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Name: WASPA ADVERTISING RULES

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LEGAL DISCLAIMER:

- No members of WASPA, any of the WASPA Management Committee members, or any other WASPA subcommittee members, the various authors, contributors to and editors of these Rules, the WASPA Secretariat, WASPA employees and WASPA contractors, any WASPA Code Of Conduct Adjudicators, as well as any other WASPA's administrators shall be held liable for any consequences that may arise from implementation of these Advertising Rules, or from failure to implement them.
- These Rules do not constitute legal advice, nor are they warranted as legal advice. Anyone who wishes to rely upon or implement these rules or to abide by any national law or regulation referred to in this document is strongly advised to seek proper legal counsel.
- If necessary, you should also contact the Mobile Network Operator (or a WASP where applicable) you are contracted to for advice and/or for any updates or implementations of their WASP conduct and advertising rules.
- WASPA reserves the right to immediately alter these Advertising Rules if so directed by any State body or court of law, and/or where circumstances arise.
- The latest version of these Advertising Rules will always be available at www.waspa.org.za.
- Any videos that illustrate practical implementation of the Ad Rules will be available under "WASPA1" account on <http://www.youtube.com>

INTRODUCTION:

- These Advertising Rules are published by WASPA pursuant to Section 6 of the WASPA Code Of Conduct v3.2. These Advertising Rules are referred to in the WASPA Code Of Conduct v3.2 as being "Advertising Guidelines." The term "Advertising Guidelines" shall accordingly be construed together with the term "Advertising Rules" as being one and the same.
- The "Advertising Rules" shall be henceforth be referred to in this document as the "Rules."
- These Rules form an integral part of the WASPA Code of Conduct and should be read concurrently with the Code Of Conduct available at www.waspa.org.za.
- These Rules have been formulated to provide best practice for the advertising of Content and Content Services by WASPs and their Information Providers in South Africa who use the South African mobile networks for access to their Content and services.
- The Rules have been devised to be specific to various advertising mediums which Content providers may utilize. Each medium has its own formatting and display variations which these guidelines attempt to cover.
- Whilst each section can be used as standalone criteria for that media, there are however common criteria to all the media outlined in these guidelines, specifically the information required to be displayed to the consumer, and where the medium requires it, a voice-over explaining critical information.
- Each section relating to the medium it covers will show what information and/or formatting is obligatory or what are minimum criteria. Examples of best practice are also included.
- While this document has specific instructions on formatting, timing and the information required and definitions pursuant thereto, WASPs and their Information Providers may not seek to circumvent these criteria in any way by attempting to exploit any potential loopholes in the Rules where by doing so they may deprive the consumer of the minimum information required to make informed choices as the cost of access to Content/services and the terms and conditions associated with such access.
- Advertising material for Content Services may not contain visual images that constitute or depict explicit sexual conduct as defined in the Films and Publications Act 65 of 1996 unless contained in an Adult only media that is distributed under restricted conditions.
- For subscription services, providers should take all reasonable steps to ensure that all promotional material, whether in print media, on the Internet, television or transmitted via text message, clearly explains how the subscription service works. Consumers should have ready access to an explanation of their "purchase" and what, if anything, they need to do to access the Content. Great care should be exercised in using the word 'free'.
- We expect all Information Providers and WASPs to act ethically in their dealings with consumers in the best interests of all.
- If any mobile operator provides additional rules in respect of advertising of Access Channels beyond those stated in this document, then the guidelines issued by the Mobile Network Operators where applicable shall prevail.
- The latest version of these Rules will always be available at www.waspa.org.za

DEFINITIONS:

In this document and any annexures hereto, unless inconsistent with or otherwise indicated by the context:

Adult content service

An “adult content service” is any service for the provision of content which has been classified as suitable only for persons 18 years or older by an appropriate body (such as the Film and Publications Board), or content reasonably likely to be so classified.

Adjudicator

An “adjudicator” is a person, independent of any member, who is appointed to review formal complaints.

Beneficiary

“beneficiary” is a charity or organisation benefiting from a charitable promotion.

Access Channels (or Bearers)

The common PSMS, SMS, IVR, USSD, MMS, 3G or WAP methods of obtaining Content or Content Services or such other methods of obtaining Content or Content Services as may be introduced by the Mobile Network Operators from time to time.

Access Controls

Methods of preventing unrestricted access to mobile content, including (but not limited to) barring, PIN controlled access and subscription only mobile content services.

Access Number:

Any SMS number (whether a long code or short code), MMS number (whether a long code or short code), IVR number (whether a long code or short code), USSD-based number, or any other number that permits the use of an Access Channel.

Access Cost:

The upfront price a user of a service will pay to obtain Content, which may or may not include any Bearer Charges.

Address

A distinct electronic address or mobile phone number of a particular Customer, or any combination of words or numbers that mediates or allows communication with a particular Customer

Adult:

Any persons 18 years or older. (See also ‘Child’)

Adult Content:

Content classified as suitable only for persons 18 years or older in terms of the mobile network operators’ Content guidelines, and/or Content classified (or which would be classified) as XX, X18 and/or F18 in terms of the Films and Publications Act 65 of 1996 as amended.

Adult Media:

Media that has been lawfully authorised to be distributed to and/or viewed by persons over the age of 18 only, and/or media that is distributed under restricted conditions as defined in the Films and Publications Act 65 of 1996

Adult Service

An “adult service” is any service where the content or product is of a clearly sexual nature, or any service for which the associated promotional material is of a clearly sexual nature, or indicates directly, or implies that the service is of a sexual nature.

Adult Verification System (AVS)

A method implemented and/or recognized by one or more mobile networks, which may include but which is not limited to any form of Access Controls that involves confirmation that a user is of an age that entitles such user to access or use particular services and Content. **[Contact the mobile network operator(s) you are contracted to so as to determine which AVS methods are appropriate for and/or approved by that operator]**

Advertising Rules

The advertising rules relating to WASPs as published by WASPA pursuant to Section 6 of the WASPA Code Of Conduct, and which may be amended from time to time. These Rules are referred to in the WASPA Code Of Conduct v3.2 as the “Advertising Guidelines.” The term “Advertising Guidelines” shall accordingly be construed together with the term “Advertising Rules” as being one and the same.

Age Restricted Content

Content Services restricted to users above 18 years of age and includes, but is not limited to Adult Content and Gambling Services. The phrase age restricted content services shall be construed accordingly.

Auto-Generation (or Auto-Generated)

In relation to use of Access Channels only, Auto-Generation means the provision of any Content which is generated substantially or wholly as a result of or as part of an automated process.

Automated

In relation to use of Access Channels only, automated means a process which is substantially part of or wholly as a result a process that does not have any human intervention.

Authority

Means ICASA, its successor and/or the relevant regulatory authority vested with and authority in terms of the Independent Communications Authority of South Africa, Act 13 of 2000 and its successors in title, to operation of any telecommunications or broadcasting network or similar systems in the Republic of South Africa (See www.icasa.org.za)

ASASA

The Advertising Standards Authority Of South Africa (See www.asa.org.za)

Bearer(s) [or Access Channel(s)]:

The common PSMS, SMS, IVR, USSD, MMS, 3G or WAP methods of obtaining Content or such other methods of obtaining Content as may be introduced by the Mobile Network Operators from time to time.

Bearer Charges:

The amount charged by a mobile operator for the use of its network from time to time.

Below-The-Line Marketing:

Includes but is not limited to any marketing material that includes Promotional Flyers/Leaflets, CD's, Flash Drives, Promotional Stickers, Scratch cards, Business-card sized leaflets, Small Z-cards, Promotional materials and products, including promotional materials printed on/displayed on any FMCG products. e.g. executive gifts, cool drink tins, beer cans, bottle tops, wrappers, boxes etc

Best Practice:

Suggested method of implementation of the Ad Rules so as to avoid possible infringement.

Cell C

Cell C (Pty) Ltd, registration number 1999/ 07722/07.

Charges/Cost:

The amount incurred by the consumer in accessing the Content services offered

Charitable promotion

A "charitable promotion" is any promotion which has a primary goal of benefiting a registered charitable organisation.

Child

Any natural person under 18 years of age. The term "children" shall be construed accordingly.

Childrens Service

"Children's services" are those which, either wholly or in part, are aimed at, or would reasonably be expected to be particularly attractive to children.

Commercial Message

A "commercial message" is a message sent by SMS or MMS or similar protocol that is designed to promote the sale or demand of goods or services whether or not it invites or solicits a response from a recipient.

Classified Advertisement(s):

A brief listing usually appearing in print media for items for sale and/or services offered, usually arranged by category. The brief design of the listing is usually distinct from any other advertising format within that media.

Code Of Conduct:

The WASPA Code Of Conduct, as is amended from time to time.

Competition Service

A "competition service" is any competition or game with prizes or entry mechanism into a draw.

Contact and dating

A "contact and dating" service is any service intended to enable people previously unacquainted with each other to make initial contact and arrange to meet in person.

Commercial Message

A message sent by any access channel that is designed to promote the sale or demand of goods or services whether or not it invites or solicits a response from a recipient.

Competition

Any competition or game with prizes or entry mechanism into a draw, whether a winner is determined by chance or by skill.

Competition Segment

Any set of competitions or games with prizes or entry mechanism into a draw, whether a winner is determined by chance or by skill which are part of an overall competition scheme.

Condition (or Conditional):

In relation to Access Channels, a Condition is any situation or any other state of affairs required for full use of a Content Service, or is any defined or stated requirement necessary for obtaining any result.

Contact Services (also Contact-type or Chat or Flirt or Dating Services)

In relation to Content Services provided by WASPs using Access Channels, Contact Services are interactive communications facilities that allow for interaction between a sender and recipient, where the participants in the interaction may be a human controller of the Service devising responses, an automated system, a combination of human and automated, or which may be human-to-human interaction to the extent that such human-to-human communication is mediated by a machine under the control of the controller of the Contact Service where that machine may select or otherwise control the delivery of a message based on any defined rules, which may include rules relating to the age or any other profiling information of any Customer; or which may include rules based on any words, numbers or combination of words and numbers placed within the body (but not identifying Address) of messages generated by or received by a Customer. The phrase Contact Services shall be construed accordingly. [See also "Live Chat"]

Content subscription service

A "content subscription service" includes any subscription service providing or offering access to content including, by way of example only and not limitation: sound clips, ring tones, wallpapers, images, videos, games, text or MMS content or information. This includes any subscription service which describes itself as a "club" or which otherwise allows access to content to subscribers, at a cost which includes both a subscription element and a per content item element. Services which are not considered to be content subscription services include: dating services, chat services, locationbased services, GSM terminal device services, corporate application services, reminder services, synchronisation applications, corporate communications applications, VOIP, etc.

Content (or Content Services):

All forms of Content, material, information, applications and/or Value Added Services or Premium Rated Services or activity and includes, *inter alia*; text, data, pictures, voice, graphics, animation, games, video clips, music, sound recording and experiences such as gambling, competitions and voting lines, accessed by and provided by WASPs to Customers via the mobile networks using any Access Channel, but excludes human-to-human communication as provided by the mobile network operators. This exclusion does not apply to human to human communication provided by WASP's. The phrase Content Services shall be construed accordingly

Content Booklet:

A small booklet or Z-card where Content services are displayed. One or more Content providers may provide Content in the booklet. These Content booklets are typically in ISO B3 to B5 size.

Customer

A "customer" is a user of a mobile cellular telecommunications service that has indicated a willingness to access or utilise a service provided by a wireless application service provider

CSD

Circuit Switched Data, a type of communication in which a dedicated channel (or circuit) is established for the duration of the transmission;

Display Text

Any combination of text in any typeface or design, as is used for indicating information on any media.

Distribute (or Distribution)

In relation to any Content, without derogating from the ordinary meaning of that word, distribute includes the sale, hiring out, offer or keep for sale or hire, or exhibition. (See also the "**Films and Publications Act 65 of 1996**" as amended <http://www.polity.org.za/html/govdocs/legislation/1996/act96-065.html> & <http://www.polity.org.za/pdf/Films&PublicationAct18.pdf>)

Distribution List

A list containing details of mobile phone numbers or any other electronic address where that list is used as the basis for sending any commercial communications

DVB-H

Digital Video Broadcast Handheld

EBB

"Event Based Billing," an alternative to a fixed band, premium rated tariff, and refers to a mechanism which allows MTN Customers to be "reversed billed" any amount up to a defined maximum. See *also* OBS.

Event

In the context of use of Access Channels only and any advertising thereof, an event is any situation, suspensive condition, or otherwise foreseeable state of affairs.

EC Act

Electronic Communications Act 36 of 2005, as may be amended from time to time, and including any regulations issued pursuant thereto. [See www.polity.org.za/attachment.php?aa_id=2685]

ECT Act

Electronic Communications and Transactions Act 25 of 2002, as may be amended from time to time, and including any regulations issued pursuant thereto. [See http://www.acts.co.za/ect_act]

Films and Publications Act 65 of 1996

The Films and Publications Act 65 of 1996 as may be amended from time to time, and including any regulations issued pursuant thereto.

See <http://www.polity.org.za/html/govdocs/legislation/1996/act96-065.html>

As amended by the Films and Publications Amendment Act 18 of 2004.

See <http://www.polity.org.za/pdf/Films&PublicationAct18.pdf>

Gambling

Gambling activity as defined in terms of section 1 of the National Gambling Act No. 7 of 2004 as amended. The phrase gambling services shall be construed accordingly.

Game Show

Interactive TV-type (ITV) competition 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 or competition segments and/or games of skill where money or any other prizes or compensation are offered to entrants.

General Media:

Media that is *not* classed in terms of the Films and Publications Act 65 of 1996 as amended by Act 18 of 2004 as being restricted for viewing and distribution to classes of persons.

GPRS

General Packet Radio Service, a bearer service for GSM that applies a packet radio principle to transfer user data packets

GSM

Global System for Mobile Communications, as defined in the European Telecommunications Standard Institute structure of technical specifications, and which may be amended from time to time.

Human

Any natural person.

Infomercial:

A TV commercial typically 90 seconds or more in length designed to supply information about a product or service as opposed to a specific sales message

Information Provider

An "information provider" is any person on whose behalf a wireless application service provider may provide a service, and includes message originators.

ITV

Interactive Television. TV programming where viewers are invited to and are able to interact with the programming in a live or near-realtime manner.

Internet:

The interconnected system of networks that connects computers around the world using various technologies, including but not limited to the TCP/IP and future versions thereof;

In-Vue Ads:

Internet Web site-based advertisements that appear in small image boxes on the screen when a particular web page is accessed, and which move across the web page and come to rest in the center of the page

ISO:

International Standards Association

IVR:

Interactive Voice Response, which may include Premium Rated Voice Access Channels

Keyword

A "keyword" is any word used in an SMS or MMS sent by a customer to request a service.

Licence

In the context of Access Channels only, a national Mobile Cellular Telecommunications Service licence, granted and issued to a mobile operator in terms of the Telecommunications Act 103 of 1996, or any other Network Services license issued through provisions of the Electronic Communications Act of 2005 as amended and/or substituted from time to time.

Licencee

Any license issued through provisions of the Telecommunications Act 103 of 1996, or any other Network Services license issued through provisions of the Electronic Communications Act of 2005 as amended and/or substituted from time to time.

Live:

In relation only to Contact-type services using Access Channels, live means real-time or near-real-time

Live Chat:

In relation only to Contact services provided as a Content Service by a WASP, Live Chat means communication between two humans in real-time or near real-time, either directly or through an intermediary using any Access Channels.

Lotteries Act:

Lotteries Act 1997 as amended [See www.up.ac.za/publications/gov-acts/1997/gov-acts-1997.html]

Mandatory:

Compulsory. Any rule or instruction in this document preceded by the term mandatory shall be deemed to be a compulsory act.

Media:

Any medium or technology that produces any visual, aural or textual result or combination thereof, including but not limited to TV broadcasts, print, radio broadcasts, cinema, email, SMS, MMS, USSD, Internet Web, WAP, DVB-H, Internet, or any other device or technology capable of receiving, viewing, displaying, or playing such result.

Member

A "member" is a member in good standing of WASPA.

Message

In relation to Access Channels only, any communication sent or received by a Customer

Message Originator

A "message originator" is the entity sending a commercial message and can be any person with a commercial arrangement with a WASP to send commercial messages, or a WASP directly.

MO

Mobile Originating. In relation to SMS and MMS messages only, messages that are sent by a mobile user from their handset.

Mobile Network (or Mobile Network Operator):

Any entity operating a mobile network, virtual mobile network, or fixed-mobile network pursuant to any license issued by a competent Authority in terms of any law or regulation authorizing such license.

MMS

Multimedia Messaging Service, comprising of a combination of rich media including text, sounds, images and video in an integrated way.

MT

Mobile Terminating. In relation to SMS and MMS messages only, messages that are received by a mobile user on their handset.

MTN

Mobile Telephone Networks (Pty) Ltd, registration number 1993\0011436\07.

OBS

"Online Billing System," an alternative to a fixed band, premium rated tariff, and refers to a mechanism which allows Vodacom customers to be "reversed billed" any amount up to a maximum of R50. *See also EBB.*

Outdoor Media

Including but not limited to large outdoor billboards, moving media, TV-type displays in indoor or outdoor public places, cutouts, poster sized billboards or smaller indoor billboards visible to the general public where Access Channels are displayed.

Originating Number

The "originating number" is the number allocated to the WASP by the network operator from which a commercial message is sent.

Periodic

From time to time

Person

A "person" means any natural or legal person.

Pop-Up Ads

Small windows that (suddenly) appear while accessing Internet Web site pages

Premium Rate

In relation to SMS, IVR and USSD Access Channels only, any rate that is not part of an in-bundle free SMS, Voice or USSD data tariff and which may be higher than the standard rate set by the network operator for that particular Access Channel.

PSMS

Premium Rated SMS. In relation to SMS Access Channels only, any rate that is not part of an in-bundle free SMS data tariff and which may be higher than the standard rate set by the network operator for that particular Access Channel. [See also "Premium Rate"]

Reversed Billed SMS (or MMS)

Any SMS (or MMS) message where the receiver is charged for receiving an SMS (or MMS) message.

Scheduled TV Program(s)

Any Television program that has been scheduled by a TV station to be broadcast at a certain time.

Secretariat

"Secretariat" refers to the persons employed by WASPA to handle the administration of the organisation, including the handling of Code of Conduct complaints.

Shortcode:

An access number common to a number of mobile networks.

Spam

"Spam" means unsolicited commercial communications, including unsolicited commercial messages as referred to in section 5.2.1 of the WASPA Code of Conduct

SMS

Short Message Service, a mobile data service that allows alphanumeric text of up to 160 characters per message between mobile phones and other equipment

Subscription Reminder Messages

A message that must be sent periodically via SMS to any subscriber to a subscription service in the format described in these Rules.

Subscription service

A "subscription service" is any service for which a customer is billed on a repeated, regular basis without necessarily confirming each individual transaction

Standard Rate:

Any rate that is part of an in-bundle tariff which a user would ordinarily pay for domestic person to person communication pursuant to the specific terms and conditions of their service agreement with a mobile network operator. No "revenue sharing" applies.

Subscriber:

Any person that accesses the telecommunications facilities of any mobile network operator.

Subscription Service:

Any service for which a Customer is billed on a repeated, regular basis without necessarily confirming each individual transaction.

Title Safe Area:

The section on a TV/Video display monitor approximately a 30% inward area from all four side of the outer video edge. The video associations of the world have established these areas so that images fall within optimal viewing areas once the video signal is played on a standard television.

Trigger

In respect of use of Access Channels only, a trigger is an event that would require display of any information.

T&C:

"Terms and Conditions" - any conditions attached to access to Content Services that a consumer must be made aware of.

User:

Any person that accesses the telecommunications facilities of any mobile network operator.

USSD:

Unstructured Supplementary Service Data, a technology built into the GSM standard for support of transmitting information over the signaling channels of the GSM network

VAS:

Value Added Services - any Content Services or similar which may incur usage charges that may be higher than the Standard Rate set by the network operator for any particular Access Channel.

VAS (Value Added Services) Rate :

In relation to IVR Access Channels only, any rate that is not part of an in-bundle free minute tariff and which may be higher than the standard rate set by the network operator for that particular Access Channel.

Voice:

An announcer in a radio program or in a TV/cinema program/infomercial/advertisement

Voice-over:

An announcer in a radio program or in a TV/cinema program/infomercial/advertisement

VAT:

Inclusive of 14% South African Value Added Tax

Vodacom

Vodacom (Pty) Ltd, registration number 1993/003367/07.

WAP:

Wireless Application Protocol

WASP

A “wireless application service provider” is any person engaged in the provision of a mobile service, including premium-rated services, who signs a WASP contract with a network operator for bearer services enabling the provision of such services.

WASPA

Wireless Application Service Providers Association.

WASPA Web Site

“WASPA web site” refers to the Internet web site located at <http://www.waspa.org.za>.

Watershed Hours (or Watershed Period):

The time window allocated by broadcasting licensees from time to time for broadcast of restricted Content. Watershed Hours as referred to in this document means the period between 21h00 and 05h00. Such time-based restriction applies only to television services. (See also the “Broadcasting Code of Conduct” available at <http://www.bccsa.co.za>)

Winner(s)

The recipient(s) of any reward or consideration based on the results of a lawful competition.

X18 Classification

The Films and Publications Act 65 of 1996 defines X18 as:

- (I) containing a visual presentation, simulated or real, of explicit sexual conduct which, in the case of sexual intercourse, includes an explicit visual presentation of genitals;
- (II) describing predominantly and explicitly any or all of the acts described in the XX category

XX Classification

The Films and Publications Act 65 of 1996 defines XX as:

- (i) containing a visual presentation, simulated or real of:
 - (a) a person who is, or is depicted as being, under the age of 18 years, participating in, engaging in or assisting another person to engage in sexual conduct or a lewd display of nudity;
 - (b) explicit violent sexual conduct;
 - (c) bestiality;
 - (d) explicit sexual conduct which degrades a person and which constitutes incitement to cause harm; or
 - (e) the explicit infliction of or explicit effect of extreme violence which constitutes incitement to cause harm;
- (ii) it or any independent part thereof, describes predominantly and explicitly the acts defined in clause (I) above.

Z-CARD

A folded paper product. The standard Z-CARD has credit-card sized outer covers and the insert folds out to approximately A4 size. There are numerous variations in the Z-CARD range for both covers and inserts.

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 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=NrCINj1ifAU> 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

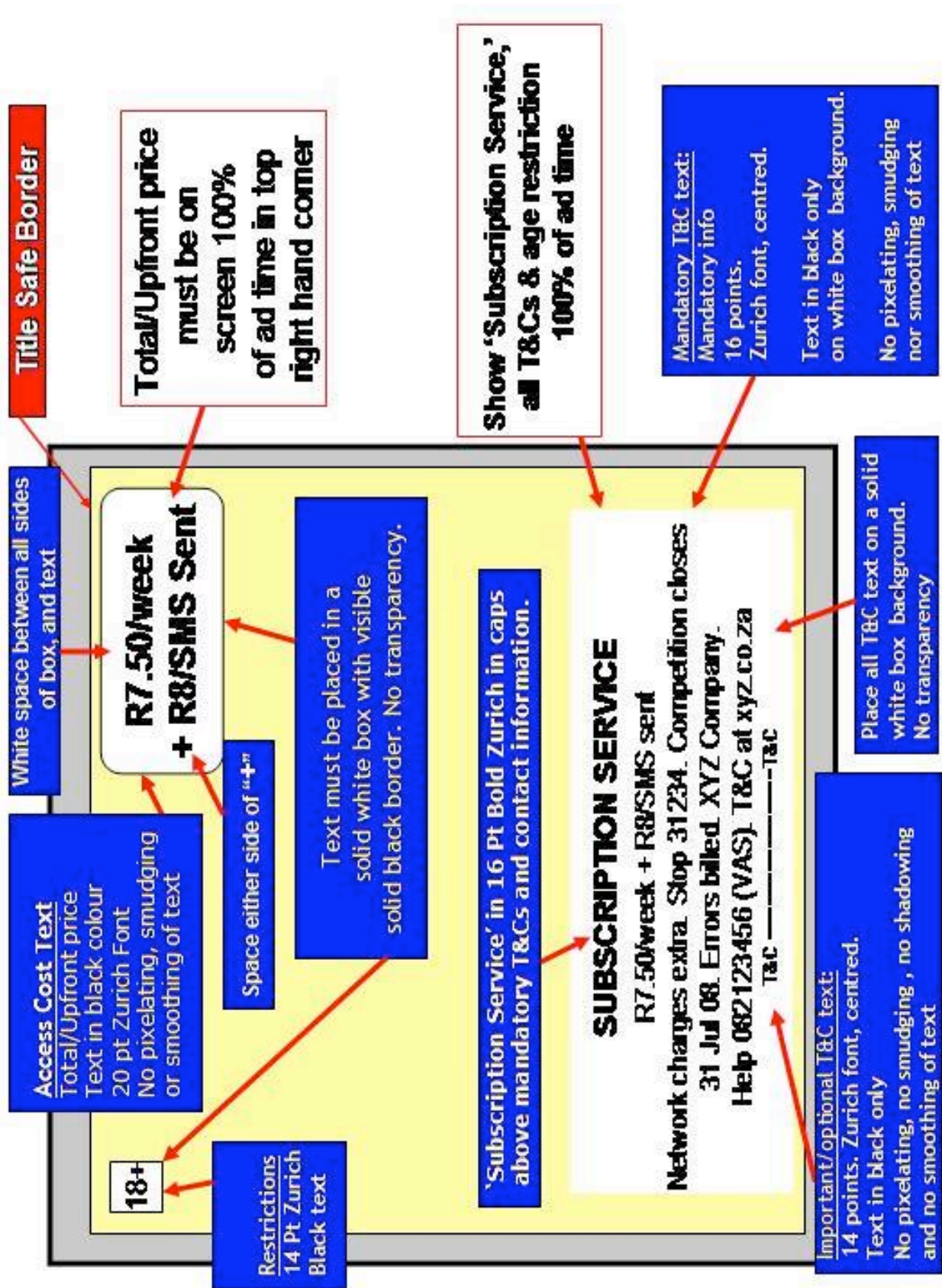
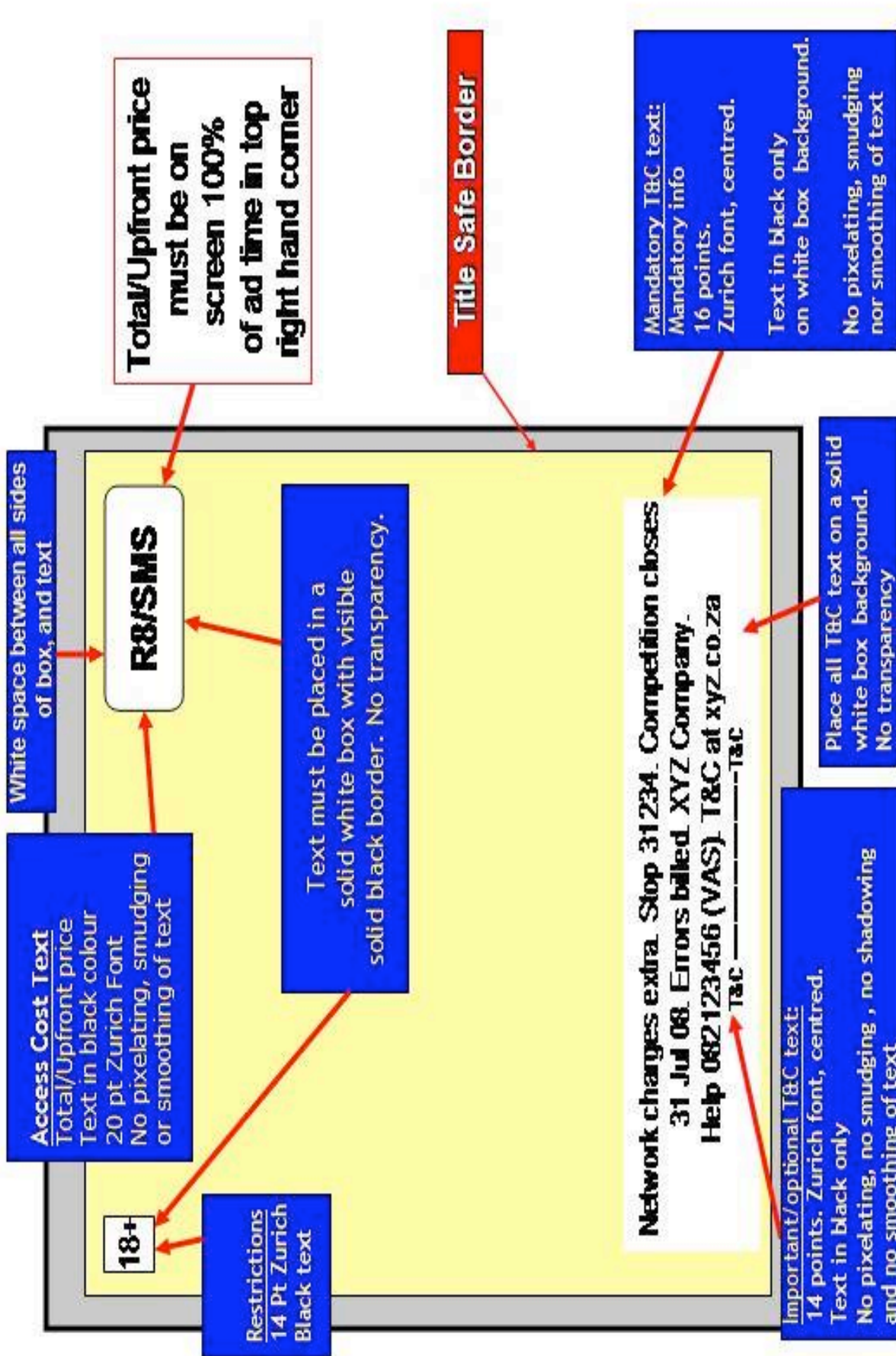


Figure 2: Formatting criteria for non-subscription service TV advertisements



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.

1.4.7

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.**"

1.4.8

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”]

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

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

2) Subscription Service using MT-type billing

**3 SMS/5 days
R10/SMS**

SUBSCRIPTION SERVICE
3 SMS/5 days 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

R30/5 days

SUBSCRIPTION SERVICE
3 SMS/5 days 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:

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

Cost per SMS received: R10

$3 \times R10 = \underline{\underline{R30}}$ 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

$4 \times R10 = R40$, 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

$3 \times R10 = R30$ 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
 $3 \times 5 = \underline{\underline{R15/week}}$

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 x 5= 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 into 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

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

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

**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

2 TELEVISION & CINEMA ADVERTISEMENTS

2.1 SCOPE:

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

- TV advertisements of less than 180 seconds in length which primarily promote mobile infotainment content or services and where delivery of that content or service is to mobile devices
- Cinema advertisements of less than 5 minutes in length which primarily promote mobile infotainment content and where delivery is to mobile devices.

Note:

See separate **Section 1** for interactive or ad-hoc advertisements for mobile content or services that may be flighted during the scheduled program time.

For examples, see

<http://www.youtube.com/watch?v=NrCINj1ifAU> as well as

Figure 1 or 2

2.1.1

MANDATORY COST OF ACCESS TEXT DISPLAY RULES

See Figure 3 or 4

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).

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:

100% of ad time

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

The edges of the text must not touch any side of 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 2

1.3.4 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 a unique **Access Channel number**

Display Time:

100% of ad 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 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

1.3.5 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 3 & 4**.

For an example, see <http://www.youtube.com/watch?v=NrCINj1ifAU> as well as Figure 3 or 4.

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

Mandatory text: eg "3 SMS/week"

Note: Numeric values must be used to indicate the number

B: Indicate If WAP/GPRS Are Required:

Mandatory text: "Network+WAP 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: "Send 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 South African phone numbers may be used
- No voicemail boxes may be used
- No Premium Rated Numbers may be used

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 3: Formatting criteria for subscription service TV advertisements

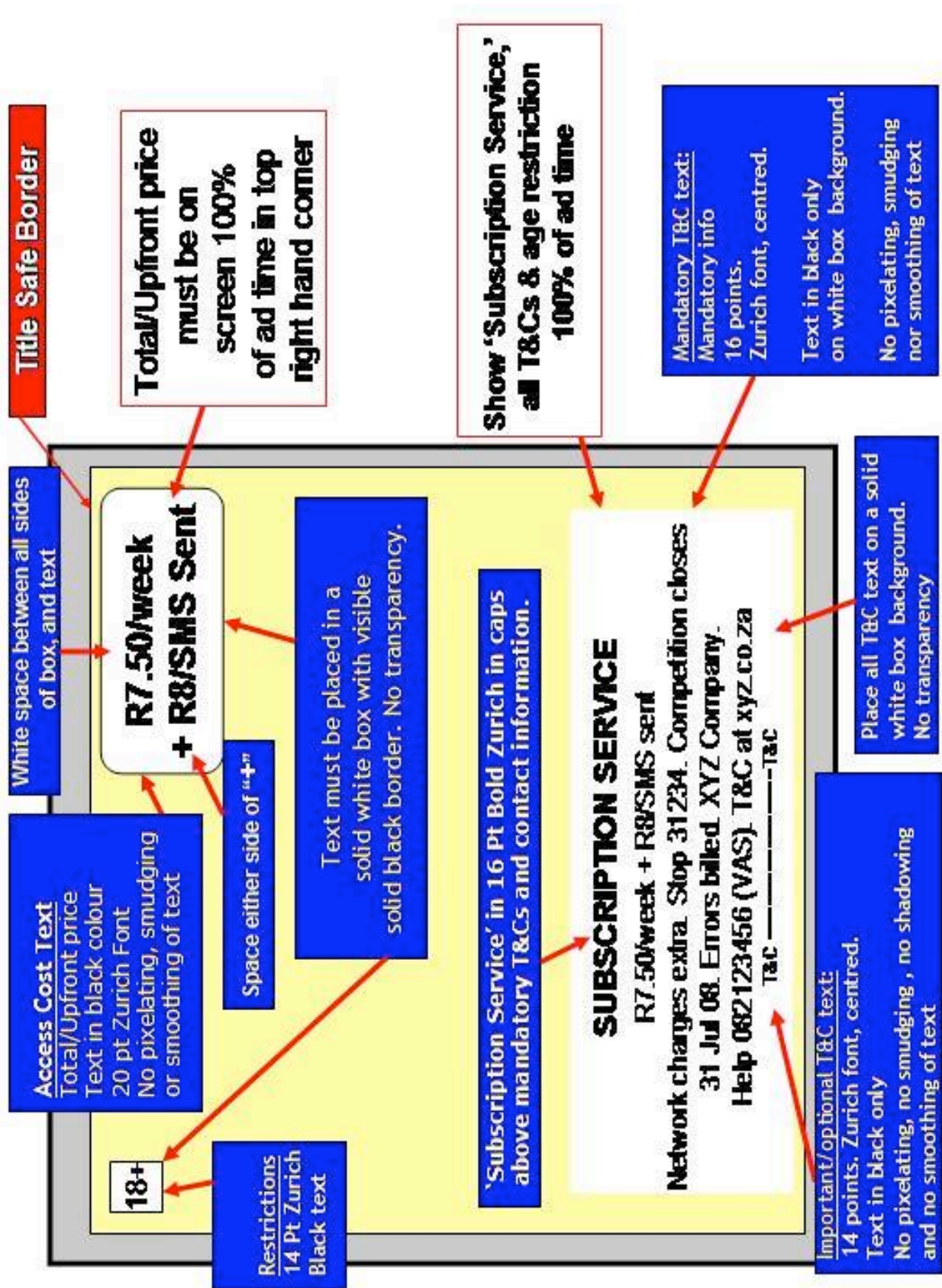
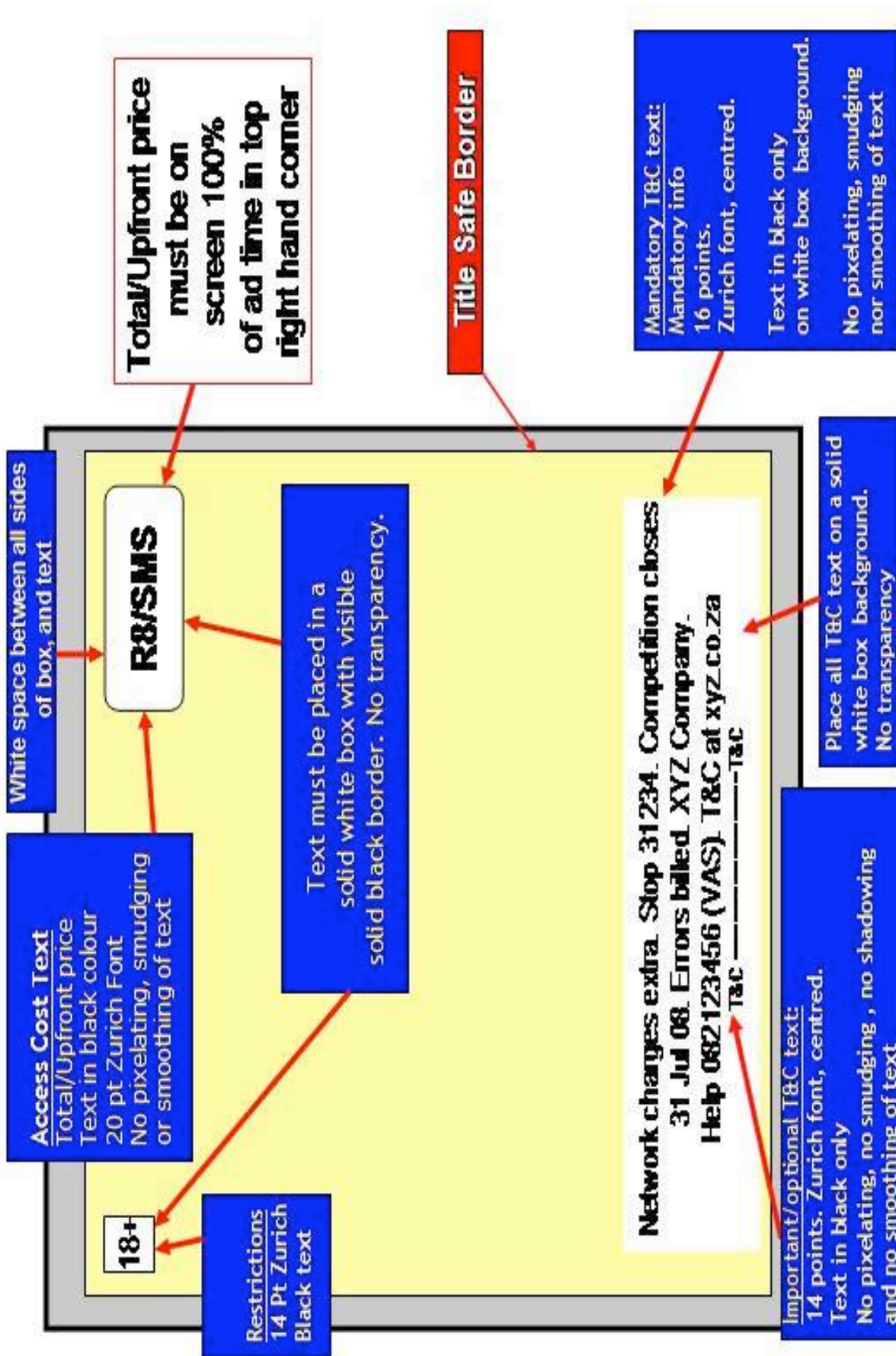


Figure 4: Formatting criteria for non-subscription service TV advertisements



2.1.2 AGE RESTRICTIONS

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

100% of ad time

Display Text Font Type:

'Zurich' font

Display Text Font Size:

14 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.

2.2 GENERAL TERMS

2.2.1 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	@ (<i>unless in an email address</i>)
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

2.2.2 **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
 - 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

Notwithstanding the above, all advertising must conform to the provisions of the Film and Publications Act 65 of 1996 and any regulations issued pursuant thereto.

- **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.
- See **Figure 3** or **Figure 4** for placement and formatting criteria for the term “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.

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+**”

2.2.3 **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”

2.2.4 **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 in 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]

2.2.5 **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.

2.2.6 **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)**

2.2.7 **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”]

2.2.8 **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]

2.2.9 **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”

2.2.10 **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]

2.2.11 **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: “XYZ Network contract users only”**

2.2.12 **PRICING:**

Overview:

The display text must show the full or potential cost of access for fully obtaining the advertised Content and/or service.

For Non-Premium Rated IVR Lines: "VAS Rates. Free Minutes Do Not Apply"

For Premium Rated IVR Lines: "R5/minute. Free Minutes Do Not Apply"

Premium Rated SMSs: "Premium Rates Apply. Free SMSs do not apply".

Note: This notation must be used irrespective of the value of an SMS (eg 50c/OBS) if the SMSs/Minutes are not available free or in a bundle.

(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.

eg **"2x R5 SMS = Total R10 + Network Charges"**

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

(c) IVR:

- Any IVR system using a VAS rated or Premium Rated Access Channel provided by or through a licensee 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). Minimum 2 minutes."

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 also 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 2**" for detailed examples]

2.2.13 **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 section in the WASPA Code Of Conduct relating to an "**independent transaction,**" 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.

2.2.14 **TECHNICAL CONDITIONS FOR ACCESS:**

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

2.2.15 **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). Minimum 2 minutes.”

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:

- (e) The number of SMSs required **AND**
- (f) The individual component cost for access must be indicated **AND**
- (g) The total cost involved in accessing the full service. **AND**
- (h) 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.

2.2.16 **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."

2.2.17 **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)

2.2.18 **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

A yellow rectangular box with a black border. In the top right corner, there is a white rounded rectangle containing the text "R7.50/week + 3 SMS/week". In the center, there is a white rounded rectangle containing the text "SUBSCRIPTION SERVICE". Below this, there is a list of details: "R7.50/week subscription + 3 SMSs/week at R5/SMS", "Network charges extra. Stop 31234. Errors billed.", and "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 box with a black border. In the top right corner, there is a white rounded rectangle containing the text "R22.50/week". In the center, there is a white rounded rectangle containing the text "SUBSCRIPTION SERVICE". Below this, there is a list of details: "R7.50/week subscription + 3 SMSs/week at R5/SMS", "Network charges extra. Stop 31234. Errors billed.", and "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

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

2) Subscription Service using MT-type billing

**3 SMS/5 days
R10/SMS**

SUBSCRIPTION SERVICE
3 SMS/5 days 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

R30/5 days

SUBSCRIPTION SERVICE
3 SMS/5 days 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:

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

Cost per SMS received: R10

$3 \times R10 = \underline{\underline{R30}}$ 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

$4 \times R10 = R40$, 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

$3 \times R10 = R30$ 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 x 5 = 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

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

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

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

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

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

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

**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

3 Radio

3.1 Scope

Applies to all radio advertisements where Access Channels are utilized.

3.2 VOICE-OVER REQUIREMENTS

3.2.1 Broad Overview

If an Access Channel number is used as part of an interactive radio talk-show program and/or is consistently used as part of that radio station's activities, then the cost of the Access Channel number and that (if applicable) it is premium rated must be announced by the announcer or station's promotional advertisement for that Access Number at every alternate mention if used consistently as part of station programming.

A radio advertisement that contains an Access Number that is not the Access Number consistently used by that station as part of its interactive services must indicate both the total price that the user will incur to obtain the full service or facility so advertised and, if applicable, the inability to use free minutes/SMSs

3.2.2 CRITERIA & TIMINGS FOR VOICE-OVER/S ANNOUNCING COST AND T&C:

- If an access number is used as part of an interactive radio talk-show program and/or is consistently used as part of that Radio Stations activities, then the cost of the access number and that (if applicable) it is premium rated must be announced at least once every 5 minutes if used consistently as part of station programming.

Best Practice for Voiceover:

“SMS us now on 31xxx. SMS costs R1. Premium Rates Apply.”

- For radio advertisements that do not use the access number continually used by a radio station as part of its interactive activities with listeners, a voice-over is required to announce the FULL cost to consumer for obtaining the service offered.

For example, if two or more SMS and/or PSMS are required in order to obtain full service, the voice-over must indicate the **TOTAL** cost involved in obtaining the full service.

- The voice-over announcing the total cost must be audible, and the mention of the cost must not be part of a sentence whose construction and pronunciation could in any way confuse the consumer as to the true cost. The sentence must directly indicate the cost associated with any Access Channel.
- All total costs must include VAT.

3.2.3 SUBSTANCE OF VOICE-OVER

3.2.3.1 When IVR Lines Are used

- If a Premium rated or VAS-rated IVR number is indicated, then the voice-over must indicate that free bundled minutes do not apply, and that VAS rates will apply.
- If the minimum amount of time the user is required to stay on the IVR line to access the advertised service **exceeds 60 seconds**, then the minimum time a reasonable user would require for access to the advertised service or Content must be indicated.

Best Practice Suggestion:

Voice-over Announces: “Call 08x-xxx-xxxx. Access at VAS rates. Free minutes do not apply. Minimum 3 minutes”

3.2.3.2 When a premium rated SMS/USSD access number is used

- If there is a PSMS and/or P USSD and/or WAP component indicated, then the voice-over must announce the **full cost** of the access

Best Practice Suggestion#1:

Voice-over Announces:

“SMS us now on 31xxx. SMS costs R1.”

Best Practice Suggestion #2:

If more than one SMS is required to access the service/Content, the voice-over must announce the number of SMSs required for access, followed by the total cost involved in accessing the full service.

Voice-over Announces:

“Two SMSs required. Total cost R6.”

Best Practice Suggestion #3:

Voice-over Announces: “Access cost 20 cents per 20 seconds. Minimum 60 seconds required to fully access Content.”

- 3.2.3.3 Any advertisement that has a subscription service component to it must indicate that users will be subscribing to a subscription service.

The voiceover must indicate in a clear and unambiguous manner:

- (a) the periodic subscription charge, AND
- (b) the charging frequency, AND
- (c) Any additional premium-rated or other charges that might be applicable to access particular Content or services.

No acronym, letter (eg “S”), number, abbreviation or any other term may be used as an alternative to the words 'subscription service'. be automatically subscribed to a subscription service.

- 3.2.3.4 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.

- A closing date for the competition **MUST** be provided.

Best Practice Suggestion:

E.g. “Prizes will only be awarded after 1 Jan 200x”

3.2.3.5 **ADULT CONTENT OR AGE RESTRICTED SERVICES**

- If an advertisement refers to Adult Content or any Age Restricted services, then the voice-over must announce that the service is restricted to over 18's and that users may be required to verify their age.
- No Content Services that may directly or indirectly allow persons under 18 years of age to obtain Adult Content may be advertised on radio, unless an Adult verification process (implemented or approved by the mobile network operators) is in place to prevent access to that Content service by minors.
- Advertising material for Content Services may not contain audio that constitute or depict sexual conduct as defined in the Films and Publications Act 65 of 1996.

Note that it is entirely the responsibility of the Content provider to determine which laws apply to its service.

Best Practice Suggestion:

Voice-over Announces: “You must be over 18” ...or “Adults only”

4 NEWSPAPER ADVERTISING

4.1 SCOPE

This section applies to all print advertisements placed **in the body of and in the classified portions** of ALL newspapers in tabloid or broadsheet format where legally available to all members and ages of the general public where Access Channels are displayed.

This section includes, but is not limited to, any in-house newspapers of companies, clubs, associations, religious and cultural institutions etc etc

Note: The criteria applying to Content booklets, magazines, flyers, any type of loose promotional material that contain Access Channels that may or may not be inserted into newspapers as loose inserts, are individually discussed under separate headings in this document.

- **See Sections 5 for separate rules for magazines**
- **See Section 6 for separate rules for Content booklets.**
- **See Section 9 below for separate rules for Below-The-Line promotional material like flyers.**

4.2 DISPLAY RULES FOR COST & T&C INFORMATION

4.2.1 COST OF ACCESS DISPLAY RULES:

4.2.1.1 Formatting Of Access Cost Text:

- **Non-Classified Advertisements**

- The size of the text showing the cost of access must be in **11 point font size**

This is 11 point Arial Font

- The access cost text must be in a non-serif font, preferably 'Arial' font.
- All access cost information must be placed horizontally.

- **Classified Advertisements:**

This applies to Classified Advertisements - ie advertisements with unique Content access code/numbers displayed in the classified portion of the body of a newspaper, or which are in classified-type format within the newspaper.

- The size of the text showing the cost of access must be in **9 point font size**

This is 9 point Arial Font

- The access cost text must be in a non-serif font, preferably 'Arial' font.
- All access cost information must be placed horizontally.

4.2.1.2 Position Of 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, **even** if there is a uniform cost of access displayed throughout the newspaper and/or a series of pages allocated to one advertiser.
- If multiple offers are made in an advertisement (spread across one or more pages) and the cost differs with each offering, **each** offering must clearly show the individual costs, again immediately below, or above, or adjacent to the unique access number in a non-serif font

4.2.2 **T&C DISPLAY RULES:**

4.2.2.1 **Formatting Of T&C Text**

- **Non-Classified Advertisements**

- The size of the text showing the T&C must be in **9 point font size**

This is 9 point Arial Font

- The T&C cost text must be in a non-serif font, preferably 'Arial' font.
- All T&C information must be placed horizontally.

- **Classified Advertisements:**

This applies to Classified Advertisements - ie advertisements with unique Content access code/numbers displayed in the classified portion of the body of a newspaper, or which are in classified-type format within the newspaper.

- The size of the text showing the T&C must be in **8 point font size**

This is 8 point Arial Font

- The access cost text must be in a non-serif font, preferably 'Arial' font
- All T&C information must be placed horizontally..

4.2.2.2 **Position T&C Of Text**

- The T&C text must be displayed on the same page as the unique access number it applies to, even if there is a uniform T&C applicable to all Content in a newspaper or applicable to all the Content in advertisement spread across one or more pages. Where the advertisement is a double-page only advertisement (with the entire advertisement contained on two facing pages), then it is sufficient that the T&C be placed on only one of the facing pages, provided the T&C is generally applicable to all the Content and Access numbers on both facing pages. If there is any deviation in the general applicability of the T&C, the exact T&C relating to that deviation must be placed at the point where different T&C would apply. (The same font sizes and layout must be used)

- 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.

4.3 GENERAL TERMS

4.3.1 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	@ (<i>unless in an email address</i>)
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

4.3.2 **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
 - 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

Notwithstanding the above, all advertising must conform to the provisions of the Film and Publications Act 65 of 1996 and any regulations issued pursuant thereto.

- **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.
- See **Figure 3** or **Figure 4** for placement and formatting criteria for the term “**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.

4.3.3 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.

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

4.4.4 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”

4.4.5 **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 in 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]

4.4.6 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.

4.4.7 **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)**

4.4.8 **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”]

4.4.9

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]

4.4.10

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”

4.4.11 **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]

4.4.12 **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: “XYZ Network contract users only”**

4.4.13

PRICING:

Overview:

The display text must show the full or potential cost of access for fully obtaining the advertised Content and/or service.

For Non-Premium Rated IVR Lines: "VAS Rates. Free Minutes Do Not Apply"

For Premium Rated IVR Lines: "R5/minute. Free Minutes Do Not Apply"

Premium Rated SMSs: "Premium Rates Apply. Free SMSs do not apply".

Note: This notation must be used irrespective of the value of an SMS (eg 50c/OBS) if the SMSs/Minutes are not available free or in a bundle.

(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.

eg "**2x R5 SMS = Total R10 + Network Charges**"

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

(d) IVR:

- Any IVR system using a VAS rated or Premium Rated Access Channel provided by or through a licensee 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). Minimum 2 minutes."

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 also 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]

4.4.14 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 charge that the consumer will incur for the subscription component of their access to that subscription service.
- (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 section in the WASPA Code Of Conduct relating to an "**independent transaction,**" 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.

4.4.15

TECHNICAL CONDITIONS FOR ACCESS:

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

4.4.16 **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). Minimum 2 minutes.”

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:

- (i) The number of SMSs required **AND**
- (j) The individual component cost for access must be indicated **AND**
- (k) The total cost involved in accessing the full service. **AND**
- (l) 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.

4.4.17 **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."

4.4.18 **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)

4.4.19 **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."

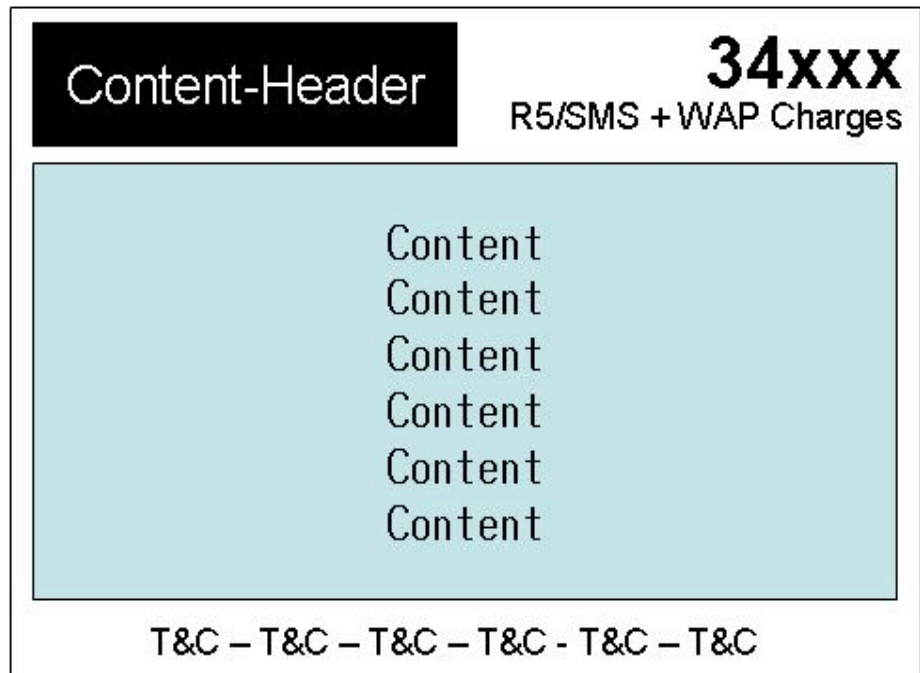
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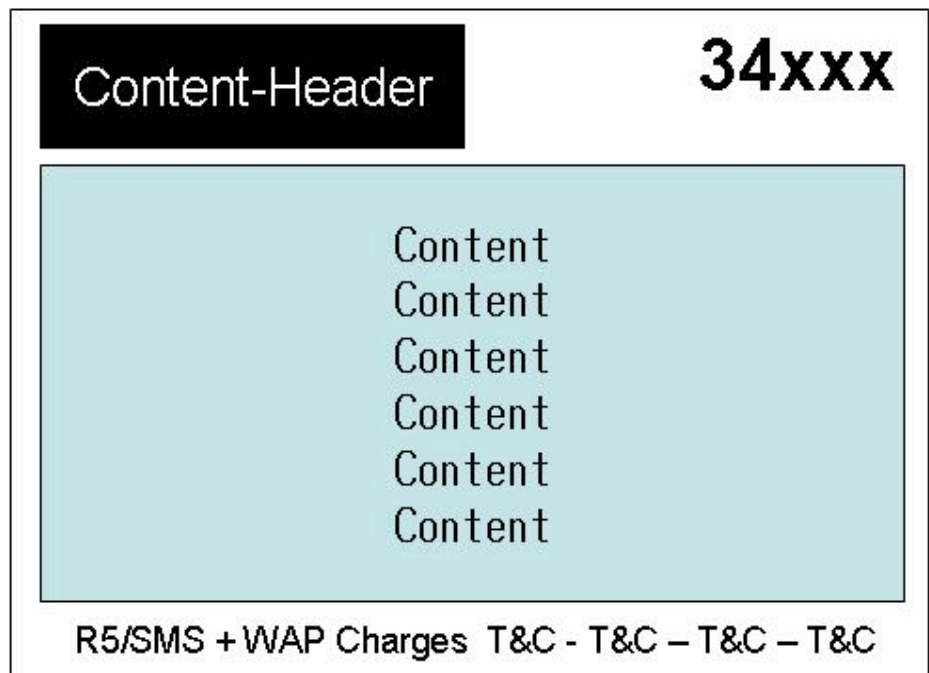
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Illustrative Pricing Example:

Correct




Incorrect



Text must be full contrast black on white or white on black no outline text, no text shading

RINGTONES



082 123 4567

R5 per sms, no free minutes, vas rates this is a subscription service R15 - per week

Cost directly above or below number no smaller than 9pt Arial or equivalent

Terms & Conditions no smaller than 8pt Arial or equivalent

2 column / 5 cm

MUSIC WALLPAPERS SCREENSAVERS

ALL NEW

don't miss out

tracks from chart topping artists - get 1 every week
all the latest cool designs: manga, tattoos, celebrity pics

SMS "stuff" to 12345

R5 per sms, no free minutes, vas rates apply, this is a subscription service R15 per week. SMS stop to 39001 to un-subscribe

Text must be full contrast black on white or white on black no outline text, no text shading

Terms & Conditions no smaller than 8pt Arial or equivalent

Cost directly above or below number no smaller than 9pt Arial or equivalent

Text must be full contrast black on white or white on black no outline text, no text shading

Pleasure Play

come play with us

38910

R7 per sms, no free minutes, vas rates apply

Cost directly above or below number no smaller than 9pt Arial or equivalent

Terms & Conditions no smaller than 8pt Arial or equivalent

PASSION CENTRAL

Find a date
or just
play!

SMS "gimme"
to 12345

R5 per sms, no free minutes, vas rates apply,
this is a subscription service R15 per week.
SMS stop to 12345 to un-subscribe

1 column / 2 cm



Text must be full contrast black on white or white on
black no outline text, no text shading

Terms & Conditions no smaller than 8pt Arial or equivalent

Cost directly above or below number no smaller than
9pt Arial or equivalent

123 456 7890

Mature attractive lady
2 treat u in a relaxed
pvt atmosphere.

AFRICAN Babe 48kg.
Alone. No rush.
123 456 7890

AFRICAN GODDESS
Attractive, 32D, sexy
slim firm body & vigor-
ous legs Woman of class
& elegance Pvt & Tvl
123 456 7890

AFRICAN goddess Lisa

ALEX - 123456 wants 2
play. Pvt + travel. All
nite.

ALL DAY late niht fun

ALLISHA true petite

AN extreme pvt fantasy

♥ **ANNABELLA** ♥ Sexy
and beautiful Pvt

Pleasure Play

come play

with us

38910

R7 per sms, no free
minutes, vas rates apply

Escort and Massage. 10
123 456 7890

KEENAH mature Indian
divorcee

KEISHA Hustler model
98hot.

BAKKIES BEST BUYS

01 MITSUBISHI COLT 2.0
L HI LINE LWB WHITE
130 000 KM FSH A/C P/S
DIFF LOCK NEAT
.....R59 995

06 FORD BANTAM 1.31
A/C P/S C/D CANOPY
FSH 48 000 KM WHITE
MINTR69 995

99 ISUZU KB 320 LX V6
S/CAB A/C CANOPY P/
STEERING MINT IDEAL
TOW VEHICLE FSH
WHITER69 995

05 TATA DOUBLE CAB
4X2 2.0 TDI WHITE CAN-
OPY A/C P/S 53 000 KM
SPOTLESSR69 995

05 KIA 2700I 1.3 TON
WORKHORSE FULL
DOOR CANOPY FSH

5 **Magazines**

5.1 SCOPE

Applies to all print advertisements placed **in the body of and classified portions** of published magazines where Access Channels are displayed.

Examples of magazines:

Mr. Delivery Food Guide, You, Huisgenoot, Bono, MensHealth, Y!, GQ, DSTV Magazine, Hustler, any in-house magazines, magazines aimed at any social, religious, school; university, technikon, college, etc

The above list is not an exclusive list of magazines. The names are purely illustrative.

Note: The criteria applying to Content booklets, magazines, flyers, any type of loose promotional material that contain Access Channels that could also be inserted into magazine as loose inserts, are individually discussed under separate headings in this document.

- **See Sections 6 for rules for Content booklets.**
- **See Section 9 below for separate rules for Below-The-Line promotional material like flyers.**
- **This section 5 also applies also to magazines that may be inserted into other magazines or newspapers as a loose inserts.**

Applies to all advertisements that make up the entire page or a portion of a page in the body of a magazine **e.g.** Full page, half page, quarter page advertisements in the body of a magazine, over one or more pages.

5.2 COST & T&C INFORMATION DISPLAY RULES

5.2.1 COST OF ACCESS DISPLAY RULES

5.2.1.1 Formatting Of Cost Text:

- **Non-Classified Advertisements**

- The size of the text showing the cost of access must be in **11 point font size**

This is 11 point Arial Font

- The access cost text must be in a non-serif font, preferably 'Arial' font.

- All access cost information must be placed horizontally.

- **Classified Advertisements:**

This applies to Classified Advertisements - ie advertisements with unique Content access code/numbers displayed in the classified portion of the body of a magazine, or which are in classified-type format within the magazine.

- The size of the text showing the cost of access must be in **9 point font size**

This is 9 point Arial Font

- The access cost text must be in a non-serif font, preferably 'Arial' font.

- All access cost information must be placed horizontally.

5.2.1.2 Position Of 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, even if there is a uniform cost of access displayed throughout the magazine and/or a series of pages allocated to one advertiser.
- If multiple offers are made in the same advertisement (spread across one or more pages) and the cost differs with each offering, each offering must clearly show the individual costs, again immediately below, or above, or adjacent to the unique access number in a non-serif font

5.2.2 T&C DISPLAY RULES:

5.2.2.1 Formatting Of T&C Text

Non-Classified Advertisements

- The size of the text showing the T&C must be in **9 point font size**
This is 9 point Arial Font
- The T&C cost text must be in a non-serif font, preferably 'Arial' font.
- All T&C information must be placed horizontally.

Classified Advertisements:

This applies to Classified Advertisements - ie advertisements with unique Content access code/numbers displayed in the classified portion of the body of a magazine, or which are in classified-type format within the magazine.

- The size of the text showing the T&C must be in **8 point font size**
This is 8 point Arial Font
- The T&C must be in a non-serif font, preferably 'Arial' font.
- All T&C information must be placed horizontally.

5.2.2.2 Position T&C Of Text

- The T&C text must be displayed on the same page as the unique access number it applies to, even if there is a uniform T&C applicable to all Content in a magazine or applicable to all the Content in advertisement spread across a number of pages. Where the advertisement is a double-page only advertisement (with the entire advertisement contained on two facing pages), then it is sufficient that the T&C be placed on only one of the facing pages, provided the T&C is generally applicable to all the Content and Access numbers on both facing pages. If there is any deviation in the general applicability of the T&C, the exact T&C relating to that deviation must be placed at the point where different T&C would apply. (The same font sizes and layout must be used)
- 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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Illustrative Pricing Example:

Correct

Content-Header	34xxx R5/SMS + WAP Charges
Content Content Content Content Content Content	
T&C - T&C - T&C - T&C - T&C - T&C	

Incorrect

Content-Header	34xxx
Content Content Content Content Content Content	
R5/SMS + WAP Charges T&C - T&C - T&C - T&C	

Text must be full contrast black on white or white on black no outline text, no text shading

RINGTONES



082 123 4567

R5 per sms, no free minutes, vas rates this is a subscription service R15 - per week

Cost directly above or below number no smaller than 9pt Arial or equivalent

Terms & Conditions no smaller than 8pt Arial or equivalent

2 column / 5 cm

MUSIC WALLPAPERS SCREENSAVERS



don't miss out

tracks from chart topping artists - get 1 every week
all the latest cool designs: manga, tattoos, celebrity pics

SMS "stuff" to 12345

R5 per sms, no free minutes, vas rates apply, this is a subscription service R15 per week. SMS stop to 39001 to un-subscribe

Text must be full contrast black on white or white on black no outline text, no text shading

Terms & Conditions no smaller than 8pt Arial or equivalent

Cost directly above or below number no smaller than 9pt Arial or equivalent

Text must be full contrast black on white or white on black no outline text, no text shading

Pleasure Play

come play with us

38910

R7 per sms, no free minutes, vas rates apply

Cost directly above or below number no smaller than 9pt Arial or equivalent

Terms & Conditions no smaller than 8pt Arial or equivalent

PASSION CENTRAL

Find a date
or just
play!

SMS "gimme"
to 12345



1 column / 2 cm

R5 per sms, no free minutes, vas rates apply,
this is a subscription service R15 per week.
SMS stop to 12345 to un-subscribe

Text must be full contrast black on white or white on
black no outline text, no text shading

Terms & Conditions no smaller than 8pt Arial or equivalent

Cost directly above or below number no smaller than
9pt Arial or equivalent

123 456 7890
Mature attractive lady
2 treatu in a relaxed
pvtatmosphere.

AFRICAN Babe 48kg.
Alone. No rush.
123 456 7890

AFRICAN GODDESS
Attractive, 32D, sexy
slim firm body & vigor-
ous legs Woman of class
& elegqnce Pvt & Tvl
123 456 7890

AFRICAN goddess Lisa

ALEX - 123456 wants 2
play. Pvt + travel. All
nite.

ALL DAY late night fun

ALLISHA true petite

AN extreme pvt fantasy

♥ **ANNABELLA** ♥ Sexy
and beautiful Pvt

Pleasure Play
come play
with us
38910
R7 per sms, no free
minutes, vas rates apply

Escort and Massage. 10
123 456 7890

KEENAH mature Indian
divorcee

KEISHA Hustler model
98 hot.

BAKKIES BEST BUYS

01 MITSUBISHI COLT 2.0
L HI LINE LWB WHITE
130 000 KM FSH A/C P/S
DIFF LOCK NEAT
.....R59 995

06 FORD BANTAM 1.31
A/C P/S G/D CANOPY
FSH 48 000 KM WHITE
MINTR69 995

99 ISUZU KB 320 LX V6
S/CAB A/C CANOPY P/
STEERING MINT IDEAL
TOW VEHICLE FSH
WHITER69 995

05 TATA DOUBLE CAB
4X2 2.0 TDI WHITE CAN-
OPY A/C P/S 53 000 KM
SPOTLESSR69 995

05 KIA 2700I 1.3 TON
WORKHORSE FULL
DOOR CANOPY FSH

5.3 GENERAL TERMS

5.3.1 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	@ (<i>unless in an email address</i>)
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

5.3.2 **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.

5.3.3 **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.

5.3.4 **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”

5.3.5 **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]

5.3.6 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.

5.3.7 **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.**"

5.3.8 **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”]

5.3.9 **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]

5.3.10 **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"

5.3.11 **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.

5.3.12 **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]

5.3.13 **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”

5.3.14 **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]

(e) **IVR:**

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

5.3.15 **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 charge that the consumer will incur for the subscription component of their access to that subscription service.
- (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.

5.3.16 **TECHNICAL CONDITIONS FOR ACCESS:**

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

5.3.17 **TOTAL ACCESS REQUIREMENTS:**

○ [See also “**PRICING**” above]

• WAP/GPRS

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

- (m) The number of SMSs required **AND**
- (n) The individual component cost for access must be indicated **AND**
- (o) The total cost involved in accessing the full service. **AND**
- (p) 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.

5.3.18 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."

5.3.19 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)

5.3.20 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."

6 CONTENT BOOKLETS

6.1 SCOPE

Applies to booklets that may contain offerings from a single or multiple Content vendors using access delivery channels with one or more type of cost for access.

Note:

The criteria applying to Content booklets, magazines, flyers, any type of loose promotional material that contain Access Channels that may or may not be inserted into magazine as loose inserts, are individually discussed under separate headings in this document.

- See Section 5 for separate rules for general magazines e.g. YOU, GQ
- See Section 8 below for separate rules for Below-The-Line promotional material like flyers.
- This section 6 also applies also to Content booklets that may be inserted into other magazines as a loose inserts.
- This section 6 also applies to large-sized Z-cards.

6.2 **DISPLAY RULES FOR ACCESS COST AND T&C INFORMATION**

6.2.1 COST OF ACCESS DISPLAY RULES

6.2.1.1 Formatting of Access Cost Text:

- The size of the text showing the cost of access must be in **11 point font size**

This is 11 point Arial Font

- The access cost text must be in a non-serif font, preferably 'Arial' font.
- All access cost information must be placed horizontally.

6.2.1.2 Position of 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, even if there is a uniform cost of access displayed throughout the Content booklet and/or a series of pages in a booklet allocated to one advertiser.

If multiple offers are made in the same advertisement (spread across one or more pages) and the cost differs with each offering, each offering must clearly show the individual costs, again immediately below, or above, or adjacent to the unique access number in a non-serif font.

6.2.2 T&C DISPLAY RULES

6.2.2.1 Formatting of T&C Text

- The size of the text showing the T&C must be in **9 point font size**

This is 9 point Arial Font
- The T&C cost text must be in a non-serif font, preferably 'Arial' font.
- All T&C information must be placed horizontally.

6.2.2.2 Positioning Of T&C Text

- If the T&C associated with all access numbers in a Content booklet are generally consistent and applicable to all the Content and services within a Content booklet, then it is sufficient that these consistent T&Cs be placed in a reference page or section at the front of the booklet. However where there is any deviation from these general T&Cs, these deviations must be explicitly indicated immediately close to the access number/s, or Content/services to which this deviation in general T&Cs is applicable.
- The pricing and T&C 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 cost and T&C text must not be part of a colour scheme that may obscure easy reading of complete details of the price and T&C

This is 5 point times new roman font

This is 6 point times new roman font

This is 7 point times new roman font

This is 8 point times new roman font THIS IS 8 POINT TIMES NEW ROMAN FONT IN CAPS. TIMES ROMAN IS A SERIF FONT

This is 9 point times new roman font

This is 10 point times new roman font

This is 11 point times new roman font

This is 12 point times new roman font

This is 13 point times new roman font

This is 14 point times new roman font

This is 15 point times new roman font

This is 16 point times new roman font

This is 17 point times new roman font

This is 5 point arial font

This is 6 point arial font

This is 7 point arial font

This is 8 point arial font

THIS IS 8 POINT ARIAL FONT IN CAPS. ARIAL IS A NON-SERIF FONT.

This is 9 point arial font

This is 10 point arial font

This is 11 point arial font

This is 12 point arial font

This is 13 point arial font

This is 14 point arial font

This is 15 point arial font

This is 16 point arial font

This is 17 point arial font

This is 18 point arial font

This is 19 point arial font

This is 5 point verdana font

This is 6 point verdana font

This is 7 point verdana font

This is 8 point verdana font

THIS IS 8 POINT VERDANA FONT IN CAPS. VERDANA IS A NON-SERIF FONT.

This is 9 point verdana font

This is 10 point verdana font

This is 11 point verdana font

This is 12 point verdana font

This is 13 point verdana font

This is 14 point verdana font

This is 15 point verdana font

This is 16 point verdana font

This is 17 point verdana font

This is 18 point verdana font

This is 19 point verdana font

Illustrative Pricing Example:

Correct

Content-Header	34xxx R5/SMS + WAP Charges
Content Content Content Content Content Content	
T&C - T&C - T&C - T&C - T&C - T&C	

Incorrect

Content-Header	34xxx
Content Content Content Content Content Content	
R5/SMS + WAP Charges T&C - T&C - T&C - T&C	

Text must be full contrast black on white or white on black no outline text, no text shading

RINGTONES



082 123 4567

R5 per sms, no free minutes, vas rates this is a subscription service R15 - per week

Terms & Conditions no smaller than 8pt Arial or equivalent

Cost directly above or below number no smaller than 9pt Arial or equivalent

2 column / 5 cm

MUSIC WALLPAPERS SCREENSAVERS



don't miss out

tracks from chart topping artists - get 1 every week all the latest cool designs: manga, tattoos, celebrity pics

SMS "stuff" to 12345

R5 per sms, no free minutes, vas rates apply, this is a subscription service R15 per week. SMS stop to 39001 to un-subscribe

Text must be full contrast black on white or white on black no outline text, no text shading

Terms & Conditions no smaller than 8pt Arial or equivalent

Cost directly above or below number no smaller than 9pt Arial or equivalent

Text must be full contrast black on white or white on black no outline text, no text shading

Pleasure Play

come play with us

38910

R7 per sms, no free minutes, vas rates apply

Terms & Conditions no smaller than 8pt Arial or equivalent

Cost directly above or below number no smaller than 9pt Arial or equivalent

PASSION CENTRAL

Find a date
or just
play!

SMS "gimme"
to 12345

R5 per sms, no free minutes, vas rates apply,
this is a subscription service R15 per week.
SMS stop to 12345 to un-subscribe

1 column / 2 cm



Text must be full contrast black on white or white on
black no outline text, no text shading

Terms & Conditions no smaller than 8pt Arial or equivalent

Cost directly above or below number no smaller than
9pt Arial or equivalent

123 456 7890

Mature attractive lady
2 treat u in a relaxed
pvt atmosphere.

AFRICAN Babe 48kg.
Alone. No rush.
123 456 7890

AFRICAN GODDESS

Attractive, 32D, sexy
slim firm body & vigor-
ous legs Woman of class
& elegance Pvt & Tvl
123 456 7890

AFRICAN goddess Lisa

ALEX - 123456 wants 2
play. Pvt + travel. All
nite.

ALL DAY late niht fun

ALLISHA true petite

AN extreme pvt fantasy

♥ **ANNABELLA** ♥ Sexy
and beautiful Pvt

Pleasure Play

come play

with us

38910

R7 per sms, no free
minutes, vas rates apply

Escort and Massage. 10
123 456 7890

KEENAH mature Indian
divorcee

KEISHA Hustler model
98hot.

BAKKIES BEST BUYS

01 MITSUBISHI COLT 2.0
L HI LINE LWB WHITE
130 000 KM FSH A/C P/S
DIFF LOCK NEAT
.....R59 995

06 FORD BANTAM 1.31
A/C P/S C/D CANOPY
FSH 48 000 KM WHITE
MINTR69 995

99 ISUZU KB 320 LX V6
S/CAB A/C CANOPY P/
STEERING MINT IDEAL
TOW VEHICLE FSH
WHITER69 995

05 TATA DOUBLE CAB
4X2 2.0 TDI WHITE CAN-
OPY A/C P/S 53 000 KM
SPOTLESSR69 995

05 KIA 2700I 1.3 TON
WORKHORSE FULL
DOOR CANOPY FSH

6.3 GENERAL TERMS

6.3.1 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	@ (<i>unless in an email address</i>)
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

6.3.2 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.

6.3.3 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.

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

6.3.4 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”

6.3.5 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]

6.3.6 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.

6.3.7 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.**"

6.3.8 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”]

6.3.9 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]

6.3.10 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"

6.3.11 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.

6.3.12 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]

6.3.13 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”**

6.3.14 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]

(f) IVR:

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

6.3.15 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.

6.3.16 TECHNICAL CONDITIONS FOR ACCESS:

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

6.3.17 **TOTAL ACCESS REQUIREMENTS:**

○ [See also “**PRICING**” above]

• WAP/GPRS

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

- (q) The number of SMSs required **AND**
- (r) The individual component cost for access must be indicated **AND**
- (s) The total cost involved in accessing the full service. **AND**
- (t) 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.

6.3.18 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."

6.3.19 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)

6.3.20 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."

7 OUTDOOR MEDIA

7.1 SCOPE

Applies to **all** outdoor media, including but not limited to large outdoor billboards, moving media, TV-type displays placed indoor and outdoor, cutouts, poster sized billboards or smaller indoor billboards visible to the general public where Access Channels are displayed.

7.2 DISPLAY RULES FOR COST AND T&C INFORMATION

7.2.1 COST OF ACCESS DISPLAY RULES

7.2.1.1 Formatting Of Cost Text

The size of the text showing the cost of access must be **70%** of the largest-sized version of the access number displayed on the advertisement. The access cost text must be in a non-serif font. All access cost information must be placed horizontally

7.2.1.2 Position of 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

If multiple offers are made in the same advertisement and the cost differs with each offering, each offering must clearly show the individual costs, again immediately below, or above, or adjacent to the unique access number

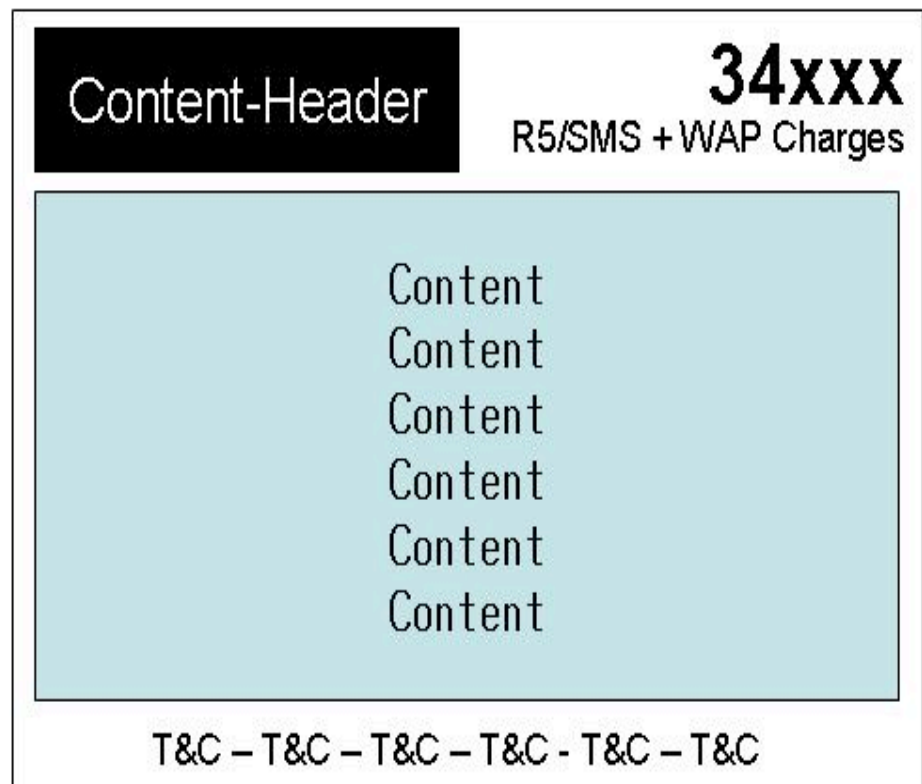
7.2.2 T&C DISPLAY TEXT RULES

7.2.2.1 Formatting Criteria For T&C Text:

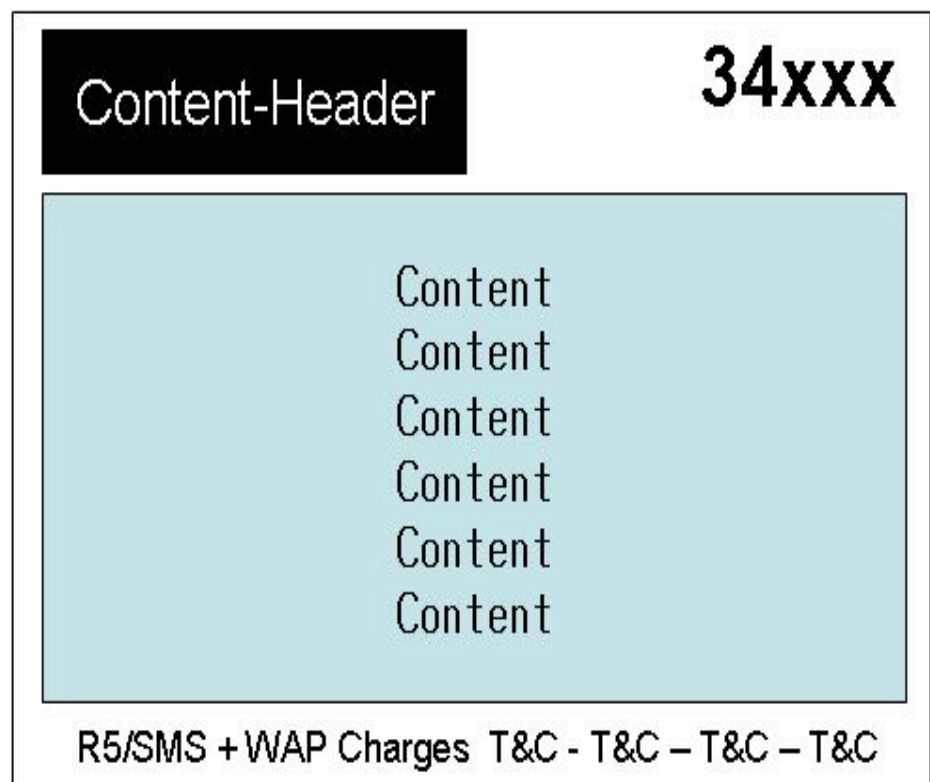
- The T&C text must be **50% of the largest-sized version of the access number displayed** on the advertisement. The T&C text must be in a non-serif font.
- The T&C text must be displayed on the same media as the unique access number it applies to.
- The pricing and T&C text must not be positioned or 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 cost and T&C text must not be part of a colour scheme that may obscure easy reading of complete details of the price and T&C
- All T&C information must be placed horizontally

Illustrative Pricing Example:

Correct



Incorrect



8 BELOW THE LINE MARKETING & PROMOTIONAL MATERIAL:

8.1 **SCOPE**

Applies to all Below-The-Line marketing material visible to the general public where Access Channels are displayed.

Some examples include, but are not limited to:

- Promotional Flyers/Leaflets

- CD's

- Flash Drives

- Promotional Stickers

- Scratch cards

- Business-card sized leaflets

- Small Z-cards

- Promotional materials and products, including promotional materials printed on/displayed on any FMCG products. e.g. executive gifts, cool drink tins, beer cans, bottle tops, wrappers, boxes etc

(NOTE: this is not an inclusive list. **Any** Below-The-Line promotional material is covered)

8.2 DISPLAY RULES FOR COST & T&C INFORMATION

8.2.1 COST OF ACCESS & T&C DISPLAY RULES

8.2.2 Formatting Of Cost Text

- The size of the text showing the cost of access must be in **11 point font size**

This is 11 point Arial Font

- The access cost text must be in a non-serif font, preferably 'Arial' font.
- All access cost information must be placed horizontally

8.2.2.1 Formatting of the T&C Text

- The size of the text showing the T&C must be in **9 point font size**
This is 9 point Arial Font
- The T&C cost text must be in a non-serif font, preferably 'Arial' font
- All T&C information must be placed horizontally

8.2.2.2 Position Of The Text Showing Access Cost and T&C

- 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.
- If the access number has the ability to be torn off or detached from the promotional text and used independently, pricing information must also be displayed on both the remaining and detachable portions.

Illustrative Text:

Correct

Content-Header	34xxx R5/SMS + WAP Charges
Content Content Content Content Content Content	
T&C - T&C - T&C - T&C - T&C - T&C	

Incorrect

Content-Header	34xxx
Content Content Content Content Content Content	
R5/SMS + WAP Charges T&C - T&C - T&C - T&C	

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-view 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-view 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.

This is 5 point times new roman font
This is 6 point times new roman font
This is 7 point times new roman font
This is 8 point times new roman font THIS IS 8 POINT TIMES NEW ROMAN FONT IN CAPS. TIMES ROMAN IS A SERIF FONT
This is 9 point times new roman font
This is 10 point times new roman font
This is 11 point times new roman font
This is 12 point times new roman font
This is 13 point times new roman font
This is 14 point times new roman font
This is 15 point times new roman font
This is 16 point times new roman font
This is 17 point times new roman font

This is 5 point arial font
This is 6 point arial font
This is 7 point arial font
This is 8 point arial font THIS IS 8 POINT ARIAL FONT IN CAPS. ARIAL IS A NON-SERIF FONT.
This is 9 point arial font
This is 10 point arial font
This is 11 point arial font
This is 12 point arial font
This is 13 point arial font
This is 14 point arial font
This is 15 point arial font
This is 16 point arial font
This is 17 point arial font
This is 18 point arial font
This is 19 point arial font

This is 5 point verdana font
This is 6 point verdana font
This is 7 point verdana font
This is 8 point verdana font THIS IS 8 POINT VERDANA FONT IN CAPS. VERDANA IS A NON-SERIF FONT.
This is 9 point verdana font
This is 10 point verdana font
This is 11 point verdana font
This is 12 point verdana font
This is 13 point verdana font
This is 14 point verdana font
This is 15 point verdana font
This is 16 point verdana font
This is 17 point verdana font
This is 18 point verdana font
This is 19 point verdana font

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	@ (<i>unless in an email address</i>)
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”

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 licensee 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 ACCESS:**

- 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 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)

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:

- (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."

10 EMAIL OFFERS

10.1 SCOPE

Applies to all emails where Access Channels are displayed.

10.2 DISPLAY RULES FOR COST AND T&C INFORMATION

10.2.1 COST OF ACCESS AND T&C DISPLAY RULES

10.2.1.1 Formatting Of Access Cost Text

- The size of the text showing the cost of access must be 80% of the largest-sized version of the access number displayed on the advertisement.
- All access cost information must be placed horizontally

10.2.1.2 Formatting & Font Criteria For T&C Text

- The T&C text must be 70% of the largest-sized version of the access number displayed on the advertisement.
- All T&C information must be placed horizontally

10.2.1.3 Position Of the Access Cost Text

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. The 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.
- The consumer should not have to scroll down significantly on the email or follow any links to external 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-view type pages, nor on any pop-up pages, nor on any email page requiring a particular add-on component not generally available on the Internet.

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.

11.2.2 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.

11.2.3 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.

11.2.4 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.

11.2.5 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.

11.3 TEXT DISPLAY

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

11.3.2 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.

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

11.3.4 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

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

11.3.6 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.

11.3.7 **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.

12 Subscription Service Reminder Messages

12.1 As is specified in the WASPA Code Of Conduct (www.waspa.org.za), a monthly reminder SMS must be sent to all subscription service customers. The reminder must contain the following information only:

- (a) The name of the subscription service.
- (b) The name of the service provider supplying the content or service to the subscriber
- (c) The inclusive cost of the subscription service and the frequency of the charges;
- (d) Explicit instructions on how the subscriber may stop their subscription to a service using an SMS MO.
- (e) The service provider's telephone number. If VAS rates are applicable, this must be indicated next to that telephone number.
- (f) The information in (a) - (e) above must be presented in the reminder message in the order of first (a), then (b), then (c), then (d), then last (e), inclusively.
- (g) No other characters other than those prescribed in this section may be inserted before the information contained in (a) and after (e).

12.2 The information specified in **12.1** must, without exception, take the following design and have the following content, capitalisation, and spacing and must be provided exclusively in **ENGLISH** only:

You'r<space>subscribed<space>to<space><SERVICE NAME><space><inclusive cost of service & the frequency of billing><space>from<name of content provider><period>To<space>stop<space>service,sms<space>STOP<space><insert service name><space> to<space><insert number><space><open bracket><cost of MO><close bracket><period>Help?Call <space>0xy1234567<open bracket>VAS<close bracket>

- where <period> indicates the full stop character, "."
- where <open bracket> indicates the "(" character
- where <close bracket> indicates the ")" character
- where the word "VAS" is inserted only if required by the type of helpline number being utilised

12.3 The reminder message may not take the form, or be designed in such a way that a reasonable reader may construe the message to be an advertisement for the service or any other service.

12.4 **Example 1:**

eg You'r subscribed to TONES XXX (R30/5days+R1/tone) from WSPABCXYZ.To stop service,SMS STOP TONES to 31xxx (R1).Help?Call 08x1234567(VAS)

Example 2:

"You'r subscribed to the ACME service. Cost is R5/week. To stop subscription, SMS STOP to 31xxx (R1). Help? Call 082 123 4567 (VAS Rates)"

