

11 SMS & MMS offers

11.1 SCOPE

Applies to all SMS and MMS's to the general public where Access Channels are displayed.

11.2 OBLIGATORY COMPONENTS:

11.2.1 Text clearly Showing Access Cost and T&C for each service or Content type offered.

11.1.1 A facility for opting out of receiving any further SMS, which must be the lowest possible cost if using SMS as the Access Channel for the unsubscribe method, or may not be more than 120 seconds if using IVR as the Access Channel for the unsubscribe method.

11.1.2 The opt-out facility may not utilize any PSMS Access Codes beyond R1 in total or may not use any premium rated phone or fax numbers whatsoever. Any voice-based opt-out facility must not be more than 120-seconds in total length.

11.1.3 The sender must within 10 business days provide the recipient with details or how the sender obtained the recipients cellphone number, when such details are requested by the recipient. The details provided to the consumer must be specific. Thus, a response that indicates the details were obtained eg "from a database" is not specific.

11.1.4 Contact details of the sender are obligatory. The contact details must not use any premium rated fax, PSMS, USSD, WAP, or IVR lines. A web site address is the preferred method.

11.2 TEXT DISPLAY

11.2.1 Display Text with full pricing information must be displayed on the SMS/MMS

11.2.2 There may not be any carriage returns inserted within the SMS message so as to separate the pricing information from the body text of the SMS. The price information must thus be coincident with the body text of the SMS.

11.2.3 The SMS must contain contact details of the sender, preferably a web site address

11.2.4 There must be a clear indication of which GSM Networks the user must have access to in order to be properly able to receive complete Content and/or participate in the service offered. Price and all relevant T&Cs must be directly next to the substantive marketing portion of the SMS message. No spaces or line breaks – whether as a result of, for example, coding or compilation errors – must be visible between the price/T&C info and the substantive marketing information. Senders must check that a substantial majority of phones in the market display the received message without any space, lines, or line breaks within the SMS or MMS message

11.2.5 All subscription services must have an unsubscribe facility available at no more than R1.

10.1.3 If the recipient of the email requests to the sender that the sender provide details of how the sender obtained the recipient's email address, it is a legal requirement according to s42(b) of the ECT Act 2002 that this information be provided.

10.1.4 **Adult Services:**

- Advertising material for Content Services may not contain visual images and/or words or phrases that constitute or depict sexual conduct as defined in the Films and Publications Act 65 of 1996 unless contained in media that has been lawfully authorised to be distributed to and/or viewed by persons over the age of 18 only, restricted conditions. Any advertising of Adult Content on broadcast channels may only be done during the watershed hours as defined by a licensed broadcaster.