

## **PART 8 OF THE ENTERPRISE ACT 2002 (EA02)**

**Starcom Worldwide Ltd**

### **UNDERTAKING TO THE COMPETITION AND MARKETS AUTHORITY (PURSUANT TO SECTION 219 OF THE EA02) RELATING TO:**

#### **THE CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008 (CPRs)**

Starcom Worldwide Ltd (the Company), registered office Pembroke Building Kensington Village, Avonmore Road, London, W14 8DG, has agreed to provide undertakings to the Competition and Markets Authority (CMA) in response to an investigation by the CMA and alleged breaches of the CPRs.

The company gives the following undertaking to the CMA under section 219 of the EA02.

#### **UNDERTAKING**

**'Editorial content'** includes, but is not limited to, articles, blog posts, video blogs, commentary, Tweets and advertorials in any medium.

**'Paid'** includes payment through money or other incentives (financial or otherwise).

**'Product'** includes goods, services and digital content.

**In accordance with section 219(4) of the EA02, the Company undertakes:**

- **not to continue or repeat any conduct which contravenes paragraph 1 below;**
- **not to engage in such conduct in the course of its business or another business; and**

- **not to consent to or connive in the carrying out of such conduct by a body corporate with which it has a special relationship (within the meaning of section 222(3) of the EA02).**
1. The Company will ensure that any editorial content it uses to promote its own products or those of a third party, where a trader has paid for the promotion, will make that fact clear in the content or through images or sounds clearly identifiable by the consumer. For the avoidance of doubt, this includes editorial content which is published on a continuing basis, even if publication began before the date of these undertakings. In particular the Company will:
    - a. not accept instructions to design, draft, prepare, publish or arrange for the publication of editorial content which promotes a product but does not make clear that a trader has paid for the promotion;
    - b. not design, draft, prepare, publish or cause to be published editorial content which promotes a product but does not make clear that a trader has paid for the promotion;
    - c. not instruct (directly or indirectly) any publisher of the editorial content to not make clear that a trader has paid for editorial content to promote a product;
    - d. check before publication that the editorial content makes clear that a trader has paid for it to promote a product, and where necessary take steps to ensure that this is made clear;
    - e. comply with the UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing, in particular Section 2 on the Recognition of Marketing Communications<sup>1</sup> (including any subsequent amendments); and
    - f. take steps to ensure that the Company, its employees and any third parties acting in its name or on its behalf comply with this undertaking, including but not limited to introducing suitable policies and procedures and monitoring compliance with those policies and procedures.

**BY SIGNING THIS UNDERTAKING THE COMPANY IS AGREEING THAT IT WILL BE BOUND BY THEM.**

**THE CONDUCT REFERRED TO MAY CONSTITUTE A COMMUNITY INFRINGEMENT PURSUANT TO SECTION 212 OF THE EA02. IF HAVING SIGNED THIS DOCUMENT THE COMPANY BREACHES ANY OF THE ABOVE**

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<sup>1</sup> See <https://www.cap.org.uk/Advertising-Codes/Non-Broadcast/CodelItem.aspx?cscid=%7Bddd2e81c-7bc4-4b46-a770-76d7c396162a%7D#.VmqLIGcrjIU>

**UNDERTAKING, IT IS AWARE THAT IT MAY BE THE SUBJECT OF AN APPLICATION TO THE COURT FOR AN ENFORCEMENT ORDER UNDER SECTION 215 OF THE EA02.**