



Consumer Best Practices Guidelines for Cross-Carrier Mobile Content Programs

Overview

The Mobile Marketing Association's (MMA) Consumer Best Practices for Cross-Carrier Mobile Content Services ("CBP") Guidelines provides a guide to implementing shortcode programs in the North American market. Fundamentally, the guidelines document is a compilation of accepted industry practices and wireless carrier policies, and is based upon regulatory guidance given to representative members of the "off-net" ecosystem. While the MMA CBP committee strives to implement policies that encourage the growth of the off-net industry, the primary focus is on consumer protection and privacy, as industry growth without consumer satisfaction is not sustainable.

All parties involved in active shortcode programs should be familiar and compliant with these Consumer Best Practices Guidelines and how to implement the Guidelines.

This Consumer Best Practices Guidelines for Cross-Carrier Mobile Content Services includes the following guidelines and sections:

- General Conduct
- Advertising and Promotion
- Opt-in
 - Standard Rate Programs
 - Premium Rate Programs
- Help
- Opt-out
- Subscriptions
- Chat
- Customer Care
 - Deactivation and Recycled Number File
 - Spending Cap Limits
 - Bill Face
- Word of Mouth Marketing
- Content Specific Guidelines
 - Alcohol and Tobacco
 - General Content
- Effectiveness Date
- Who We Are & Consumer Best Practices Team
- Glossary



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General Conduct

At a minimum, programs should be run in a manner that is congruous with the letter and spirit of the MMA Code of Conduct for Mobile Marketing. The Code of Conduct is located:

<http://www.mmaglobal.com/modules/content/index.php?id=5>

At all times, programs must be in accordance with applicable federal and state laws, rules and regulations.

Unsolicited Messages

- Wireless subscribers have a right to privacy.
- Content providers must obtain approval from subscribers before sending them commercial SMS or MMS messages and other content.
- Subscriber approvals pertain only to the specific program the consumer has subscribed to and should not be used to promote other programs, products, or services, or to otherwise send information of any kind that is unrelated to that specific program unless the subscriber has opted in to receive this information.

When keywords (such as YES or STOP) are referenced in this document, use of other languages is optional depending on the target demographic for the program.

Program Approvals

- Shortcodes are approved and provisioned based on the specific program that was presented to the aggregator and carrier. If the content provider wishes to run new, modified, or additional programs on the shortcode, they should submit the additional program for approval to the carrier.
- For example, here are some program changes and additions that should be submitted for carrier approval (for a comprehensive list, please refer to specific carrier policies):
 - Pricing modification
 - Addition or modification of sweepstakes to the program
 - Opt-in/opt-out logic change (not including keywords)
 - Deviations from Consumer Best Practices
 - Material change in program content
- Finally, here are program modifications that should trigger a notification to the carrier via the aggregator within five business days:
 - Subscriber care contact
 - Brand name changes
 - Early termination of program

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Advertising and Promotion

When promoting programs, content providers should ensure that their advertising clearly outlines all term and conditions associated with the offer and adheres to all state and federal direct marketing, advertising, privacy and consumer protection laws and regulations.

- Terms & Conditions
 - All advertising and promotional material clearly indicates whether the service is a subscription.
 - All material terms and conditions of the program are clearly communicated with the offer.
 - If T&Cs materially change the offer then they must be highlighted and presented at front of offer.
 - Prechecked terms and conditions are not permissible. Consumer must indicate their acknowledgment of T&Cs by manual selection of the terms and conditions.
 - Service availability, on a carrier-by-carrier basis, should also be fully disclosed.
- All advertising, promotional material (including affiliate marketing sites, pop-up advertisements, etc.) and program Help messages clearly display the opt-out information.
- Program advertising or its placement should not be deceptive about the functionality, features, or content of the underlying program.
- At a minimum, the following must be disclosed in all advertising:
 - Shortcode program pricing information is clearly and conspicuously indicated.
 - Length of subscription term and billing interval is specified/disclosed to customer.
 - Notice that the charge will be billed on the customer's wireless phone bill or deducted from their prepaid balance.
 - Where applicable, the term "other charges may apply" should be included in program promotion.
 - Reference to complete T&Cs, where applicable. If the content provider offers multiple services, separate T&Cs per service should be provided instead of generic T&Cs that cover all offered services.
 - Substitutes for programs not available on some carriers must be clearly and conspicuously indicated to the subscriber prior to their enrollment in the substitute program.
- Use of 'Free' and 'Bonus' Terminology
 - The FTC defines the use of 'Free' in its 'FTC Guide Concerning Use of the Word 'Free' and Similar Representations. The FTC defines 'Free' as:

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- (*Excerpt*) The public understands that, except in the case of introductory offers in connection with the sale of a product or service, an offer of 'Free' merchandise or service is based upon a regular price for the merchandise or service which must be purchased by consumers in order to avail themselves of that which is represented to be 'Free'. In other words, when the purchaser is told that an article is 'Free' to him if another article is purchased, the word 'Free' indicates that he is paying nothing for that article and no more than the regular price for the other. Thus, a purchaser has a right to believe that the merchant will not directly and immediately recover, in whole or in part, the cost of the free merchandise or service by marking up the price of the article which must be purchased, by the substitution of inferior merchandise or service, or otherwise.
 - The program is not promoted as 'Free' when premium fees are associated with the program that the subscriber will pay with a reasonable level of participation in the program.
 - If there are obligations associated with the term 'Free', the full commercial offer should be disclosed in the same manner at point of offer as the 'Free' promotion. The entire offer must be presented in same place (i.e. banner ad, top of ad, etc).
 - 'Bonus' or 'Complementary' are acceptable alternative terms to the word 'free'.
- Marketing to Children
 - MMA Consumer Best Practices call for all participants in the ecosystem to manage relationships with children responsibly including:
 - The offering of programs that engage children in the promotion/consumption of digital content of any type imposes important ethical obligations, responsibility, and sensitivity that all industry participants are expected to uphold.
 - All industry participants are expected to comply with all applicable laws dealing with children and marketing, including COPPA and regulations regarding age restrictions for particular products.
 - All industry participants are expected to ensure that all programs are marketed in a manner that complies with existing media specific rules regarding children, such as day-part restrictions.
 - All industry participants are expected to work actively to ensure their activities and their businesses are consistent with and supportive of the principles listed in this section.
 - In some cases, content providers may need to modify the advertising language of the program if children are the target market to ensure that such advertising is not inappropriate, deceptive, or misleading to children.



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Opt-in Overview

There are two types of shortcode programs: standard rate SMS and premium rate SMS. Each requires a different form of opt-in.

- Standard rate programs – require single opt-in
- Premium rate programs – require double opt-in

Regardless of type, the goal of any opt-in is to clearly communicate to the subscriber the obligation they are about to incur by entering the program.

The following sections outline the guidelines associated with each form of program.

Standard Rate Opt-in

Single Opt-in

For standard rate programs, subscribers should indicate their willingness to participate in a program and receive messages from the program as follows:

1. Subscriber sends a Mobile Originated (MO) message to the shortcode.
2. Program responds with pertinent phone, program, and contact information via a Web/WAP/handset application-based form.

This opt-in applies only to the specific program a subscriber is subscribed to and should not be used as a blanket approval to promote other programs, products, and services. However, after the subscriber has been given the complete details about the opt-in scope, the subscriber may specifically agree via their handset to receive other messages.

The following table is an example of a standard rate mobile marketing campaign for “The Sandwich Shop Health Alerts.”

Type	Sample Text	Charge
CTA	Promotion via Web and television; includes description of recurring charges, shortcode, keyword(s), and T&Cs	
MO	[keyword] (For example, SUB)	Std
MT	Thank you for joining the Sandwich Shop Health Alert. You will receive weekly texts. See www.subshop.com for more info. To opt out, reply STOP.	Std

CTA = call to action; MO = mobile originated message; MT = mobile terminated message

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Premium Rate Opt-in

Double Opt-in

Premium subscribers must positively acknowledge the acceptance of a premium charge before premium charges are applied to their account. The first time a subscriber participates in any premium program, they should be required to double opt-in. This requirement should apply to the first time a subscriber tries a specific program on a specific shortcode. Separate programs, even if they are offered on the same shortcode, require a separate double opt-in. The content provider/aggregator is responsible for tracking program opt-in information by subscriber.

There are two mechanisms for acceptable opt-in activity: Web-based, and handset-based. In all instances, however, the subscriber must take affirmative action to signify acceptance of the program criteria. Within the double opt-in flow, the following information (at a minimum) must be provided to the subscriber:

- Identity of program sponsor—Defined as the organization that markets the program.
- Contact details for the program sponsor—Either a toll-free number or a website address.
- Short description of program—For example, Fun Stuff Premium Chat.
- Pricing terms for the program—For example, \$0.99 per mobile originated message; \$3.99 per month; whether standard messaging charges apply in addition to premium charges.
- Notice that the charge will be billed on the subscriber’s wireless phone bill or deducted from their prepaid balance.
- Opt-out information.

Examples of affirmative double opt-in responses include these:
YES, Y, GO, OKAY, OK, K, O.K., SURE, YEP, YEAH

The following table is an example of a one-time premium weather message (transactional program):

Type	Sample Text	Charge
CTA	Promotion via Web and television; includes description of recurring charges, shortcode, keyword(s), and T&Cs	
MO	[key word] (For example, Weather New York, NY)	Std
MT	You have requested a one-time weather message from [sponsor] at \$0.75. Respond with Y if you wish to receive this message.	Std
MO	Y	Std
MT	Your forecast for New York, NY. Today Sunny 64F, Tonight Rain 45F, Tomorrow Sunny 75F. (\$0.75)	Premium

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The following table is an example of charges the next time the same subscriber tries the same program:

Type	Sample Text	Charge
CTA	Promotion via Web and television; includes description of recurring charges, shortcode, keyword(s), and T&Cs	
MO	[key word] (For example, 36 New York, NY)	Std
MT	Your forecast for New York, NY. Today Sunny 64F, Tonight Rain 45F, Tomorrow Sunny 75F. (\$0.75)	Premium

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Double Opt-in from the Internet

Many consumers prefer to provision and interact with SMS programs from the Internet. If the second opt-in is from the Internet, the content provider must positively confirm that the authorized subscriber is acknowledging the opt-in. This can be done using a web-based PIN or phone MO message. This message must also include program pricing and terms, and opt-out information. In addition, the content provider should use this channel to provide more detailed information about the program. Regardless of the web opt-in details, the goal is that the entire terms of the offer must be clear to the subscriber throughout the process.

The following table is an example of a subscription program with web sign-up:

Type	Sample Text	Charge
CTA	Detailed Web site with Ts & Cs, opt-out instructions, pricing, promotion details	
Web input by Subscriber	Provides required information. Clarifies that this is a premium program, that charges will be billed to subscriber's cell phone bill or deducted from cell phone prepaid account, confirms duration, etc., and specifies that by completing the sign-up, the subscriber agrees to the T&Cs.	N/A
MT	Password and other program details (pricing, terms, opt-out commands) sent to phone	Std
Web input by subscriber	Subscriber inputs password and completes sign-up, which states that they agree to the T&Cs.	N/A
MT	You are now subscribed to ABC program. This is a subscriptions program billed at \$4.99 per month. For more info go to www.abc.com . To opt out send STOP at any time.	Premium

CTA = call to action; MO = mobile originated message; MT = mobile terminated message

While there are different methods of subscriber opt-in and many ways to say the same thing, the basic tenet should be that all of the required information listed above is delivered to the subscriber in a clear and unambiguous manner.

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Interactive Television (iTV)

- One possible exception to the double opt-in practice is a mobile interaction with the call to action built in to network television programming.

A premium charge call to action integrated with programming may be a single opt-in when the call to action contains the following conditions:

- A Mobile Originated message with a premium price of \$0.99 or less.
- Interaction is transaction-based messaging, not subscription-based.
- On-air call to action and advice of charge need to be clearly stated, both visually and verbally—text size (10 font minimum), placement (prominent), and length of time on air (10 seconds).
- Premium elements of the program are offered only during the broadcast.
- A thank you message, including advice of charge, should be sent following the MO.
- If there is a limit to the number of votes a subscriber may submit to the program, this limit needs to be communicated once the subscriber has passed the limit.

Third Party Lists

- Selling opt-in lists is prohibited.
- Beyond violating the subscriber opt-in policy, sending messages to third-party lists is not an effective interactive marketing tactic.

Additional Opt-in Considerations

- Carrier ability to waive double opt-in—In certain instances, carriers may waive the double opt-in on a program-by-program basis.
- Program flow and information must not be misleading in any way.
- Because opt-in and opt-out messages are administrative in nature, they should not result in any premium charges for the subscriber.
- When a subscriber ports his/her telephone number between carriers, they should be required to re-opt-in to all shortcode programs.
- Opt-in expiration for interactive programs—If a subscriber is inactive in any program for six months, the opt-in should expire. At that time, it is permissible to send the subscriber one final MT message notifying them that their username and other subscription information will be deleted from the program. No messages to the subscriber after the expiration are permitted. This provision does not apply to programs where the subscriber may have stored value (i.e. remaining credits) with the content provider.

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- Opt-in and Opt-out records - including single, double and triple opt-in records - should be retained for a minimum of six months after the subscriber has opted-out of the program. These records should be made available to the aggregator or carrier upon request.

Help

It is important for subscribers to understand and be in control of their participation in shortcode programs; therefore, program information should be transparent. Regardless of manner of entry for a subscriber, help messaging commands, phone numbers, URLs, and email addresses should result in the subscriber receiving help with their issue. Dead ends that do not result in the ability for subscribers to resolve their issues are not acceptable.

If the shortcode has multiple programs (keywords) on the same code, the application should respond in one of two ways:

- If the subscriber has opted in to only one program, the application should supply the information for the program the subscriber is opted-in to.

If the subscriber is opted-in to multiple programs, the application should present a multiple-choice question asking the subscriber what program they would like help on.

These messages should not result in premium charges to the subscriber's bill and should be available to anyone who requests help information from the shortcode via SMS.

To help subscribers understand their participation, each program should respond with the program details listed below when the subscriber sends the keyword HELP to the program shortcode.

- Identity of program sponsor—This is defined as the organization that markets the program.
- Contact details for the program sponsor—Either a toll-free number or Web address.
- Short description of program—For example, Fun Stuff Premium Chat.
- Pricing terms for the program—For example, \$0.99 per mobile originated message; \$3.99 per month.
- Opt-out information.
- Should there be multiple programs running on the shortcode, the subscriber can be directed to a Web site, WAP site, SMS quiz session, or toll-free number that provides a better customer care experience, as long as basic information about the program is in the help reply message.

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Opt-out

It is fundamental to the concept of control that a subscriber maintains the ability to stop participating and receiving messages from a shortcode program when desired. To facilitate this capability, the following general rules govern program opt-out:

- Upon entering the program, the subscriber must be told how to opt-out of the program.
- A subscriber can stop participating and receiving messages from any program by sending STOP to any shortcodes used for the program. END, CANCEL, UNSUBSCRIBE or QUIT should also be opt-out words for all programs; however, content providers should feature the word STOP in their advertising and messaging.
 - If the subscriber is participating in multiple programs on the shortcode, either the most recently used program should be terminated or the subscriber will be told which programs he/she is subscribed to and will be given a choice of program(s) to terminate.
 - Any of these words followed by the word ALL should terminate all programs from that shortcode to the subscriber.
 - Programs can support other opt-out words, but they must support these five words.
 - This STOP command applies to all programs, including one-time use programs where the subscriber will not receive additional messages. This is to avoid subscriber confusion around the use of the STOP command.
 - The STOP command should never result in an error being sent back to the subscriber.
- These words should support mixed case and ignore subsequent non-keyword text.
- When sent, these words cancel the subscriber's previous opt-in for messaging.
- An MT message confirming the opt-out should be sent to the subscriber. This should not be a premium message. This message should reference the specific program the subscriber has opted-out from. No further messages should be sent to the subscriber from this program, including marketing messages for any related or unrelated programs.
- No additional premium charges should be applied to the subscribers account after the opt-out command is received from the subscriber.

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Subscriptions

A subscription program is any program the subscriber opts-in to where the result is that the subscriber passively incurs premium or standard charges over time for content delivery. There are two kinds of subscription programs:

- A program for a set period of time, such as one month.
- A program for a set number of uses, after which the subscriber may be charged for another “bucket” of uses.

Subscription Opt-in Message

In addition to the information required in the double opt-in mechanisms above, the opt-in flow for a subscription program must also include the following:

- Identification of the program as a subscription and the billing interval.
- Contact details for the program sponsor—Either a toll-free number or a Web site address for opt-out details.

The table below is an example of a horoscope program (subscription):

Type	Sample Text	Charge
CTA	Promotion via Web and television; includes description of recurring charges, shortcode, keyword(s), and T&Cs	
MO	[keyword] (For example, “ASTRO”)	Std
MT	Please respond with Y to receive this program. By doing this you agree to pay a mthly fee of \$1.99 for daily alerts	Std
MO	Y	Std
MT	You are now subscribed to ABC horoscopes. For more info go to www.abchoroscope.com . To opt out send STOP at any time.	Premium

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Subscription Periods

Subscription periods should not be longer than one month. Regardless of the subscription period (daily, weekly, monthly, for example), the subscriber should be notified monthly of the subscription pricing.

The following table is an example of a daily joke program (subscription):

Type	Sample Text	Charge
CTA	Promotion via Web and television; includes description of recurring charges, shortcode, keyword(s), and T&Cs	
MO	[keyword] (For example, "JOKE")	Std
MT	Welcome 2 Joke of the Day! U will be charged \$.30/day (equals \$9/mth). To accept, reply YES. To opt-out @ any time, reply STOP. More info www.jokes.com	Std
MO	Y	Std
MT	You are now subscribed to the Daily Joke. For more info go to http://www.abcjoke.com/ . To opt out send STOP at any time.	Premium

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Subscription Billing Reminder Message

Before the program is renewed, or at a minimum of once per month, a renewal message must be sent to the participating subscriber's handset containing these details:

- The name of program
- The fact that the program is a subscription and is being renewed
- Billing period and advice of charge for the program
- Opt-out details

Type	Sample Text	Charge
MT	Thanks for your continued subscription to XYZ Alerts! A \$5.99 charge will show on your next wireless bill for the next month. Reply STOP at any time to cancel.	Std

This information may be supplied in other program-related messaging to the handset but should coincide with the subscription anniversary.

Terminating a Subscription

Subscribers should be able to terminate their participation in a subscription program as specified in the section immediately above. These requirements also apply to terminations of subscription programs:

- When a subscriber opts-out of a program, no further premium charges should be submitted by that program for that subscriber.
- There should be no minimum subscription periods for any program. For clarity, this does not mean that pro-ration is required.

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Chat

Types of Chat

There are two types of chat: one-to-one and group (or community) chat.

- One-to-One—These chat programs come in two types: Peer to Peer or Operator Assisted.
 - Peer-to-Peer chat programs include interactions between two individuals, neither of whom is a paid “chat professional”.
 - Operator Assisted chat programs are all chat programs that are not peer-to-peer. For Operator Assisted chat, the interaction should be a one-to-one message ratio.
- Group/Community Chat—Group chat programs are typically designed so that multiple chat participants may interact with each other during a chat session. As a result, many premium messages are distributed to an end user after the end user has initiated interaction with a member of the group.
 - Group chat programs must be monitored 24/7 by chat providers for compliance with the specific carrier agreements, policy, and all applicable laws and regulations.
 - The number of participants in a group chat session should be limited to provide a good subscriber experience.

General Chat Guidelines

- Bots should not be used in chat. This does not apply to registration or administrative chats or to match interactions.
- Chat participants should have the ability to report and block members whose activities are perceived as abusive, threatening, or inappropriate, or that promote illegal activity.
- Administrative messages associated with opting into the program and setting up profiles should not incur premium charges.
- For chat programs, the subscriber should be opted-out after 90 days of inactivity. An informational message informing the subscriber of the opt-out may be sent.
- If a match notification service is offered as part of a chat program, and the service generates premium charges, an additional opt-in should be obtained from the subscriber for this service. At a maximum, two premium messages—or five standard rate messages—of this type may be sent in a 24-hour period.

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Chat Premium Billing

Subscription, bundle, or per-message billing are billing options given when the subscriber is notified and opts in for \$25 in premium charges. The policy on spending cap limits is set by individual carriers. These guidelines are intended to support policy synchronization to enable a consistent customer experience and enable more efficient compliance and monitoring. The guidance is as follows:

- Spending cap limits are set on a per shortcode basis
- Spending cap limits are based on an operational month based on date of initial sign-up (example: user signs upon April 4, all months will end on the 4th of each month)
- There should be an additional opt-in required from the subscriber once they have reached \$25 of premium charges on a shortcode, with additional opt-ins required from the subscriber every \$25 of premium charges incurred thereafter. These additional opt-ins are referred to as triple opt-ins.
- Triple opt-in messages should express cumulative premium charge dollar amounts reached (for example \$25, \$50), not the number of messages billed.
- No MTs should be sent to the subscriber other than a continuation message until the subscriber has replied affirmatively. If the subscriber tries to chat without opting in, additional continuation messages or solicitations may be sent. If the subscriber does not attempt to chat, no additional messages should be sent. This chat participant should be considered in a PAUSED status.
- HELP and OPT OUT keywords should be included in the continuation message.
- If the subscriber does not reply affirmatively to the continuation message, the system should pause until the subscriber’s anniversary date.
- Suggested keywords are the same as the opt-in keywords defined earlier in this paper. In addition, MORE or CONTINUE should be supported as re-opt-in words.
- Regardless of the subscriber’s status, he/she should be able to opt-out of the program at any time.
- While the subscriber is in PAUSED status, no premium charges should be applied to their account.
- The content providers should not be allowed to queue messages to send to the PAUSED subscriber for re-transmission later.

The following table is an example of an Approved Message Flow:

Type	Sample Text	Charge
MO	[any text while number is in PAUSED status at \$25 level]	Std
MT	You've sent \$25 in msgs this month. To keep chatting reply MORE or wait until 12/12/05 to resume chatting. Reply STOP to opt out or HELP for info.	Std
MO	MORE	Std
MT	Thank you. You may now continue chatting with other users. Reply FIND for your matches or MENU for more commands.	Std
MO	[any text while number is in PAUSED status at \$50 level]	Std
MT	You've sent \$50 in msgs this month. To keep chatting reply MORE or wait until 12/12/05 to resume chatting. Reply STOP to opt out or HELP for info.	Std
MO	MORE	Std

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Type	Sample Text	Charge
MT	Thank you. You may now continue chatting with other users. Reply FIND for your matches or MENU for more commands.	Std
MO	[any text while number is in PAUSED status at \$75 level]	Std
MT	You've sent \$75 in msgs this month. To keep chatting reply MORE or wait until 12/12/05 to resume chatting. Reply STOP to opt out or HELP for info.	Std
MO	MORE	Std
MT	Thank you. You may now continue chatting with other users. Reply FIND for your matches or MENU for more commands.	Std
MO	[any text while number is in PAUSED status at \$100 level]	Std
MT	You've sent \$100 in msgs this month. To keep chatting reply MORE or wait until 12/12/05 to resume chatting. Reply STOP to opt out or HELP for info.	Std
MO	MORE	Std
MT	Thank you. You may now continue chatting with other users. Reply FIND for your matches or MENU for more commands.	Std

MO = mobile originated message; MT = mobile terminated message

Chat Advertising

- Advertising for chat programs should not imply unapproved content.
- For operator-assisted chat, appropriate disclosure should be made in the advertising and terms and conditions of the program.
 - Example disclosure wording: This program employs operators who are paid to participate in chat.

Chat Examples

The following are examples of unacceptable double opt-in language:

- “Thanks for participating in ABC chat. Participation will cost \$0.99 per MO message. Enjoy!”
Issue—No confirmation prompt.
- “Thanks for participating in ABC chat. Your first 3 messages are free. Enjoy!”
Issues—No clear clarification of pricing; no confirmation prompt; misleading.
- “Thanks for participating in ABC chat. Reply with your screen name to begin chatting with a bunch of really interesting people who will like you. Each message costs \$0.99”.
Issues—Misleading: “really interesting people who will like you”; not clear that by responding subscriber is opting in.
- “Thanks for participating in ABC chat. Participation is free except for every third message that will be charged \$9.99. Reply with Y to start!”
Issue—Misleading pricing.

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Customer Care

Prompt Handling of Deactivation and Recycled Number Files

To the extent that carriers supply deactivation and recycled number information, Content Providers and Aggregators are required to have appropriate and effective systems and processes for managing deactivation and recycled number information. These systems and processes should be designed to ensure that mobile content programs subscribed to by previous holders of a specific phone number do not continue to be delivered or billed to a subsequent holder of that number when it is reassigned. Content Providers and Aggregators should process deactivation information within three business days of receipt.

Spending Cap Limits

Spending Cap Limits for non-chat programs:

- The policy on spending cap limits is set by individual carriers. These guidelines are intended to support policy synchronization to enable a consistent customer experience and enable more efficient compliance and monitoring. The guidance is as follows:
 - Spending cap limits are set on a per shortcode basis
 - Spending cap limits are based on an operational month based on date of initial sign up (example: user signs up on April 4th, all months will end on the 4th of each month)
 - Spending cap limit is suggested to be \$50 for non chat programs
 - There should be an additional opt-in required from the subscriber once they have reached \$50 of premium charges on a shortcode, with additional opt-ins required from the subscriber every \$25 of premium charges incurred thereafter. These additional opt-ins are referred to as triple opt-ins.
 - Each carrier may have their own policy regarding hard spending caps (i.e. spending limits that cannot be exceeded, regardless of additional triple opt-ins), check with your aggregator for details.
 - Triple opt-in messages should express cumulative premium charge dollar amounts reached (for example \$50, \$75), not the number of messages billed.

Spending Cap Limits for chat programs:

- Utilize policy from prior section

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The following table is an example of an Approved Message Flow:

Type	Sample Text	Charge
	[opt in to program according to MMA guidelines]	
	[after \$50 level is reached]	Std
MT	You've received \$50 in services this monthly period ending 12/12/06. Reply YES to continue. Reply HELP for info.	Std
	[after \$75 level is reached]	Std
MT	You've received \$75 in services this monthly period ending 12/12/06. Reply YES to continue. Reply HELP for info.	Std
	[after \$100 level is reached]	Std
MT	You've received \$100 in services this month. This is the limit set by your carrier. You can order new services on 12/12/06 to resume. Reply HELP for info.	Std
	[OR for carriers without caps...]	Std
MT	You've received \$100 in services this monthly period ending 12/12/06. Reply YES to continue. Reply HELP for info..	Std

Bill Face

Bill-face Descriptors

Providing subscribers with a description of the billing detail will facilitate the recognition of the charges when they receive their bill. Greater recognition of the charge will result in fewer billing disputes.

Where possible, in order of priority, the following elements should be inserted in the carrier billing descriptor (inclusion at discretion of carrier).

- 1) Shortcode
- 2) Brand Name and/or Brief Program Description
- 3) Toll-free Help #
- 4) Type of Purchase – product description (for example: Ringtone, TextChat, m-Commerce, etc.)

Note: Timestamps and tariffs are typically driven by carrier platform.

Bill-face Descriptor Reminders

Where applicable, the content provider or vendor may remind the subscriber of the bill-face descriptor that will appear on their wireless phone bill. This reminder could take the form of a text message, web based copy, an audio prompt or text within a print ad.

The ability of vendors to provide this information accurately depends upon the disclosure and accuracy of the carrier bill-face formats provided by the carriers.



Consumer Best Practices Guidelines for Cross-Carrier Mobile Content Programs

Bill-face Descriptor Format by Carrier

CARRIER	FORMAT
Alltel Wireless	27 Characters <Shortcode, Brief Program Description>
Cingular Wireless	62 Characters <Shortcode and Merchant Description, Merchant Name, Toll Free Help #>
Sprint Nextel	22 Characters <Provider, Shortcode, Brief Program Description>
T-Mobile	2 Fields - 15 and 25 characters respectively Field 1 <service provider> Field 2 <shortcode, description>
Verizon Wireless	30 Characters <Shortcode, Brief Program Description, Toll Free Help #>

Consumer Best Practices Guidelines for Cross-Carrier Mobile Content Programs

Word of Mouth Marketing

Viral marketing is the communication via text message or other mobile content including ringtones, games and wallpaper by a process in which consumer A receives the message, identifies consumer B who they believe will be interested in the message, and initiates a process – such as inputting a phone number – by which consumer B automatically receives the message.

A viral message must disclose to the recipient (consumer B) that the message was forwarded by another consumer (consumer A), as well as the identity of that consumer.

Permitted viral marketing campaigns include those where:

- The initial consumer (consumer A) manually intervenes to select a secondary recipient (consumer B) to receive the message, e.g., by inputting the secondary recipient's mobile phone number (must identify the originator of the message); and
- The forwarded message is directed to Consumer B's mobile telephone number.

* Some states have additional restrictions or flat prohibitions on commercial text messages. Before initiating any viral campaign, it is important to review the applicable state laws.

Prohibited viral marketing practices include:

- Messages forwarded by automatic means generally by means of an application, e.g., accessing a consumer's contact list or address book.
- Messages forwarded to an Internet domain name assigned to a wireless operator for mobile messaging service.
- Providing inducements – e.g., payments, discounts, free goods or services – in exchange for a consumer's agreement to forward a message.
- Origination is from a commercial source (ensure reflected in above language)



Consumer Best Practices Guidelines for Cross-Carrier Mobile Content Programs

Content Specific Guidelines

Alcohol and Tobacco Guidelines

- Guidelines are at the discretion of the carrier and are evaluated on a case-by-case basis. Content providers are encouraged to check with their aggregator to determine specific guidelines around their program.

General Audience Content

- All content must be available for all audiences.

Consumer Best Practices Guidelines Effectiveness Date

Consumer Best Practices, revision 3.0, is effective 90 days from release for:

- Deactivation File Processing
- Spending Cap Implementation

All other guidelines are to be implemented immediately after publication.



Consumer Best Practices Guidelines for Cross-Carrier Mobile Content Programs

Who We Are

About the Mobile Marketing Association (MMA)

The Mobile Marketing Association (MMA) is the premier global association that strives to stimulate the growth of mobile marketing. The Mobile Marketing Association is an action-oriented association designed to clear obstacles to market development, to establish standards and best practices for sustainable growth, and to evangelize the mobile channel for use by brands and third-party content providers. MMA members include agencies, advertisers, hand-held device manufacturers, wireless operators and service providers, retailers, software and services providers, as well as any company focused on the potential of marketing via the mobile channel. The Mobile Marketing Association's global headquarters are located in the United States.

For more information, please visit www.mmaglobal.com

MMA Consumer Best Practices Committee

The MMA Consumer Best Practices Committee was established to develop a recommended set of guidelines to ensure a better wireless consumer experience. The Consumer Best Practices Committee, chaired by Dave Oberholzer of Verizon Wireless, developed these guidelines in collaboration with representatives from the following entities:

- Alltel Wireless
- Cingular Wireless
- denuo (a Publicis Groupe Company)
- Enpocket, Inc.
- mBlox
- SinglePoint
- m-Qube, Inc. (VeriSign)
- MTV Networks
- MX Telecom
- Opera Telecom USA
- T-Mobile USA
- Teligence
- The Weather Channel Interactive
- Sprint Nextel
- VeriSign, Inc. (Jamster)
- Verizon Wireless

In January 2006, the Committee held an industry forum to solicit feedback on the guidelines from representatives of the mobile marketing ecosystem. More than 80 individuals, representing over 50 companies, were in attendance. The industry forum will be held annually.



Consumer Best Practices Guidelines for Cross-Carrier Mobile Content Programs

References

The following documents provide additional sources of information and reference:

- CAN-SPAM (<http://www.fcc.gov/cgb/policy/canspam.html>)
- Common Short Code Administration (<http://www.usshortcodes.com>)
- COPPA (<http://www.ftc.gov/ogc/coppa1.htm>)
- FTC Guide Concerning Use of the Word “Free” and similar representationsite defining ‘Free’ (www.ftc.gov/bcp/guides/free.htm)
- MMA Short Code Primer (<http://www.mmaglobal.com/shortcodeprimer.pdf>)
- Telephone Consumer Protection Act
- TRUSTe

Contact Us

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Consumer Best Practices Guidelines for Cross-Carrier Mobile Content Programs

Glossary

Aggregator—First point of wireless network connectivity. Aggregators work with carriers to implement the functionality of common shortcodes.

Carrier or Wireless Carrier—A company that provides wireless telecommunications services.

Chat Bots—Computer-generated responses sent to chat participants. These responses are sent without human operation interaction.

Child (Children) – A person under the age of 13.

Commercial Messages—Messages sent to a mobile device whose primary purpose is commercial.

Content Provider—A company that creates content and distributes it via shortcodes.

Double Opt-in—When a subscriber opts in to a program via two subscriber-initiated messages to a service provider as prompted by the terms of the program—for example, when a subscriber texts JOIN CHAT to a shortcode and then responds to a confirmation MT message prompt “yes” in order to confirm acceptance of premium charges and terms and conditions, and join the service.

Messaging—Collectively, SMS and MMS messages sent to cellular phones.

MMS Message—Multimedia Messaging Service (MMS) is a standard for a telephony messaging systems that allow sending messages that includes multimedia objects (images, audio, video, rich text) and not just text messages as in [Short Message Service](#) (SMS).

MO—Mobile Originated Message

MT—Mobile Terminated Message

Opt-in – The process where a subscriber identifies that they want to participate in a program, and accept the terms and conditions of the program. See also Double Opt-in and Triple Opt-in.

Premium Rate—Programs or messages that result in charges above and beyond standard text messaging charges being applied to the subscriber’s wireless bill

Program—An application to peer content distribution service that runs on a shortcode.

Shortcode—Special telephone numbers, significantly shorter than full telephone numbers, which can be used to address [SMS](#) and [MMS](#) messages from [mobile telephones](#).



Consumer Best Practices Guidelines for Cross-Carrier Mobile Content Programs

Single Opt-in—When a subscriber opts in to a program via a subscriber-initiated message to a service provider as prompted by the terms of the program—for example, when a subscriber texts JOIN HEALTH ALERTS to a shortcode, that subscriber is opting in to the service.

SMS—Short Message Service (SMS) is a standard for a telephony messaging systems that allow sending messages (also known as **text messages**, or more colloquially **SMS**, **texts** or even **txts**) between mobile devices that consist of short messages, normally with text only content.

SMS message—A message sent via SMS.

Standard Rate—Programs or messages that result in only normal text messaging charges being applied to the subscriber’s wireless bill, or that result in messages being deducted from a subscriber’s messaging plan allowance.

Subscription—A product or service initiated by a subscriber to receive content on an ongoing basis, typically with periodic premium billing events. It is not a one-time usage service.

Text Message—See SMS Message.

Triple Opt-in—An additional opt-in that is required from the program participant once they have exceeded a defined premium fee threshold.

WAP—Wireless Application Protocol is an open international standard for applications that use wireless communication. Its principal application is to enable access to the internet from a mobile phone or PDA. Can be used to deliver content to mobile devices.