

## Compliance Update – Any Question Answered (AQA) Services

### Background

In recent months PhonepayPlus has seen a number of issues relating to the promotion and operation of 'Any Question Answered' (AQA) style services. These can be defined as services operating on a mobile shortcode to which the consumer texts a question, and then receives a message in response which contains the answer. These questions can be about trivia, or sometimes for entertainment purposes – e.g. the compatibility of two individuals named in the consumer's text.

The issues relating to AQA can be summarised as follows:

- Pricing or other key information either absent or not prominent enough in promotions
- Promotions via social media - often not directly controlled by the provider - which are either misleading or do not contain proper pricing or key information
- 'Bill shock' – where consumers, in many cases children, have run up significant bills during a short period of interaction with an AQA

PhonepayPlus intends to draw the attention of all AQA service providers to this notice, and would generally recommend that providers of AQA view the [Guidance on Promotions and Promotional Materials](#) to refresh themselves of broad expectations around Code compliance in this area.

However we note that the issues above have arisen particularly in relation to AQA which provide answers to "entertainment"-themed questions, as opposed to factual answers, and/or which charge on the Mobile Origination (MO) text – i.e. when the question has been received – rather than on the Mobile Termination (MT) text which supplies the answer back to the consumer. We would strongly recommend that providers whose AQA services carry one or both of these characteristics pay particular attention to the expectations and recommendations set out below, to ensure a compliant service and mitigate any risk of consumer harm.

### Next Steps

In light of these recent issues around AQA services, and to assist providers to comply with the Code, PhonepayPlus makes the following recommendations. These set out expectations and recommendations of good practice designed to tackle the instances of consumer harm and enable services of this nature to operate in compliance with Code requirements:

#### *Pricing and other key information*

Providers are reminded that in every promotion for an AQA service that sets out a call-to-action - whether print, online, broadcast, text-based, or any other form of promotion such as giveaway gifts - it must be accompanied by clear and prominent pricing information. This information should be presented in a font, size, colour and location which gives it prominence equal, or similar, to the call-to-action itself.

Any other information which is key to the consumer's decision to purchase a service, such as the service carrying an ongoing subscription charge, must also be made clear and prominent in any promotion.

#### *Promotions in social media*

Where a provider promotes their own services via social media, then PhonepayPlus expects that the promotion contains pricing and any other key information which is clear and prominent as set out in the previous heading. However PhonepayPlus recognises that some promotions of AQA may take place through use of social media by previous consumers, or others over whom the provider also has no direct or indirect control, to re-post promotions.

In these cases providers will not be held responsible for the content of any promotions over which they have no direct or indirect control, provided the following is also true:

- Providers ensure that price and other key information about the service is made generally available to consumers – for example by publishing it on a webpage dedicated to the service or in other generally available promotions
- Providers do not directly encourage consumers to promote the service virally in a way which is likely to result in price and other key information being left out

Where services are generally aimed at or likely to be used by children (who are less likely to include pricing in any of their own "promotions", or ask about pricing before texting a shortcode), we would also recommend as good practice that providers who themselves promote via social media undertake periodic monitoring of well-known social media. This is with the goal of discovering any instances of the service being mis-promoted, and try to take steps to highlight any missing price or other key information.

An example of this would be to discover any posts or tweets which reference the service or the shortcode, and sending a follow-up post or tweet just to remind of the price and other key points.

#### *'Bill-Shock'*

One of the greatest concerns in relation to AQA services is the potential for bill shock. That is, a significantly greater than expected bill which a consumer runs up through a series of purchases in a relatively short interaction with a service. A large number of complaints from the parents of underage users of AQA referenced bill shock as the issue.

PhonepayPlus would recommend the following steps to mitigate the risk of bill-shock:

- All AQA providers should track spend by MSISDN through their gateway.
- Providers should assess any spikes in traffic over a short period from one consumer, and be prepared to check that this is an exchange of questions and answers, and not an ongoing dialogue with an operator.
- Where a consumer spends more than £30 in a month, they should receive a spend reminder which reminds them of the price per text.
  - Such messages must include the cumulative spend; price per interaction; identity and contact details of the provider of the service
- Where a consumer spends more than £30 in a 24 hour period they should be cut off until the next day, and sent a message informing them of this. In addition the message should make clear that any further questions at that time won't be answered but will probably be charged.

- Such messages must include the cumulative spend; price per interaction; identity and contact details of the provider of the service and a notice that further texts will not be answered that day, but may still be charged.
- Where brought to their attention, providers will look to provide refunds in appropriate cases where user spend is significantly above the average user daily/monthly spend and the service appears to have been treated as a chat-based service. Similarly, providers will also look to refund any STOP messages sent in a mistaken belief that the service carries repeat charges rather than being a “one-in one-out” mechanic charged on the inward leg.
- AQA responses should not be open-ended in nature, solicit further interaction from users, or operate with characteristics of a conversation. Rather they should provide an answer to the question presented by a user.

### Compliance advice

Compliance advice is available, free of charge and in writing, from PhonepayPlus. Please note that advice from the PhonepayPlus Executive is not binding on the Code Compliance Panel, the independent body from which PhonepayPlus Tribunals draw their membership, although a record of advice is maintained and taken into account should a service later be found to be in breach of the Code.