



**Nigerian Communications Commission
Guidelines on Promotional
Advertisements**

July 2023

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Nigerian Communications Commission Guidelines on Promotional Advertisements 2023

1. Introduction

- (1) In exercise of the powers conferred upon it by Section 70 of the Nigerian Communications Act, 2003 and all other enabling powers in that behalf, the Commission hereby;
- a. Make and publish Guidelines on any matters as are necessary for giving full effect to the provisions of the Act and or their due administration.
 - b. Publish Guidelines specifying inter alia minimum standards and requirements in respect of promotional advertisements of products and services by licensees for the purposes of protecting consumers and ensuring ethical marketing and promotional standards by licensees.
- (2) The Guidelines are developed to set minimum requirements and standards for promotional advertisements by licensed communications operators in Nigeria.

2. Definitions of terms

In these Guidelines unless the context otherwise requires, these terms shall have the following interpretations:

“Act” means the Nigerian Communications Act, 2003 or any succeeding legislation thereto

“Advertisement” means any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence consumers’ choice, opinion or behavior.

“Commission” means the Nigerian Communications Commission

“Licence” means any Licence that has been granted by the Commission pursuant to the Act.

“Licensee” means a person who either holds an individual licence or undertakes activities which are subject to a class licence granted under the Act.

“Promotion” means any message, the content of which is controlled directly or

indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence their choices, opinions or behavior in order to receive a reward or benefit.

3. **Minimum Standards and Requirements for promotional advertisement**

The Licensee shall submit to the Commission a written request for the approval of any promotional advertisements for goods and services. The request shall be submitted at least 30 (thirty) working days before the proposed or planned publication, and the licensee shall ensure that the application meets the following minimum standards and requirements:

a) **Standards and Requirements:**

- i. The licensee shall attach a detailed report of the advertisement clearly specifying the goods and/or services and the target consumers.
- ii. The licensee shall, if the goods and services on which an advertised claim or representation depends can be tested by survey or data, provide such data which shall be reasonably competent and reliable, reflecting the true and accepted principles of such research.
- iii. The licensee shall adhere to set standards for quality and grade of service set by the Commission.
- iv. The licensee shall adhere to the set standards on communications products and equipment that are manufactured, imported or sold in Nigeria.
- v. The licensee shall adhere to any other standards or requirements of a specific or general nature that may be specified from time to time by the Commission.

b) **Pricing**

- i. The licensee shall communicate all prices and financial implications clearly and have no hidden or disguised price adjustments, discounts, unrealistic price comparisons or exaggerated claims as to worth or value. Advertising with complicated price structures and information shall not only appear in transient types of media such as radio and television but shall be accompanied with detailed print media explanations, and on the licensee's website. The transient media shall specifically instruct consumers to see the print mediums for details.

c) Advertorial Medium

- i. The licensee shall be required to make promotional advertisements only via print, radio, mail, licensee's website, text messages, electronic mail (where permitted by recipient to send such promotional material), social media platforms and/or visual media, with accuracy and clarity of the goods and services being offered.
- ii. No promotional advertisements shall contain any obscenities or profanities unsuitable for young persons and children or contain any racial or prejudicial content relating to the nation, origin, religion, sex, gender or age.

d) Comparative Advertising

- i. Advertisements shall not unfairly discredit, disparage or attack other products, services, advertisements or companies, or exaggerate the nature or importance of competitive differences.
- ii. No licensee shall imitate the slogans or illustrations of another advertiser in such a manner as to mislead the consumer.

e) Internet Connections

- i. Licensees offering internet connections should state the internet connection speed available to end-users as well as specific upload and download speed. If the connection speed quoted is only obtainable under special circumstances, then these circumstances should be clearly stated.

4. Application for Promotion

- i. Every licensee shall prior to the release of any promotion of its products and services, make an application to the Commission for approval of such promotion.
- ii. The application shall be filled in the stipulated application form as provided in Schedule 1 and submitted to the Commission after paying the relevant application fees as stated in schedule 2 of these Guidelines. The application form can be downloaded from the Commission's website at www.ncc.gov.ng

- iii. The licensee shall attach a detailed report of the promotion clearly specifying the goods and/or services and the target consumers.
- iv. The Commission shall cause the approval or otherwise to be communicated to the licensee within 30 (thirty) days of receiving the application.
- v. All approvals granted shall be registered with the Federal Competition and Consumer Protection Commission within 3 (three) days of the launch of the promotions.
- vi. The licensee shall ensure that the network is capable of sustaining the traffic that may be generated from such promotion.
- vii. The licensee shall ensure that the tariff attributed to such promotion does not exceed the tariffs approved by the Commission.
- viii. The licensee shall specify the duration and date range of such promotion or advertisements and the date of redemption of such promotional benefits.
- ix. All promotions shall not misrepresent the licensees' opportunity to provide the goods and services at the terms presented. If supply of the goods and services are limited, or the licensee can fulfill only limited demand, this shall be clearly stated in the communication for the promotion.
- x. In respect of promotions or advertisements containing promotions, the licensee shall specify the duration and the date range of such promotion and the date of redemption of such promotional benefits.
- xi. Where the duration of the promotion is not time bound, but subject to attainment of a specific target (for example a raffle targeted at the first 5,000 adopters of a promotion), the promotion shall state clearly the threshold to be applied.

- xii. The licensee shall specify the target subscribers' clearly distinguishing those targeted at new subscribers and those targeted at existing subscribers.
- xiii. The licensee shall communicate the geographical region that the products are available to the subscribers.
- xiv. The licensee shall ensure a geographical balance while offering its promotional sales to its consumers without concentration on consumers in a particular geographical location.
- xv. The licensee shall communicate clearly and understandably to the subscribers all relevant terms and conditions of the promotions.
- xvi. Where a licensee communicates certain categories and / or specific products services as rewards or potential rewards for partaking in a promotion, it shall ensure that the specific items and or services portrayed and /or promised are not varied.

5. Denial of Application

- i. The Commission reserves the right to reject any application for promotion.
- ii. The rejection shall be communicated to the licensee within 14 (fourteen) days of receiving the application.
- iii. The Commission shall communicate to the licensee the reasons for the rejection and where the situation can be remedied or the application varied may ask the licensee to remedy the situation within a specified period.

6. Withdrawal of Approval

- a. The Commission reserves the right to withdraw any approval granted for promotions from the licensee for reasons not limited to:
 - i. Network Congestion
 - ii. Poor performance in licensee's services
 - iii. Consumer complaints,
 - iv. Misrepresentation of offer by the licensee,
 - v. Contravention of specific approval,
 - vi. Variation from submitted application content and /or context

- b. Upon the withdrawal of the approval, the licensee shall discontinue such sales promotion with immediate effect. The discontinuation shall be communicated to the subscribers via print, radio, mail, licensee’s website, text messages, electronic mail (where permitted by recipient to send such promotional material), social media platforms and/or visual media.

7. Appeal

- a. Where a request for approval is rejected or approval is withdrawn, the licensee is entitled to request an appeal from the decision of the Commission by filing a Request for Appeal addressed to:

**The Executive Vice Chairman
Nigerian Communication Commission
423, Aguiyi Ironsi Street, Maitama,
Abuja, FCT**

- b. The Request for Appeal shall be in writing and received at the Commission within 7 (seven) days after the decision is sent to the licensee. It shall provide the appellant’s basis for the request.
- c. An Appeal Panel shall be constituted comprising persons who did not serve at the original decision making. The licensee making the request will be given at least 5 (five) days advance written notice of the date of the appeal hearing.
- d. At the appeal hearing, the complaint will be treated as a new complaint and the matter reconsidered in its entirety.
- e. Decisions of Appeal Panels will be sent to the licensee within 5 (five) days of the appeal hearing.
- f. Decisions by the Appeal Panel shall be binding.

8. Sanctions

- a. Breach of these Guidelines shall be sanctioned pursuant to the Nigerian Communications (Enforcement Process, etc.) Regulations, 2019 as may be amended from time to time.

- b. The Commission may suspend a licensee from participating or embarking on further promotional activities for such duration and based on such terms and conditions as the Commission may specify.

9. Citation

This Guidelines shall be cited as the Guidelines on Promotional Advertisement 2023

MADE AT ABUJA THISDAY OF.....20.....

Professor Umar Garba Danbatta, FNSE, FRAES, FAEng, FNIEEE
Executive Vice Chairman / CEO
Nigerian Communications Commission

SCHEDULE 1

Application fees

S/No	Nature of application	Category of Licensee	Duration of promotion	Amount in Naira (₦)
I	a. Sales Promotions (new application)	MNOs VAS	3 months	₦750,000 Promo fee- ₦500,000 Advert fee- ₦250,000
			6 months	₦1, 500, 000 Promo fee- ₦1,250,000 Advert fee- ₦250,000
	3 months		₦750,000	
	6 months		₦1, 500, 000	
II	a. Sales Promotion (new application)	ISPs	6 months	₦500,000 Promo fee- ₦350,000 Advert fee- ₦150,000
			1 year	₦1, 000, 000 Promo fee- ₦700,000 Advert fee- ₦300,000
	6 months		₦500, 000	
	1 year		₦1, 000, 000	
III	a. Lottery (new application)	MNOs VAS	6 months	₦1, 500,000
	b. Renewal		60 days only once	₦1,000,000
IV	a. Lottery with gaming	MNOs	6 months	₦1, 500,000

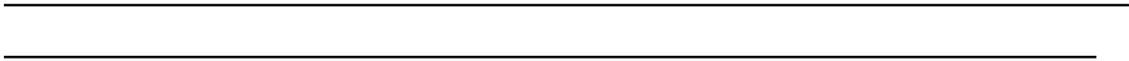
	services new application	VAS		
	b. Renewal		60 days only once	¥1,000,000

Schedule 2

Application form for promotions related to Products and Services of Licensed Operators within the Federal Republic of Nigeria.

Application for approval (general notes)

- a. Application shall be completed in full. Incomplete applications will not be considered.
- b. Where there are two or more concepts under the same campaign, the same form may be used but all concepts shall be attached and individually allocated a reference number.



- 1. Operator/Licensee
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.....
- 2. Licence number
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.....
- 3. Types of Licence(s).....
- 4. Number and date of registration under the Companies and Allied Matters Act.
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.....
- 5. Registered address
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6. Contact address, email, telephone number

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7. All Social Media handles and platforms of the Licensee(s).....

8. Nature of Application-

New () Renewal ()

9. Detailed description of Promotion/Lottery/Gaming

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.....
.....

10. Duration of Promotion/Lottery/Gaming

.....
.....

11. Media to be utilized for Promotion (tick as appropriate)

- Radio ()
- Print ()
- SMS ()
- MMS ()
- Web ()
- Television ()
- Social Media
- Platform ()

12. Other formats (please detail)

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13. List of attachments submitted

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14. Commencement date

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15. Closing date

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16. Prizes to be won

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17. Conditions for participation

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18. Mode of participation

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19. Mode of notification to participants

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20. Mode of claiming prizes

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21. Process of selecting winners

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22. Geographical location(s)

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23. Where appropriate, state who owns the copyright of the entries

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24. State clearly whether winners will be used in post-event publicity

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25.

..Details of any other factors likely to influence consumers' decisions or understanding of the promotion

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DATED this.....Day of..... 20.....

Name of licensee

Signature of applicant's representative.....

Name of representative.....

Designation.....