

Lateral Profiles Ltd

Submission to the TCF working group on the Draft Mobile Messaging Services Code

Although most of the proposed changes to the Mobile Messaging Services Code make sense and are easily implemented, we have specific concerns around the fact that ALL chargeable messages now fall under the same umbrella set of rules.

However there is a huge difference between a service providing content (of any sort) and text voting or text-to-win competitions (Sales Promotions). The former has the potential for misunderstanding about the nature of the service, and has developed a reputation that does not reflect well on the industry. However text-2-win competitions are governed by strict DIA rules and are well understood by the public. Similarly text voting is a well-understood mechanic and, apart from a few people getting carried away and voting multiple times there are no issues with this for of campaign.

Currently for text voting the TV advertising or promo will state:

- The short code number
- The Price per text, in no less than 50% of the font size of the short code.
- Please ask the bill payer first

For text to win competitions that same applies but generally there is also a web site URL listed that lists the T&CS and other details.

This has worked very well for years of running these sorts of events, and we see no valid reason for this to need to be changed. The mechanism is simple and clear, and the mechanic can be easily conveyed in a short screen visual.

However as the draft is written all these types of campaigns require the SAME very restrictive information on screen as is required for premium content, be it subscription or other content. The draft code requires that the visual contain:

- The short code number
- The Price per text, in no less than 50% of the font size of the short code.
- 0800 number
- Website URL
- Handset compatibility
- Terms and Conditions

The issues with this are:

- a) For sales promotions (txt-2-win), advertising on TV is a big investment. The promoter wants to get the best bang for their dollar, and every inch of screen space is valuable. Too much detail takes away from the impact of the promotion, adds nothing to the campaign and people will give up reading it anyway. This will greatly reduce the number of entries and advertisers will not be prepared to pay large sums of money to create screens full of text. In essence this will KILL THE MARKET for sales promotions. This will lose the mobile operators, service providers and TV companies money
- b) Handset compatibility is irrelevant to text competitions as every mobile in operation in New Zealand is text capable.
- c) It is redundant to try and list 0800, website and T&Cs on the TV screen, which

was never intended for reading more than a few words of text anyway. Far better to just list a website, and have all details there.

- d) For text voting events there is often already enough text on the screen for viewers to try and take in (Keywords corresponding to their preferred option). Trying to add extra information will reduce the effectiveness of the visual, while adding NOTHING of value. Viewers automatically know to ring the TV station if they have an issue, or refer to their web site for more details.

We therefore propose that the draft code wording be changed as follows:

Wording from the current draft code:

9.2 Television/Video Commercials

9.2.1 **Visual material:** For all Chargeable Messaging Services, Visual material must include:

a) **Price per Message information:** These words must be prominent and highly visible to readers. All information relating to price must:

- i) Be at least 50% of the font size of the Short code;
- ii) Display simultaneously and for the same duration; and
- iii) Display for a period of at least 10 seconds so as it can be assimilated by the average person. If the Short code is displayed for longer than ten seconds, the price information must be displayed for the same length of time that the Short code appears.

b) **Helpline:** Details of the Freephone helpline;

c) **Website URL:** Content Service Provider or Content Provider website URL;

d) **Handset incompatibility information** (or where to find information about handset incompatibility); and

e) **Terms and conditions** that are clearly legible and easily comprehensible and held on screen long enough for all text to be read by the average viewer. A minimum of 0.2 seconds per word or 2 seconds minimum duration if less than 5 words, is recommended.

9.2.2 **Voiceover material:** For all Chargeable Services, Voiceover material must explicitly describe Price per Message information.

Our suggested Wording:

9.2 Television/Video Commercials

9.2.1 **Visual material:** For all Chargeable Messaging Services, Visual material must include:

a) **Price per Message information:** These words must be prominent and highly visible to readers. All information relating to price must:

- i) Be at least 50% of the font size of the Short code;
- ii) Display simultaneously and for the same duration
- iii) Display for a reasonable period so as it can be assimilated by the average person. If the Short code is displayed for longer than ten seconds, the price information must be displayed for the same length of time that the Short code appears.

b) For any service costing MORE THAN 20c per message: **Please ask the bill payer first**; This is normal for 0900 services, therefore should be on premium text as well.

9.2.2 **Text 2 Win** competitions: For all text to win competitions (Sales Promotion, as defined by the DIA), visual material must also include:

c) **Website URL**: Content Service Provider or Content Provider website URL;

9.2.3 **Content services**: For all services where content is provided to the customer, visual material must also include:

c) **Website URL**: Content Service Provider or Content Provider website URL;

d) **Helpline**: Details of the Freephone helpline;

e) **Handset incompatibility information** (or where to find information about handset incompatibility). This is applicable for WAP content services only);

Note that we do not consider that Terms and Conditions are required since section 10.2.1 details additional requirements for subscription services. The website URL should provide access to any other T&C's that are needed.

9.2.5 **Voiceover material**: For all Chargeable Services, Voiceover material must explicitly describe Price per Message information.