9 INTERNET WEB SITES

9.1 SCOPE

This section applies to all advertising placed on internet-based web sites visible to the general public where Access Channels are displayed. This also includes advertisements placed on third-party web sites.

9.2 DISPLAY RULES FOR COST AND T&C INFORMATION

9.2.1 Cost OF ACCESS DISPLAY

9.2.1.1 Formatting Of Access Cost Text:

- Access cost text must be of a size that is at least **80%** of the largest access number on the page, or 15 point font size, whichever is the greater. The access cost text must be in a non-serif font

- The pricing text must be clearly shown being independent of any other text or image, and not be placed or formatted in a manner where it may be obscured by other text information, graphics or marks that may be displayed around it.

- The cost text must not be part of a colour scheme or design that could obscure (objective) easy reading of complete details of the price.

- All access cost information must be placed horizontally

9.2.1.2 Position of Access Cost Text

- For each unique access number, the full and final cost of the access must be displayed **immediately** below, or above, or adjacent to the unique access number or Content access code in a non-serif font.

- If the ad and/or offer is on a third party web site as a graphic or display text, then the display text with pricing and contact info must be displayed on immediately below, above or to the side of the access number to show the FULL cost to consumer. This includes for example, text-based ads placed on Google-based (or similar) advertisements.

- The T&C text must be placed close as possible to the unique access number.

- T&C information must be placed horizontally.

- If multiple offers are made on the same advertisement and the cost and T&C differ with each offering, each offering must show the cost & T&C separately and clearly.

- While cost information associated with an access number may be displayed elsewhere on a web site (for example cost information also placed in the T&C page of a web site), this must be done as part of a duplication of the pricing. Hence, cost information cannot solely be placed on, for example only the T&C page where accessing the T&C page requires that the user click away from the initial page that displayed the access number.

- The consumer should thus not have to scroll down significantly on that same page or follow any links to other pages to be made aware of the full pricing and T&C associated with a unique access number.
- No cost and/or T&C information may be placed on in-vue type pages.

- No cost and T&C information may be placed on any Internet web page requiring a particular add-on component or facility that is not generally available to all users on the Internet. This prohibition extends to placement on pop-up and in-vue pages.

9.2.2 T&C DISPLAY RULES

9.2.2.1 Formatting & Font Criteria For T&C Text

- The T&C text must be in **12 point font** size, or 50% of the largest access number on a Web page, whichever is the greater. The T&C must be in a non-serif font

- All T&C information must be placed horizontally

9.2.2.2 Position of T&C display text

- For each unique access number, the full and final cost of the access must be displayed **immediately** below, or above, or adjacent to the unique access number in a non-serif font.

- This T&C text must be placed close as possible to the unique access number.

If multiple offers are made on the same advertisement and the cost and T&C differ with each offering, each offering must show the cost & T&C separately and clearly.

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9.3 GENERAL TERMS

9.3.1 ABBREVIATIONS

Indication	Correct Abbreviation	Wrong Abbreviation
Additional type & cost	+ 3 SMSs or + Rx.yy (include spaces)	+3 messages or +Rx.yy (no spacing shown)
At	At	@ *(unless in an email address)*
Cost	R1 : R1.50	R1.00 : R1.5
Day	Day	Dy
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	R7.50	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

9.3.2 **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.

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.

9.3.3 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.

9.3.4 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"

9.3.5 **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]

9.3.6 **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.

9.3.7 **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.**

9.3.8 **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"]

9.3.9 **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]

9.3.10 **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"

9.3.11 **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.

9.3.12 **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]

9.3.13 **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"**

9.3.14 **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]

(g) IVR:

- Any IVR system using a VAS rated or Premium Rated Access Channel provided by or through a licencee 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]

9.3.15 **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** 2 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.

9.3.16 **TECHNICAL CONDITIONS FOR ACCESSS**:

- Where applicable, the display text must indicate whether the service can only be accessed by:

(z) Phones with any particular technical specification(s)

(aa) Any particular time period [See also "**AVAILABILITY OF SERVICES/CONTENT**" above]

(bb) Any particular bearers [See also "**BEARER CHARGES**" above]

(cc) Any particular mobile operator networks [See also "**NETWORK COMPATIBILITY**" above]

(dd) Any particular mobile operator subscription types [See "also **NETWORK COMPATIBILITY**" above]

However, because there a 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)

9.3.17 **TOTAL ACCESS REQUIREMENTS**:

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

- WAP/GPRS

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

- 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:

  (u) The number of SMSs required **AND**

  (v) The individual component cost for access must be indicated **AND**

  (w) The total cost involved in accessing the full service. **AND**

  (x) 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.

9.3.18 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."

9.3.19 **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)

9.3.20 **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."