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The Republic  
of Vanuatu



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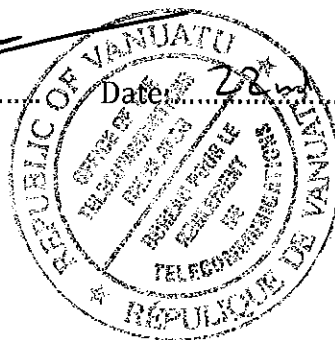
# Advertising Guideline for Telecommunications services

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TRR



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# ADVERTISING GUIDELINE FOR TELECOMMUNICATIONS SERVICES

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## **1 Introduction**

- 1.1 One function of the Office of the Telecommunications and Radiocommunications Regulator (TRR) under the Telecommunications and Radiocommunications Regulation Act 2009 ("the Act") is to implement, facilitate and enforce the provision of the Act (section 7(2) (b)).
- 1.2 Pursuant to section 39(5) of the Act, all service providers are obliged not, in relation to the supply or proposed supply of any telecommunications services, engage in conduct that is misleading or deceptive, or is likely to mislead or deceive.
- 1.3 In order to support section 39(5) of the Act, TRR produced this Advertising Guideline for the telecommunication sector (the sector). This Guideline also support the Consumer Protection Guideline issued by TRR on 22 February 2012.
- 1.4 With the liberation of the sector in 2008, the numbers of telecommunication service providers has grown.
- 1.5 Advertising and promotion of various telecommunication services and products within the market has increased as service providers competed against each other.
- 1.6 Advertising and promotion plays an important role in the promotion of telecommunication services.
- 1.7 While advertisements can support service provider's sales and marketing activities, the lack of information on services available or misleading advertisement can harm competition and mislead consumers and end users.
- 1.8 Advertising material can appear in many forms including: sms over a mobile phone, email, websites, and written material such as leaflets or in the newspaper, broadcast on radio or TV, and physical and electronic billboards.
- 1.9 To develop and maintain a good image of the telecommunications industry and the goodwill of service provider who wish to advertise their services, TRR considers it advisable to introduce this Advertising Guideline.
- 1.10 The Advertising Guideline set out the basic guiding principles in relation to the promotion of telecommunication services, for the industry to observe on a voluntary basis.
- 1.11 For the avoidance of doubt, nothing in this Advertising Guideline absolves any service provider from operating in accordance with the terms of its Licence and the Act.

## **2 Misleading Advertisements**

- 2.1 Service providers shall not provide any advertisement or engaged in any conduct that is misleading or deceptive or likely to mislead and deceive.
- 2.2 Without limiting the generality of subsection 2.1, an advertisement or conduct is misleading and deceitful or likely to deceive and mislead if:
  - a) the advertisement or statement is false;
  - b) there is no reasonable prospect that a guarantee or promise will be carried out;

- c) the advertisement presents prices for products or services which are prohibited, no longer exist; or
- d) different from what the actual price is.

### 3 Fair Advertisement

3.1 A service provider must ensure that, when it advertises or promotes its services, or products, it must take into account the following principles:

- Principle 1** advertisements or claims made must be truthful, maintain decency and good taste and comply with the Act, Licence and any relevant laws of Vanuatu;
- Principle 2** advertisement or claims made shall be capable of substantiation upon request. The substantiation needs not be unequivocal with an indication of the source of research or authority on which the claim is based;
- Principle 3** terms and conditions which apply to the product or service being offered should be mentioned and be easily accessible to customers and end user in the language of the advertisement or promotional material;
- Principle 4** time limits, age limits or any form of constraints or special conditions must be clear;
- Principle 5** comparative statements can be made so long as a reference to a competitor, or a competitor's products or services is fair, accurate, reasonable and not misleading;
- Principle 6** competitors or a competitors' products or services must not be portrayed in a negative way;
- Principle 7** the use of superlatives shall be avoided unless substantiated by facts;
- Principle 8** fear or peer group pressure should not be used;
- Principle 9** technical jargon and technology comparisons should be used with care;
- Principle 10** the identity of the product or service provider should be clearly indicated in all promotional materials so that consumers have no doubt which service provider is providing what products and services.

### 4 Enforcement

- 4.1 This Advertising Guideline is voluntary but may be revised to a Regulation if industry does not follow the principles contain in this Guideline. This will be measured by the number of complaints received from service providers, customers and the general public.
- 4.2 Members of the telecommunications industry have the responsibility to maintain both the integrity and goodwill of the industry.
- 4.3 TRR will monitor the industry response to this Guideline and where appropriate take action in accordance with the powers provided in the Act and Licence.

## **5 Education**

- 5.1 TRR and the telecommunications industry have the responsibility to educate the public on the developments of the telecommunications market.
- 5.2 The objective of educating consumers is to assist informed choice.

## **6 Application**

- 6.1 This Advertising Guideline applies to all advertisement and promotional activities and material made in Vanuatu telecommunications sector.

## **7 Variation**

- 7.1 TRR reserves the right to amend and approve modifications to the Guideline, as and when necessary.

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