

To Whom it may concern

We would like to take this opportunity to participate in the Mobile Messaging Services Code (the Code) review process, prior to the Code's release in 2011.

In balancing the protection for consumers with the need to grow the advertising revenue in the mobile industry, we believe that the following request for an amendment to the Code will achieve both primary objectives.

Clauses in Question

9.2 Television/Video Commercials

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

- 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.

Background to Mobile Advertising

The interactive sales teams at online publishers need to compete not only with other interactive sales teams, but also internally with TV, radio and traditional web sales teams that compete for advertising spend. Mobile is by far the smallest spend in this field.

The problem

A typical mobile sales cycle involves the interactive sales team finding a pre-established TV campaign that is to be launched, and convincing the TV sales team and the client of the advantages in adding a TXT component to that campaign.

The client is paying upwards of \$10,000 for a 30 second spot on TV, not to mention the cost of visual material creation. The current Code's requirements would require significant changes to the clients visual material with a long list of text added to detail the terms and conditions, the privacy policy and the supported handset information. This is a difficult sell because it becomes a significant burden on the advertiser to change the look, feel and cost of their visual material. There is little incentive for a TV sales rep to support such a change when TXT is a small part of a larger campaign spend.

This problem is observable in the low volume of TXT integration advertising campaigns across the industry, relative to the volume of TV campaigns without a TXT component. Typically TXT components need to be designed in at the start of the TV campaign planning cycle (several weeks or months prior to launch), with fewer opportunities for making quick sales a few days prior to campaign launch.

The proposed solution

There is no dispute that displaying the pricing information of the TXT entry on the TV visual material is helpful to all stakeholders. (clause 9.2.1.a)

However the Help Line, Website URL, Terms & Conditions and Phone Incompatibility Information (clauses 9.2.1.b-e) could easily be provided to the user if they (0-rated by carriers) **FREE TXT** a **keyword** (e.g. "terms") to the service provider. The bounce back could list all relevant information to the user. This is similar to hyperlinks in a web-setting where the user has the choice of clicking on a hyperlink to find out more about the privacy policy and terms and conditions.

- The user can freely access the information they need to cover clauses 9.2.1.b-e to be informed about their rights and as a group consumers will be exposed to more prizes and promotions from advertisers offering them consumer benefits.
- The advertiser can easily amend their TV creative to include this TXT information with low cost and speed to market
- The interactive sales team will be able to convince significantly more TV sales people and TV clients about the benefits of including a TXT component in their campaigns.

Everyone benefits.

Next Steps

Thank you for your consideration in this matter. We are able to provide further information and work on other possible solutions to this scenario, should you require this. We look forward to hearing from you in this matter and supporting the Code's development and adoption in the industry

Kind regards

Peter Henning
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