

G-Regs™

Poland – Direct Marketing



Full title: Advertising Code of Ethics – Rada Reklamy – Edition 10th March 2014

Title of relevant section: Chapter VII: Direct Marketing

Article 45

1. Direct marketing activities, including related offers, must be carried out in a way that is understandable for the beneficiary. In particular, the beneficiary should always be able to identify the advertised product and the terms of the offer, including the price.
2. The beneficiary (recipient) of a direct marketing offer should always be able to identify such an offer as advertising. An offer that can easily be mistaken for a bill or an invoice should not be made/ presented.
3. A direct marketing offer must clearly indicate what obligations will be imposed on the beneficiary upon acceptance of the offer.
4. Information provided, communicated in direct marketing which influences the beneficiary's decision (e.g. payment terms, reimbursement, and withdrawal from the contract), must be communicated in such a manner and within such time to make it possible for the beneficiary to take such information into account before accepting the offer.
5. Products for which a payment is requested cannot be delivered through direct marketing without first ordering these products.

Article 46

1. A direct marketing offer cannot be misleading in particular with respect to the true size, value, nature, durability, appearance, and technical capabilities of the advertised product, and if:
 - a. additional accessories are necessary for:
 - i. using the product or
 - ii. achieving the described or demonstrated effect, this must be clearly stated,
 - b. the offer is applicable to separately sold products, this should be clearly stated.
2. If a direct marketing offer proposes, for example, a "free examination" (*bezpłatnego zbadania*) or a "free trial" (*bezpłatnego wypróbowania*) of the product, then the offer must contain the terms of such use, including, in particular, information on who bears the cost of returning the product and the time limits in using it.
3. A direct marketing offer must contain information on where the seller and the advertiser may be contacted so that the beneficiary can contact them directly and effectively. At the time of delivery of the product the beneficiary must be informed of the complete names, addresses, and telephone numbers of the seller and the advertiser.

Article 47

1. Direct marketing offers must be carried out in a manner respectful of the beneficiary's privacy.

URL of source:

Polish: <https://www.radareklamy.pl/images/Dokumenty/Kodeks.pdf>

Rada Reklamy English translation: <http://www.gregsregs.com/downloads/PolishCodeofEthicsinAdvertisingRR2014.pdf>

Reviewed by: TS

Approved by: RB

Date posted online: 01/05/2014

1 of 2

-
2. If the personal data of individuals is collected in direct marketing, the beneficiary must be clearly informed thereof, also indicating the extent to which such data is processed. The collection, storage, and use of data must comply with the Personal Data Protection Act.
 3. The beneficiary of offers received under direct marketing, including, in particular, offers received with the use of addressed (i.e. postal) mail, non-addressed mail, telephone, text and multimedia messages (e.g. SMSs, MMSs, etc.), faxes, e-mail or other means of addressed online communications must be able to verify the sender of such an offer, and where applicable also the source from which the beneficiary's data originates.
 4. The promoter must comply with the beneficiary's request not to receive direct marketing offers, including, in particular, via addressed mail, non-addressed mail, telephone, text and multimedia messages (e.g. SMSs, MMSs, etc.), faxes, e-mail or other means of addressed online communications, by ceasing delivery of such offers. The beneficiary may express his will not to receive the DM messages from the specific promoter by passing on the appropriate request (to such promoter). The beneficiary may also express their wish not to receive any DM message by registering himself on the appropriate preference list (i.e. Robinson List) or by displaying information about such a request at the place of delivery of mail (i.e. on a post box).
-

Articles 48

1. Outgoing telemarketing cannot be carried out between 21:00 – 08:00 and on public holidays, unless the beneficiary expressly wanted a call at that time.
 2. When a direct marketing offer is made over the telephone (i.e. telemarketing), the beneficiary must be informed at the beginning of the call of the forename and surname of the caller and the name of the advertiser. Upon request, the beneficiary must be given information on the address and telephone number at which the caller and the advertiser may be contacted.
 3. If special calls¹ are made as part of direct marketing, the beneficiary must be informed in advance of the tariff applied for such a call.
-

¹ i.e. including premium rate calls; Art. 3(k) – Special Calls: telephone/fax call or a text/multimedia message the cost of which is different from the normal telephone tariff applicable for typical calls (although bear in mind – from the definition in Art. 3(k) - "different cost" could be lower than "the normal tariff in force for typical calls" – so special calls could include lower than normal charges.

URL of source:

Polish: <https://www.radareklamy.pl/images/Dokumenty/Kodeks.pdf>

Rada Reklamy English translation: <http://www.gregsregs.com/downloads/PolishCodeofEthicsinAdvertisingRR2014.pdf>