



The Experiential Marketing Code of Conduct

Preface

The purpose of the Experiential Marketing Code of Conduct is to ensure that marketing communications are legal, decent, honest and truthful, and that consumer confidence is maintained.

The core principal of the Experiential Marketing Code of Conduct is that consumers should be dealt with fairly.

It should be noted that many larger client companies require that marketing agencies or service providers are members of a recognized trade body and/or adhere to recognized industry codes of conduct which gives a level of trust and confidence before they are allowed to work for them.

Other major client companies have also adopted their own marketing charters, and it is highly likely that adherence to the Experiential Marketing Code of Conduct will be incorporated into many if not all of these charters.

The Association will deal with complaints about possible infringements of the Experiential Marketing Code of Conduct. In cases where the infringement is severe, or where a company repeatedly infringes the Experiential Marketing Code, sanctions may include expulsion from membership and public 'naming and shaming'.

Where a complaint concerns a company, agency or other body which is not a member of one of the trade associations that is backing the code, then attempts will be made to engage with them and explain to them the reasons for the Code, and why they should follow it in the future.

If these discussions do not succeed in gaining a commitment to follow the Experiential Marketing Code in the future, then those trade associations which have adopted and/or are supporting the Code will take steps to inform their members of the issue. If, while investigating a complaint under the Experiential Marketing Code of Conduct, the case will be handed over to a committee, who will determine the matter and recommend appropriate sanctions if found liable.

By creating and following self-imposed principles, the Experiential Marketing community will produce and implement work that are welcomed and trusted. By practising self-regulation, it ensures the integrity of experiential marketing, activation, promotions and direct marketing.



The value of self-regulation as an alternative to statutory control is recognised and advisable.

SCOPE OF THE CODE

Introduction

As well as this Experiential Marketing Code of Conduct, Experiential Marketing activities may be subject to relevant authorities.

Finally, individual state or local authorities may have their own rules and regulations which impact on Experiential Marketing activities.

Marketers have primary responsibility for ensuring that their marketing communications are legal and that they comply with the relevant industry codes. Marketing communications should comply with the law and should not incite anyone to break it.

The Experiential Marketing Code is intended to complement and support other industry code that may exist and not in any way to replace it. However, given the nature of most experiential marketing campaigns, and the fact that they can include a wide range of different individual activities, it may require an initial investigation and collaboration to agree on amicable codes to be used.

Scope of the Experiential Marketing Code of Conduct

The Experiential Marketing Code of Conduct will cover any marketing communications activity, which is delivered as part of an Experiential Marketing campaign. However, because of the nature of Experiential Marketing, it often involves marketing activities that are unusual, innovative and perhaps even unique. As a result, it is difficult to draw up a full list of marketing activities, which would fall under the scope of the Experiential Marketing Code of Conduct.

Examples of activities, which it does apply to, would include:

- The distribution of samples by a Brand Ambassador to consumers.
- The distribution of other promotional materials by a Brand Ambassador to consumers.
- Live events or other live activities specifically designed to communicate marketing messages on behalf of a brand or service.

- ‘Oral’ marketing communications, when delivered as part of an Experiential Marketing campaign.

One point that should be stressed is that the Experiential Marketing Code of Conduct is intended to cover marketing communications which are delivered by representatives of a brand (Brand Ambassadors) directly to consumers. This Code is not intended to cover pure face-to-face selling or product demonstrations, although if such activities are combined with Experiential Marketing activities, then the Code will apply to the Experiential Marketing elements.

Definitions

These definitions apply to the Experiential Marketing Code of Conduct:

- When the term ‘brand’ or ‘product’ is used throughout this Code, it encompasses goods, services, ideas, causes, opportunities, prizes or gifts.
- A consumer is anyone who is likely to see a given marketing communication, whether in the course of business or not. So the Experiential Marketing Code of Conduct applies to both consumer-facing activities and also business-to-business activities.
- A marketer includes an advertiser, promoter or direct marketer.
- A claim can be implied or direct, written, spoken or visual; the name of a product can constitute a claim.
- A Brand Ambassador, for the purpose of the Experiential Marketing Code of Conduct, is an individual who is employed by a brand-owning company or one of its agents and whose primary purpose, at the time that Experiential Marketing activity is taking place, is the face-to-face communication of marketing messages to consumers on behalf of a brand or product.
- A personality, such as a sports person or entertainer who has been signed up as an endorser of a brand, product or service, would not be classed as a Brand Ambassador for the purpose of this Code. Their primary purpose is, from the brand owner’s point of view, to act as a brand spokesperson, for example by appearing in advertising. They are not being employed by a brand to deliver experiential marketing activity or hand out samples, leaflets or other below-the-line marketing messages.
- Similarly, a consumer who has been recruited to promote a brand or product to his or her family or peer group (what some people describe as ‘peer-to-peer’ or ‘word-of-mouth’ marketing) is considered to be doing so as an add-on to his or her normal relationship with those people, not as the primary purpose of it.
- A child is anyone under 16.
- Experiential Marketing, for the purposes of this Code, is marketing communications which are delivered face-to-face by someone who has been employed with that express purpose and who is representing the client company, brand or service.
- Face-to-face means that items should be handed to consumers by a Brand

Ambassador, to maximise brand engagement and the control of brand messaging.

1.0 General principles

- 1.1 Marketing communications (including Experiential Marketing and Sampling) must be identifiable as such and must make clear their commercial intent, if that is not obvious from the content.
- 1.2 Nobody, during the course of Experiential Marketing activity, should pretend to be a consumer (unless they are clearly acting out the role of a consumer in a performance). Falsely claiming to be a consumer could constitute an offence under the Consumer Protection from Unfair Trading.
- 1.3 Experiential Marketers must respect the general public and not, for example, force a message or a sample upon them, or use inappropriate language. People should not be made to feel inadequate or potentially a social outcast by Experiential Marketing activity or by those delivering it.
- 1.4 All marketing communications, including Experiential Marketing, must be prepared with a sense of responsibility to consumers and to society.
- 1.5 Experiential Marketing activity should not encourage the public to use or consume a product or service to excess.
- 1.6 Experiential Marketing activity should not condone or encourage attitudes associated with poor diet.
- 1.7 Experiential Marketing activity should not suggest that an inactive or sedentary lifestyle is preferable to a physically active lifestyle.
- 1.8 In addition to respecting the rights of the general public when conducting Experiential Marketing activity, marketers must also be aware of any likely impact on other retailers, businesses, organisations and groups in the immediate area of any activity and take steps to limit potential problems.

2.0 Location

- 2.1 If Experiential Marketing is to be conducted on private property, prior written permission, licences or permits must be received from land or building owners or their authorised representatives and from any other relevant parties.
- 2.2 If Experiential Marketing is to be conducted in public spaces, appropriate

permissions and/or licences must be obtained from relevant local authorities. Appropriate permissions and licences for the above principles will include any clearances required (eg LASSA) for the use of copyrighted materials in performances (e.g. PMAN) an activity using dangerous weapons (e.g. Bomb Squad) or similar permissions.

- 2.3 Any location/s where Experiential Marketing activity takes place should be left clean and tidy once the activity has finished and has been cleared up.
- 2.4 Items (e.g. leaflets, coupons, promotional merchandise or product samples) should NEVER be left behind after any Experiential Marketing activity finishes for the public to take for themselves.
- A fundamental principle of Experiential Marketing, as defined for the purposes of this Code, is that someone representing the client company, brand or service delivers it face-to-face. Items should ideally be handed to people, not left for them to pick up without a Brand Ambassador being present, to maximise brand engagement and the control of brand messaging. Furthermore, leaving promotional items behind could constitute littering.
- If significant amounts of waste are likely to be generated by experiential activity, then the organisers of that activity should provide temporary waste bins/receptacles for the audience to dispose of unwanted items, and should arrange for the collection and disposal of any such waste. Some activities (e.g. certain beauty and personal grooming products, such as razors) may generate hazardous waste that will require special treatment.
- 2.5 Certain locations require very careful consideration when planning activity, either experiential marketing in general or for particular kinds of products or services. Locations may be problematic because of physical issues (e.g. access, crowd control) or because of socio-demographic variances.
- 2.6 During the planning phase, when locations for activities are being selected, marketers must take reasonable steps to ensure that they take into account any particular local conditions or issues that could, if ignored, lead to offence being caused.
- 2.7 Such planning should highlight areas where ethnic or religious makeup (including specific religious festivals/holy days), age and income profile and/or recent events may mean that care should be taken.

Religious and/or ethnic considerations should definitely be taken into account during the planning stage when sampling food and drink products in particular areas and/or at particular times. For example, pork food samples should not be distributed in areas with significant Muslim populations. Food products, should not be sampled during Ramadan or Lent

2.8 Discussions should be held with relevant authorities, site owners and/or interested parties to explore any potential problems and work out solutions acceptable to all.

2.9 Locations, which should be given careful consideration during the planning of any experiential activity, include:

2.9.1a The immediate vicinity of a school. This is because Brand Ambassadors will not be able to litter pick and ensure that materials (e.g. leaflets, coupons, and promotional merchandise or product samples) are collected and disposed of correctly.

It is also in recognition of increased concerns over how marketers communicate with children.

However, certain experiential campaigns may be welcomed and indeed encouraged within the vicinity of a school or even on school premises. These might include campaigns promoting road safety, public health issues or literacy. In such cases, marketers must ensure that they take precautions to reduce the impact on the location, in terms of litter etc.

2.9.3b. The immediate vicinity of a place of worship. Again, as with School and similar locations, this is because Brand Ambassadors will not be able to litter pick and ensure that materials (e.g. leaflets, coupons, promotional merchandise or product samples) are collected and disposed of correctly. However, it is also an acknowledgement that marketers should be respectful of religious sensibilities and the fact that, for example, highly sexualized imagery may offend.

3.0

Product considerations

3.1 Certain products or services being promoted via Experiential Marketing may require special consideration and may impose restrictions on which consumers can or should be engaged with, or may affect the location(s) in which activity should take place.

3.2 The following product/service categories have their own separate sections:

3.2.1 Food and drink.

3.2.2 Alcohol;

3.2.3 Gambling and lotteries;

3.2.4 Financial services.

3.2.5 Additionally, there is a separate section with specific principles that apply when Experiential Marketing activity targets, or is likely to involve children

4 Food and drink

The following principles apply to all Experiential Marketing activities

promoting food and drink. If the product is an alcoholic drink, or contains alcohol, then this section should be read in conjunction with the special section on Alcohol.

- 4.1 During the planning stage for any Experiential Marketing activity which involves the distribution of food and drink, issues such as the potential for allergic reactions, the potential effects of unpasteurised milk products on pregnant women and the potential effects of products containing high levels of ingredients such as caffeine on pregnant women and the young should be assessed. Some brand owners will have their own policies in place which may be stricter than this principle. Anyone planning activity should check with the brand owner about any such policies.
- 4.2 Similarly, during the planning stage for any Experiential Marketing activity which is likely to involve the distribution of food and drink, religious sensibilities and other strongly held beliefs (e.g. vegetarians or pork) must be taken into account.
- 4.3 People with allergies, or who do not wish to consume particular food or drink products for ethical, moral or religious reasons, should be able to find out easily what the ingredients of food and drink samples are. Sampling teams should have access to a complete list of ingredients for any products they are handing out, so they can answer consumers' questions.
- 4.4 If a food or drink sample is dispensed in packaged form, then potential allergens must be clearly identified on the packaging, if physically possible.
- 4.5 If it is not physically possible to list potential allergens on sample packaging, or if samples are distributed in an unpackaged form, then a list of ingredients should be easily available, for example on a leaflet available at the point of sampling. It is possible that samples may be taken away and passed on to others, which is why potential allergens should be identified on packaging or listed on leaflets. For similar reasons, ingredients, which may be objectionable to some people on moral or religious grounds, should be identified on packaging (if possible) or on leaflets.
- 4.6 When distributing food and drink samples, health and hygiene rules and regulations must be adhered to at all times. Care should be taken when handing out samples of food and/or drinks products (particularly where multipacks may be broken up and distributed individually) to ensure that all products are well within their sell by and use by dates.
- 4.7 When handing out food or drink products that require cooking or other preparation, Brand Ambassadors must have had training in food preparation

and hygiene. This training must be recent, relevant and from a recognised body.

- 4.8 When dealing with any food or drink products, samples must be stored, transported and served under the appropriate conditions (e.g. chiller cabinet or refrigerated transport).
- 4.9 Experiential Marketing should not encourage people to consume food or drink in excessive amounts or under inappropriate circumstances or in inappropriate places.
- 4.10 Before handing out food or drink samples to anyone who appears to be under the age of 18, Brand Ambassadors should ask for and get permission, either from a parent or from another responsible adult. See also the specific section in this Code dealing with activity involving minors.

Brand owners and venue owners may have different minimum age requirements. Some soft drinks manufacturers, for example, have policies banning sampling of energy drinks to anyone aged under 18, anyone planning experiential activity must check with the client and venue owners to confirm whether they have such policies or not.

- 4.11 No food or drink samples should ever be distributed to children who appear to be under 12, unless a parent or responsible adult has granted express permission.
- 4.12 Even with permission, food or drink samples should never be handed directly to children under 12: they should be given to a parent or responsible adult who is present to pass to the child. See also the specific section in this Code dealing with activity involving minors.

5 Experiential Marketing promoting alcoholic drinks and products containing alcohol

The following principles should be read in conjunction with and as an extension of the above principles on food and drink.

- 5.1 Experiential Marketing activity must be socially responsible and must contain nothing that is likely to lead people to adopt styles of drinking that are unwise, illegal, irresponsible or immoderate. For example, they should not encourage drink driving, excessive drinking, binge-drinking or drunkenness. Care should be taken not to exploit the young, the immature or those who are mentally or socially vulnerable.

- 5.2 Experiential Marketing activity must not claim or imply that alcohol can enhance confidence or popularity.
- 5.3 Experiential Marketing activity should not involve any kind of challenge or competitive element directly linked to the amount of alcohol consumed or the speed of consumption. Experiential Marketing activity must not show, imply, encourage, refer to aggression or unruly, irresponsible or anti-social behaviour, or link alcohol with brave, tough or daring people or behaviour.
- 5.4 Experiential Marketing activity must not link alcohol with seduction, sexual activity or sexual success nor imply that alcohol can enhance attractiveness. Staff delivering Experiential Marketing activity for alcohol should not be dressed in sexually suggestive clothing, nor should they engage in close physical interaction with consumers in a way that might suggest an association with sexual success. Staff should not be selected on the basis of their age or physical attractiveness. Marketers should take care, when selecting photographs or video of Experiential Marketing activity for use in other media directly under the control of the brand, to avoid showing close physical contact involving promotional staff and/or consumers (e.g. kissing each other, sitting on each other's laps). Similarly, images which show staff /consumers making sexually-suggestive facial expressions or gestures should be avoided.
- 5.5 Experiential marketing activity intended to promote alcoholic drinks or products containing alcohol must not be likely to appeal particularly to people aged under 18, especially by reflecting or being associated with youth culture. Activities which form part of an experiential campaign should not feature or portray real or fictitious characters that are likely to appeal particularly to those aged under 18 in a way that might encourage the consumption of alcohol by those who are under legal drinking age.

While staff aged 18 can legally work on Experiential Marketing activity for alcohol brands, marketers should take care to avoid suggestions that staff have been chosen purely to appeal to an under 18 demographic.

- 5.6 No samples of alcohol should be given to anyone who is under 18. If in doubt, Brand Ambassadors should ask for proof of age. If a consumer cannot produce proof of age, then Brand Ambassadors should not give them a sample. Brand Ambassadors should also avoid giving samples of alcohol to anyone they have reason to believe will pass them on to someone aged under 18.
- 5.7 Adherence to the relevant age verification scheme should be made clear. If possible, this should be done via posters and/or other marketing materials at

the point of delivery of the Experiential Marketing activity, while all Brand Ambassadors should wear lanyards or badges clearly showing the scheme's logo.

- 5.8 Staff delivering Experiential Marketing, including alcohol sampling, must, by law, be aged 18 or over. However, it is strongly recommended that the minimum age of any Brand Ambassadors and sampling staff for activity involving alcohol should be 21, unless an older minimum age is specified by the site owners, local authorities, the brand for which the activity is being conducted or other relevant party.

Many clients and site owners already specify that the minimum age of staff conducting experiential work involving alcohol should be 25. Some retailers are also specifying that staff must be aged minimum 21 or 25 to be allowed to dispense or sell alcohol. Experiential agencies are advised to ensure that they, and any staffing providers working for them, are aware of and adhere to any such requirements. Agencies and staffing providers should also take care not to employ people who, even though they are over the required minimum age, look under 18.

If staff who are aged between 18 and 24 do act as Brand Ambassadors or sampling staff as part of Experiential Marketing activity for an alcoholic drink or product containing alcohol, then images of these staff MUST NOT appear in any advertisements or marketing communications for the drink/product (for example, in magazine/newspaper advertising, on a brand's website or in any social media under the brand's control, such as a brand's Facebook page.)

- 5.9 The alcoholic nature and strength of an alcoholic drink, which is being sampled, should be clearly communicated. This should be via its packaging if there is packaging, or on posters and/or leaflets at the point of delivery of the Experiential Marketing activity.
- 5.10 Alcohol products should be sampled in 'taster' sized servings only UNLESS the activity is taking place in a controlled location, such as licensed premises or at an event, where a larger serve can be used.
- 5.11 Only one sample of a particular alcoholic drink should be given to any one individual at one time. If more than one alcoholic drink is being sampled (for example, a range of different wines), then multiple samples can be given to a single individual, but care should be taken not to give one person too much at once. Sensible drinking guidelines should be observed. The purpose of sampling should be to give a consumer the opportunity to experience taste and quality, not to become drunk for free; there must be a sensible limit on the amount of alcohol an individual is allowed to imbibe at any one time. If a range of drinks is being sampled, then organisers should consider using smaller quantities for each sample. Many client companies will have their

own guidelines which specify sample sizes and how many samples are to be provided to single individuals.

- 5.12 Government guidelines on sensible drinking, and special advice for groups such as pregnant women, should be carried on packaging and/or communicated via posters or leaflets. Promotional materials, packaging and posters should reference the dangers of excessive drinking and should include advice on sensible drinking.
- 5.13 No alcoholic drinks samples are to be given to anyone who is or who appears to be drunk or under the influence of drugs.

6 Financial products

The marketing of many financial products or services is subject to restrictions under Central Bank of Nigeria and other Financial Institutions Rules

The scope of that legislation, rules and guidance extends to marketing communications for: investments and investment advice; deposit taking (e.g. banking); home finance transactions (regulated mortgages, home purchase plans and home finance plans); general insurance and pure protection policies (e.g. term assurance). The CBN is responsible for the regulation of first-charge mortgage lending and selling, as well as certain secured loans and the activities of insurance intermediaries.

Obviously, any Experiential Marketing activity for financial products must also adhere to the general principles of this Experiential Marketing Code.

- 6.1 Information about financial products must be provided in a way that allows them to be understood easily by the audience being addressed. Marketers must ensure that they do not take advantage of consumers' inexperience or credulity.
- 6.2 Experiential Marketing should, if possible, state the nature of the contract being offered, any limitation, expense, penalty or charge and the terms of withdrawal. It is unlikely, however, that all of this information can be communicated within the confines of pure Experiential Marketing. In that case, free material explaining the offer must be made readily available to consumers before any binding contract is entered into.
- 6.3 The basis used to calculate any rate of interest, forecast or projection which is quoted, referenced or communicated during Experiential Marketing activity must be apparent immediately.
- 6.4 Marketing communications must make clear that the value of investments is variable and, unless guaranteed, can go down as well as up. If the value of the

investment is guaranteed, the marketing communication must explain the guarantee.

- 6.5 Marketing communications should make clear that past performance or experience does not necessarily give a guide for the future; if they are used in marketing communications, examples of past performance or experience should not be unrepresentative.

7

Gambling

The principles that follow apply to the use of Experiential Marketing to promote gambling (not including spread betting, which is covered by the Financial Services or Lotteries)

Obviously, any Experiential Marketing activity for financial products must also adhere to the general principles of this Experiential Marketing Code.

- 7.1 All marketing communications, including any use of Experiential Marketing, for gambling products must be socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.
- 7.2 The spirit, as well as the letter, of the principles in this section apply, whether or not a gambling product is shown or referred to.
- 7.3 Experiential Marketing activity, whether through imagery, or through written or oral communications between Brand Ambassadors and consumers, must not:
- 7.3.1 portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm;
 - 7.3.2 exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons;
 - 7.3.3 suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression;
 - 7.3.4 suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security;
 - 7.3.5 portray gambling as indispensable or as taking priority in life; for example, over family, friends or professional or educational commitments
 - 7.3.6 suggest that gambling can enhance personal qualities, for example, that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration
 - 7.3.7 suggest peer pressure to gamble nor disparage abstention
 - 7.3.8 link gambling to seduction, sexual success or enhanced attractiveness

- 7.3.9 portray gambling in a context of toughness or link it to resilience or recklessness
- 7.3.10 suggest gambling is a rite of passage
- 7.3.11 suggest that solitary gambling is preferable to social gambling
- 7.3.12 be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture
- 7.3.13 be directed at those aged below 18 years (or 16 years for football pools, equal chance gaming [under a prize gaming permit or at a licensed family entertainment centre], prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines) through the selection of media or context in which they appear
- 7.3.14 include a child or a young person. No-one may behave in an adolescent, juvenile or loutish way. It is strongly recommended that the minimum age of any Brand Ambassadors and sampling staff for activity involving gambling should be 21, unless an older minimum age is specified by the site owners, local authorities, the brand for which the activity is being conducted or other relevant party.

Experiential agencies are advised to ensure that they, and any staffing providers working for them, are aware of and adhere to any such requirements. Agencies and staffing providers should also take care not to employ people who, even though they are over the required minimum age, look under 18. Brand Ambassadors involved in delivering experiential activity for gambling should not be chosen deliberately because they look young. If staff who are aged between 18 and 24 do act as Brand Ambassadors or sampling staff as part of Experiential Marketing activity for gambling, then images of these staff MUST NOT appear in any advertisements or marketing communications for the product or brand (for example, in magazine/newspaper advertising, on a brand's website or in any social media which is under the brand's control, such as a brand's Facebook page.)

- 7.3.15 exploit cultural beliefs or traditions about gambling or luck condone or encourage criminal or anti-social behaviour
 - 7.3.16 condone or feature gambling in a working environment. An exception exists for licensed gambling premises.
- 7.4 Experiential Marketing for family entertainment centres, travelling fairs, horse racecourses and dog race tracks, and for non-gambling leisure facilities that incidentally refer to separate gambling facilities (e.g. as part of a list of facilities on a cruise ship) may include children or young persons, provided they are accompanied by an adult and are socialising responsibly within the existing federal or state law
- 7.5 Experiential Marketing for events or facilities that can be accessed only by entering gambling premises must make that condition clear.

8 Lotteries

The rules in this section are designed to ensure that Experiential Marketing communications for lotteries are socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited by advertising that features or promotes lotteries.

This section applies to marketing communications for lottery products that are licensed and regulated by the National Lottery Commission, or in the case of States or local governments.

Any Experiential Marketing activity for financial products must also adhere to the general principles of this Experiential Marketing Code.

- 8.1 All marketing communications, including any use of Experiential Marketing, for lottery products must be socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.
- 8.2 Experiential Marketing must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.
- 8.3 Experiential Marketing must not suggest that participating in a lottery can provide an escape from personal, professional or educational problems such as loneliness or depression.
- 8.4 Experiential Marketing must not suggest that participating in a lottery can be a solution to financial concerns, an alternative to employment or a way to achieve financial security. Advertisers may, however, refer to other benefits of winning a prize.
- 8.5 Experiential Marketing must not portray participating in a lottery as indispensable or as taking priority in life; for example, over family, friends or professional or educational commitments.
- 8.6 Experiential Marketing must neither suggest peer pressure to participate nor disparage abstention.
- 8.7 Experiential Marketing must not suggest that participating in a lottery can enhance personal qualities, for example, that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration
- 8.8 Experiential Marketing must not link participating in a lottery to seduction, sexual success or enhanced attractiveness

- 8.9 Marketing communications must not portray participation in a context of toughness or link it to resilience or recklessness
- 8.10 Experiential Marketing must not suggest participation is a rite of passage.
- 8.11 Experiential Marketing must not suggest that solitary gambling is preferable to social gambling.
- 8.12 Experiential Marketing for lotteries that can be participated in only by entering gambling premises must make that condition clear.
- 8.13 Experiential Marketing for lotteries must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons.
- 8.14 Experiential Marketing for lotteries must not be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture.
- 8.15 Experiential Marketing for lotteries should not be directed at those aged under 18 years through the selection of media or context in which they appear.
- 8.16 Experiential Marketing for a lottery product may include children or young persons.

No-one who is, or seems to be, under 25 years old may be shown in advertising or marketing materials either participating in a lottery or playing a significant role.

It is strongly recommended that the minimum age of any Brand Ambassadors and sampling staff for activity promoting lotteries should be 21, unless an older minimum age is specified by the site owners, local authorities, the brand for which the activity is being conducted or other relevant party.

Experiential agencies are advised to ensure that they, and any staffing providers working for them, are aware of and adhere to any such requirements. Agencies and staffing providers should also take care not to employ people who, even though they are over the required minimum age, look under 18. Brand Ambassadors involved in delivering experiential activity for lotteries should not be chosen deliberately because they look young.

If staff who are aged between 18 and 24 do act as Brand Ambassadors or sampling staff as part of Experiential Marketing activity for lotteries, then images of these staff **MUST NOT** appear in any advertisements or marketing communications for the product or brand (for example, in magazine/newspaper advertising, on a brand's website or in any social media which is under the brand's control, such as a brand's Facebook page.) This

would constitute a breach of the Code, which states that images of people who are or who appear to be under the age of 25 MUST NOT be shown participating in lotteries or playing a significant role in the promotion of lotteries in any advertising or marketing communications for lotteries.

- 8.17 Experiential Marketing that exclusively features the good causes that benefit from a lottery and that includes no explicit encouragement to buy a lottery product may include children or young persons in a significant role.
- 8.18 Experiential Marketing for lotteries must not exploit cultural beliefs or traditions about gambling or luck.
- 8.19 Experiential Marketing for lotteries must not condone or encourage criminal or antisocial behaviour.
- 8.20 Experiential Marketing for lotteries must not condone or feature gambling in a working environment (an exception exists for workplace lottery syndicates and gambling premises).

9

Experiential Marketing activity targeting or involving children and other age related issues

The Pledge is reproduced in full in Appendix A.

This section of the Experiential Code of Conduct sets out principles for Experiential Marketing activity where children are likely to be the main audience or a significant proportion of the audience (e.g. activity in a family-friendly location).

This section of the Experiential Code of Conduct includes some principles which apply where a consumer is aged under 18, and others which are stricter and which apply where a consumer is aged 12 and under.

Legally, there may be other age restrictions, which apply (e.g. if the activity involves promoting a film, DVD or computer game which has an age rating).

- 9.1.1 Brand Ambassadors involved in any Experiential Marketing activity which, includes close contact with children (including, but not limited to, running sporting activities, demonstrating computer games, running crèches, etc) and who will be on their own with children must ensure their criminal background is checked.
- 9.1.2 Brand Ambassadors involved in any Experiential Marketing activity where children 12 and under may be left in their charge must get names and contact details, including where possible mobile phone numbers, of parents or responsible adults before accepting responsibility for the child/children.
- 9.1.3 Some Experiential Marketing activities, promotional materials or products being sampled may be inappropriate for children aged under 16 or under 12.

In cases where such products or services are being promoted through Experiential Marketing, the permission of a parent or guardian who is present should be sought before engaging with children.

- 9.1.4 It may not always be clear how old someone is. If a Brand Ambassador is uncertain of the age of a consumer and is involved in delivering Experiential Marketing activity where age is relevant, then they should ask for proof of age before engaging with that consumer. If proof is not provided, then they should not engage with that consumer.
- 9.1.5 Proof of age can be in the form of a document or card; or Brand Ambassadors can ask for a parent/guardian or responsible adult who is present to vouch for someone's age.
- 9.1.6 Any refusal to engage with a consumer on the grounds of age should be explained politely and respectfully, with reference to the Experiential Code of Conduct.

- 9.2 The following principles apply to anyone under the age of 18.
 - 9.2.1 Children should not be shown hazardous situations or dangerous behaviour which they may be tempted to recreate at home.
 - 9.2.2 Children should not be made to feel inferior or unpopular for not trying/buying/liking a product.
 - 9.2.3 Children must not be made to feel that they lack courage, duty or loyalty if they do not buy or do not encourage others to buy the product.
 - 9.2.4 Dependent upon the environment which has been set up to facilitate engagement via Experiential Marketing activity, Brand Ambassadors must ensure that children can easily judge the characteristics and performance of products and distinguish between real-life situations and fantasy.
 - 9.2.5 Experiential Marketing activity must not exploit children's receptiveness to charitable appeals and must clearly explain the extent to which their participation will help in any charity-linked promotions.
 - 9.2.6 Experiential Marketing activity must not encourage children to make a nuisance of themselves to parents or others and must not undermine parental authority.
 - 9.2.7 Experiential Marketing activity should not encourage children to use or consume a product or service to excess.
 - 9.2.8 Experiential Marketing activity should not encourage children to consume a food or drink product at or near bedtime.
 - 9.2.9 Experiential Marketing activity involving children should not, either deliberately or accidentally, promote poor diet.
 - 9.2.10 Experiential Marketing activity involving children should not suggest that an inactive or sedentary lifestyle is preferable to physical activity.
 - 9.2.11 When sampling to children, Experiential Marketing activity must not exaggerate what is attainable by an ordinary child using the product.

- 9.3 The following principles apply to anyone under the age of 12.

- 9.3.1 Where primary school children under the age of 12 are being directly targeted, nutrition or health claims should not be included in any Experiential Marketing activity.
- 9.3.2 No food or drink samples should ever be distributed to children under 12 unless a parent or a responsible adult has granted express permission.
- 9.3.3 Even with permission, food or drink samples should never be handed to children under 12. They should be given to a parent or a responsible adult to pass to the child.

10 Health & Safety

- 10.1 All stands, rigs, display units, equipment, marketing materials, product samples and any other materials necessary for Experiential Marketing activity, plus the activities themselves, must comply with health and safety regulations, both for staff delivering Experiential Marketing activity and for members of the public who are exposed to it.
- 10.2 A risk assessment must be carried out with regards to all locations where Experiential Marketing activity is to be delivered. A copy of this risk assessment should be available for inspection by relevant parties. Relevant parties will usually include the client, services suppliers, site owners and local authorities.
- 10.3 No activities, stands, rigs, display units, marketing materials, product samples, equipment or any other materials necessary for delivering experiential activities, should be positioned in such a way as to block fire exits.
- 10.4 Wherever feasible, all materials should be fire-proof.
- 10.5 Any vehicles, which are to be used in the course of setting up or delivering Experiential Marketing activity, must be regularly checked by qualified engineers.
- 10.6 If any vehicles are to be used in the course of setting up or delivering Experiential Marketing activity, then all staff involved in using these vehicles must produce evidence that they hold relevant, valid driving licenses before being allowed to operate the vehicles.
- 10.7 If any heavy equipment is to be used in the course of setting up or delivering Experiential Marketing activity, then all staff involved in using this equipment must produce evidence that they have been properly trained in its use.
- 10.8 It is the responsibility of whoever is organising Experiential Marketing activity that Brand Ambassadors and/or other staff using such heavy equipment in

the course of any Experiential Marketing activity are asked to produce the relevant valid documentation regarding training.

10.9 Any electrical equipment or other heavy equipment which is to be used in the course of setting up or delivering Experiential Marketing activity must have been checked prior to use.

10.10 Accountability and accident/emergency procedures must be drawn up prior to any use of vehicles or heavy equipment and fully communicated to all staff, not just to drivers or operators.

11 Environmental impact and ethics

11.1 All activity must be designed so as to avoid any detrimental impact to the environment in general, or to individual locations in particular.

11.2 Steps must be put in place to dispose of all litter during and after any Experiential Marketing activity. If litter is likely to be generated by the activity, rubbish bins or bags should be provided and consumers should be encouraged to use them to dispose of their litter responsibly. Alternatively, consumers should be encouraged to take litter with them.

11.3 Wherever possible, materials used in experiential activities should be sourced responsibly, made from recycled materials and/or recyclable post activity.

11.4 Any and all litter directly associated with any Experiential Marketing activity must be collected post event, within a reasonable radius of where the activity took place (usually 200 metres).

11.5 Any rubbish generated by Experiential Marketing activity, once collected, must be disposed of in a responsible and legal fashion. Wherever possible, materials should be reused or recycled.

Some activities (e.g. the demonstration of certain beauty and personal grooming products, such as razors) may generate hazardous waste which will require special treatment.

12 Insurance and Indemnities

12.1 Before any experiential marketing activity is commenced, a Public Liability Insurance policy with a value which relates to the scale and type of the proposed activity and the profile of the individual business must be in place. Client companies and site owners may set minimum values for any such policies. It is advisable to check with them regarding any such requirements.

- 12.2 All Experiential Marketing activity which is planned as part of a campaign must come under the terms of this policy and all parties must agree to and abide by all terms of the policy accordingly.
- 12.3 The details of this policy must be shared with all parties with a significant involvement in delivering the experiential activity, including agencies, the client, service suppliers, venue owners and relevant authorities.

13 Staffing and Brand Ambassadors

- 13.1 No-one under the age of 18 should be employed as a Brand Ambassador for any Experiential Marketing work (see Appendix A). There are some exceptions, e.g. for young performers or sports stars: the purpose of the Pledge is to stop companies from commercialising young people's peer-group relationships. Also, for certain types of product or service (e.g. alcohol, gambling and financial services) there may be restrictions on the age (or apparent age) of Brand Ambassadors delivering Experiential Marketing activity. See the relevant Sections of this Experiential Marketing Code
Some brand owners may have their own policies on the minimum age of Brand Ambassadors, which may also vary depending on the brand, product or service being promoted. Agencies and staffing partners should make sure that they have checked with the client whether they have such a policy, and adhere to it.
- 13.2 It is the responsibility of the agency organising Experiential Marketing activity to ensure that Brand Ambassadors are fully informed about the Experiential Marketing Code of Conduct and any other relevant industry Codes which they are expected to follow. It must be made clear to them that any breaches of these Codes are serious matters.
- 13.3 At the start of any project or activity, all staff involved in the delivery of an Experiential Marketing, including Brand Ambassadors and support personnel, should receive a brief, setting out the basic details of the promotion, including brand guidelines, key objectives, clearly defined roles and responsibilities and 'rules of engagement'. They should be required to read this information and confirm that they understand it in writing.
- 13.4 Brand Ambassadors must agree to keep all information regarding the brand and activity confidential prior to activity live date. This also applies to commercially sensitive information (e.g. market research data, consumer data) which may be collected as part of any Experiential Marketing activity.
- 13.5 All Brand Ambassadors should be given relevant training (if necessary) prior to each project. This training should be directly related to the brief.

- 13.6 Brand Ambassadors must be provided with the necessary tools, equipment and supplies to carry out their roles as defined by the brief.
- 13.7 Any experiential project or activity must have a clear line management structure (e.g. Brand Ambassadors/Team Leaders/Event Managers) which can be explained to Brand Ambassadors, clients and consumers.
- 13.8 Experiential Marketing teams must be able to provide contact details for whoever is responsible for the activity, if asked. Any leaflets, packaging or other materials designed to be handed out to consumers should have contact details for the brand (e.g. address and customer care line number) as a matter of course. If no such material is being used as part of the activity, then it should be available in a printed form (e.g. leaflets or business cards) which can be handed out.
- The nature of Experiential Marketing activity can be difficult, so it is advisable to ensure that something tangible which consumers can take away with them has the client company's contact details on. Some clients will also demand that staff delivering Experiential Marketing activity should identify themselves as working for the client company if asked, rather than naming the experiential agency or staffing agency.
- 13.9 Wherever possible, questions or concerns raised by consumers or other interested parties should be answered/resolved before the relevant Experiential Marketing activity finishes. There should be mechanisms in place to take note of questions or concerns raised by consumers or other interested parties and feed them back to the agency and/or client, whichever is relevant. If an issue cannot be resolved while the activity is ongoing, then the name and contact details of the person raising it should be recorded and a suitable response should be delivered within a reasonable time frame.

14 Compliance with other laws and regulations

- 14.1 All Experiential Marketing activities must be legal. It should also comply with any other relevant rules and regulations, including those specifically governing financial services, gambling and lottery products, medicines and related products and services. Other marketing activities, which are delivered alongside Experiential Marketing, may be covered by the Code
- 14.2 Any data capture carried out as part of Experiential Marketing activity must conform to all applicable privacy laws.
- 14.3 Before any personal data is collected, consumers must be told what purposes it is being collected for.
- 14.4 Consumers must be clearly asked for their consent (affirming yes or no) for

any use of their data for marketing purposes by the company on behalf of which the Experiential Marketing activity is being conducted.

- 14.5 Separately, consumers must also be clearly asked for their consent (affirming yes or no) for the use of their data for marketing purposes by companies other than the one which the Experiential Marketing activity is being conducted for (whether this involves the sale or sharing of said data). Officially, SMS or e-mail requires prior consent (affirming yes or no) from consumers before they can be used for marketing purposes, while address and phone number data can be used until consumers indicate they want marketing communications to stop. For Business-to-Business marketing, the issue is more complex. Furthermore, the nature of experiential marketing may make the process of explaining what data is going to be used for difficult. For these reasons, it has been decided to require that Brand Ambassadors should get consumers to affirm yes or no when providing their personal data.
- 14.6 Data capture mechanisms must include information on privacy policies and legally checked terms and conditions, including information on how consumers can ask to be removed from databases.
- 14.7 Any personal data collected during the course of or as a result of experiential activities must be stored, transported and used responsibly. If data is collected in electronic form, then devices used to store it (laptops, mobiles, memory sticks etc) and/or the files themselves must be encrypted and password protected.
- 14.8 The Code states that marketers must first obtain the consent of the child's parent or guardian before knowingly collecting personal information for marketing purposes from children under 18.

Appendix A

Best Practice Principle on the Use of Under 18s in Brand Ambassador and Peer-To-Peer Marketing

Purpose

To ensure that marketing to children and involving children continues to be conducted responsibly.

The Principle

Young people under the age of 18 should not be employed and directly or indirectly paid or paid-in-kind to actively promote brands, products, goods, services, causes or ideas to their peers, associates or friends.

Exceptions

CHILD PERFORMERS:

In accordance with relevant law, under-18s may be employed to appear in advertisements with local authority permission.

SPONSORSHIP:



Exceptionally talented and high-profile young people in sports and entertainment may be contracted by companies to use the companies' brands, products, goods and services.

In those unusual circumstances, direct presentation or promotion to their peers, friends or associates by the young person should not be required or expected.

Application

The principle is not intended to apply to every instance in which a child is involved in promotional or presentational marketing activity. It applies only to marketing activity which commercialises child's relationship with peers, associates or friends through employment involving payment or payment-in-kind in exchange for active promotion of a brand, product, good, service, cause or idea.

"Payment or payment-in-kind" is any reward with a commercial value, including money, goods or services.

All experiential marketing communications must also comply with the Codes and with relevant Nigerian laws.

Consent

In any circumstance where a person under 18 is employed to promote a brand, product, good, service, cause or idea, the consent of a responsible adult is required.