

SCHEDULE 2

Advertising & Promotional Guidelines Checklist

WHY A CHECKLIST?

The *Trade Practices Act 1974*, as amended, prohibits misleading and deceptive conduct. The Act applies to virtually every communication Members make, be it Business to Consumer or Business to Business. The Act does not require intention to mislead. Members will be liable even if innocent mistakes occur. The overall test is: will the target audience be misled? If the message is targeted to the public at large, the overall test is: will the message mislead the average person in the street? Whether the 'don't mislead' principle is broken depends on the *overall impression* created in the minds of the target audience.

The purpose of this Guideline is to ensure that Members' advertising and promotional material does not breach the *Trade Practices Act 1974*, as amended.

WHAT SORT OF THINGS DOES THIS CHECKLIST COVER?

Basically every communication that Members make, be it advertising, phone calls, emails, letters, website material, brochures, conference material, magazines and other printed material, is covered by the misleading and deceptive conduct provisions of the *Trade Practices Act 1974*. It is particularly important that this checklist is followed and signoff occurs in the case of brochures, the magazine, the website, mail outs, broadcasted e-mails and members media releases.

DESCRIPTION OF PROMOTIONAL AND ADVERTISING MATERIAL

Q: COULD YOUR PROMOTIONAL AND/OR ADVERTISING MATERIAL BE CONSTRUED AS CONSTITUTING MISLEADING CONDUCT?

- | | Yes | No |
|--|--------------------------|--------------------------|
| ▪ Could the material lead the target audience to the wrong conclusions? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Could the material create a false impression in the minds of the target audience? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Have you left out or hidden any important information that the target audience may need? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Could the target audience consider any of the information untrue and/or inaccurate? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Could the target audience consider the material ambiguous? | <input type="checkbox"/> | <input type="checkbox"/> |

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Q: ARE YOU ENGAGING IN 'THIRD LINE FORCING'?

(Making the purchase of a product or service conditional on buying another product or service from a third party)

- | | Yes | No |
|--|--------------------------|--------------------------|
| ▪ Are you promoting a product or service on the basis that goods or services must be bought from a third party (recommendations or suggestions are OK, but no conditional obligations!) | <input type="checkbox"/> | <input type="checkbox"/> |

Q: CAN YOU DELIVER ON YOUR PROMISES?

- | | Yes | No |
|--|--------------------------|--------------------------|
| ▪ When you make a promise can you deliver? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Is there adequate backup support to ensure delivery as promised? | <input type="checkbox"/> | <input type="checkbox"/> |

Q: IS YOUR ADVERTISING COMPARATIVE?

- | | Yes | No |
|---|--------------------------|--------------------------|
| ▪ Are you comparing your services with like services of other providers? | <input type="checkbox"/> | <input type="checkbox"/> |

Compliance Tip: When comparing prices and features with competitors, compare 'like' with 'like'.

Q: CAN YOU ADEQUATELY SUPPORT YOUR PROMOTIONAL OFFERS?

- | | Yes | No |
|---|--------------------------|--------------------------|
| ▪ Are there adequate supplies of offers (or gifts, bonuses) etc to meet anticipated response? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Are terms and conditions clearly defined (e.g., geographic and other limitations)? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Are terms and conditions given equal prominence within the promotional material? | <input type="checkbox"/> | <input type="checkbox"/> |

Q: DO YOU ADVERTISE ON YOUR WEBSITE?

- | | Yes | No |
|---|--------------------------|--------------------------|
| ▪ Do you need to regularly update or delete information on the web site? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ If yes, have you undertaken all currently necessary updates or deletions? (Action date: / /) | <input type="checkbox"/> | <input type="checkbox"/> |

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Q: DO YOU MAINTAIN APPROPRIATE RECORDS OF YOUR ADVERTISING IN PRINT PUBLICATIONS?

- | | Yes | No |
|---|--------------------------|--------------------------|
| ▪ Description of the publication (including name, date, page(s) and publisher?) | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Drafts detailing original specifications and amendments? | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Final proofs? | <input type="checkbox"/> | <input type="checkbox"/> |

Q: HAS THE MATERIAL PASSED THROUGH THE 'SIGNOFF' PROCESS?

- | | Yes | No |
|--|--------------------------|--------------------------|
| ▪ Has the final copy received signoff and has 'Legal' proofed this material for any potential misleading elements? | <input type="checkbox"/> | <input type="checkbox"/> |

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