

Hong Kong Direct Marketing Association

CODE OF ETHICS

The Hong Kong Direct Marketing Association has promulgated the following Code of Ethics for its members, in order to develop a productive and harmonious business atmosphere, within the framework of free enterprise. All members, including those who use direct marketing media and who create direct mail and marketing techniques, should adhere to and abide by this Code:

1. No one should knowingly transgress the legal or moral right of any individual or group of individuals.
2. When goods or services are offered, copy must be completely clear and honest. An offer must be set out in such a way that it can be easily understood by the reader.
3. Photography or artwork, when used, must as accurately as possible, illustrate the actual product. Where it is impossible to show the exact size of the product, dimensions should be stated in the text where applicable.
4. When price comparisons are used they must be factual and verifiable.
5. When testimonials or references are used, they must be from bona fide users of the products or services offered, and in the possession of the seller or be readily accessible for confirmation.
6. When the word 'guarantee' or any synonym is used, the terms of the guarantee must be clearly stated and adhered to.
7. When a bonus or gift item is offered conditionally on the purchase of another item, the conditions must be stated in easily legible type.
8. Merchandise must not be shipped by sellers or their agencies without authorization from the customer, unless it is done for product sampling purposes or as part of a continuity service.
9. When merchandise is offered "on approval" and an advance payment had been received, a refund statement must clearly indicate whether or not mailing, shipping or handling charges are included. Refunds must be made promptly upon receipt of a request.
10. Mailings that promote material that can be construed as pornographic, salacious, vulgar or offensive are unacceptable to, and will not be countenanced by, the Hong Kong Direct Marketing Association.
11. Subject to acceptance of an unpaid order, goods offered from stock must be shipped within 30 days of receipt of order or the time limit as stated in the original order.
12. If contrary to '12' above, there is a delay in shipping goods, the customer must be advised in writing within 30 days of receipt of order, provided a proper method of communications is possible.

13. When sweepstakes, contests, lotteries or prizes are used to promote the sale of merchandise, the rules in each case must be clearly stated. All aspects of the promotion must be lawful under the provisions of local legislation.
14. Should a person choose to opt-out from his/her personal data from a call list or mail list, members should take immediate action in flagging such requests from its data file?

When the use of personal data applies, members should be fully compliance

With Personal Data (Privacy) Ordinance - Section 34: Use of personal data in

Direct marketing which is reproduced below for your information

(1) A data user who

(a) Has obtained personal data from any source (including the Data subject); and

(b) Uses the data for direct marketing purposes,

Shall,

(i) the first time he uses those data for those purposes after this section comes into operation, inform the data subject that the data user is required, without charge to the data subject, to erase those data if the data subject so requests;

(ii) If the data subject so requests, erase those data without charge to the data subject.

(2) In this section "direct marketing" means

(a) the offering of goods, facilities or services;

(b) the advertising of the availability of goods, facilities or services; or

(c) the solicitation of donations or contributions for charitable, cultural, philanthropic, recreational, political or other purposes,

By means of

(iii) information or goods sent to any person by mail, facsimile, transmission, electronic mail, or other similar means of communication, where the information or goods are addressed to a specific person or specific persons by name;

(iv) or telephone calls made to specific persons

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