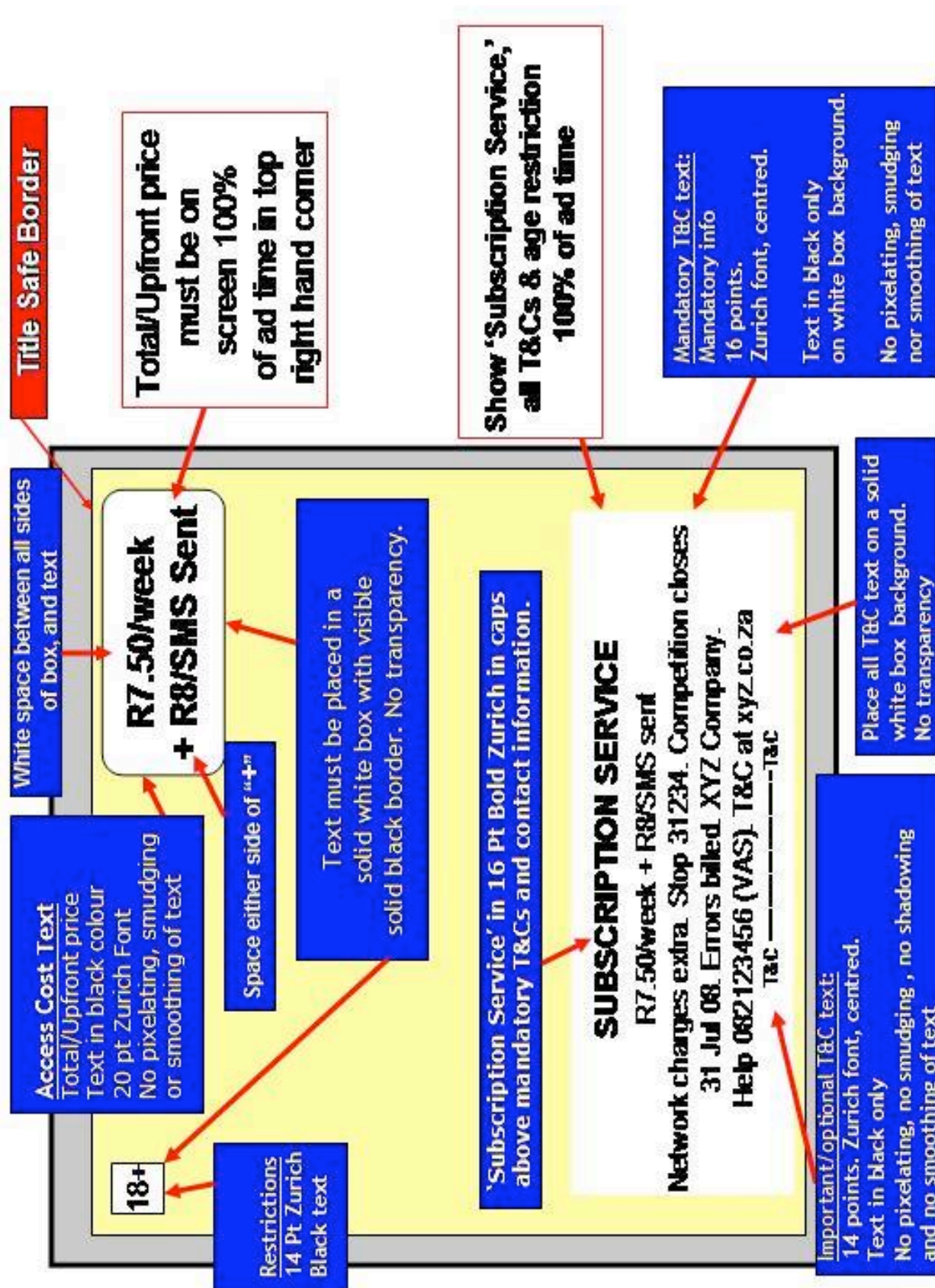
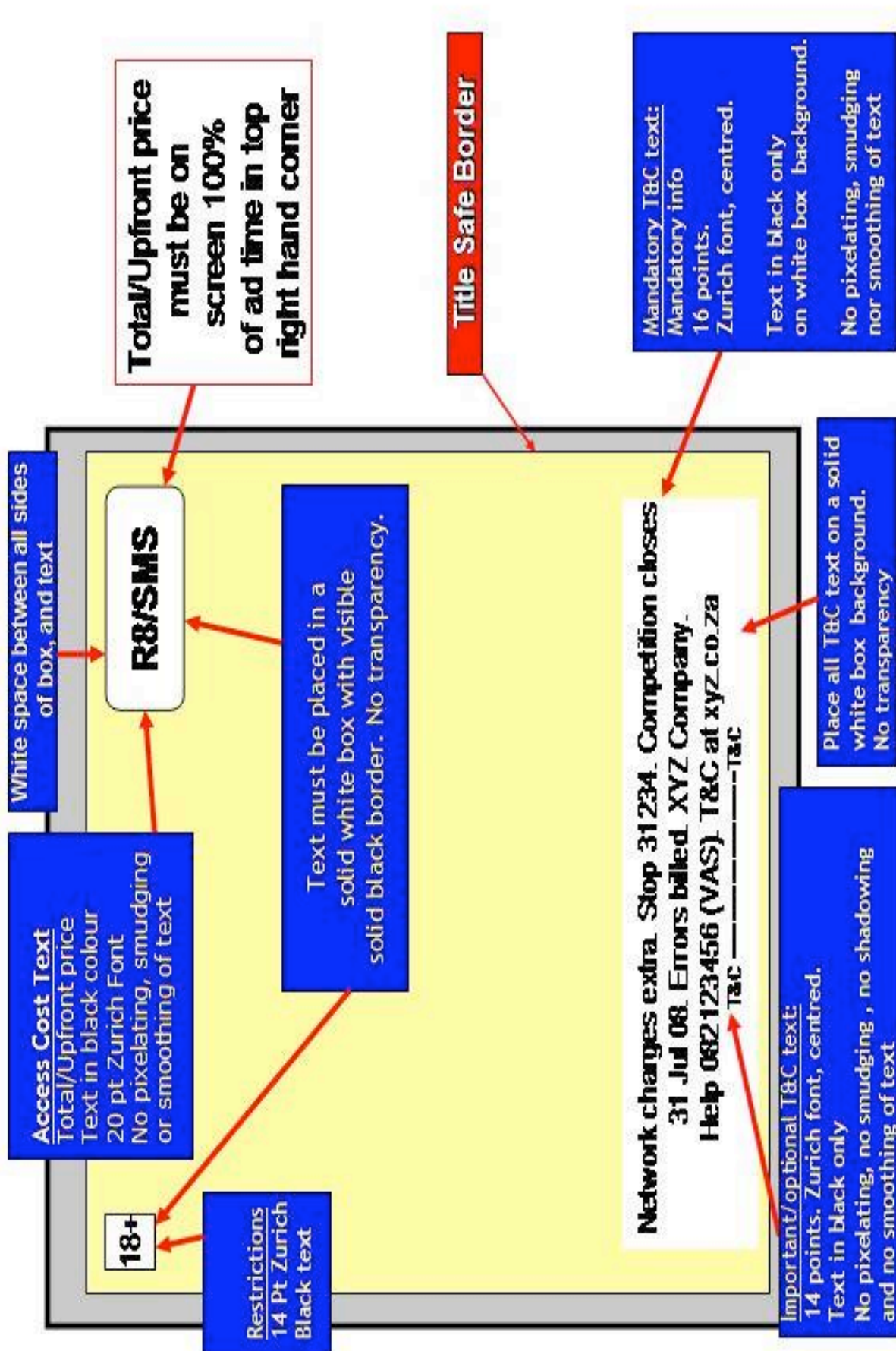


Figure 2: Formatting criteria for non-subscription service TV advertisements



1.2.5 AGE RESTRICTIONS

See Figure 1 or 2

Context:

Where any age-restricted content is being advertised

Display Text Information:

Must use the term “**18+**” to indicate the age restriction

Trigger:

Simultaneous with the mention or display of an Access Channel number

Display Time:

5 Seconds minimum, simultaneous with the mention or display of an Access Channel number

Display Text Font Type:

‘Zurich’ font

Display Text Font Size:

18 points MINIMUM

Display Text Font Colour:

Pure Black

Display Text Position:

- Centered and within a solid white box surrounding all of the text placed in top left hand corner of a screen but within the Title Safe area.
- No transparency in the solid white box is allowed.

1.3 Competition & Interactive Game-Show Type TV Programming

1.3.1 Overview

This section applies to interactive TV-type (ITV) competition or game-show type programming where viewers are able to use any Access Channel to interact with the program to enter a competition and/or a series of competitions and/or games of skill where money or any other prizes or compensation are offered to entrants.

There are mandatory Access cost text display, mandatory T&C text display, and mandatory voice-over requirements for all competition, ITV and game-show type TV programming.

1.3.2 MANDATORY COST OF ACCESS TEXT DISPLAY RULES

For an example, see <http://www.youtube.com/watch?v=NrCINj1ifAU> as well as Figure 1 or 2

Cost of Access Information:

Provide full potential base subscription and/or per-access cost(s) based on minimum billing period within price box.

Position of Cost of Access "Price Box"

The box must be placed in the top right hand corner of the screen, within the Title Safe Area (see diagrams). The edges of the text must not touch any side of box

Trigger:

At the start of the programming

Display Length:

100% of program time

Display Text Font Type:

'Zurich' font

Display Text Font Size:

20 points MINIMUM

Cost of Access Text Font Position:

Text access cost text must be placed in a visible "Price Box" and centered within that box

.

Colour Of Cost of Access "Price Box"

- Solid white, with a solid black border around the entire box.
- No transparency whatsoever in the solid white box is allowed.

Additional Rules For The "Price Box:"

- All text within the price box must be static
- No Caps (except for the first letter of the first word, as well as for an 'SMS') or italics may be used in the price box.
- No text must be placed around the access cost text that may obscure clear reading
- The access cost text must not be positioned or formatted in a manner where it may be obscured by other text or visual information that may be displayed as part of the ad
- The access cost must not be part of a colour scheme that may obscure easy reading of complete details of the access cost
- The access cost text must not be obscured by any background flashing or other visual animations that practically and objectively obscures easy reading of complete details of the cost.
- Notwithstanding any of the above, the price box information must not be unnecessarily populated so as to obscure the purpose of providing clear and concise pricing information. Any additional information should be placed in the T&C box
- **No** multiplication can be used to explain pricing in the pricing box. FULL, potential and upfront pricing must be displayed in the pricing rectangle.
- Any explanation of **how** the pricing is calculated should be should placed in the Terms and Conditions area only and NOT in the Cost of Access box.
- Pricing information should be displayed in the most understandable manner

1.3.3 MANDATORY T&C DISPLAY RULES

This mandatory T&C display text is the minimum information that must be displayed with the T&C box using the required formatting. The amount of information required has been kept to a necessary minimum so as to keep the T&C box uncluttered.

Any other information placed in the T&C box is optional, unless it is an additional, critical component of any offering to a consumer. This additional information has its own formatting criteria. See **Figures 1 & 2**.

For an example, see <http://www.youtube.com/watch?v=NrCINj1ifAU> as well as Figure 1 or 2

Trigger:

At any display of, or mention by a voice-over of access numbers

Display Length:

100% of program time

Display Text Font Type:

'Zurich' font

Display Text Font Size:

16 points MINIMUM

Display Text Position:

On bottom edge of title face of the screen within a white border.

Display Text Type:

- No Caps (except for the first letter of the first word, or for proper nouns, as well as for an 'SMS') or italics may be used as the display font for the T&Cs
- The T&C text must be static and horizontal for the requisite minimum display time, changing as is necessary to show all the T&Cs in equal time proportion
- The T&C text may not scroll on the screen, either right to left, left to right nor any other direction.
- The T&C text may not be positioned or formatted in a manner where it may be obscured by other text or visual information that may be displayed as part of the ad
- The T&C must be formatted so that each sentence is distinct. Each sentence must end with a period.

- The T&C text must not be part of a colour scheme that may obscure easy reading of complete details of the T&C text
- The T&C text must not be obscured by any background flashing or other visual animations that practically and objectively obscures easy reading of complete details of the T&C text

1.3.4 **Mandatory Voice-Over Requirements For Game-Show Type Programming**

1.3.4.1 The program announcer, presenter or any other person who is tasked with constant interaction directly with viewers must indicate the following by clear, unambiguous Voice:

- All necessary competition rules at the start of the programming
- Access channel costs whenever an access channel is mentioned
- An indication of the opening and closing instances for any competition segment within the program

1.3.4.2 **Competition Rules & Disclosure Of The Identity Of Competition Provider**

- The Voice must indicate at the start of the program all competition rules as well as the identity of the competition provider and/or the payer of any prizes if this is not the same as the competition provider.
- This initial exposition of the competition rules information must include instruction as to how and when entrants may be selected, when the competition or competition segments start and end, and how these times or instances are determined.

1.3.4.3 **Access channel costs**

- Whenever the Voice announces any Access Channels to be used for entering any competition or competition segment, that Voice must indicate the total, unconditional cost for entering any competition offered during the programming.

Where Premium Rated Voice Access Channels are used as an Access mechanism for entering any portion of the programming, the Voice must indicate the cost per minute of that Access Channel, that Free Minutes do not apply, and indicate the minimum length of time and total cost required when using that Access Channel required to obtain full and unconditional access to the competition or any competition segment.

- If VAS-rated IVR Access Channels are utilized for access to the competition, the Voice must indicate that VAS Rates Apply and that Free Minutes do not apply.
- Any differential costing between subscribers within a network or between different mobile or fixed-line networks must also be announced by the Voice.

1.3.4.4 **Competition Entry and Closing Times or Instances**

- **Start Of Competition**

The Voice must indicate unambiguously at the start of any competition segment as to the instant when potential entrants should attempt to access to any access channel associated with that programming, where the instant so indicated is when the competition or competition segment begins.

- None of the access channels may be used before the start of the live competition. Users contacting the service using any access channel before the designated start of the competition must be sent an SMS indicating that their entry was not accepted because the competition had not started at the time they sent their entry, as well as indicating the start and stop time of the competition.

- **Fair Warning Must Be Given Before Closing Moment/Instant**

When any entrant/s is/are to be selected for participation directly or indirectly in any segment of the competition programming, or as winners of any prize offered, as a result of their use of any Access Channel associated with that programming, the Voice must provide a clear "fair warning" that the competition or competition segment is about to close for entries and that any entries received after this time will not be eligible for entry to that competition or competition segment.

In particular, the Voice must indicate that anyone using Premium Rated SMS and/or Voice Access Channels must stop trying to access the competition or competition segment at the closing instant.

- **Fair Warning Timings**

This fair warning must be given by the Voice at 1 minute intervals - and no less than 2 minutes - before the closing time or instance for that competition or competition segment.

Where appropriate, the Voice must indicate at the closing instant that no more entries will be accepted for that competition or competition segment, and that any further use of any Access Channel for potential entry to that competition segment will not result in an entry to that particular competition segment which has been so closed for entries and for which a winner or winners will thus be drawn.

1.4 GENERAL TERMS

1.4.1 ABBREVIATIONS

Indication	Correct Abbreviation	Wrong Abbreviation
Additional type & cost	+ 3 SMSs or + Rx.yy (include spaces between + and next character)	+3 messages or +Rx.yy (no spacing shown)
At	At	@ (<i>unless in an email address</i>)
Cost	R1 or R1.50	R1.00 or R1.5
Day	Day	Dy
MMS	MMS	mms, or Mms, or mmS
Message	SMS	Sms or msg or MSG or msgs or txt or txts
Minimum	Minimum	Min or Mnm
Minute	Minute	Min
Minutes	Minutes	Mnts
Month	Month	Mth
Months	Months	Mths
Pricing	R7.50/week	R7.5/wk or 7.5R / wk
Pricing per period	/	per
Rand Pricing (cents)	70c	R0.70 or R0.7 or ZAR75c
Rand Pricing (Rands+cents)	R7 or R7.50	R7.00; R7.5 or 7.5R or ZAR7.5 etc
SMS Messages	SMS or SMSs	Sms or msg or MSG or msgs or txt or txts
SMS Received	Received	Rvcd or Rcd
SMS Sent	Sent	Snt
Subscription	Subscription	Subs, or Sub or Subscr
Week	Week	Wk or wk

1.4.2 **ADULT SERVICES [See also Age-Restricted Services]:**

- **Advertisements Containing Adult Content (Images/Words/Sounds):**

In respect of the format and design of advertisements which are used to advertise Adult Content Services, if the advertisements *themselves* contain visual images and/or words or phrases that constitute or depict sexual conduct as is defined in the Films and Publications Act 65 of 1996, then these advertisements may only be advertised in Adult media, and subject to provisions of the Films and Publications Act 65 of 1996 where applicable.

This restriction applies even if 'stars,' black strips or other attempts at direct visual blocking or disguising of any sexual conduct or explicit nudity are used in an advertisement.

- **Use of the Terms "XXX" or "X18"**

No advert may use the reference "XXX" or "X18" if the content actually provided is objectively and/or legally **not** "XXX" or "X18" respectively, for if the distribution thereof conflicts with any national law.

- **Advertisements With References To Adult Content:**

In respect of an advertisement that contains references to Content Services, where that Content constitutes or depicts sexual conduct as defined in the Films and Publications Act 65, **but** where the advertisement itself for that Content does not constitute or depict sexual conduct as defined in the Films and Publications Act 65, then advertisements that so contain references to the (explicit) Content *may* be placed in any media, provided that:

(a) An Adult Verification System is in place for access to that Content or service, **AND THAT**

(b) The format, placement and design of the advertisement so referring to the (explicit) Content

- Conforms to any rulings, laws or regulations issued by a state body in terms of the Films and Publications Act or any other applicable law.

- is in keeping with the general nature, tone and theme of that particular media and is not calculated to offend the audience having access to that media, **AND**

- abides by any advertising rules set by the owner or controller of that particular media,

AND

- conforms to any rulings issued by the ASASA in respect of that particular type of advertisement and media, **AND** conforms to any similar rulings by the WASPA Adjudicator or WASPA Appeals Panel in respect of that particular type of advertisement and media, **AND WHICH** conforms to any particular rules set by any mobile operator in respect of use of that Access Channel

- **WATERSHED HOURS:**

For broadcast media (eg TV/Radio) where a policy of watershed hours is implemented, advertisements containing sexually explicit words, images, or sounds:

- (a) may only be broadcast during the watershed hours so defined by a licensed broadcaster, **AND**
- (b) may not contain any sexual Content or nudity in excess of that displayed within the program the advertisement is placed in. For example, if no nudity is displayed within the program, then no nudity (whether depicted through animation or otherwise) is allowed in the advertisement.

- Any advertisement that has reference to Content or services that are legally restricted to use only by Adults must indicate that it is for Adults only with the term “**18+**” and/or that verification of the user’s age may be required.
- **For an example, see <http://www.youtube.com/watch?v=NrCINj1ifAU> as well as Figure 1 or 2 for the placement of “18+” for TV**

Notwithstanding the above, all advertising and content provided must conform to the provisions of the Film and Publications Act 65 of 1996 and any regulations issued pursuant thereto. All content providers and distributors of content are expected to familiarize themselves with any applicable law pursuant thereto.

It is entirely the responsibility of those placing an advertisement to determine which laws apply to its service as well as the extent or not of the Adult nature of the program advertised in. Advertisers must thus contact the relevant broadcaster to determine the classification/rating of any program before placing their advertisements.

1.4.3 **AGE-RESTRICTED SERVICES**

- Any services that would or should ordinarily be restricted to Adults – which may include Adult Content Services - or where it would be undesirable for Children to have access to those services because of the potential Adult nature of the service, must be indicated as being Age Restricted.

Examples of Age-Restricted Services (*non-exhaustive list*):

- Gambling Services
- Contact-type services where Children may potentially come into contact with Adults masquerading as Children
- Adult Content
- Dating Services
- Content that does not necessarily fit the definition of Adult Content, but which may contain images, audio or text that is obscene or otherwise unsuitable for access and consumption by Children

The advert must indicate that it is for Adults only using the term “**18+**” and/or that verification of the user’s age may be required.

See **Figure 1** for placement and formatting criteria for the term “**18+**”

1.4.4 **AVAILABILITY OF CONTENT/SERVICES:**

If a service or Content as advertised is (usually) only partially or totally unavailable during certain time periods or days, or for any other reason, then this restriction must be explicitly indicated.

Example: “Live chat not available between 01h00 and 07h00”

1.4.5 **BEARER REQUIREMENTS & CHARGES:**

If any additional bearers (eg WAP and/or GPRS) are required for full access to the advertised service/Content, and where charges will be incurred by a user over and above the cost of the Content or service offered by the advertiser, then the display text within the T&C box must indicate that additional bearer charges may apply.

“Network charges extra”

- [See also '**PRICING**' below]
- [See also '**TOTAL ACCESS REQUIREMENTS**' below]

1.4.6 **COMPETITIONS:**

Note: This section is not meant to be an exhaustive overview of any possible permutation of competition types. The general guiding principles remain however. See in particular however Section 1.3 on the rules governing Game Show-type programming)

- Promotional material must clearly state any information which is likely to affect a decision to participate, including:
 - the closing date or time or instance;
 - any significant terms and conditions, including any restriction on the number of entries or prizes which may be won;
 - an adequate description of prizes, and other items offered to all or a substantial majority of participants, including the number of major prizes;
 - any significant age, geographic, or other eligibility restrictions;
 - any significant costs which a reasonable consumer might not expect to pay in connection with collection, delivery or use of the prize or item.
 - any significant facility, access or skill a consumer must have in order to obtain, use or otherwise access the full or even partial extent of the award promised in the advertisement.
e.g. Having access to and being able to use the Internet in order to fully utilize the prize
- If a prize or reward is offered and the allocation of any prize/reward is conditional on any event and/or date, then this fact must be CLEARLY and visibly stated in the body of the advertisement as well as in the T&C text. For example, if a minimum number of participants to a competition are first required to successfully enter the competition before any prizes may be allocated and/or before the competition

begins, then this must be clearly stated in the T&C text.

- Adverts for Competitions must show a specific closing date, time or instant wherever applicable except where there are instant prize-winners. However if the instant prize component of a competition is dependent on any condition (eg a certain number of SMSs must first be received before the ability to win any advertised prizes becomes applicable), then a closing date, time or moment MUST be indicated.
- If a prize or reward is offered and the notification of whether the participant to that competition has won a prize (or not) is NOT Instant, then a closing date of the competition must be CLEARLY and visibly stated in the T&C text
- An insufficient number of entries or entries of inadequate quality are not acceptable reasons for changing the closing date of a competition or withholding prizes. Once the closing date for a competition is reached, the advertised prizes must be awarded, notwithstanding the number of entries.
- Prizes must be awarded within 28 days of the closing date, unless a longer period is clearly stated in the promotional material.
- All correct entries must have the same chance of winning.
- Unless the winner of a competition requests anonymity, then the advertiser must advertise the names of the winners of the competition on the web site of the promoter of the competition within one week of appointing the winners, which may not be more than 28 days after the closing date of the competition. This requirement for publication does NOT apply in cases of Instant Prize Competitions where the result of the entry will be instantly communicated to any entrant, but WILL apply if that Instant Prize Competition has any conditions attached to the start of the competition.
- Note that the WASPA Code of Conduct obliges disclosure of the names and/or contact details of any winner of any competition to WASPA or to a consumer should they request it so as to verify the legitimacy of the competition.

CONTACT DETAILS:

- Advertisers must include a helpline number or a working web site address that has direct applicability and linkage to the advertiser
- If an IVR or SMS system using any premium rated or VAS rates channel provided by or through a licensed mobile operator is used for contacting the advertiser or as a helpline access, then the fact that this access number is Premium Rated or uses VAS rates must be indicated next to the access number.
 - Eg "**Helpline 08x-xxx-xxxx. VAS Rates. Free Minutes Do Not Apply.**"

CONTACT-TYPE SERVICES:

If a Contact-type service is advertised as containing sexual content or is advertised as having content that, ordinarily, would be unsuitable for children, then advertisements for that service must indicate that it is for use by Adults only.

- [See also "**AGE RESTRICTED SERVICES**"]
- [See also "**ADULT-TYPE SERVICES**"]
- [See also Definition of "**ADULT**" above]
- [See also Definition of "**ADULT CONTENT**" above]
- If a Contact-type service is advertised as containing sexual content, then an **Adult Verification System** must be used for registration of new users to that Contact-type service.
 - [See also "**AGE RESTRICTED SERVICES**"]
 - [See also "**ADULT-TYPE SERVICES**"]
 - [See also Definition of "**ADULT**" above]
 - [See also Definition of "**ADULT CONTENT**" above]
- Advertisements for any interactive chat, flirt, dating or similar Contact-type services (whether anonymous or not) must indicate whether any restrictions apply to its full use. Eg Time of day, age.
 - [See also "**AVAILABILITY OF CONTENT/SERVICES**" above]

- [See also Definition of “**ADULT**” above]
- If a user must first successfully complete multiple steps requiring multiple communications to the service before they are able to fully access or use the service as advertised, then this must be specified in the advertisement.
 - [See also “**TOTAL ACCESS REQUIREMENTS**” below]
- If using SMS as the Access Channel for a Contact-type service, each request for a user to respond to a message sent to a user as part of that service must indicate the price of the reply if the price at any stage of the communication, differs at all from the initial advertised service price.
- If using SMS as the Access Channel for a Contact-type service, and where has been no communication to a user of that service from either the general participants in that service or the controllers of the service for a minimum of ten (10) calendar days, then any further communication to that user must, at the first communication to that user after the tenth (10th) day, indicate who the service is provided by **and** how the user may unsubscribe from the service, and the cost thereof.

The cost of this unsubscribe process must be the lowest possible cost if using SMS as the unsubscribe medium and no more than 120 seconds if using non-Premium Rated IVR or any other time-based method as the unsubscribe medium.

- If a Contact-type service using VAS-rated IVR or Premium Rated IVR as the Access Channel requires the user to first listen to a (recorded) audio before they can access the actual person, service or facility otherwise so indicated or suggested by the wording or design of the advertisement, and this waiting time **exceeds 60 seconds** from the start of the voice call, then the minimum ‘waiting’ time must be also indicated. [See also “**TOTAL ACCESS REQUIREMENTS**” below”]

1.4.9 **DISTRIBUTION LISTS:**

- If by requesting any Content or accessing a service, the consumer so doing is automatically placed on a distribution list that will continuously or periodically send that consumer further related or unrelated communications from that Content provider or any other Content provider or advertiser, then the T&C text must explicitly specify in the T&C that updates will be sent until cancelled.

Best Practice Suggestion

Display text: "Updates sent until cancelled"

- A sender to a distribution list may not send any Adult Content, nor send advertisements that link to Adult Content, nor send any advertisements that contain Adult themes, Age Restricted Content sexually suggestive Content and language to consumers that have not previously expressly requested such Content or would not reasonably expect to receive such Content.
- The sender to a distribution list must indicate the cost and T&C of access to a service in each and every communication, even the receiver was previously a user of that service. No assumption as to the knowledge of the recipient in respect of the costs and T&C of a service must be made for users who had previously used the service.
- If using SMS as the Access Channel and where has been no communication to a user of that service from either the general participants in that service or the controllers of the service for a minimum of ten (10) calendar days, then any further communication to that user must, at the first communication to that user after the tenth (10th) day, must indicate who the service is provided by **and** how the user may unsubscribe from the service, and the cost thereof.

The cost of this unsubscribe process must be the lowest possible cost if using SMS as the unsubscribe medium and may not be more than 120 seconds if using VAS-rated IVR or Premium Rated IVR or any other voice-based system as the unsubscribe medium.

- **Opt-Out:** Any further communication with a consumer in a distribution list must contain a relatively easy and unambiguous method for immediately opting-out of any further communications from that distribution list:
 - **Fax:** No fax lines may be used for the mandatory opt-out procedure.
 - **SMS:** The total cost of opting-out from any distribution list using a premium rated SMSs Access Channel may not exceed R1 total cost
 - [See also "**TOTAL ACCESS REQUIREMENTS**" below]
 - [See also "**WASPA CODE OF CONDUCT**"]
 - **IVR (or any other non-Premium Rated time-based method):** Where applicable, any IVR systems used for any opt-out procedure must be designed so that a reasonable user will not need to exceed 120 seconds (from the start of the IVR call or time-based method) for the entire opt-out process.
 - [See also "**PRICING**" below]
 - [See also "**TOTAL ACCESS REQUIREMENTS**" below]

1.4.10 **FAILED REQUESTS:**

If for any reason the service bills for incorrect, failed, or unsuccessful requests, then the T&C text must display this (if applicable)

Best Practice Suggestion:

Display text: "Errors billed"

1.4.11 **Free Services**

The keyword “free” or words with the same or similar meaning (in any language) may not be used for any service unless that service has no associated charges whatsoever, excluding network bearer charges.

1.4.12 **LIVE SERVICES:**

- No advertisement may be designed or worded in a manner that may create an expectation by a reasonable person that there is real-time or near-real time communication with a human offered as part of the service, where in fact there is no live real-time or near-real-time interaction whatsoever with a human available as part of that advertised service, or where the real time interaction with the human does not constitute the essence of the service
- Eg Recordings that simulate “eavesdropping” on purported conversations between two or more persons do not constitute ‘live services’.
- If a live service is offered but is restricted to certain times and/or days, then this restriction must be clearly indicated.
 - [See “**AVAILABILITY OF CONTENT/SERVICES**” above]

1.4.13 **NETWORK COMPATIBILITY:**

- There must be an clear indication in the advertisement detailing which mobile networks the user must have access to for fully access any Content and/or participate in the service offered
- If only contract-only or prepaid-only users have access to the service, this must be indicated

Best Practice Suggestion: **Display text: “XYZNetwork contract users only”**

1.4.14 **PRICING:**

(a) **Bearer Costs:**

If additional WAP/GPRS bearer charges may be incurred over and above any other Access Channel costs, the possibility thereof must be indicated within the T&C box.

[See also "**TOTAL ACCESS REQUIREMENTS**" below]

(b) **IVR:**

- Any IVR system using a VAS rated or Premium Rated Access Channel provided by or through a license for access to any services or Content must be identified as such, along with a notice that free minutes will not apply.
- If the minimum amount of time the user is required to stay on the line to access the service **exceeds 60 seconds**, then the minimum time a reasonable user would require for access to the advertised service or Content must be indicated.
- The following is an example of component and total cost indications:

Examples:

Correct: "Call 08x-xxx-xxx Now To Vote! (VAS)"

Incorrect: "Call 08x-xxx-xxx Now To Vote!"

(c) **USSD:**

- For menu-driven services such as USSD, the price for the initial service must clearly be stated, along with the potential for any additional costs associated with specific menu selections.

○ [See "**USSD ACCESS**" below]

(d) **SMS:**

- The cost of a single (or component) SMS used for access to a service must be indicated.
- If more than one SMS is required to access the service/Content, then the number of SMSs so required and their individual cost for access must be indicated.

The total cost involved in accessing the full service based on the cumulative number of SMSs required must be disclosed.

For example, if a number of SMSs are required for registration before full access and use of an advertised service becomes available to a user, then the possibility thereof and then the number of required SMSs must be indicated.

- [See also "**Appendix 1**" for detailed examples]

1.4.15 **SUBSCRIPTION SERVICES:**

(i) **Must Use The Words "Subscription Service"**

If the Content provider is providing a continuous, subscription-like or subscription-based service, then the words "Subscription Service" must be prominently displayed as per specification within the advertisement as well as at each Content or service section in the advertisement where various subscription types are displayed.

No acronym, letter (eg "S"), number, abbreviation (eg "Subs"), icon, or any other mark may be used as an alternative to the words "Subscription Service" anywhere in the advertisement when that Content is only available at all and/or at a particular cost as part of a subscription service.

(ii) **Must Indicate Charge/s:**

The advertisement must indicate in the font size, position and type as indicated:

- (a) The TOTAL **potential** charge that the consumer may incur while part of the subscription service. See **Appendix 1** for illustrative examples.
- (b) The frequency (and the minimum frequency, if applicable) at which they will be charged for the subscription component of access to that subscription service.
- (c) Whether, in addition to the periodic subscription charges in (a) & (b) above, there are any additional charges applicable to obtaining any particular service, Content or class of Content on the advertisement. **[See (iii) below]**

This indication must include the potential and cost of any (additional) bearer charges.

(iii) **Must Indicate Cost Of Any (Additional) Per-Content Access**

If in addition to a periodic subscription charge the consumer could additionally be charged on a per-access basis for access to any particular service, Content or class of Content on the advertisement within the subscription period and terms, then the advertiser must make it clear to the consumer that access this Content or service will, over and above the periodic subscription cost, incur additional charges per Content or service access.

The periodic subscription cost, the frequency of the periodic charge, and where applicable, the additional access cost must all be displayed clearly and TOGETHER, in a position immediately above, below, or to the side of the Content, service, or class of Content. There must in particular be an indication whether bearer charges are included or not in the access cost.

- [See also '**BEARER CHARGES**' above)

(iv) **Must Differentiate Clearly Between Multiple Subscription Types**

If in any advertisement there may exist the possibility to subscribe to a number of individual subscription services which would ordinarily each carry a separate but additional subscription charge and associated charging frequency or additional per-Content access charge, then this possibility of the consumer being charged at multiple prices and charging frequency must be clearly indicated.

(v) **Must clearly Differentiate Between Non-subscription and subscription Types if both available in the same advertisement:**

Taking into account the provisions in the WASPA Code Of Conduct regarding subscription services, if an advertisement has components to it that promote:

(a) Content that is ordinarily made available to a consumer on payment of a once-off payment for that individual Content without the need to subscribe to that service,

AND

(b) Content that will be available at all, and/or at a particular price or even free only if the consumer subscribes to a subscription service, **then** this distinction between the availability of non-subscription and subscription charging must be made clear by unambiguously

demarcating in separate sections (and not just wording) the non-subscription portion from the subscription service portion or Content in the advertisement.

The words "Subscription Service" as well as the total charges and any additional access charges and charge frequency for that subscription service must be clearly indicated in the form specified.

1.4.16 **TECHNICAL CONDITIONS FOR ACCESS:**

- Where applicable, the display text must indicate whether the service can only be accessed by:
 - (a) Phones with any particular technical specification(s)
 - (b) Any particular time period [See also "**AVAILABILITY OF SERVICES/CONTENT**" above]
 - (c) Any particular bearers [See also "**BEARER CHARGES**" above]
 - (d) Any particular mobile operator networks [See also "**NETWORK COMPATIBILITY**" above]
 - (e) Any particular mobile operator subscription types [See "also **NETWORK COMPATIBILITY**" above]

However, because there are numerous phones on the market each with different technical specifications, it may be impractical to list all these handsets in media which is non-permanent (eg TV/Radio). These must however be shown in permanent media (eg Web/Print)

1.4.17 **TOTAL ACCESS REQUIREMENTS:**

- [See also "**PRICING**" above]

- **WAP/GPRS**

Indicate if WAP and/or GPRS is required for full access to the Content/services.

- **IVR:**

If an IVR system using any premium rated or VAS rated access channel provided by or through a licensed operator is used for access to any services or Content, and the minimum time a reasonable user would require for minimum access to the advertised service or Content **exceeds 60 seconds**, then the minimum amount of time required for this minimum access to the Content or service must be indicated.

For example, if a Contact-type service, Competition line, or similar service exceeds 60 seconds in total length (from the start of the call) by requiring the user to first listen to for example **2 minutes** (120 seconds) of recorded audio before they can access the actual person, service or facility otherwise so indicated by the wording or design of the advertisement, then this minimum 'waiting' time must be also indicated.

EXAMPLE:

Correct:: "Call 08x-xxx-xxx Now To Vote! (VAS)"

Incorrect:: "Call 08x-xxx-xxx Now To Vote!"

Reasons:

- No Indication Of VAS Rate nature of 08x access number.
- No Indication that Free Minutes are not available for access to the service.
- (If over 60 seconds waiting time), No minimum call time to access service proper indicated.

- **SMS:**

If more than one SMS is required to access the service/Content (and if additional bearer charges may apply), then indicate:

- (a) The number of SMSs required **AND**
- (b) The individual component cost for access must be indicated **AND**
- (c) The total cost involved in accessing the full service. **AND**
- (d) Any additional bearer or Content/service charges must be indicated.

For example, if a number of SMSs are required for before full access and use of an advertised service becomes available to a user, then the possibility thereof and if so, the minimum number of required SMSs must be indicated in the T&C.

1.4.18 **USSD ACCESS:**

- For menu-driven services such as USSD, the price for the initial service must clearly be stated, along with the minimum time reasonable persons would require to access the service or Content as advertised if this minimum time is over 90 seconds.

Best Practice Suggestion:

Display Text: "Initial access cost 20 cents/20 seconds. Minimum 120 seconds."

1.4.19 **VAS/PREMIUM RATES:**

- If a VAS rate or premium rate Access Channel number is indicated, then the display text must indicate that free bundled minutes or SMSs do not apply, and that VAS (Value Added Service) and/or Premium Rates will apply (if applicable)

1.4.20 **VAT:**

- All access costs shown must always include VAT at 14%
- No VAT-exclusive pricing may be shown

Best Practice Suggestion:

Display Text: "All prices include VAT."

1) Fixed-Cost Periodic Subscription + fixed billable MTs

**R7.50/week
+ 3 SMS/week**

SUBSCRIPTION SERVICE
. R7.50/week subscription + 3 SMSs/week at R5/SMS
Network charges extra. Stop 31234. Errors billed.
XYZ Company. Help 082123456 (VAS). T&C at xyz.co.za

Incorrect:
Does not provide full,
potential upfront cost in
price box

R22.50/week

SUBSCRIPTION SERVICE
. R7.50/week subscription + 3 SMSs/week at R5/SMS
Network charges extra. Stop 31234. Errors billed.
XYZ Company. Help 082123456 (VAS). T&C at xyz.co.za

Correct:
Provides full, potential
upfront cost

Calculation:
Weekly base subscription
charge: R7.50

SMSs to be sent to
subscriber within the
subscription period: 3

Cost per SMS sent: R5

$R7.50 + R15(5 \times 3) = \underline{\underline{R22.50/week}}$

2) Subscription Service using MT-type billing



Incorrect:

Does not provide full, potential upfront cost in price box



Correct:

Provides full, potential upfront cost

Calculation:

Number of SMSs received by subscriber per minimum potential subscription billing period of 5 days: 3

Cost per SMS received: R10

$3 \times R10 = R30$ within the 5 days subscription period

= Total R30/5 days

3) Minimum Subscription Cost + minimum number of billable MTs

R20/5 days

SUBSCRIPTION SERVICE
R20/5 days + 2 SMS/2 days received at R10/SMS
Network charges extra. Stop 31234.
Errors billed. XYZ Company.
Help 082123456 (VAS). T&C at xyz.co.za

Incorrect:

Does not provide full, potential upfront cost in price box

R60/5 days

SUBSCRIPTION SERVICE
R20/5 days + 2 SMS/2 days received at R10/SMS
Network charges extra. Stop 31234.
Errors billed. XYZ Company.
Help 082123456 (VAS). T&C at xyz.co.za

Correct:

Provides full, potential upfront cost

Calculation:

Base subscription: R20/5 days

Number of additional SMSs potentially receivable by the subscriber within the minimum subscription billing period of 5 days: 4

Cost per SMS received: R10

4 x R10 = R40, within the 5 days subscription period

= Total R60/5 days

**4) Minimum Subscription Period +
variable number of billable MTs**

R5/day

SUBSCRIPTION SERVICE
R5/day subscription + R4/SMS received.
Minimum 3 days.
Network charges extra. Stop 31234. Errors billed. XYZ
Company. Help 082123456 (VAS). T&C at xyz.co.za

Incorrect:
Does not provide full,
potential upfront cost

R15/3 days
+ R4SMS/received

SUBSCRIPTION SERVICE
R5/day subscription + R4/SMS received.
Minimum 3 days.
Network charges extra. Stop 31234. Errors billed. XYZ
Company. Help 082123456 (VAS). T&C at xyz.co.za

Correct:
Provides full, potential
upfront cost

5) Daily Subscription Service with joining fee & additional billing

**R5/day
+ 3 SMS/5 days
R10 SMS
+ R5 joining fee**

SUBSCRIPTION SERVICE
R5 /day + 3 SMS/5 days at R10/SMS. R5 joining fee.
Network charges extra. Stop 31234.
Errors billed. XYZ Company.
Help 082123456 (VAS). T&C at xyz.co.za

Incorrect:

Does not provide full, potential upfront cost

**R5/day
+ R30/5 days
+ R5 joining fee**

SUBSCRIPTION SERVICE
R5/day + 3 SMS/5 days at R10/SMS. R5 joining fee.
Network charges extra. Stop 31234.
Errors billed. XYZ Company.
Help 082123456 (VAS). T&C at xyz.co.za

Correct:

Provides full, potential upfront cost

Calculation:

Base subscription cost: R5/day

Number of SMSs received by subscriber per minimum potential billing period of 5 days: 3

Cost per SMS received: R10

$3 \times R10 = \underline{R30 \text{ within the 5 day period}}$

Joining fee: R5

6) Fixed-Cost Subscription using fixed number of billable MTs

**R5/SMS
3 SMSs/week**

SUBSCRIPTION SERVICE
3 SMSs/week at R5/SMS
Network charges extra. Stop 31234. Errors billed.
XYZ Company. Help 082123456 (VAS). T&C at xyz.co.za

Incorrect:

Does not provide full,
potential upfront cost

R15/week

SUBSCRIPTION SERVICE
3 SMS/week at R5/SMS
Network charges extra. Stop 31234. Errors billed.
XYZ Company. Help 082123456 (VAS). T&C at xyz.co.za

Correct:

Provides full, potential
upfront cost

Calculation:

SMSs to be sent to
subscriber per week: 3

Cost per SMS sent: R5

$3 \times 5 = \underline{\text{R15/week}}$

7) Fixed number of billable MTs + variable number of billable MOs

**R5/SMS
3 SMSs/week**

SUBSCRIPTION SERVICE
3 SMSs/week received at R5/SMS plus R1/SMS sent
Network charges extra. Stop 31234.
XYZ Company. Help 082123456 (VAS). T&C at xyz.co.za

Incorrect:

Does not provide full,
potential upfront cost
in price box

**R15/week
+ R1 SMS sent**

SUBSCRIPTION SERVICE
3 SMSs/week received at R5/SMS plus R1/SMS sent
Network charges extra. Stop 31234.
XYZ Company. Help 082123456 (VAS). T&C at xyz.co.za

Correct:

Provides full, potential
upfront cost

Calculation:

SMSs to be sent to
subscriber per week: 3
Cost per SMS sent: R5

$$3 \times 5 = \underline{\text{R15/week}}$$

Includes MO cost

8) Fixed Periodic Cost + variable number of billable MT and/or MOs

**R7.50/week
+ R1/SMS sent**

SUBSCRIPTION SERVICE
R7.50/week + R5/SMS received + R1/SMS sent
Network charges extra. Stop 31234.
Errors billed. XYZ Company.
Help 082123456 (VAS). T&C at xyz.co.za

Incorrect:

Does not provide full,
potential upfront cost
in price box

**R7.50/week
+ R5 SMS/received
+ R1/SMS sent**

SUBSCRIPTION SERVICE
R7.50/week + R5/SMS received + R1/SMS sent
Network charges extra. Stop 31234. Errors billed.
XYZ Company. Help 082123456 (VAS).
T&C at xyz.co.za

Correct:

Provides full, potential
upfront cost

Includes MO cost
Includes MT cost

**9) Fixed Periodic Cost + fixed number of billable MTs
+ variable number of MOs**

**R7.50/week
+ R1/SMS sent**

SUBSCRIPTION SERVICE
R7.50/week + 3 SMS at R5/SMS received + R1/SMS sent.
Network charges extra. Stop 31234.
Errors billed. XYZ Company.
Help 082123456 (VAS). T&C at xyz.co.za

Incorrect:

Does not provide full,
potential upfront cost
in price box

**R22.50/week
+ R1/SMS sent**

SUBSCRIPTION SERVICE
R7.50/week + 3 SMS at R5/SMS received + R1/SMS sent.
Network charges extra. Stop 31234.
Errors billed. XYZ Company.
Help 082123456 (VAS). T&C at xyz.co.za

Correct:

Provides full, potential
upfront cost

Calculation:

Fixed periodic cost:
R7.50 per week

Number of SMSs to be sent to
subscriber within the base
subscription weekly
billing period: 3

Cost per SMS sent: R5

3 x 5= **R15/week**

Total: R22.50 week

Includes MO cost

10) Fixed-Cost Subscription + billable MOs

R7.50/week

SUBSCRIPTION SERVICE
R7.50/week subscription + R8 SMS sent
Network charges extra. Stop 31234. Errors billed. XYZ
Company. Help 082123456 (VAS). T&C at xyz.co.za

Incorrect:
Does not provide full,
potential upfront cost

**R7.50/week
+ R8 SMS sent**

SUBSCRIPTION SERVICE
R7.50/week subscription + R8 SMS sent
Network charges extra. Stop 31234. Errors billed. XYZ
Company. Help 082123456 (VAS). T&C at xyz.co.za

Correct:
Provides full, potential
upfront cost

Includes MO SMS cost in
In cost box

11) Fixed Periodic Cost + minimum number of billable MOs required (eg competitions requiring minimum MOs)

**R7.50/week
+ R10/SMS sent**

SUBSCRIPTION SERVICE
R7.50/week + 10 SMSs.
Network charges extra. Stop 31234.
Errors billed. XYZ Company. Help 082123456 (VAS).
T&C at xyz.co.za

Incorrect:

Does not provide full, potential upfront cost in price box

No competition closing date

R57.50/week

SUBSCRIPTION SERVICE
R7.50/week + minimum 10 SMSs/week sent at R5/SMS. Network charges extra. Stop 31234. Competition closes 31/11/08. Errors billed. XYZ Company. Help 082123456 (VAS).
T&C at xyz.co.za

Correct:

Provides full, potential upfront cost

Calculation:

Fixed periodic cost:
R7.50 per week

SMSs needed to be sent by subscriber per week: 10

Cost per SMS to be sent: R5

$10 \times 5 = \underline{\underline{R50/week}}$

Total minimum cost to enter: R57.50

Includes competition closing date

12) Fixed Periodic Cost + variable/minimum number of billable MTs required

Note: Chat/competitions using this model are banned to Code of Conduct

**R7.50/week
+ R10/SMS received**

SUBSCRIPTION SERVICE
R7.50 week + 5 SMSs/week received at R10/SMS
Network charges extra. Stop 31234.
Errors billed. XYZ Company.
Help 082123456 (VAS). T&C at xyz.co.za

Incorrect:

Does not provide full, potential upfront cost in price box

R57.50/week

SUBSCRIPTION SERVICE
R7.50 week + 5 SMSs/week received at R10/SMS
Network charges extra. Stop 31234.
Errors billed. XYZ Company.
Help 082123456 (VAS). T&C at xyz.co.za

Correct:

Provides full, potential upfront cost

Calculation:

Fixed periodic cost:
R7.50 per week

Minimum number of SMSs
needed to be received
by subscriber per weekly
billing period: 5

Cost per SMS received: R10

$10 \times 5 = \underline{\text{R50/week}} + \underline{\text{R7.50}}$

$= \underline{\text{Total R57.50/week}}$

13) Fixed-Cost Subscription + variable number of billable MTs

R7.50/week

SUBSCRIPTION SERVICE
R7.50/week subscription + R1/SMS received
Network charges extra. Stop 31234. Errors billed.
XYZ Company. Help 082123456 (VAS).
T&C at xyz.co.za

Incorrect:

Does not provide full,
potential upfront cost

**R7.50/week
+ R1 SMS/received**

SUBSCRIPTION SERVICE
R7.50/week subscription + R1/SMS received
Network charges extra. Stop 31234. Errors billed.
XYZ Company. Help 082123456 (VAS).
T&C at xyz.co.za

Correct:

Provides full, potential
upfront cost

Includes MT SMS cost
in cost box

14) Daily Subscription Service Cost with joining fee



A yellow rectangular price box with a black border. In the top right corner, there is a white rounded rectangle containing the text "R5/day". In the center, there is a white rounded rectangle containing the text "SUBSCRIPTION SERVICE", "R5 joining fee. Network charges extra. Stop 31234.", "Errors billed. XYZ Company.", and "Help 082123456 (VAS). T&C at xyz.co.za".

R5/day

SUBSCRIPTION SERVICE
R5 joining fee. Network charges extra. Stop 31234.
Errors billed. XYZ Company.
Help 082123456 (VAS). T&C at xyz.co.za

Incorrect:

Does not provide full,
potential upfront cost
in price box



A yellow rectangular price box with a black border. In the top right corner, there is a white rounded rectangle containing the text "R5/day + R5 joining fee". In the center, there is a white rounded rectangle containing the text "SUBSCRIPTION SERVICE", "R5 joining fee. Network charges extra. Stop 31234.", "Errors billed. XYZ Company.", and "Help 082123456 (VAS). T&C at xyz.co.za".

R5/day
+ R5 joining fee

SUBSCRIPTION SERVICE
R5 joining fee. Network charges extra. Stop 31234.
Errors billed. XYZ Company.
Help 082123456 (VAS). T&C at xyz.co.za

Correct:

Provides full, potential
upfront cost

