

Ethical rules for Premium Rate Call Services

The Ethical Council for Premium Rate Call Services (ERB) is an independent, autonomous organ. The mandate of the Council is to prepare and uphold ethical rules regulating the content of information provided on premium rate telephone lines and the marketing of the same, in accordance with the prevailing standard agreements on the market and the articles adopted by the founders. Furthermore, the Council is to consider cases referred to it, or cases taken up on the Council's own initiative, concerning the marketing and content of such services.

The Council has produced ethical rules and published them on several occasions. The most recent edition was dated 25 March 2003.

By Premium Call Rate Services is meant services for which the total charge a consumer pays to his/her operator for the service includes remuneration to the supplier of the service, content or other product or service delivered during, or as a direct consequence of the call.

These ethical rules cover services whose content is made accessible via the numbers distributed by the National Post and Telecom Agency under the prefixes 0900, 0939 and 0944, with the exception of services related to calls made to the operators' own modem pools for Internet connections, which are charged at the normal call rate. The ethical rules also cover Premium Rate SMS Services, which are provided at a higher rate, and all other mobile services that involve a separate charge.

This edition of the rules is primarily based on the same directives as the previous one. In 2003, the Council's mandate was extended to cover mobile premium rate services, which has necessitated a further update and augmentation of the rules, particularly within this specific area. The introduction of subscriber services has demonstrated that the rules need complementing as regards marketing and content. The augmented rules appear in points A.1.e, A.2, A.3, and B.1.c. Otherwise, the remaining rules have been slightly edited and clarified. ERB urges all companies and other affected parties to read through these revised rules carefully and to ensure that their earlier editions of the rules are replaced with this new edition.

Stockholm, 9 March 2004

Lennart Groll
Chairman

Joakim Rolander
Secretary

A. Instructions for the marketing of premium rate calls

1. Information on call charges, telephone number and cancellation

a. General instructions – applicable to all marketing

Call charge details must be stated on all advertisements for premium rate calls. Charges must be specified directly adjacent to the telephone number.

b. Special rules for advertisements in newspapers/magazines

Call charge details must be printed horizontally and made clear and easy to read. The size of the font used must be no less than one-third (1/3) that of the telephone number itself.

c. Special rules for TV, Internet and other visual media¹

Call charge details must be displayed horizontally and made clear and easy to read with regard to size, colour and positioning. The charge must be displayed for at least as long as and directly adjacent to the telephone number, which must also be displayed horizontally.

d. Marketing via radio and other audio media, e.g. the telephone

Call charge details must be stated clearly when information is given about, or reference made to a premium rate service via the radio, telephone or any other audio medium.

e. Call charge and cancellation

By call charge is meant the price per minute of a call, or the total “fixed price per call” cost. “Fixed price per call” means that the cost of using a premium rate service is preset and unable to be influenced by the customer or the provider of the telephone information.

For mobile premium rate call services,² the principles used to calculate the total cost of using such a service must be specified regardless of the number of messages sent or received. As for subscription services, the cost per message and frequency must be specified and how the service can be cancelled.³

2. Direct marketing of premium rate call services

The direct marketing of premium rate call services to a telephone⁴ may not take place without the customer’s explicit consent.

3. Details on service provider

The service provider is responsible for ensuring that the content and marketing of the services, regardless of by whom they are produced, comply with the provisions of these rules.

¹ e.g. mobile phone display

² e.g. SMS, MMS or WAP

³ See also point B.1.c.

⁴ i.e. “Spam”

By information provider is meant any company or other party which has entered into an agreement with a telecom operator (e.g. TeliaSonera) to operate a premium rate service.

All marketing material for premium rate call services must include details of the service or information provider⁵ at all times. These details must be presented horizontally and in clear format, and are to include the company's name, office address (or P.O. box number), postal code and district.

4. Marketing directed towards children

Premium rate calls may not be marketed if the marketing material is essentially intended for children under the age of 14 and if the cost of using the service could exceed ten (10) kronor.

5. Advertising services of a sexual or erotic nature

a. General instructions – applicable to all media

Information intended to promote sexual services for financial gain (procurement) is prohibited. The text may not include allusions to minors (under 18 years of age).

b. Special rules for advertisements in publications having the character of a daily newspaper as well as TV, radio and direct advertising⁶

The information provided may not include allusions to or descriptions of sexual acts or circumstances. This also applies to allusions to sexual violence, sadism or cruelty.

Drawings or other types of illustrations are allowed provided they are not of a sexual or erotic nature. Photographs may not, however, be used in advertisements for a premium rate call service of a sexual or erotic nature or for "personal ad" lines.

6. Advertisements for competitions

a. Advertisements must include a clear and thorough description of the competition objective and conditions. They must also include details of the judging procedures and criteria.

b. Advertisements must specify how winners are selected. If a panel judges the entries, the panel members must be named.

c. The closing date and the date by which winners will be selected must also be stated.

d. Prizes shall be described in terms of value, brand, model and such like.

e. Information stating that the winner might be liable to pay tax on the prize must be included.

⁵ By information provider is meant the party on whose behalf the service is marketed

⁶ Direct advertising also includes marketing via mobile phone or equivalent

f. The information included in points A.6.a – A.6.e must be presented in such a way that it can be expected to be accessible to all contestants.

7. Lotteries

Under the terms of the Lotteries Act, a specific permit is required to arrange lotteries directed at the general public. This rule also applies to premium rate call lotteries.

8. Collections for charity

In advertisements for premium rate call services used to raise funds for charity, the proportion of the donation⁷ that goes to the charity concerned must be stated clearly.

9. Professional counselling

The marketing of services which imply the provision of professional counselling must include information on the consultant's business name, or, in the case of a physical person, the name and profession of the person(s) providing the counselling. By professional counselling is meant the consultancy services provided by doctors, solicitors, engineers, craftsmen, etc.

10. Multi-number services

A service or information provider may not market the same service in any one newspaper using one or more advertisements that list different telephone numbers without stating that all numbers connect to the same service. This rule also applies to marketing on television or other media when such marketing has the same effect.

11. All legal rules must be followed

In addition to the provisions of paragraphs 1-10, all marketing of premium rate call services must comply with current marketing legislation.

B. Code of Practice concerning the content of premium rate call services

1. Information on call charges

a. Every premium rate call that could exceed two minutes or ten kronor must start by informing the customer of the call charge (price/minute) within the first ten seconds, via recorded voice, operator or otherwise.

b. When a fixed price per call (see A.1.e) is applied, the total cost of the call must be stated instead.

c. For mobile premium rate call services, the principles used to calculate the total cost of using such a service must be specified regardless of the number of messages sent or

⁷ Refers to the charge for the call and any additional contribution

received. As for subscription services or chat services, the cost per message and frequency must be specified in the first message and details of how the service can be cancelled. Each message must give a URL or telephone number to the information provider responsible, where information is provided on the service and cancellation procedures.⁸ If the number of messages is not clearly decided in advance, it may not exceed ten before the customer re-confirms that he/she would like to receive further messages. The cancellation of a subscription service may not incur costs over and above the normal tariff.

2. Unnecessary delays to services

A service that is offered in a premium rate call should not be unnecessarily prolonged, delayed or extended by the provision of irrelevant information or otherwise.

3. Services of a sexual or erotic nature

- a. Information intended to promote sexual relationships for financial gain (procurement) is prohibited.
- b. Minors, by which is meant persons under the age of 18, or others claiming to be minors, may not figure in descriptions of a sexual or erotic nature.
- c. Descriptions of sexual violence are prohibited.
- d. Sexual descriptions may not include animals.
- e. The rules in points B.3.a-d also apply to the use of premium rate calls for the indirect provision of services.

4. Personal ads

- a. Personal ads on premium rate lines may not contain information on the name of the person placing the advert or any other details, such as address or telephone number, that could be used to identify him/her.
- b. Persons under the age of 18, or others claiming to be under 18, must not figure in contact ad services which include advertisements of an erotic or sexual nature, or which are marketed in a context that could indicate that such contact ads are included in the service (e.g. in a pornographic magazine).

5. Professional counselling

Services that imply the provision of professional counselling must begin with the name and profession of the person(s) providing the consultancy service.

6. Competitions

- a. Competitions using premium rate calls must be conducted in the way stated in the marketing.

⁸ This number may not be an overseas number or premium rate number

b. The results of the competition must be presented in such a way that the contestants can easily access the information. It is insufficient merely to inform the winners. Information must be provided on where and when the names of the winners will be publicised.

c. Prizes are to be sent to the winners within 21 days of the competition closing date, or within 21 days of the selection of the winners.

C. Special rules for services involving direct calls between operator and customer (personal reply)⁹

Company: A company that has entered into an agreement with a telecom operator (e.g. TeliaSonera) to provide the above service.

Operator: Telephonist, employed by or working for the company.

Customer: The caller.

1. The customer must be informed at the start of the service of the rates charged via recorded voice, operator or otherwise (cf point B.1).
2. Direct calls between operator and customer are prohibited if the purpose of the call could be assumed to be to offer the customer sexual stimulation.
3. While on duty, an operator may not disclose his/her private address or telephone number, nor provide information that could serve to identify a colleague.
4. Operators or other persons employed by the company may not contact, allow themselves to be contacted by, or meet customers.
5. Persons employed as operators must be at least 18 years of age.
6. All marketing of the above service shall clearly state that the call is made through an operator.
7. The call must be cut off immediately if the operator suspects that the customer is not an authorised user of the telephone from which the call is being made.
8. Points C.1-7 also apply to the use of premium rate calls for the indirect provision of services.
9. Points C.3-5 do not apply in the case of professional counselling (cf A.8 and B.5).

⁹ These rules apply regardless of whether the service is marketed under another name (chatline, chatbox or similar). They also apply to premium rate services such as SMS chat, WAP-GPRS chat, or similar

D. Special rules for services involving direct calls between two or more customers (conference lines)¹⁰

Company: A company that has entered into an agreement with a telecom operator (e.g. TeliaSonera) to provide the above service.
Operator: Telephonist, employed by or working for the company.
Customer: The caller.

1. The customer must be informed within 10 seconds of making the call of the applicable rate, via recorded voice, operator or otherwise (cf B.2).
2. The conference line is to be monitored by an operator and the customer immediately informed accordingly. The operator must be constantly available to answer questions concerning the service.
3. If the operator intends to participate in a call on the conference line, each customer shall be informed accordingly, in which case the rules in C.2-4 also apply.
4. It is the duty of the operator to ensure that nothing occurs within the scope of this service that constitutes a breach of Swedish law or of ERB's ethical rules.
5. Operators or other persons employed by the company may not contact, allow themselves to be contacted by, or meet customers.
6. Persons employed as operators must be at least 18 years of age.
7. The call must be cut off immediately if the operator suspects that the customer is not an authorised user of the telephone from which the call is being made.
8. If two customers are connected to a single call, the rules in E also apply.
9. Points D.1-7 also apply to the use of premium rate calls for the indirect provision of services.

E. Special rules for services involving direct calls between two customers (one-to-one services). The rules also apply to premium rate calls connected to a free service or another telephone number¹¹

Company: A company that has entered into an agreement with a telecom operator (e.g. TeliaSonera) to provide the above service.

¹⁰ See footnote 9

¹¹ These rules apply regardless of whether the service is marketed under another name (one-to-one, one+one, prata direct or similar). They also apply to premium rate services such as SMS chat, WAP-GPRS chat, or similar

Operator: Telephonist, employed by or working for the company.
Customer: The caller.

1. The customer must be informed within 10 seconds of the applicable rates (cf. B.2).
2. Lines that are used for one-to-one services must be monitored by an operator, whose duty is to ensure compliance with the rules stated in points 4–7 below. Customers using a premium rate line, or a line that is connected to a premium rate line, must be informed immediately that calls on the line are monitored.
3. Persons employed as operators must be at least 18 years of age.
4. Minors (persons under the age of 18) may not make use of one-to-one services, either directly or through connection via an operator.
5. The call must be cut off immediately if the operator suspects that the customer is not an authorised user of the telephone from which the call is being made, or does not satisfy the conditions rules of point 4.
6. Calls that can be assumed to be intended to offer the customer sexual stimulation are prohibited.
7. Information that is intended to promote sexual relationships for financial gain (procurement) is prohibited.
8. Points E.1-7 also apply to the use of premium rate calls for the indirect provision of services.

F. Special rules for the use of Premium Rate Calls for the provision of services via the Internet or other visual media.

1. Premium rate calls may not be used for the provision of interactive or otherwise directly transmitted video and/or audio clips if the purpose of the clip can be assumed to be to offer the customer sexual stimulation.
2. When a customer is to make a premium rate call, he/she must first be informed of the telephone number to be called and the rate charged, and give his/her explicit consent to the call. Tariff details must be permanently displayed on the screen throughout a premium rate call.

The software used to connect to premium rate services must be designed in such a way that the customer is unable to pass on to other Internet sites without first being disconnected so that he/she can continue to surf using their normal Internet provider. Software used for connecting to premium rate services may not be so designed that it becomes permanently installed on the customer's computer.