

**Consultation on
Updates to the Digital Marketing
Guidance and Annexes**

17 August 2018

Executive Summary

The Phone-paid Services Authority is the UK regulator for content, goods and services charged to a phone bill. Our vision is a healthy and innovative market in which consumers can charge content, goods and services to their phone bill with confidence. Our mission is:

- To protect consumers from harm in the market, including where necessary through robust enforcement of our Code of Practice
- To further their interests through encouraging competition, innovation and growth in the market.

In support of this, the PSA develops and issues Guidance to support providers of phone-paid services to market and deliver services in a manner that meets the needs and expectations of consumers and is compliant with the Code of Practice.

The PSA is consulting on a new Annex to the existing Digital Marketing and Promotions General Guidance Note. The new Annex is on Direct Buy Marketing and is intended to support providers of phone-paid services to use this form of marketing compliantly with the PSA Code of Practice.

The PSA has also added a definition of Affiliate Marketing, into the existing *Digital Marketing and Promotions General Guidance Note* and welcomes feedback on this. The remainder of that document remains unchanged.

Providers of phone-paid services use a broad range of marketing practices to promote their products and services, including Affiliate Marketing, and more recently, Direct Buy Marketing.

In response to an increase in consumer complaints regarding Affiliate Marketing practices, as well as issues observed by the PSA as part of its routine monitoring, the PSA consulted on, and in July 2016 issued, a *Digital Marketing and Promotions General Guidance Note* with an Annex specifically on Affiliate Marketing. The PSA has since observed a decrease in the number of complaints received about Affiliate Marketing and in the use of Affiliate Marketing practices that are inconsistent with the Code.

More providers are now using Direct Buy Marketing, which is the direct placing of adverts via major online platforms and which provides greater promotional control for the provider of the service than, for example, Affiliate Marketing. Although this model may be less susceptible to risk it does present some challenges.

For example, the PSA has had concerns that because the consumer journey often has low levels of friction through to payment, some consumers, particularly children, are unknowingly engaging with phone-paid services.

While over time the PSA has seen a significant reduction in the prevalence of ads for phone-paid services appearing in children's content, there is still an opportunity to further reduce the risk of consumer harm. Therefore, the PSA has developed and is consulting on a new Annex specifically relating to Direct Buy Marketing.

PSA monitoring of YouTube Kids in January 2018 showed phone-paid services appearing in approximately 75% of videos. Comparatively, PSA monitoring in May 2018 showed phone-paid services appearing in approximately 37% of videos, and in June 2018 this was down to 10% of videos on YouTube Kids.

In part, this decrease is likely a result of industry and the PSA working together to resolve this issue, as well as action on the part of providers to ensure they are complying with the Code. For example, workshops have been organised by the PSA, Google, and the Mobile Network Operators, the aim of which were to work together to ensure that misplaced advertising in children's apps and YouTube videos are minimised. We have also consulted with Google to gain a better understanding of how Direct Buy Marketing works and the best ways to reduce the prevalence of misplaced adverts in Apps and YouTube videos.

The PSA has also allocated a total of 15 services to its Track 1 investigations procedure and worked closely with the providers of those services to ensure that misplaced advertising is minimised through the implementation of agreed action plans. These have largely achieved the intended outcome, though some are on-going.

Google is the most commonly used platform for Direct Buy Marketing. Google has indicated that there is approximately 98% accuracy on the search network. This means that if an effective exclusions strategy is in place to exclude phone-paid services from appearing in particular searches, approximately 98% of content that falls within those exclusions won't appear in a search. Therefore, it is our view there is still the opportunity to further reduce the prevalence of premium rate services (PRS) appearing in content likely to appeal to children.

In considering an appropriate response to this issue, the PSA considered whether Special conditions for Direct Buy Marketing were necessary. However, we concluded that the development and issuing of guidance would be a proportionate response to the issue and risks, particularly given the decrease in prevalence that we have seen over recent months and the effectiveness of the previous guidance on using Affiliate Marketing.

The PSA expects to see a further drop in the prevalence of advertising for phone-paid services appearing in children's content following the release of the guidance proposed in this document.

Background and Proposals

The draft Guidance on which we are consulting provides information about Direct Buy Marketing, and the tools available to ensure that ads are appropriately targeted and do not appeal to unintended audiences or cause consumer harm. It also outlines the roles and responsibilities of providers in the Direct Buy Marketing model.

A best practice approach to the use of Direct Buy Marketing requires providers to use a combination of the different tools available to target advertising and minimise consumer harm. This includes undertaking routine monitoring to ensure that the exclusions in place are operating effectively and making responsive changes to the targeting and exclusions in place, as required.

To ensure compliance with the Code, the PSA expects providers to undertake action in each of these areas and keep a clear record of the steps taken. Further information on these expectations is outlined in the draft Guidance.

The PSA is seeking input from industry on the draft Guidance, with a focus on the questions outlined at the end of this document.

Key differences between Direct Buy Marketing and Affiliate Marketing

Affiliate Marketing

In the Affiliate Marketing model, a provider of phone-paid services (a Level 2 provider) will often contract with an affiliate network to market their service. That network will then sub-contract with several marketing affiliates. These affiliates may then sub-contract further with another party or parties. This means there may be several parties in the value chain between the Level 2 provider and the marketer of their service. As a result, the Level 2 provider has less direct control over where, when, and how its services are marketed.

When using Affiliate Marketing, the Level 2 provider is responsible for ensuring that the marketing of their service(s) is compliant with the Code and is expected to undertake due diligence and ongoing risk assessment and control on any marketing affiliate that they contract with. Whilst Level 1 providers do not directly contract with affiliate networks or marketers, they are expected to have appropriate procedures in place to identify whether their Level 2 providers have proper control of any Affiliate Marketing they initiate.

The issuing of guidance to support providers to use Affiliate Marketing consistently with the Code was an effective and proportionate regulatory response to the issues. Affiliate Marketing is still being used by some phone-paid services providers with far fewer complaints being seen by the PSA, and less prevalence of non-compliant activity being seen through the PSA's routine monitoring. The PSA has also seen a shift in market practices, with a greater number of providers now using Direct Buy Marketing (detailed below).

Direct Buy Marketing

Direct Buy Marketing differs in that it is the direct placing of adverts via major online platforms. In this model, a provider can purchase and select the account and campaign settings themselves or use a third-party provider to develop and monitor their account and specific advertising campaigns. Google (including YouTube) is the most commonly used platform.

While Direct Buy Marketing gives the provider of phone-paid services greater control over the placement of advertising than Affiliate Marketing, it does carry some risks. The PSA has noticed an increase in the use of Direct Buy Marketing in certain sectors of the phone-paid services market, such as games and lifestyle products accessed online and through apps and has observed phone-paid services advertising appearing in content that is likely to appeal to children.

There are several tools available to help ensure that PRS promotions are appropriately targeted and that help to reduce the risk of consumer harm. For example, Google AdWords, an

engine that places ads on online platforms. Google Adwords is split into two networks – the Google Search Network and the Google Display Network (GDN). Advertising on the search network means text ads are placed in search engine results. On the GDN, ads are displayed on a network of sites across the internet. A key aim of the draft Guidance being consulted on is to provide information to support providers of phone-paid services to effectively use these tools.

Why is guidance on Direct Buy Marketing needed?

The market for phone-paid services is constantly evolving. It is critical that regulation is sufficiently flexible to keep up with technological developments, market shifts and growth, as well as robust and clear so that consumers have trust in the industry and can purchase PRS with confidence.

A core role for the PSA is to track industry developments and support innovation to ensure that the market can respond to new technology and meet the changing needs of consumers engaging with phone-paid services.

The PSA is responsible for enforcing its Code of Practice which regulates phone-paid services in the UK. Our aim is to provide a safe environment for consumers and a fair, proportionate and robust regulatory regime for the industry. The Code of Practice contains various provisions that providers of phone-paid services are required to comply with. In addition, the PSA regularly publishes non-binding guidance to support providers to comply with the Code.

In response to a sustained level of complaints regarding Affiliate Marketing practices, as well as information gathered through PSA monitoring, the PSA developed, consulted on and released a *Digital Marketing and Promotions General Guidance Note*, with an Annex focused specifically on Affiliate Marketing.

Since the release of that guidance the PSA has seen a significant decrease in the number of consumer complaints received which can be attributed to Affiliate Marketing practices. It is likely that this is in part because the guidance is supporting providers to comply with the Code, and in part because there has been a shift towards the use of Direct Buy Marketing as a marketing tool.

Direct Buy Marketing is the purchasing of advertising space directly from the seller of that space. It targets information about goods and services to consumers based on their geographical location, their search terms (using a keyword strategy), by Mobile Network Operator (when the consumer is using a mobile data connection), and by device.

Direct Buy Marketing in the context of the Code and existing guidance

There are several provisions in the Code that providers are required to comply with when using Direct Buy Marketing to promote phone-paid services. Existing Code requirements around promotional material relating to PRS include (note this is a non-exhaustive list):

- 2.2.1 – *Consumers of PRS must be fully and clearly informed of all information likely to influence the decision to purchase, including the cost, before any purchase is made*

- 2.2.5 – Where a PRS promotes or is promoted by a non-premium rate electronic communications service both services will be considered as one where, in the opinion of the PSA, it is reasonable to do so
- 2.2.7 – In the course of any promotion of a PRS, written or spoken or in any medium, the cost must be included before any purchase is made and must be prominent, clearly legible visible and proximate to the premium rate telephone number, shortcode or other means of access to the service
- 2.3.9 – PRS must not directly appeal to children to purchase products or take advantage of children’s potential credulity, lack of experience or sense of loyalty
- 2.3.10 – PRS must not be promoted or provided in a way that results in an unfair advantage being taken of any vulnerable group or any vulnerability caused to consumers by their personal circumstances where the risk of such a result could have been identified with reasonable foresight
- 2.5.6 Level 2 providers must ensure that their services are not promoted in an inappropriate way
- 2.5.7 Level 2 providers must use all reasonable endeavours to ensure that promotional material is not targeted at or provided directly to those for whom it, or the service which it promotes, is likely to be regarded as offensive or harmful.

The Direct Buy Guidance Annex is intended to support providers of phone-paid services to comply with the Code when undertaking digital marketing.

Due Diligence, Risk Assessment and Control Guidance

The Code of Practice requires effective due diligence, risk assessment and control to be in place. As part of this, all providers and network operators are required to carry out a due diligence and risk assessment prior to contracting with any party that forms part of the value chain in delivering phone-paid services to consumers.

Network operators and providers are also required to identify and manage risks, both prior to contracting and on an on-going basis throughout the contractual relationship.

These expectations apply to all forms of contractual relationship across the value chain but vary depending on which parties in the value chain the relationship is between. Some high-level information is provided below. However, all providers are advised to review and comply with the [General Guidance Note on Due diligence, risk assessment and control](#) which provides more detailed information on the expectations and requirements.

Due Diligence

It is critical that providers know the client they are contracting with and understand the nature of the company and the services being operated so that the risks can be identified and managed.

The PSA requires effective due diligence processes to be in place and applied across to all new commercial or contractual relationships before any binding legal contract or commercial relationship is entered into.

Examples of the types of information that the PSA expects will be collected include:

- contact details for a client's place of business
- copies of each client's current entry in the Companies House register
- names and addresses of relevant people with influence over the business, such as owners and directors and of all individuals who receive any share from the revenue generated by the client
- undertakings that no other party is operating in the capacity of a shadow director under the Companies Act, if appropriate
- the names and details of any parent or ultimate binding company that the client is a part of (if appropriate)
- confirmation from PSA that the provider is registered with us (where registration is required)
- make clients aware of the PSA and the Code of Practice that they are required to adhere to.

Risks identification, assessment and controls

Providers must consider the range of risks associated with different clients and the services they provide and put systems in place to assess and manage the level of risk posed by a client and/or their service(s), with a focus on non-compliance with the Code and/or the law or causing consumer harm. This applies to all parties across the value chain.

Providers must make a proper assessment of the issues that would arise if incidents were to occur and take proportionate steps to minimise the likelihood of such issues resulting in consumer harm.

Even where significant effort has been made to comply with regulation and legal requirements, and to identify and mitigate risks, sometimes incidents occur. In this situation, providers need to work closely with the PSA and across the value chain to identify, mitigate and correct any fault, providing support to consumers.

Once a Network Operator or provider has ascertained information about the company and considered all potential risks, it is prudent to develop a plan which sits alongside the contract or commercial arrangement and use this as a mitigation if a formal investigation is raised.

Providers should refer to the [General Guidance Note on Due diligence, risk assessment and control](#) which provides more detailed information on what is required.

Consultation questions and how to respond

The PSA has developed a set of questions that it is seeking responses on as part of this consultation, as follows:

1. Has the PSA set out the concerns that have arisen in relation to Direct Buy Marketing, and is Guidance an appropriate response?
2. Is it clear from the Guidance what the key risks and benefits of each of the two marketing approaches is?
3. Does the document provide sufficient guidance on the tools available to support the use of Direct Buy Marketing in a way consistent with the Code?
4. Is the guidance sufficiently clear on what the PSA considers best practice to be for providers of PRS services who are using Direct Buy Marketing?
5. Is the Guidance sufficiently clear on the difference between Campaign Level settings and Account Level setting for Google Adwords?
6. Is there anything you would like to see added to the Guidance?
7. Does the proposed new structure of the Digital Marketing Guidance Note provide greater clarity and aid understanding?

We welcome your feedback on this consultation and proposed guidance. The closing date for responses is 12 October 2018. Where possible, comments should be submitted in writing and sent by email to consultations@psauthority.org.uk.

Copies may also be sent by post to:

Emma Bailey
Phone-paid Services Authority
25th Floor, 40 Bank Street
London
E14 5NR

If you have any queries about this consultation, please email using the above contact details.

We plan to publish the outcome of this consultation and to make available all responses received. If you want all, or part, of your submission to remain confidential, please clearly identify where this applies along with your reasons for doing so.

ANNEX TO DIRECT BUY MARKETING GUIDANCE NOTE

This Annex provides information on Direct Buy Marketing, including its benefits and risks. It is intended to support providers of phone-paid services to comply with the Code of Practice when using Direct Buy Marketing, and to ensure that consumers are adequately protected from potential harm.

Information and Guidance on Affiliate Marketing, the other digital marketing technique most commonly used to advertise premium rate services, can be found [here](#).

The Annex is structured as follows:

- Definition of Direct Buy Marketing
- The potential risks associated with using Direct Buy Marketing
- Targeting through Direct Buy Marketing
- Settings to reduce the risk of consumer harm when using Direct Buy Marketing
- Measures to control ad placement and ensure ads are targeted as intended
- Roles and responsibilities in the Direct Buy Marketing model
- Payment mechanisms

Defining Direct Buy Marketing

Direct Buy Marketing is the direct placing of adverts via major online platforms. In this model, a provider can purchase and select the account and campaign settings themselves or use a third-party provider to develop and monitor their account and specific advertising campaigns. Google (including YouTube) is the most commonly used platform.

Direct Buy Marketing can target information about goods and services to consumers based on their geographical location, their search terms (using a keyword strategy), by Mobile Network Operator (when the consumer is using a mobile data connection) and by device. Direct Buy Marketing gives the service provider significantly more control over the placement of advertising than other methods such as Affiliate Marketing. However, it does carry some risks.

With increased use of Direct Buy Marketing, the PSA saw increased prevalence of adverts for phone-paid services appearing in content likely to appeal to children. However, the PSA has since seen a significant reduction in the prevalence of advertising for phone-paid services appearing in children's content. This is in part a result of the PSA and industry working together to resolve this issue, as well as action on the part of providers to ensure that they are complying with the Code. For example, workshops organised by PSA, Google and Mobile Network Operators.

The most commonly used method of Direct Buy Marketing is Google Ads, an engine that places ads on online platforms. Google Ads is split into two networks – the Google Search Network and the Google Display Network (GDN). Advertising on the search network means text ads are placed in search engine results. On the GDN, businesses place display ads on a network of sites across the internet.

What are the potential risks associated with using Direct Buy Marketing?

With the increased use of Direct Buy Marketing, the PSA saw an increase in the number of adverts from providers of phone-paid services appearing in videos on major platforms and apps that are likely to appeal to children. This led to a concern that because the consumer

journey often has low levels of friction through to payment, some consumers, particularly children, are unknowingly engaging with phone-paid services.

For example, young children may be watching a children's video and click through to a purchase on a subsequent website that a banner links to, without understanding the cost implications (even if pricing information is clear) because they are attracted to a large, brightly coloured, and sometimes animated button.

This Guidance Note provides information on how providers can effectively use the tools available to use Direct Buy Marketing and reduce the risk of consumer harm.

Targeting through Direct Buy Marketing

Google Ads uses a range of techniques to promote products and services (including phone-paid services). These techniques include text-based ads, graphic display ads, YouTube video advertising and in-app mobile advertising. Google Ads charges the provider for each click on the ad, view of the YouTube video, or specifically in the context of phone-paid services, calls placed through the ad. The provider can set preferences in their account and at campaign level to specify the approach to charging.

Consumers can be targeted in different ways through Google Ads. This includes targeting:

- using the location of the consumer
- to specific devices and mobile device users
- to specific Google account users based on their interests and demographics (restriction by age is also possible)
- based on a user's previous engagement with similar products and services
- to specific, listed locations based on a pre-approved list.

Using these techniques to target adverts helps to ensure that consumers are protected from the harm caused by inadvertent placement of advertising and means that products and services are tightly targeted.

There are different settings available which can be used to target and exclude groups of consumers, depending on the type of advertising and whether exclusions are made at the account or campaign level. Further information on these is outlined below.

Settings to reduce the risk of consumer harm when using Direct Buy Marketing

Account level settings

At the account level, it is possible to exclude websites or domains so that advertising content does not show on them. This is beneficial to phone-paid services providers as it helps to ensure that certain vulnerable groups of consumers, such as children, are excluded from seeing inappropriate ads. Account level exclusions mean that the specific website or domain exclusions apply across each of the different campaigns that a provider may have.

Account level exclusions prevent ads from showing on selected placements on the GDN and Google Search Network and override campaign level placement targeting. Key account level exclusions include:

- *Subdomains*: to successfully create an exclusion at the account level, it is critical to exclude the *www* from a web address. Excluding the *www* means that any subsite, subdomain or subpage will also be excluded, and so is an effective way of broadly excluding placements.
- *Country domains*: different country domains need to be excluded separately. For example, both *example.co.uk* and *example.com* would both need to be on the exclusion list.
- *Limits*: it is possible to enter up to 20 shared placement exclusion lists at a time and a total of 65,000 exclusions per list. Separate from your list, campaigns and group exclusions, it is also possible to enter 65,000 account-level placement exclusions per account. Lastly it is possible to enter 128,000 placement exclusions per ad group.

Campaign level settings

When setting up a new campaign on the GDN, a range of settings must be selected to optimise targeting specific to the campaign. The selected campaign settings will apply to all ads within the same campaign.

Further information on each of these settings is outlined below.

- *Networks*: the networks setting determines where the ad will appear, based on campaign type. There are options for ads to appear on Google search sites and non-Google search sites.
- *Devices*: Campaigns target a range of devices, including desktops, tablets, and mobile devices. It is possible to customise ads for different types of device.
- *Locations and languages*: campaign ads will appear in selected geographic locations and/or to customers whose browser language setting matches the providers target language setting.
- *Additional settings*: Adwords automatically show ads when they are more likely to get clicks and conversions, but it is possible to manually set the timing of ad displays so that they are shown more evenly throughout a day, and to schedule certain days or hours in which ads will show.

It is recommended that phone-paid service providers take steps across each of these campaign and account level settings to ensure that adverts are targeted appropriately, and exclusions are in place to ensure that ads are not shown to unintended audiences.

Smart Display Campaigns

A smart display campaign is powered by Google's machine learning. It shows ads in a range of formats across the GDN, using different tools to optimise conversions. For example:

- *automated optimisation* increasingly shows ads where they are more likely to get conversions. This is achieved through historical data and campaign results.
- *automated ad creation* combines the base information that a provider enters at the start of a campaign, such as headlines, descriptions and images, and selects the best combination of information to create ads. At the same time the system collects information about what is working well, to optimise the campaign.
- *automated bidding* is where the smart campaign bids most aggressively when performance data suggests the highest likelihood of conversions and less often when data suggests there is a lower likelihood of conversions.

Adwords exclusions also apply to smart display campaigns. This means that both account-level ad placement exclusions and site category and content exclusions can be applied to prevent ads from showing on specific sites or appearing as part of specific searches. This means the campaign is optimised by machine learning, but that the advertiser still can take steps to prevent the ad from appearing on specific sites.

Further information on Google Ads can be found in the [Draft Google Ads Safety Controls User Guide](#).

Measures to control ad placement and ensure ads are targeted as intended

Further information on ad exclusion techniques is outlined below. Activity should be undertaken in each of these areas to ensure that adverts are targeted appropriately and not seen by unintended audiences.

Negative Keywords

A negative keyword is a specific word that helps to prevent ads from being displayed to consumers who are unlikely to click the ad or for whom the ad is not suitable. Negative keywords prevent the ad from appearing in a consumer's search, if their search contains the exact words that have been explicitly excluded.

It is possible that ads may still appear in a consumer's search, because excluded keywords may not be as precise as they are in the search. For example, if the negative key words 'kids show' are excluded, the ad may still show on pages that contain the terms 'kids cartoon' or 'shows for children'. Further information on negative Keywords can be found [here](#).

To prevent ads from appearing in content that they were intended to be excluded from, it's necessary to develop a precise exact match negative keyword list which contains various permutations of the words intended to be excluded.

It is important to note the following:

- the system can apply a list of up to 10,000 negative keyword terms per campaign. If there are more than 5,000 keywords across the ad group, campaign or shared list, the system will not be able to apply all the negative keywords in the list

- at the time of publication, it was not possible to exclude phrases. However, an alternative approach identified by Google is to separate the words in phrases and add each word as a separate keyword
- it can take up to 48 hours (occasionally longer) for new YouTube content to be classified. During the period in which content is unclassified, any keyword strategy in place will not apply to new content until it has been classified. To avoid ads being inadvertently targeted to unintended audiences (such as children), the PSA recommends that content 'Not Yet Rated' should be excluded from advertising campaigns
- negative keywords cannot be used for Smart Display campaigns (more information on Smart Campaigns can be found [here](#)).

There are also Google Adwords policy restrictions to be aware of. Further information on these can be found [here](#).

URL blocking

URL blocking means that ads won't be placed on specific listed webpages. The exact URL that is intended to be blocked must be listed for this exclusion technique to be effective. URL blocking on YouTube can be done by channel at account and campaign level, but otherwise must be done by specific video.

Topic and category exclusion (note that at the time of publication this was only available on iOS)

This excludes the ad from appearing on pages about specific topics. For example, apps purchased through Apple or Google Play can be listed by category, and it's possible to exclude an ad from appearing in any search for an app that is listed within that category. At the time of publication, there was a negative app category available for children only on Apple.

YouTube content can also be excluded based on its classification.

Therefore, the recommended approach is to only allow ads to show on content that has been classified. This will prevent ads from appearing in unintended content.

The approaches outlined above are supplementary. It is recommended that activity is undertaken across multiple exclusion techniques to ensure effectiveness and support accurate and appropriate targeting of ads.

Using a range of techniques will help to ensure that ads do not inadvertently appear in children's content and will prevent consumer harm. The exclusion topics, keywords, apps and URLs should be reviewed regularly to ensure that the approach adopted continues to be effective.

Topics and interest category exclusions can be made at campaign level.

Roles and responsibilities in Direct Buy Marketing

The Code of Practice requires providers to undertake effective due diligence. As part of this, all providers and network operators are required to carry out a due diligence and risk assessment prior to contracting with any party that forms part of the value chain in delivering phone-paid services to consumers.

Network operators and providers are required to identify and manage risks, both prior to contracting and on an on-going basis throughout the contractual relationship. In the Direct Buy Marketing model, the Level 2 provider has responsibility for AdWords and is required to retain evidence of the AdWords exclusions in place. For example, information on the negative keywords and blocking in place.

The Level 1 provider is required to assess the risks of contracting with any other party, such as Level 2 providers, and to carry out reasonable monitoring of any provider that they contract with. In the context of Direct Buy Marketing this should include checking and monitoring online traffic from time to time to ensure the measures taken to control ad placement are operating effectively.

These expectations apply to all forms of contractual relationship across the value chain but vary depending on which parties in the value chain the relationship is between. Providers are advised to review and comply with the [General Guidance Note on Due diligence, risk assessment and control](#) which provides more detailed information on the expectations and requirements.

Providers must also consider the range of risks associated with different clients and the services they provide and put systems in place to assess and manage the level of risk posed by a client and/or their service(s), with a focus on non-compliance with the Code and/or the law or causing consumer harm. This applies to all parties across the value chain.

Providers must make a proper assessment of the issues that would arise if incidents were to occur and take proportionate steps to minimise the likelihood of such issues resulting in consumer harm.