

Vodafone Mobile Advertising Policy

Introduction

This Policy comprises a set of guidelines providing a framework and operating standards for mobile advertising. This Policy explains the minimum requirements which Vodafone expects from Advertisers, Media Agencies and Mobile Advertising Sales Agencies who play a part in providing Mobile Advertising through Vodafone's Network.

In this Policy:

Advertiser is typically an organisation wishing to promote their brand, products or services utilising advertising inventory available on the Vodafone Network. Advertisers may be from across section of industries, including, but not limited to, FMCGs, financial institutions and lifestyle brands etc.

ASA means the Advertising Standards Authority;

Content Standards Policy is the Vodafone Content Standards Policy for Third Party Content Providers.

Contract is any contract between Vodafone and an Advertiser, Media Agency or Mobile Advertising Sales Agency (as relevant).

Media Agency is an organisation acting on behalf of the Advertiser for the purpose of creating and executing a Mobile Advertising campaign.

Mobile Advertising is any advertising offer, promotion or incentive from a third party advertiser provided to Vodafone's mobile customers via the Vodafone Network.

Mobile Advertising Sales Agency is an appointed sales company acting on behalf of Vodafone to accept Advertiser bookings.

Policy is this Mobile Advertising Policy.

Vodafone is Vodafone New Zealand Limited.

Vodafone Network is the Vodafone mobile network, including associated products and services where applicable.

You is you the Advertiser, Media Agency or Mobile Advertising Sales Agency.

All references to Codes refer to ASA Codes.

Mobile Advertising

This Policy will form part of each Contract and must be adhered to from 1st January 2008 when utilising the Mobile Advertising portfolio of products offered by Vodafone.

Under your Contract, in addition to compliance with this Policy, you must comply with all applicable laws, regulations and requirements of any government or statutory body, as well as with any applicable industry standard or code, whether such code is voluntary or mandatory.

Vodafone will hold you directly responsible for the use of the Mobile Advertising portfolio, regardless of whether you use parts of the portfolio yourself or it is used for aggregation and/or resale to other partners, agencies or advertisers.

Please note, whilst compliance with this Policy may help you to comply with your legal and regulatory obligations, this Policy does not constitute legal advice or a comprehensive outline of all legal issues relevant to the provision of Mobile Advertising in New Zealand. Vodafone strongly encourages Advertisers, Media Agencies and Mobile Advertising Sales Agencies to obtain independent legal advice to ensure all advertising is compliant with all applicable laws, regulations and industry codes, and with any directions or instructions given by a relevant government or industry body.

This is an active document and is subject to regular review and amendment by Vodafone to reflect market developments and new services.

1. General Guidelines

This chapter outlines the general guidelines that have been developed in relation to the provision of Mobile Advertising. All Mobile Advertising must comply with these principles. Advertisers should also familiarise themselves with the Commerce Commission's "The Fair Trading Act – A General Guide" (available at <http://www.comcom.govt.nz/FairTrading/FairTradingPublications/Overview.aspx>) publication to assist with understanding their obligations.

All Advertising must be:

- decent,
- fair;
- cogniscent of safety and personal security issues;
- sensitive to national and cultural values and any major socio-political events (e.g. September 11 or the war in Iraq); and
- respectful of all people.

In all Advertising, information should be understandable and not portrayed in a way that could be seen as disrespectful.

Advertising must avoid causing offence and be sensitive to different sectors of society and cultures. Stereotypes and other examples of bad taste should be avoided.

Advertisers should be to use humour, but avoid cheap shots.

Truth in Advertising

All advertising messages are to be transparent and honest. Advertisements must not be misleading, deceptive or depicted in such a way as to be likely to mislead or deceive a customer in any way. The failure to mention a relevant matter in an advertisement may also be conduct that misleads or is likely to mislead a customer.

Disclaimers

Disclaimers must be conspicuous, clearly stated and specific. Any fine print must not contradict or modify the main advertising message. Advertisers should assess the overall impression given to the customer and should be particularly cautious when an advertisement contains words such as "free" or "unlimited".

Incentives and Competitions

The Advertiser may offer the customer gifts and prizes as an incentive provided that the Advertiser supplies them as offered. For example, the offer of free content for campaign participation is permissible provided that the free content is available for immediate download on completion of the campaign opt in process. Advertisers must ensure that they clearly disclose any terms and conditions which must be met before the gift or prize is available.

Where a customer is offered free content, subscription or similar offers (e.g. a free trial period), they must not be charged for receiving the content, subscription or offer (e.g. after a free trial period has expired) unless, prior to the end of the free period, the customer has confirmed that they wish to continue to receive the content, subscription or offer at the stated charge. If the customer does not confirm that they wish to continue to receive the content, subscription or offer at the stated charge, they must not be charged.

Advertisers must make it clear if the incentive takes the form of a competition. The competition's full details, including terms and conditions and how the competition works, must also be displayed either on a WAP page or webpage.

The Advertiser is responsible for compliance with all applicable laws, including without limitation obtaining any necessary permits, ensuring any prizes or incentives comply with applicable law and ensuring the competition does not breach the Gambling Act 2003.

Price

The price of goods or services must specify the full price inclusive of GST and be transparent about any additional costs for items such as postage, commission, handling or other charges.

Affiliation

Advertisers must ensure that they do not attribute to a product or service an affiliation or sponsorship which it does not have.

Comparative advertising

Any comparison must compare like with like. Comparisons must be realistic and the basis for comparing, testing or applying a discount must be clearly stated. Advertisers must comply with the Code for Comparative Advertising.

Supply

Advertisers must not offer a product or service if at the time of the advertisement they are aware or should be aware that they are unable to offer a reasonable supply at the advertised price. If the offer is genuinely limited by quantity, time or

otherwise, the Advertiser must make it clear in the advertisement how the offer is limited.

For example:

“Opt in to receive a free flight” means that each customer opting in must receive a free flight.

“Opt in for a chance to win a free flight” means that each opt in customer must have the potential to receive a free flight.

“Free Ringtones for the first 1000 customers to participate...” means that only the first 1000 customers to participate will receive a free ringtone.

“Participate for Free Ringtones” means that everyone who participates will receive a free ringtone each time they participate.

Place of origin

Any reference to a place of origin such as “Made in New Zealand” or “New Zealand Made” or a logo which represents or symbolises a place of origin should be truthful and not mislead customers who may wish to support the local economy or purchase a particular product because of its place of origin.

2. Content Requirements

Wherever possible, Vodafone has adopted principles in relation to advertising content as they apply to other forms of media. Advertising must comply with all relevant Codes of Practice and other relevant NZ laws.

All advertising must comply with the **Fair Trading Act 1987, Advertising Code of Ethics, Code for People in Advertising, Human Rights Act 1993** and the **New Zealand Bill of Rights Act 1990**.

All Advertising must be appropriate to its likely and intended target audience.

Advertising directed at persons below the age of 14 years must comply with the **Code for Advertising to Children**, whether the advertisement is contained in children’s media or otherwise.

Advertising that identifies a competing product or service must comply with the **Code for Comparative Advertising**.

Advertising containing claims for environmental benefit, including packaging shown in

advertisements must comply with the **Code for Environmental Claims**.

Financial advertisements must comply with the **Code for Financial Advertising**, as well as the **Securities Act 1978, Securities Regulations 1983**, and the **Credit Contracts and Consumer Finance Act 2003**.

Advertisements for food and beverages consumed by humans must comply with the **Code for Advertising of Food** as well as the **Food Act 1981** and **Food Regulations 1984**.

Advertisements for gambling and gaming must comply with the **Code for Advertising Gaming and Gambling**. Gambling may only be permitted to be advertised on the Vodafone Network under strict conditions outlined by Vodafone, and only where authorised by Vodafone prior to use. These conditions may include requirements such as that advertisements are behind an R18+ restricted access system and/or that Vodafone has an assurance that the customer is 18 years of age or over.

Advertisements promoting liquor, including by product, brand or outlet and advertisements which indicate that a liquor advertiser is sponsoring a person, competition, activity or event must comply with the **Code for Advertising Liquor**. In addition, Alcohol may only be permitted to be advertised on the Vodafone Network under strict conditions outlined by Vodafone, and only where authorised by Vodafone prior to use. These conditions may include requirements such as that advertisements are directed at adult audiences, are displayed within certain hours, are behind an R18+ restricted access system and/or that Vodafone has an assurance that the customer is 18 years of age or over (Age Verification).

Advertisements for therapeutic products and/or services must comply with the **Therapeutic Products Advertising Code** and/or **Therapeutic Services Advertising Code** respectively, as well as the **Medicines Act 1981** and **Medicines Regulations 1984** (as applicable) and Vodafone recommends advertising be pre-approved through the Therapeutic Products Pre-vetting System prior to use.

Advertisements for vehicles must comply with the **Code for Advertising Vehicles**.

Advertisements for weight management must comply with the **Code for Advertising of Weight Management** as well as the **Medicines Act 1981, Medicines Regulations 1984, Food Act 1981, Food Regulations 1984** and the **Dietary Supplement Regulations 1985**, as applicable and Vodafone recommends advertising be pre-approved through the Therapeutic Products Pre-vetting System prior to use.

Advertisements for tobacco products are illegal in New Zealand. Advertisers must comply with the **Smoke-Free Environments Act 1990**.

Advertisements shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant time the advertisement will be seen by customers.

Advertisements shall only use language which is appropriate in the circumstances and strong obscene language shall be avoided.

Advertisements shall not depict material contrary to prevailing community standards on health and safety.

Content Standards for Advertisements

Vodafone is committed to taking a responsible approach to the standard of advertisements available on the Vodafone Network. Vodafone takes the issue of protection of minors seriously and we work actively to ensure that appropriate content standards are implemented effectively and consistently.

All advertisements must comply with the content standards set out in the Content Standards Policy, and all advertisers must comply with the obligations of content providers set out in the Content Standards Policy.

Taste & decency

Vodafone reserves the right to direct Advertisers to take down advertising which Vodafone considers

does not meet community standards of 'taste & decency'. This must occur within 1 business day of receipt of the direction from Vodafone.

Vodafone has the right to remove any advertising at any time.

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