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Mobile Premium Services Code Review

Dear Sir/Madam,

Thank you for the opportunity to provide a submission to the Mobile Premium Services Code review committee.

Fox Mobile Group is committed to supporting the Mobile Premium Services Code and believes that the implementation of the code in the past year has been mostly positive for consumers, providing a level of surety and protection that was not previously present. The large drop in TIO complaints is compelling evidence that the code in its current form is working and there is not a need for a substantial code review.

There are two areas of the code that based on our implementation experience could benefit from minor revision in order to provide greater consistency for customers of Mobile Premium Services.

Section 3.3.3 – Subscription Advertisements

Specifically the requirement of 3.3.3.e.i.B. requiring that in the case of a television commercial the word “subscription” or “subscribe” must be stated in the voice over has had the unintended effect of limiting consumer engagement opportunities during standard music video clip or music countdown style programs.

A technique used widely in many territories to engage consumers while they are viewing a music clips/countdown style show is the use of bottom screen overlays and tickers. This is where a clear call to action is superimposed across the clip with a call to action for consumers to buy this particular track or tone. The aforementioned requirement cannot be implemented in this environment as there is no voiceover, the program is playing the music video. The result has been that a subscription service cannot technically meet the voiceover requirement and as such have been inadvertently prohibited from in program promotions.

Ultimately Australian consumers no longer benefit from the price advantages of a subscription club via this medium.

We recommend that this requirement is removed or that in program mechanics such as overlays are exempted from this requirement. The consumer remains informed and protected without this feature by the same means used for print or online advertising including:

- Specific terms and conditions and service features regulated for subscription advertising for TVCs that must be displayed in the overlay (as per the rest of 3.3.3)
- The double opt-in message flow.

Section 4.4.3 – Subscription confirmation message

When a customer requests to subscribe to a Subscription Service via a non-mobile, WAP or IVR mechanism the content provider is required to send two information messages to the customer

The content of the subscription request message (4.4.2) and the subscription confirmation message (4.4.3 a) is almost identical. This has led to consumer confusion as they receive multiple messages with substantially the same information and in some cases believe they have subscribed to two services..

We would propose that the subscription opt-in requirements be revised to standardise on one common double opt-in flow for all service request types. This will remove the current duplication of information simplifying the process for consumers without removing any of the protective elements of the code.

I appreciate your due consideration of the above minor amendments to the code as an outcome of the current review.

Many Thanks & Best Regards



Scott Johnson
Executive Director Australia and New Zealand