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Committee of Advertising Practice (Non-broadcast)

Help Note on “Free” Claims for Internet Packages

CAP Help Notes offer guidance for non-broadcast marketing communications under the British Code of Advertising, Sales Promotions and Direct Marketing (the CAP Code). For advice on the rules for TV or radio commercials, contact Clearcast www.clearcast.co.uk for TV ads or the RACC www.racc.co.uk for radio ads.

These guidelines, drawn up by CAP, are intended to help marketers, agencies, media and those direct sellers who distribute marketing material interpret the rules in the British Code of Advertising, Sales Promotion and Direct Marketing. They do not constitute legal advice or new Code rules and do not bind the ASA Council in the event of a complaint about a marketing communication that follows them.

The Code states:

“Promoters should not describe an individual element of a package as “free” if the cost of that element is included in the package price”
(clause 32.3).

Advice:

1. Marketers should not use the word “free”, or equivalent terms, to describe their internet packages if consumers pay for any element of those services. Marketers should not claim that price elements that make up their internet packages (e.g. periodic fixed charges or variable charges for time online) are “free” if other charges are predetermined so as to recoup some or all of those costs. Marketers may claim that “no charge” is levied for price elements that make up their internet packages if no extra charge is made for those elements; they should, however, state nearby and prominently the other charges that apply;

Examples of acceptable and unacceptable price claims for internet packages:

Pricing Structure	Unacceptable Claim	Acceptable claim (may require qualification)
no charge		any "free" claim
no fixed charge levied periodically, charge for time online	"free", "pay nothing", "free access", "free subscription"	"no subscription charge", "no extra subscription charge"
fixed charge levied periodically, no extra charge for time online	"free", "pay nothing", "free access", "free internet calls", "free telephone calls", "free time online"	"no charge for internet calls", "no extra charge for internet calls", "includes internet call charges", "unmetered access", "unlimited access", "unlimited calls", "no charge for time online", "no charge for minuted calls", "pay the same however long you're online"

2. marketers may claim their services are "free" where consumers pay nothing for each element of the service but are required to pay for another separate item.
3. if marketers offer a limited number of calls for which no extra charge is levied or offer unlimited calls subject to time conditions, they should reflect that in the primary claim (e.g. the headline claim). For example "12 hours of calls for no extra cost" or "unlimited evening and weekend calls";
4. if marketers offer internet packages on the condition that consumers sign up to their service for all telephone calls, they should state that prominently in the marketing communication; and

5. if an acceptable claim is made but other pricing conditions apply, qualifying claims should be clear and legible; they should be prominent enough both to capture a reader's attention and to counter-balance potentially misleading primary claims.

Advice on specific marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or by email on copyadvice@cap.org.uk. The CAP website at www.cap.org.uk contains a full list of Help Notes as well as access to the AdviceOnline database, which has links through to relevant Code rules and ASA adjudications.

September 2000
Revised: May 2001
Revised: November 2001
Revised: March 2003