

## **SMS Service Provision Advertising Code**

### **Starting points**

The aim of this Special Advertising Code is to establish clear advertising criteria for SMS Services in order to prevent misleading End Users concerning the nature and price of the services.

### **Article 1 Application**

- 1.1. Advertising for SMS Services is, without prejudice to what is stipulated in the general part of the Dutch Advertising Code [*NRC*] and the Children and Young People Code [*Kinder en Jeugd Code*], subject to this Advertising Code.
- 1.2. This Advertising Code will apply to advertising for SMS Services specifically focused on the Netherlands.
- 1.3. This Advertising Code will not apply to the content of SMS messages that follow registration for an SMS Service and which relate to confirming and/or implementing the agreement with the End User and contain no new or other recommendations of products or services.<sup>1</sup> This Advertising Code will also not apply to free SMS Services.<sup>2</sup>
- 1.4. This Advertising Code will not prejudice existing statutory and self-regulation obligations, particularly obligations on the basis of the regulatory framework relating to privacy protection and remote sales.

### **Article 2 Definitions<sup>3</sup>**

In this Code, the terms below will have the following meanings:

#### **Provider of SMS Services**

The provider of the SMS Service or Services with whom the End User concludes the agreement relating to purchasing the SMS Service or Services.<sup>4</sup>

#### **Registration Screen**

The Internet screen<sup>5</sup> that enables the End User to make a purchase from a Subscription Service and contains a response or order mechanism for that purpose, for example the input field for the mobile phone number.

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<sup>1</sup> In its decision of 4 July 2007 in dossier 07.0299, the Advertising Code Committee [RCC] decided that in so far as an SMS message does not contain recommendations of goods or services, no advertisement is involved.

<sup>2</sup> An SMS Service consisting first of a free offer or free period followed immediately by an offer or period for which payment must be made will be considered a paid SMS Service and will be covered by this Advertising Code.

<sup>3</sup> The definitions are in line as far as possible with the definitions in the SMS Service Provision Code of Conduct.

<sup>4</sup> In the SMS Service Provision Code of Conduct, the SMS Service Provider is designated as the Content Provider.

<sup>5</sup> An Internet screen will not include a mobile Internet screen (unless SMS Services are offered there that are charged to the End User via premium SMS). This is described separately in the Paid Mobile Internet Services Code of Conduct [*Gedragscode voor Betaalde Mobile Internet-diensten*]; this can be found at [www.smsgedragscode.nl](http://www.smsgedragscode.nl).

Screens or other advertisements for SMS Services that contain a Short Code are also considered to be Registration Screens.

**Subscription Service or Subscription** SMS Service where the End User receives more than one paid SMS message and for which registration and unregistration are required or which is purchased by the End User for a certain period to be determined in advance. The paid SMS messages have a periodic recurrent character, which expressly includes the '1 to many Chat Services'.

**Affiliate** A business or person, not being the Provider of the SMS Services, which or who advertises the Provider's SMS Services on its/his/her own initiative and which or who in many cases decides how, where and with what advertising means it/he/she advertises.<sup>6</sup>

**Banner** A graphical advertisement on a web page that makes it possible to click through to a preliminary screen and/or a Registration Screen.

**Chat Service** An SMS Service of a possibly long-term character because the End User/Users continues/continue to chat.

**1: 1 Chat Service** An SMS Service in which an SMS message is sent to one (1) End User (with their permission) as a result of which a reply may be received from one (1) End User.

**1: to many Chat Service** An SMS Service in which an SMS message is sent to several End Users (with their permission) as a result of which a reply may be received from several End Users.

**Content (item)** Content of an SMS Service, including but not limited to ring tones, real tones, wallpapers, sounds, games, quizzes, full track music and text services, including horoscopes, Chat Services and jokes, for the mobile phone.

**Credit** A credit for an End User with which to order a Content item.

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<sup>6</sup> An Affiliate is the usual name in the Internet world for a third party that opts to advertise the products of another party. The Affiliate has a direct agreement with the SMS Service Provider and/or with the media bureau or the media agent of the SMS Service Provider.

<b>End User</b>	User of a fixed or mobile connection with which SMS Services can be purchased.
<b>Fictitious persons</b>	Persons who provide certain services professionally under a different identity.
<b>Operators</b>	Network providers via whose network End Users can purchase SMS Services.
<b>Pop-up</b>	A clickable (small) window that opens when a certain Internet page is loaded or clicked on.
<b>Promotional Offer</b>	The allocation, by way of promotion, of temporary added value to an SMS Service, including a reduction or an increase in the number of Content items and/or Credits for an SMS Service, and other gifts, savings offers, competitions or the provision of another advantage.
<b>Short Code</b>	A short number used by the provider of the SMS Service for registration and deregistration for the service and for distributing the Content to the End User.
<b>SMS Service</b>	A One-Off SMS Service (including a 1:1 Chat Service) and/or a Subscription Service with which Content is provided to an End User.
<b>SMS Service Provider</b>	The party that has concluded an agreement with Operators for the purpose of supplying or routing SMS Services (also referred to as Gateway or SMS Broker).
<b>Voice-over</b>	A spoken message during a TV commercial.
<b>Preliminary Screen</b>	A screen or screens on the Internet displayed prior to the Registration Screen without a Short Code or other possibility for discontinuing SMS Services being given. <sup>7</sup>

### **Article 3 Misleading**

3.1. Advertisements for SMS Services may not contain statements, images, suggestions or omissions as a result of which the End User may be misled

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<sup>7</sup> A Preliminary Screen is an advertisement if goods and services are recommended on it. If one can also subscribe via a Short Code on that Preliminary Screen, then it is a Registration Screen.

concerning the nature and characteristics of the services and products offered or the price and the way in which it is calculated, and may also not be misleading within the meaning of Article 8 of the Dutch Advertising Code.

- 3.2. Advertising is not permitted for a product or service, whether or not this is free, that requires the End User – in order to acquire what is offered – to subscribe to another Subscription Service, unless the obligation to subscribe to that other Subscription Service is stated in every communication with at least the same emphasis as the advertisement concerned for a product or service, whether or not that product or service is free.
- 3.3. If an advertisement, Preliminary Screen, and/or Registration Screen advertises a Subscription Service, the fact that a Subscription Service is concerned must always be stated with at least the same emphasis as the advertisement for the product or service itself.
- 3.4. Advertising is not permitted in which an SMS Service is offered in a way that results in the SMS Service seeming to have a character other than the actual character, e.g. by suggesting that a prize has been won, a game is being played, or that membership of or affiliation to a club is involved.
- 3.5. In the case of Chat Services, the SMS Service Provider should inform the End User, clearly and unequivocally, of the possible long-term character and the related recurring costs.

#### **Article 4 Minimum requirements for all types of advertising for SMS Services**

- 4.1 Advertising for one or more specific SMS Services – irrespective of the type and medium – should comply with Article 3 of this Advertising Code and should always contain the following information, which should be stated clearly and unequivocally:
  - a. whether or not it is a Subscription Service or a One-Off Service;
  - b. if a Subscription Service is involved, a statement of any minimum duration of the subscription and an explanation of how the Subscription Service can be terminated;
  - c. the most important characteristics of the service, including at least the name of the product, the product specification, and if an Artwork is involved, for example as referred to in Appendix 1(4), in the Artwork also a product illustration and the price and the frequency of the service (if applicable);
  - d. in the case of a Chat Service: whether the Chat will be with one or more persons;
  - e. in the case of an adult Chat Service, the minimum age of 18 for use; if applicable, the following must be stated ‘fictitious persons – no arrangements possible’;
  - f. what costs are associated with the SMS Service, in the case of a One-Off SMS Service per item and in the case of a Subscription Service on a weekly basis. In the case of a Subscription Service, also the number of items to be received on a weekly basis, for example: €6/week,

- 4 items/week. If payment is effectuated on a monthly basis, the price and the number of items should be specified on a monthly basis;
- g. in the case of Credits, the type of products that can be purchased must be made clear, and the number of Credits;
  - h. in the case of a Chat Service, the price per message must be stated, as well as the maximum number of messages to be received for each chat message sent;
  - i. reference to the website address of the Provider of the SMS Service. This website should at least contain: the name under which the Provider is registered with the Chamber of Commerce (including any trade name that is used) and the business address of the SMS Service Provider, the costs of the SMS Service, how to terminate the SMS Service, the contact details of the customer service (e-mail address and phone number), Chamber of Commerce number, VAT number, the general terms and conditions for the SMS Service, a list of suitable phones (if applicable), and the privacy statement. The above information should be available in a clearly legible and easily accessible manner.<sup>8</sup>
- 4.2 No abbreviations may be used when stating the price, with the exception of the official euro sign and 'incl. VAT'.
- 4.3 If an SMS Service or part thereof is offered free, the word 'free' or another word with the same meaning may only be used if the service is actually being offered independently free of charge. This is also the case if the service is free in the case of a subscription, but the subscription can be terminated immediately after receipt of the free service before the subscription actually commences. The End User should be referred to this possibility.
- 4.4 Contrary to Article 4.3 of this Advertising Code, for other gifts, savings offers, competitions or the provision of another advantage it is permissible to use the word 'free' or another word with the same meaning if in every advertisement in which such a word is used it is stated with the same emphasis that the 'free' service or the 'free' product is free only when purchasing the SMS Service. The most important characteristics of the SMS Service in connection with which the 'free' service or the 'free' product is offered must also be clearly stated. To prevent misunderstanding: a service or product is not 'free' and may also not be stated to be 'free' if it is linked to an SMS Service for which higher costs are charged than for the same SMS Service without the 'free' service or the 'free' product. The burden of proof as regards the (higher) costs lies in this connection with the SMS Service Provider.

## **Article 5. Obligatory logo**

- 5.1 The Provider of the SMS Service is obliged to display – in every advertisement on TV, in print, or on the Internet – the fixed logo included in Appendix 3 and downloadable from [www.smsgedragscode.nl](http://www.smsgedragscode.nl). The logo must be positioned to

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<sup>8</sup> 'Easily accessible' is understood to mean within 2 clicks from the homepage.

the top left or top right in every advertisement and must be fully visible without it being necessary to scroll the web page.

- 5.2 The logo is not obligatory if the medium used for the advertisement is unsuitable for placing a logo, as in the case of a radio commercial or televoting ('televoting' is a One-Off Service with a means of voting in which an End User can give his/her opinion remotely during a television broadcast by means of an SMS message).

## **Article 6. Supplementary requirements for Promotional Offers in combination with SMS Services or advertising for SMS Services**

- 6.1 Article 3.4 of this Advertising Code will not prejudice the fact that Promotional Offers may be made in combination with SMS Services or advertising for SMS Services.
- 6.2 In any advertisement for a Promotional Offer in combination with an SMS Service or advertising for an SMS Service, the fact that an SMS Service is concerned must always be stated with at least the same emphasis as the advertisement for the Promotional Offer.

## **Article 7. Supplementary requirements for Internet advertising**

### Internet advertising in general

- 7.1 The provisions of this Article will not prejudice the fact that Internet advertising must also comply with the requirements of Articles 3, 4 and 5 of this Advertising Code.
- 7.2 Providers of SMS Services may not advertise SMS Services on web sites that by their nature are clearly aimed, wholly or partly, at young persons aged below 16.
- 7.3 The minimum age for ordering an SMS Service is sixteen (16), unless it is ordered with the consent of the young person's parents (or legal representative).<sup>9</sup>

### Registration Screen

- 7.4 An SMS Service may not be started if a Registration Screen has not been clearly shown that meets all the conditions imposed on the basis of this Advertising Code and the law.
- 7.5 If a Registration Screen complies in full with the template as included in Appendix 1 to this Advertising Code, is fully visible<sup>10</sup> on every screen using the

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<sup>9</sup> The parties that drew up this Advertising Code decided on a minimum age of 16 for ordering SMS Services. Young persons aged up to 16 may only order SMS Services if a parent (or legal representative) has granted consent for the SMS Service to be ordered.

most common resolution standard and is also not misleading in some other way, the Registration Screen will be considered to be in accordance with the requirements of this Advertising Code.

- 7.6 If the template in Appendix 1 of this Advertising Code is not used, the Registration Screen, in addition to the information referred to in Articles 4 and 5 of this Advertising Code, must at least contain the following information in a clearly legible and unequivocal manner, which must be completely visible on the computer screen:
- a. the information as stated in field 6 in the template included in Appendix 1 to this Advertising Code.
  - b. the name under which the Provider is registered with the Chamber of Commerce (including any trade name that is used) and the business address of the SMS Service Provider, the Chamber of Commerce number, and the VAT number;
  - c. the telephone and e-mail details of the SMS Service Provider's customer service;
  - d. a reference to the general delivery conditions, as well as a privacy statement and details of where these can be found;
  - e. a statement that the SMS Service Provision Advertising Code and the SMS Service Provision Code of Conduct apply;
  - f. the other information as stated in fields 7 and 8 in the template included in Appendix 1 to this Advertising Code.
- 7.7 If a Subscription Service is involved, it must be clearly and legibly stated in the subscription title of the Registration Screen that a Subscription Service is involved. The statement must have at least the same emphasis as the rest of the text in the subscription title as presented in field 2 in the template as included in Appendix 1 to this Advertising Code.
- 7.8 The same conditions as for the Registration Screen apply to screens/pages after the Registration Screen. Reference must also be made to the confirmation of registration that the End User receives by SMS.
- 7.9 The 'Artwork' and the 'Call to action' within the meaning of field 4 and field 5, respectively, in the template as included in Appendix 1 to this Advertising Code will in all cases be related to the SMS Service itself. In the case of a Promotional Offer, reference to the Promotional Offer is only permissible with a maximum of the same emphasis as the advertising for the SMS Service itself.

### Banners and pop-ups

- 7.10 A banner or pop-up that is intended solely to draw attention (a 'teaser') to the sale of products and/or services need not comply with all the requirements for

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<sup>10</sup> 'Fully visible' means that the entire screen, including all conditions, is directly visible on the screen in the case of the most common resolution standard. If the Registration Screen is not entirely visible on certain computers as a result of the resolution of the computer and/or the Internet browser used and the End User must scroll down in order to view the entire image, even though the SMS Service Provider has used the most common resolution standard, the SMS Service Provider cannot be blamed for the Registration Screen not being entirely visible. See in this respect the decision of the Advertising Code Committee of 4 July 2007 in dossier 07.0299.

advertising set in this Advertising Code. A banner or pop-up must in any case comply with the requirements of Articles 3.1 and 3.2 of this Advertising Code. For the rest, it will be determined in each case whether the banner or pop-up is contrary to this Advertising Code, depending on the circumstances and with due observance of reasonableness and fairness and the size of the banner or pop-up.<sup>11</sup>

7.11 A banner or pop-up may not mention a Short Code.

## **Article 8 Supplementary requirements for TV commercials and print**

8.1 The provisions of this Article will not prejudice the fact that the types of advertising referred to in this Article must also comply with the requirements of Articles 3, 4 and 5 of this Advertising Code.

### TV commercials

8.2 If a TV commercial complies in full with the template as included in Appendix 2 to this Advertising Code and is not misleading, the commercial will be considered to be in accordance with the requirements of this Advertising Code.

8.3 If the template in Appendix 2 to this Advertising Code is not used for the TV commercial, the commercial must at least contain the information as included in Article 5 of this Advertising Code and Article 4 of Appendix 2.

8.4 In a Voice-over, which must be clearly understandable, it must be stated in the case of a Subscription that that is the case, and the total costs in euros per week in the context of the Subscription Service must be given. In the case of a One-Off Service, only the costs for that service need be stated in the Voice-over, as referred to in Article 4.1(f) of this Advertising Code, with the exception of televoting in the context of a TV programme in which the presenter calls on viewers to vote and the price is clearly visible on the screen without abbreviations.

8.5 In the case of a Chat Service, the Voice-over, which must be clearly understandable, must state 'fictitious persons – no arrangements possible';

8.6 It is obligatory for the conditions on television, as described in Article 4 of Appendix 2 Template TV-commercials, to be visible on the screen throughout the whole of the commercial for the SMS Service. If the Artwork contains information about a Promotional Offer, the Artwork for the Promotional Offer must be displayed with no more emphasis than the advertisement for the SMS Service itself.

8.7 Commercials for SMS Services may not be broadcast on television immediately before, during, or immediately after programmes that by their

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<sup>11</sup> Banners, links or pop-ups do not enable the End User to make a purchase and are in themselves not an invitation to purchase. In the case of banners, links or pop-ups, there is no answer or ordering mechanism involved or a situation in which the End User can initiate a transaction.



nature are clearly aimed at children or programmes for which, according to generally accepted market viewing figures, more than forty percent (40%) of the viewers are aged below 16.

### Print

8.8 In addition to the information referred to in Articles 4 and 5, in accordance with Article 7.6 of this Advertising Code, an advertisement in print must also contain the following information:

- a. the information as stated in field 6 in the template included in Appendix 1 to this Advertising Code.
- b. the name and business address of the SMS Service Provider, the Chamber of Commerce number and the VAT number;
- c. the telephone and e-mail details of the SMS Service Provider's customer service;
- d. a reference to the general delivery conditions, as well as a privacy statement and details of where these can be found;
- e. a statement that the SMS Service Provision Advertising Code and the SMS Service Provision Code of Conduct apply;
- f. the other information as stated in fields 7 and 8 in the template included in Appendix 1 to this Advertising Code.

If a Subscription Service is involved, it must be clearly and legibly stated that a Subscription Service is involved with at least the same emphasis as any advertising text according to the provisions of Article 7.7 of this Advertising Code.

8.9 In the case of a text or line advertisement in print that cannot consist of more than 5 lines of text or no more than 140 characters, Articles 5 and 8.8 of this Advertising Code will not apply. In that case, only the requirements of Articles 3 and 4 of this Advertising Code must be fulfilled.

## **Article 9 Supplementary requirements for teletext, radio and SMS**

9.1 The provisions of this Article will not prejudice the fact that the types of advertising referred to in this Article must also comply with the requirements of Articles 3 and 4 of this Advertising Code.

9.2 Commercials for SMS Services may not be broadcast on radio immediately before, during, or immediately after programmes that by their nature are clearly aimed at children or programmes for which, according to generally accepted market listening figures, more than forty percent (40%) of the listeners are aged below 16.

## **Article 10 Affiliates**

10.1 With regard to marketing with the aid of Affiliates, SMS Service Providers will be obliged:

- a. to contractually oblige Affiliates (e.g. by means of general conditions or a regulation), on pain of appropriate measures, to comply with the relevant regulatory framework, including the Dutch Advertising Code, as well as this Advertising Code and the SMS Service Provision Code of Conduct;<sup>12</sup>
  - b. to provide Affiliates with this Advertising Code and the SMS Service Provision Code of Conduct;
  - c. to respond actively to violations of the regulatory framework referred to under a. and to make every effort to avoid possible violations by Affiliates;
  - d. to respond actively to violations of Article 7.2 of this Advertising Code and to make every effort to avoid possible violations by Affiliates;
  - e. to oblige Affiliates to retain and have accessible their advertising for one (1) year and to provide it, at the first request, to members of the Mobile Services Codes of Conduct Foundation [*Stichting Gedragcodes Mobiele Diensten*] and/or the Compliance Office for the purposes of the handling of complaints and enforcement.
- 10.2 If the Advertising Code Committee and, in the case of an appeal, the Board of Appeal have concluded that an Affiliate has violated this Advertising Code or the Dutch Advertising Code, the Provider of the SMS Services will (again) draw the Affiliate's attention to its/his/her obligation to comply with the regulatory framework and instruct the Affiliate to comply with the decision. If the Affiliate nevertheless fails to comply with the decision and advertises contrary to the decision, the Provider of the SMS Services will end the contractual relationship with the Affiliate in question and prohibit the Affiliate from continuing advertising the SMS Services of the Provider.
- 10.3 If an SMS Service Provider has fulfilled its/his/her obligations pursuant to paragraphs 1 and 2 of the present Article 10, the Provider will have made the maximum efforts that may be reasonably expected of it/him/her to ensure that Affiliates comply with the rules.

## Article 11 Complaints

- 11.1 Any party that believes that an advertisement of an SMS Service Provider is contrary to this Advertising Code may submit a complaint in writing or by e-mail to the Provider in question. The SMS Service Provider will be obliged to investigate the complaint and to inform the complaining party within three (3) working days of the result of this investigation.
- 11.2 A complaining party that is not informed within three working days or that considers the settlement of its/his/her complaint to be unsatisfactory may submit a complaint to the Advertising Code Authority, in accordance with the Articles and regulations of this authority.

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<sup>12</sup> The same obligation is included in the SMS Service Provision Code of Conduct.

## **Article 12 Entry into force**

- 12.1 This revised Advertising Code (first version 1 April 2009) will enter into force on 15 May 2011; no transitional arrangement will apply. This means that before 15 May 2011 SMS Service Providers must have adjusted their existing advertisements, their general conditions, and their rules for Affiliates to bring them into line with this Advertising Code.
- 12.2 In principle, this Code has been adopted for two years and will be extended in each case by a period of two years.
- 12.3 In principle, this Advertising Code will be evaluated every two years.

## Appendix 1 SMS Service Provision Advertising Code

### Registration Screen Template

<b>9</b> Logo	<b>2</b> Subscriptie Titel	<b>1</b> Advertentie benoeming
	<b>3</b> Titel	
<b>4</b> Artwork (incl. prijs en frequentie produkt)	<b>5</b> Call to action	
	<b>6</b> Minimale leeftijd/geschikte toestellen	
<b>7</b> Voorwaarden		
<b>8</b> Additionele Informatie Links		

**1** Name of advertisement

If the Registration Screen can be seen on or via a banner placed on a site, **(advertisement)** or **(publicity)** must be stated here.

Font: Arial Minimum Font size: (14.0 PTS/72DPI)

Colour: there must be a clear contrast between the background colour and the font colour so that the name can be read clearly (yellow on orange, blue on green, grey on black, light blue on dark blue, etc. are not permitted).

**2** Subscription Title

This is obligatory and must in the case of a Subscription Service at least be described as follows: **[Subscribe now....or In the case of this subscription** followed by a possible advertising text].

Font: Minimum Font size: (20.0 PTS/72 DPI), and in any case **no smaller** than 1/2 of the font size of the Title (point ③). A minimum applies to the font, to the effect that it must not be any smaller than 20.0 PTS/72 DPI, measured according to a standard Arial font.

For example: if the Title (point ③) is 80 PTS/72 DPI in size, the Subscription Title (point ③) must be at least 40 PTS/72 DPI in size.

PTS= points

DPI= dots per inch

Colour: there must be a clear contrast between the background colour and the font colour so that the subscription title can be read clearly (yellow on orange, blue on green, grey on black, light blue on dark blue, etc. are not permitted).

#### ③ Title

This may be the description of the product, the brand name and/or the sales offer (discount or free). Needless to say, the title may also be a combination of the various terms (product+brand+offer).

Font: A minimum applies to the font, to the effect that it must not be any smaller than 40.0 PTS/72 DPI, measured according to a standard Arial font. The font for the title must also be the same as the font for the subscription title.

#### ④ Artwork

This refers to the material that visually supports the campaign and consists of the price and frequency of the product, the product name, the product illustration and the product description. This may be placed to the left or right of the Call to action as described in point ⑤ of Appendix 1. The Artwork contains information about the SMS Service that is offered. If the Artwork contains information about a Promotional Offer, the Artwork for this Promotional Offer must be displayed with no more emphasis than the advertisement for the SMS Service itself.

#### Price and frequency of the product:

It must be stated unambiguously which costs will be involved in the SMS Service on a weekly basis, as well as the number of content/credit items that will be received on a weekly basis, for instance: €6/week, 4 items/week (+ SMS and download costs). No abbreviations may be used when stating the price. If payment for content is made on a monthly basis, the price and the number of content/credit items should be specified on a monthly basis.

Font: Arial Minimum Font size: (14.0 PTS/72DPI)

Colour: there must be a clear contrast between the background colour and the font colour so that the price and frequency of the product can be read clearly (yellow on orange, blue on green, grey on black, light blue on dark blue, etc. are not permitted).

#### ⑤ Call to action

This is the text with the action required to order the product or to receive product information. The Call to action may be placed to the left or right of the Artwork.

- 1. This may be an example or sample of the product.
- 2. The End User should insert his or her 06 (mobile) number here.
- 3. Confirm by pressing on 'send'.

The call to action will in all cases be related to the SMS Service. Reference to the Promotional Offer is only permissible with a maximum of the same emphasis as the advertising for the SMS Service itself.

#### ⑥ Minimum age/suitable phones (if applicable)

The following should be stated here:

- **Are you younger than 16? Ask your parents' permission**
- **Click here to see if your phone is suitable for this service** (this link must link to a list of suitable phones)

Font: Arial Minimum Font size: (14.0 PTS/72DPI)

Colour: there must be a clear contrast between the background colour and the font colour so that the minimum age/suitable phones can be read clearly (yellow on orange, blue on green, grey on black, light blue on dark blue, etc. are not permitted).

There may only be a single space between the Artwork and text 7 and between texts 7 and 8, so that the advertisement appears as a unit.

**7** Conditions:

The most important conditions that apply to the SMS Service must be stated here. This includes in any event the following conditions:

- 1. If a paid Subscription Service is involved, this must be indicated in the following way: This is a paid Subscription Service.
- 2. It must be stated unambiguously which costs will be involved in the SMS Service on a weekly basis, as well as the number of content/credit items that will be received on a weekly basis, for instance: €6/week, 4 items/week (+ SMS and download costs). No abbreviations may be used when stating the price. If payment for content is made on a monthly basis, the price and the number of content/credit items should be specified on a monthly basis.
- 3. Any minimum duration of the subscription. (The minimum duration is one week; you will therefore always pay for at least one week).
- 4. Explanation of how the subscription can be halted. (Want to unsubscribe? SMS STOP to 'Short Code').
- 5. No right of withdrawal or consideration period will apply (if that is the case, that right or that period must be stated).
- 6. Contact details (telephone and e-mail data of the SMS Service Provider's customer service, as well as the name and business address of the SMS Service Provider, the Chamber of Commerce number and the VAT number.
- 7. General conditions, including a link to the general conditions.
- 8. A statement that the SMS Service Provision Advertising Code and the SMS Service Provision Code of Conduct apply;
- 9. A statement that the prices given include VAT.

It must be possible for the End User to save the above conditions to a permanent data medium.

Font: Arial Minimum Font size (12.0 PTS/72DPI).

Colour: Information must be stated in black letters on a white background.

**8** Additional information links:

These are links or references to extra information relating to the service offered.

The following information must at least be included here:

- 1. General conditions and any specific conditions<sup>13</sup> etc.
- 2. Privacy statement.
- 3. SMS Code of Conduct.

It must be possible for the End User to save the above conditions to a permanent data medium.

Font: Arial Minimum Font size (12.0 PTS/72DPI).

Colour: Information must be stated in black letters on a white background.

**9** Presentation of the logo as stipulated in Article 5 of this Advertising Code

The conditions referred to above are detailed in the following example:

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<sup>13</sup> The General Conditions or the Specific Conditions of the SMS Service Provider should state the visiting address of the SMS Service Provider.

**9** Logo

**2** SUBSCRIPTIE TITEL

**1** Advertentie

**3** PRODUKT TITEL

**4** PRODUKT NAAM

**5**

**1. LUISTER HIER**

▶ PLAY

**2. VUL JE NUMMER IN**

06|

**3. KLIK OP VERSTUUR**

Verstuur

**6**

Ben je jonger dan 16? Vraag toestemming aan je ouders.  
Om na te gaan of je telefoon geschikt is voor deze dienst klik hier.

**7** Dit is een abonnementsdienst, €6/week, 4 items/week (+ sms en downloadkosten). De genoemde prijzen zijn inclusief BTW. Afmelden? Sms STOP naar XXXX. Op deze dienst zijn de algemene voorwaarden van YYY van toepassing, voor inzage in de algemene voorwaarden klik hier. Aanmelden voor de dienst betekent acceptatie van deze voorwaarden. De Gedragscode SMS-Dienstverlening en de Reclamecode SMS-Dienstverlening zijn van toepassing. Er geldt geen herroepingsrecht of zichttermijn. Voor vragen kunt u contact opnemen met 'telefoongegevens en emailgegevens van de klantenservice van de aanbieder'. Het vestigingsadres is ZZZZ, BTW nr en KvK nr.

**8** [Algemene voorwaarden](#) | [Privacy beleid](#) | [Copyright beleid](#) | [Contact](#) | [SMS gedragscode](#)

## Summary of the minimum Pixels and obligatory Fonts:

### NO. 1. Name of advertisement:

Font: Arial Minimum Font size: (14.0 PTS/72DPI)

### NO. 2. Subscription title:

Font: Minimum Font size: (20.0 PTS/72 DPI), and in any case **no smaller** than 1/2 of the font size of the Title (point 3). A minimum applies to the font, to the effect that it must not be any smaller than 20.0 PTS/72 DPI, measured according to a standard Arial font.

### NO. 3. Title:

Font: A minimum applies to the font, to the effect that it must not be any smaller than 40.0 PTS/72 DPI, measured according to a standard Arial font. The font for the title must also be the same as the font for the subscription title.

### NO. 4. Artwork:

Price and frequency of the product

Font: Arial Minimum Font size: (14.0 PTS/72DPI)

### NO. 6 Minimum age/suitable phones (if applicable)

Font: Arial Minimum Font size: (14.0 PTS/72DPI)

### NO. 7. Conditions:

Font: Arial Minimum Font size (12.0 PTS/72DPI)

### NO. 8. Additional information links:

Font: Arial Minimum Font size (12.0 PTS/72DPI)

PTS= points

DPI= dots per inch

## Appendix 2 SMS Service Provision Advertising Code

### TV commercials template

#### 1. TV commercials submission format

In order to ensure that the conditions referred to under 3. can be read clearly, irrespective of the way in which they are broadcast and the channel, commercials should be supplied to TV channels in the correct format (16:9 or 4:3). The channel's broadcast equipment determines the format to be supplied. If a channel broadcasts commercials in 16:9, the commercial should be supplied to the channel in 16:9. If a channel broadcasts commercials in 4:3, the commercial should be supplied to the channel in 4:3. It is not permitted to supply 16:9 commercials to a channel that broadcasts in 4:3 and vice versa.

#### 2. Artwork

This refers to the material that visually supports the campaign and consists of the price and frequency of the product by means of the logo as described in Article 5 of this Advertising Code, the product name, the product illustration and the product description. The Artwork contains information about the SMS Service that is offered. If the Artwork contains information about a Promotional Offer, the Artwork for this Promotional Offer must be displayed with no more emphasis than the advertisement for the SMS Service itself.

#### 3. Colour of conditions in TV commercials

The conditions must be stated as a white text on a black background.

#### 4. Stating the conditions

##### 4.1 The text of the conditions must be able to be read clearly throughout the whole of the TV commercial and must contain at least the following information:

- 1. Reference to a website giving a list of suitable phones (if applicable) and the conditions for this service (Conditions and suitable phone: [www.zzzz.nl](http://www.zzzz.nl)).
- 2. In the case of a Subscription Service, an explanation of how the subscription can be halted (Want to unsubscribe? SMS STOP to 'Short Code').
- 3. Applicable SMS and download costs.
- 4. Minimum age (Are you younger than 16? Ask your parents' permission).
- 5. Presentation of the logo as stipulated in Article 5 of this Advertising Code.
- 6. In the case of a Subscription Service, a statement of the number of content items per week/month.
- 7. No right of withdrawal will apply (if that is the case, that right must be stated).

4.2 a In a Voice-over, which must be clearly understandable, it must be stated in the case of a Subscription that that is the case, and the total costs per week in the context of the subscription must be given. In the case of a One-Off Service, only the costs for that service need be stated in the Voice-over, as referred to in Article 4.1(f) of this Advertising Code. In the case of a minimum duration for the subscription, the Voice-over must state 'Subscription, minimum cost X euros per week'.

4.2 b In the case of a Chat Service, the Voice-over – in addition to the costs referred to in Article 4.1(f) of this Advertising Code – must state (if applicable) 'fictitious persons – no arrangements possible';

4.3. With regard to the size of the conditions, the following rules apply:



For 4:3 format commercials:

Font: ARIAL REGULAR

Minimum font size must be: 20 pixels

Space between the lines (Leading) must be at least: 20

Space between the letters (Tracking) must be at least: 0

For 16:9 format commercials:

Font: ARIAL REGULAR

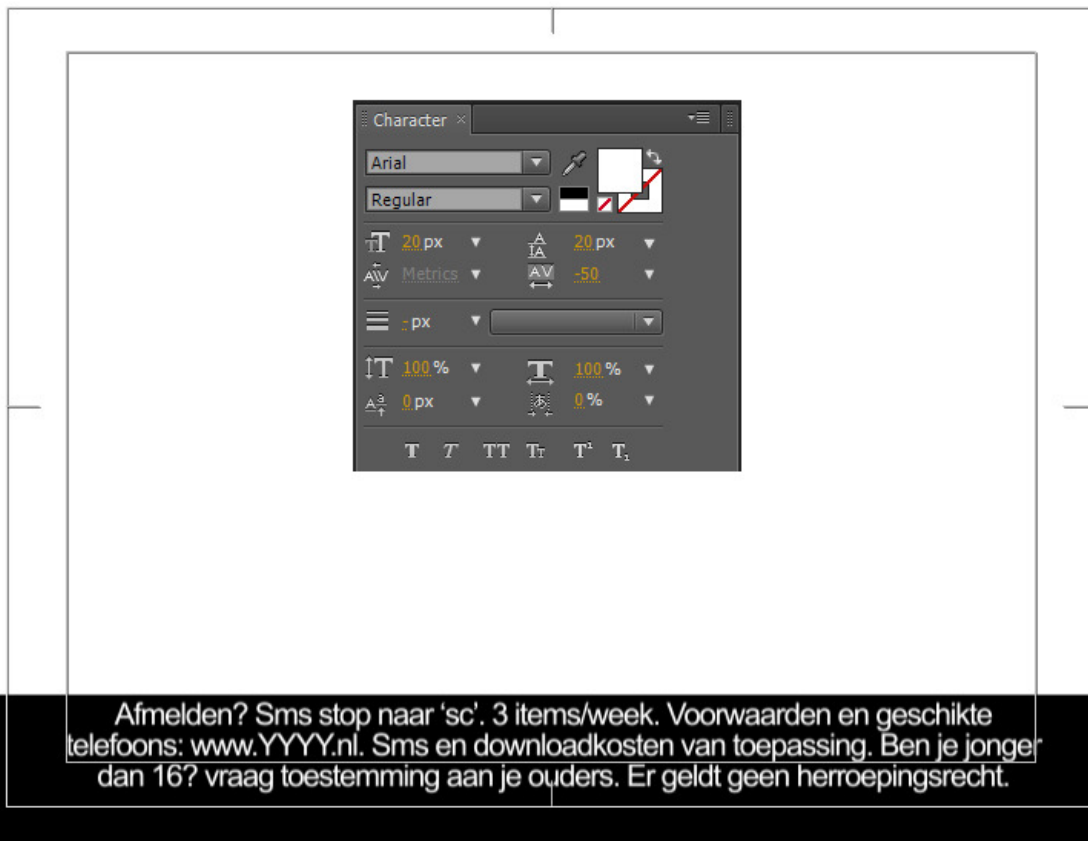
Minimum font size must be: 23 pixels

Space between the lines (Leading) must be at least: 20

Space between the letters (Tracking) must be at least: 0

The above rules are detailed in the following examples:

For 4:3



For 16:9



#### 4.4. Specific text conditions for Chat Services

- 1. Supplementary to Article 4.1 of this Appendix, the following addition will apply: 'fictitious profiles – no arrangements possible' for Chat Services.
- 2. Contrary to Article 4.1.4 of this Appendix, a minimum age of 18 applies for adult Chat Services.
- 3. Contrary to Article 4.3 of this Appendix, a minimum permitted font of 20 for 16:9 format commercials with Arial or similar applies to all text conditions for Chat Services.

## Appendix 3 Logo

### 1. Lay-out of the logo

'Subscription' or 'One-Off' must be indicated in the upper half of the logo. In the lower half of the logo, the costs per week or per month must be shown in the case of a Subscription Service. In the case of a One-Off Service, the costs per item or per chat must be shown. The ratio between the above-mentioned upper and lower halves must be 1:1; no deviation from this ratio is permissible. The general lay-out will be as shown in Figure 1 below. The ratio of length to height is fixed (5:3); no deviation from this ratio is permissible. The minimum length is 30 mm and the minimum height is 18 mm. In the case of print advertising in a format larger than A4, the above-mentioned size of the logo will be proportionately larger the larger the format of the print advertising. In the case of print advertising smaller than A4 format, the minimum size will apply as stimulated above.



Figure 1: Lay-out of the logo

Arial will be used for the font; this may never be less than 8 points. The ratio in the logo between the week price versus subscription or One-Off is fixed as 50/50. 'Subscription' or 'One-Off' must be indicated at the top.

No abbreviations may be used when stating the price. The price must be indicated in one of the following ways, depending on the service offered:

A) Subscription

Option i: 6.00 €/week

Option ii: If payment for content is made on a monthly basis, the price should be specified on a monthly basis. 6.00 €/month

B) One-Off

Option i: The price should be specified per content item: 2.00 €/item

Option ii: In the case of Chat Services, the price should be specified per chat: 2.20 €/chat

2. Colour options for the het logo

There must be a clear contrast between the background colour and the logo colour so that the logo can be read clearly. The colour of the logo must be as shown in Figure 2 below.

	Type 1	Type 2	Type 3
Frame	Black	Black	Black
Text	White	White	Black
Background	Black	Blue	Yellow

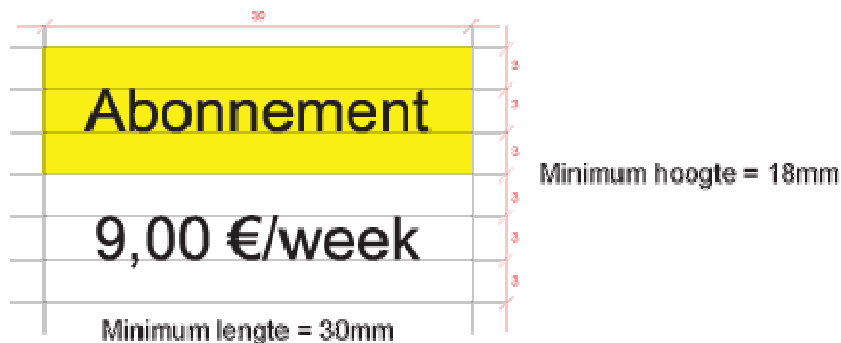
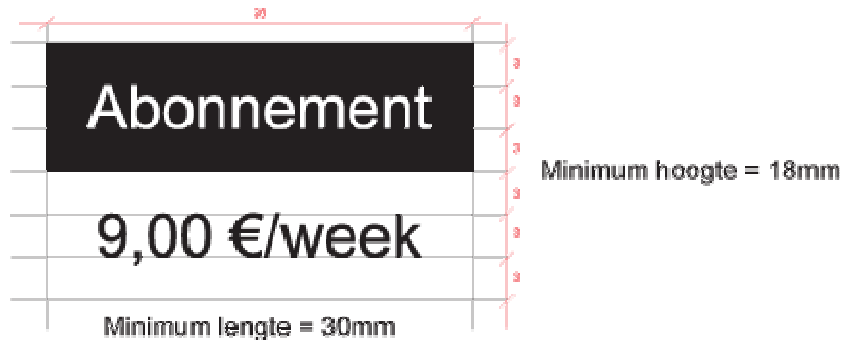
The colour code is as follows (R/G/B)

White 255/255/255

Black 0/0/0

Yellow PMS yellow

Blue PMS 2945



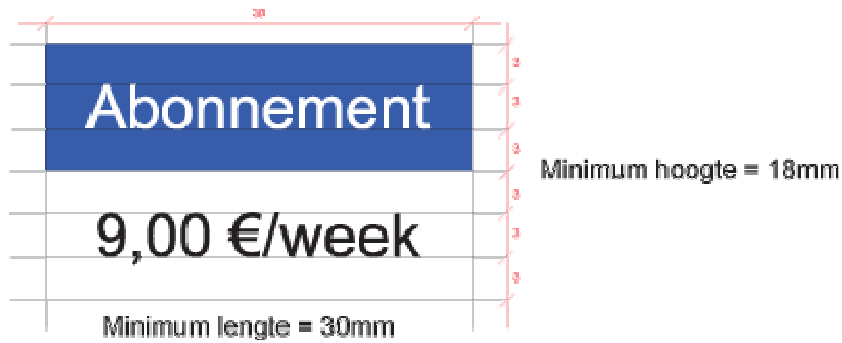


Figure 2: Colour options

3. Positioning of the logo

The logo must be positioned to the top left or top right in every advertisement and must be fully visible (in the case of a web page, without it being necessary to scroll the web page).

4. Use of the logo on mobile Internet

The minimum dimensions for the logo do not apply when it is used on mobile Internet. In the case of advertising on mobile Internet, however, the logo must be clearly visible without scrolling being necessary.