



The Mobile Broadband Group

www.mobilebroadbandgroup.com

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Mr Jonathan Levack
Senior Policy Executive
PhonepayPlus
Clove Building
4 Maguire Street
London SE1 2NQ

Dear Jonathan,

PhonepayPlus consultations on Digital Marketing Guidelines

The Mobile Broadband Group, whose members are the UK businesses of EE, Telefonica UK, Three and Vodafone, welcomes the opportunity to comment on PhonepayPlus' revised draft Guidance on digital marketing practices. We have just a few observations and suggestions.

In relation to Question 1:

The MBG supports PP+'s overall approach. It would also be relevant and add force to point out that, in addition to breaches of the 12th Code, misleading marketing practices fall foul of the Consumer Protection Regulations and the CAP code administered by the Advertising Standards Authority and that any trader engaging in misleading practices opens themselves to the possibility of being pursued by any of PhonepayPlus, ASA and Trading Standards. This should have the requisite deterrent effect and highlight that the 12th Code is not the only rule that has to be considered.

In relation to Question 5:

The MBG broadly supports this text that is proposed for guidance on pop-ups and pop-underers. It should be noted, though, that 'cost' may not always be fully explainable in the context of a promotion. For example, if the promotion is '30% off', the cost will depend on what the customer then goes on to buy.

And if the advertisement is leading to a portal where a variety of content is available, again full cost details may not be practical. Providing full costs and discounts are made clear and are confirmed as acceptable to the customer prior to confirmation of purchase, this should ensure that customers are not materially misled.

In relation to Question 6:

The MBG supports the proposed text, provided that, in the last sentence, the key phrase is 'if it confuses consumers'. Use of adwords associated with other brands is not of itself necessarily confusing and is fairly common practice, in order to ensure a competitive adwords market.

For example, Google allows customers to use adwords for competing brands, providing the key word is not confusing. There is no outright ban on the use of brands associated with other companies. Their approach has been challenged in law and adjudged to be lawful. PP+ should not be going beyond the law in this regard.

The MBG trusts that these comments are helpful. We would be happy to discuss further, if PhonepayPlus believe that would be of value.

Yours sincerely,

Hamish MacLeod

Chair

Mobile Broadband Group