

# **POLICY AND GUIDELINES FOR THE ADVERTISING CODE OF CONDUCT**

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## INTRODUCTION

1. MTN is a provider of value-added sourcing and procurement services on behalf of the Customers, each of which is in the business of providing a variety of services ranging from voice, data, fintech, digital, enterprise wholesale and API, collectively referred to as 'telecommunications services'.
2. The aim of Policy and Guidelines for the Advertising Code of Conduct ("**Guidelines**") is to provide an overarching framework for development, curation, provision advertising, and distribution of advertising content across our operating countries using our platforms. The Guidelines are intended to balance MTN's legal, regulatory and ethical obligations to our multiple stakeholders. They further seek to protect MTN customers (including children) from accessing inappropriate advertising content, protect against damage to MTN's reputation, also provide a framework that will assist advertisers and MTN entities in complying with applicable laws.
3. The Guidelines are intended to be used as a framework to assist MTN and its entities with compliance, however each MTN entity remains responsible for compliance with all applicable advertising laws (including regulations and guidance) in its own jurisdiction.
4. The Policy and Guidelines are structured in two parts:
  - **Part A: Advertising Content and Conduct Requirements**, applies to all advertising on the MTN Network (by both advertisers and MTN OpCos);
  - **Part B: MTN Group Requirements**, applies to advertising content and conduct created and placed by members of the MTN Group related to the MTN business.

## DOCUMENT CONTROL

These Guidelines may be reviewed every two years or as may be required for compliance purposes and to maintain its relevance and applicability. Business and/or legislation may necessitate more frequent review(s).

Any reviews to these Guidelines shall accordingly be facilitated by the business owner(s) of the Guidelines.

It is the sole responsibility of the Guidelines owner(s) to ensure that any approved Guidelines changes are accordingly communicated to the various stakeholders using the applicable channels.

If the Guidelines are not reviewed, within the specified time frame, then the provisions of the Guidelines shall remain operational and applicable until the Guidelines are next reviewed.

<b>Policy Owners</b>	Group Mobile Advertising
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# Part A: Advertising Content and Conduct Requirements

## 1. DEFINITIONS

In this Document the following words and expressions shall have the following meanings, unless otherwise required by the context:

**"Advertisement"** means any illustrative text or text link, banner, graphic, image, audio, video displayed within a site, app, message or other marketing or promotional material for placement within a Bearer for the purpose of promoting a commercial brand, product or service; and the term **"Advertising"** shall have a corresponding meaning.

**"Advertiser"** means the buyer of the Advertisement provisioned over the Customer network, managed and sold through Sales Channels (which may include Supplier and/or Supplier Affiliates).

**"Customer"** means the MTN OpCo , and shall also mean all entities with the MTN Group of companies.

**"Data Protection Laws"** means any applicable laws relating to the processing or protection of Personal Data or data privacy, including MTN Group data privacy and information security policies, and any other related MTN Group policies;

**"End-User"** means each person to whom Advertisement(s) are made available, or to whom Advertisement(s) are being communicated.

**"Materials"** means all videos, audio-visual works, musical works, cinematograph films, sound recordings, recordings, scripts, musical sheets, products, goods, software, software documentation, documentation, literature, materials, technical tools, data, information, databases, modules, components, compilations of data, methodologies, processes, policies, procedures, techniques, models, solutions, configurations, protocols, routines, interfaces (including API interfaces), websites, portals, reports, plans, notes, files, diagrams, manuals, templates, schematics, correspondence, designs, circuit designs, algorithms, specifications, records, equipment, hardware, servers, computers, platforms, computer code, derivative works, and works of authorship, and irrespective of the form and format of the foregoing and whether tangible or intangible.

**"Marketing"** means the process of promoting and selling products or services, including market research and Advertising.

**"Mobile Advertising"** shall mean the communication of the Advertisement to mobile device and smartphone End-Users.

**"Mobile Advertising Services"** means the targeted communication of product or service information to mobile device and smartphone End- Users, including the

delivery of such communication by short message service (SMS) texts as well as by way of interactive advertisements. Mobile advertising services are a subset of mobile marketing services.

"**MTN Group**" means MTN, the Customer and each of their Affiliates, each a member of the MTN Group, MTN shall have the same meaning.

"**MTN OpCo**" or "**OpCo**" means each of the operating entities within the MTN Group.

"**Personal Data**" means any information relating to any identified or identifiable natural person, as defined by applicable data protection laws, including:

- (a) information relating to the race, gender, sex, marital status, national, ethnic or social origin, colour, age, disability, language and birth of the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person.

## 2. GENERAL CONTENT REQUIREMENTS

### 2.1 Advertisements shall:

- 2.1.1 comply with all applicable laws and regulations of the relevant country in which the End-User will view or access the Advertisement;
- 2.1.2 comply with codes of conduct administered by self-regulatory advertising bodies where applicable;
- 2.1.3 be suitable for a general audience, being cognisant of the context of the Advertisement and the sensitivities of the specific market where the Advertisement would be consumed, including ensuring that the Advertisement is not perceived to be unfair or discriminatory in any way;
- 2.1.4 not cause serious or widespread offence to any religion, nationality, culture, gender, race, sexual orientation, age, disability or minority group.

### 2.2 Advertisers shall check these Guidelines and ensure that their Advertisements are compliant. Where these Guidelines are incorporated by reference into an agreement between the Advertiser

and MTN/OpCos (or its Affiliate), a breach of any provision of these Guidelines shall be deemed to be a breach of the applicable agreement.

### 3. PROHIBITED OR CONDITIONAL CONTENT

3.1 Any content that is defamatory, offensive, derogatory, hateful and obscene is prohibited on the MTN Network.

3.2 The below table sets out additional instances of prohibited content or content which may be advertised following compliance with certain restrictions or conditions. Given dynamics in various OpCos, there may be more prohibited advertising practices. OpCos are required to include additional local requirements that exist in country:

Category	Prohibited or Conditional Content
<b>Advance Fee Advertisement</b>	All 'advance-fee type' advertising or Advertisement requiring the End-User to make an upfront payment before any services are rendered or goods provided is prohibited.
<b>Privacy</b>	<p>Advertisements should not portray or refer to any living person(s) by whatever means unless their expressed prior written consent has been obtained. This excludes among others:</p> <ul style="list-style-type: none"> <li>a. Individuals that are shown in a crowd or background, provided (i) that the portrayal is not offensive; and (ii) this practice is acceptable in a particular market where the Advertisement will be consumed or accessed by End-Users.</li> <li>b. Portrayal of individuals who form part of the subject matter on advertisements for books, films, radio or television programmes, press features, etc.</li> </ul> <p>Notwithstanding the above, guidance of privacy requirements must align with local data privacy and protection legislation and MTN's data privacy and protection policies and practices or prevailing social standards.</p>
<b>Offensive Advertising</b>	Advertisements should not contain anything that is likely to cause serious or widespread or sectoral offence in each market it would be consumed in or accessed by End-Users. In considering whether an advertisement is offensive, the context, medium, likely audience, nature of the product or service, prevailing standards, degree of social

	concern (including local religious sensitivities) and public interest must be taken into account.
<b>Non-Availability of Advertised Products</b>	Advertisements should not be published unless the advertiser has reasonable grounds for believing that any demand that is likely to be created by advertising can be met.
<b>Trust</b>	An advertisement shall be framed so as not to abuse the trust of consumers or exploit their lack of experience or literacy level, ensuring compliance at all times with product-related and/or sector specific codes of conduct, standards, laws and regulations. Relevant factors likely to affect the decisions of consumers shall be communicated in such a way and at such times that consumers can take them into account.
<b>Legality</b>	<p>Advertisements must not contain anything which might lead or lend support to criminal, anti-social or illegal activities, unethical, or appear to condone such activities.</p> <p>Advertisements should not show anything, which may encourage or incite support for criminal or illegal activity as defined within local and/or international law.</p>
<b>Violence</b>	Advertisements should not show anything that may encourage, incite or support acts of violence.
<b>Safety</b>	Advertisements should not without justifiable reason, show any dangerous practices or situations.
<b>Animals</b>	<p>No advertisement may contain anything that might reasonably be thought to encourage or condone cruelty or irresponsible behavior towards animals.</p> <p>All animals featured in an advertisement should be well looked after and must not be harmed or distressed in the creation of the Advertisement. MTN recommends seeking the support of a veterinarian or other relevant expert to ensure that they are properly treated and cared for throughout production.</p>
<b>Fear</b>	Advertisements should not use fear tactics without justifiable and lawful reason.

<b>Financial Advertising</b>	Advertisements for financial products or services should take special care to ensure that the public is fully aware of the nature of any commitment they may enter as a result of responding to the Advertisement. Advertisers should take note of the complexities of finance, and should not be seen to take advantage of the lack of experience, knowledge or trust of End-Users.
<b>Nudity</b>	Advertisements that offer depictions of nude or seminude human forms including children, alone or in groups.
<b>Sex</b>	Advertisements that depict or graphically describe sexual acts or activity, including exhibitionism, sale or business of sexual activity; erotica; sexual things; sex-oriented businesses as clubs, nightclubs, escort services; child pornography or the portrayal of children in sexual activity of any nature; adult products, such as pornography, sexually explicit products, toys and entertainment, products claiming to enhance sex, and other products and services of similar nature; also, Advertisements offering direct links to such sites. Advertisements with content which may be perceived as displaying sensuality and content that is not in accordance with social norms.
<b>Prohibited Drugs</b>	Advertisements that promote or provide information about the use of prohibited drugs (according to local law), as well as products associated with such use or abuse.
<b>Militancy And Extremist</b>	Advertisements that offer information about or promote or are sponsored by groups advocating anti-government., insurgency and terrorism.
<b>Racism And Hate</b>	Advertisements that promote the identification of racial – ethnical – religion – inter-group, the unfair criticism or subjection of groups, or the superiority of any group.
<b>Liquor</b>	Ads that provide information about, promote, or support the sale of alcoholic beverages or associated stuff.
<b>Gay Or Lesbian Or Bisexual Interest(LGBTQ-I+))</b>	As per the country's Advertising regulation and governing body.
<b>Violence</b>	Advertisements that feature or promote violence or bodily harm, including self-inflicted harm; or that unreasonably display images of death, gore, or injury; or that feature images or descriptions that are frightening and of no redeeming value.



<b>Hostility Between Nations</b>	Advertisements that can lead to hostility between countries, such as currency pictures torn/cut/wrinkled, torn flag image or other similar manners.
<b>Massage Parlors, Discotheque, Karaoke, Party Line</b>	Any Advertisements related to massage parlors, discotheque, karaoke, party line and their jobs vacancies.
<b>Investment Non-Financial Institutions</b>	<p>Any Advertisements for either seeking or providing funds / capital, except for financial institutions or the publicly listed institutions (listed on the relevant stock exchange).</p> <p>Advertisements of investment products that offer business opportunities, the promise of return of capital, lending and borrowing or profit sharing, must clearly and fully state the nature and form of bidding and mention the possible risks faced by the public if they become the investors.</p> <p>Advertisements that offer capital accumulation should clearly state that capital accumulation is only done through the capital market.</p>
<b>Mystical Content</b>	Any Advertisements related to mystic behaviour.
<b>Competitor</b>	Ads that features, offers information, and/or promotes product of MTN's competitors.
<b>Behaviours</b>	Advertisements that include messages or images promoting alcohol consumption, smoking, drug-taking, eating disorders, the bullying and exploitation, or terrorism in alignment with local and/or international law.
<b>Smoking / Vaping / Inhaling</b>	<p>Advertisements for or about smoking or vaping or inhaling cigarettes, drugs or similar substance should not be advertised. Where the laws in a particular country allow for the advertising of smoking/vaping or inhaling, the Advertisements should be intended to audiences above the age of majority of 18 years old.</p> <p>The Advertisements should not:</p> <ul style="list-style-type: none"> <li>• stimulate / encourage people to smoke;</li> <li>• describe / suggest that smoking provides health benefits;</li> <li>• .</li> </ul>
<b>Self-Employment Opportunities</b>	Advertisements for self-employment opportunities may not be phrased in a manner which is likely to lead to the opportunity being confused with part-time or fixed employment.

	Such advertisements may not require any money to be sent before full information about the self-employment opportunity is supplied to the End-User.
<b>Free offers</b>	Advertisements should not describe products as "free" if there is any cost payable by a consumer except for delivery or postage costs. If there are any costs relating to delivery and postage, it must be stated clearly in the Advertisement in-country relevant advertising bodies requirements.
<b>Misleading claims</b>	Advertisements should not contain any statements or visual presentations, which directly or by implication, omission, ambiguity or exaggeration is likely to mislead End-Users. Advertising must not take advantage of the good faith of our End-Users.

#### 4. LOCAL REQUIREMENTS

Advertisers and MTN OpCo's must comply with the local law requirements, including the below rules:

- 4.1 **Black-out days/times:** being the period which an End-User in the country in which the Advertisements is placed should not receive any unsolicited messages.
- 4.2 **Frequency of contacting the End-User:** means the number of times Advertisements or Marketing can be directed towards an individual End-User in a given period.
- 4.3 **Opt -in:** means when consent must be specifically obtained from an End-User in order to receive Advertisements or Marketing .
- 4.4 **Opt-out:** means when an End-User does not give permission to be sent further communications from the sender.

Take-down notice: means ways of removing potentially offensive content from the internet by an internet service provider.

# Part B: MTN Group Requirements

## 5. GENERAL REQUIREMENTS FOR MTN ADVERTISING

5.1.1 MTN Group is a listed company and a respected Pan-African mobile operator. The company is held in high regard by the public. To maintain its trusted position, MTN must communicate all marketing efforts to the public with respect and in a responsible manner.

5.1.2 MTN Advertising is guided by the standards generally accepted in relevant markets where MTN operates, including:

- (a) King IV Code and Report on Corporate Governance;
- (b) Advertising Regulatory Board (ARB);
- (c) International Advertising and Marketing Communications Code;
- (d) Interactive Advertising Bureau (IAB);
- (e) Any other local marketing, advertising, privacy and consumer related laws and regulations.

5.1.3 MTN has a Group Responsible Advertising and Marketing Policy in place that provides a governance framework around advertising decisions, that ensures that Responsible Advertising principles and practices outlined within this policy are adhered to.

## 6. MTN MARKETING AND ADVERTISING PROHIBITIONS

6.1.1 MTN Marketing and prohibitions shall be in accordance with the requirements set out in Part A, and incorporate the following:

Category	Prohibited content
Discrimination	Advertisements should not contain anything that is discriminatory, unless, in the opinion of the Group Brand Council, such discrimination is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.
Honesty	Advertisements should be honest and not abuse consumer's trust or lack of knowledge.

Guarantee	If a guarantee is offered in an advertisement, the full terms and conditions of that guarantee should be available in printed or digital form, for the consumer to inspect.
Money-Back Undertaking	The claim "money-back" in the advertisement should only be used if a full refund of the purchase price is offered to dissatisfied consumers. Where such an offer is provided, the time within which the offer is valid should be clearly indicated in the advertisement. Terms and conditions of such an undertaking should be made publicly available.
Selling without express consent from consumers	MTN may not supply advertised goods or services to consumers without consumers' express authority or consent.
Substantiation of claims	All advertising claims in ads must be truthful and accurate. MTN should have available acceptable proof of all factual claims made in advertising. Awards, accolades, survey results, customer reviews and statistical or study claims must be current (i.e. no more than 18 months old). Claims that compare MTN products to competitors require legal review.

## 7. PLACING MTN ADVERTISING

7.1 The following should be avoided for sales and marketing initiatives:

7.1.1 Avoid broadcasting of any MTN advertising campaigns during programmes or on channels which are not aligned with our values.

7.1.2 Avoid using platforms (for example websites) that are not verified publishers or legally registered companies.

7.1.3 Avoid the sale of any MTN mobile media (e.g., digital services / mobile advertising) to third parties who are deemed not to be aligned with MTN's values. MTN OpCos, sales partners, resellers and agencies and all other entities and companies that will be advertising on any of MTN's inventories will be responsible to adhere to additional rules notified by MTN from time to time.

## 8. DIGITAL MEDIA: PLACEMENTS

- 8.1 All digital media placements (display, video or other) should make use of built-in content exclusions provided by advertising platforms to avoid placement alongside sensitive categories (for example tragedy, conflict, social issues, profanity etc.)
- 8.2 Refrain from using platforms (for example websites) that are not verified publishers. This refers specifically to the fact that digital media should not be placed with publishers that have been added to the MTN global blacklist, after having been proven to not meet MTN agreed standards regarding valid, viewable, human traffic, and brand safety.
- 8.3 As far as possible, all digital media buys should include usage of a third-party verification technology to allow for real-time tracking of valid, viewable, human impressions served in brand safe environments. Further guidance regarding the above can be found in the Digital Ad Fraud and Brand Safety playbooks on the MTN Brand Portal - [www.brand.mtn.com](http://www.brand.mtn.com) . Refer the IAB guidelines for the Conduct of Ad Verification - MRC Supplement to IAB Guidelines for the Conduct of Ad Verification - [http://www.mediaratingcouncil.org/MRC%20Ad%20Verification%20Supplement-Enhanced%20Content%20Level%20Context%20and%20Brand%20Safety%20\(Final\).pdf](http://www.mediaratingcouncil.org/MRC%20Ad%20Verification%20Supplement-Enhanced%20Content%20Level%20Context%20and%20Brand%20Safety%20(Final).pdf)

## 9. USE OF MTN DATA FOR MARKETING AND ADVERTISING PURPOSES

- 9.1 Any collection and usage of individual Personal Data must be aligned to MTN's Data Privacy and Protection of Personal Data Policies and all applicable Privacy and Data protection Regulations, for example - Protection of Personal Information Act (POPIA) . When Personal Data is collected from consumers or users, individuals must be made aware of the purpose for the said data collection as it relates to marketing and the usage thereof in compliance with relevant laws and regulations.
- 9.2 Appropriate measures should be in place to ensure consumers understand and exercise their rights such as: opt-out option of direct marketing lists, opt-out of OBA or IBA (Online Behavioural or Interest-Based Advertising), rectify Personal Data, require their Personal Data to not be made available to certain third parties, sign on general direct preference services, as applicable.
- 9.3 When using targeted Advertising, MTN OpCo should ensure that these practices take privacy and discrimination risks into consideration. MTN will disclose targeted advertising content that it does not permit and, if certain

practices violate the company's rules, how customers can contact MTN to make a complaint. MTN OpCos shall ensure that its targeted advertising content is clearly labelled indicating that it comes from MTN directly. MTN shall also disclose the types, processes and technologies MTN uses to undertake its targeted advertising.