

# **GUIDELINES FOR SALES PROMOTION REGISTRATION**

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## **Introduction**

**CPC as part of its core mandate pursuant to Sections 11 and 12 of the Act is authorised to regulate any advertisement/statements about a consumer item which is directed at consumers for the purpose of affecting them with respect to purchasing and or using any product/service.**

**CPC is empowered pursuant to Section 31 of the Consumer Protection Council Act Cap 25 LFN 2004, to make regulations.**

**CPC in furtherance of the Consumer Protection Council (Sales Promotion) Registration Regulations 2005, provides guidance and direction on the process of seeking and securing approval for any sales promotion.**

## **Definition of terms**

**In these guidelines unless the context otherwise requires, the following terms shall have the following interpretations.**

**“Act” means the Consumer Protection Council Act, Cap 25, LFN 2004 or any succeeding legislation thereof.**

**‘Council’ means the Consumer Protection Council or any succeeding body, entity or agency.**

**‘Director General’ means the Director General of the Council or any succeeding nomenclature.**

**‘Application’ means a formal request to the Council on the Sales Promotion Registration Form hereof; any modification thereof or otherwise acceptable format by the Council, for the purpose of seeking approval to engage in a sales promotion.**

**‘Promoter’/ ‘Applicant’ means any person, company, firm, organisation including any agent or representative thereof for the purpose of making and or processing an application.**

**‘Sales promotion’ means a marketing strategy, tool or device, that involves presenting a range of direct or indirect benefits in exchange for exercising a choice or decision and or making a purchase of a service, goods or other products to the exclusion or in preference to another while the promotion subsists or any other relevant period within which it is reasonable to conclude that the decision made the consumer/ decision maker or purchaser was or could have been motivated by the presentation.**

**‘Draw’ means an act of selecting participants randomly to determine a winner.**

**‘Approval’ means the Council’s formal authorisation of the commencement of the Sales Promotion.**

**‘Sell-in-time’ means the duration of the Promotion**

### **Registration Requirements**

**The Promoter shall submit an application no later than 21 (twenty one) days prior to the proposed commencement of the sales promotion.**

**The Promoter shall submit an application to the Council electronically or otherwise at the Council’s offices.**

**The sell-in-time of sales promotion is a maximum period of one year. Any extension must be subject to review and prior approval of the Council first obtained.**

### **Evidentiary Support**

**The application shall include:  
Proof of Incorporation/Registration of the entity engaging in the promotion.**

**Samples of proposed statements for dissemination in the media; print, electronic or otherwise.**

**Proof of quality standards, unit cost and total cost of each of the gift items to be used for the sales promotion.**

**Undertaking to conduct a free and transparent promotion exercise.**

**Addresses of redemption centres if any.**

**Proposed means of dissemination/advertisement of the sales promotion.**

**Any other applicable regulatory approvals.**

**All visual and audio statements/ advertisements must include a statement that the Council approves the promotion. The format of the statements shall not be designed in any manner to suggest that the Council is in collaboration with the promoter. Failure to comply will attract a penalty as prescribed in the Penalty Table.**

**Evidence of promotional gift items relevant to the sales promotion must be available for inspection prior to commencement of the promotion.**

**Clearly identify redemption locations regarding the sales promotion.**

**The Council shall have access to redemption and any other relevant locations with regards to the sales promotion.**

**Any changes to the terms of the Promotion must receive the prior approval of the Council.**

**The Council's approval to extend any promotion must be procured prior to the expiration of the prior approved and existing promotion; there shall be no extensions beyond the total period of one (1) year.**

**Making false entries on the Application or providing false or misleading information or documents, as well as making false statements in connection with the process, is an offence under S.19 of the CPC Act. 1992.**

**Provide relevant contact details including telephone numbers and email addresses.**

### **Application Assessment Process**

**Upon receipt of an application, the Council shall within 3 (three) working days conduct an initial review of the application to determine if the application is complete, and whether the supporting information is sufficient.**

**In the event that the Council requires further information to proceed, the Council shall send a Request for Further Evidence (RFE) within 3 (three) working days above of the initial review.**

**Upon completion of the application; whether from the original date of submission or receipt of the RFE, the Council shall within 7 (seven) working days make a decision with respect to the application.**

**The Council's decision shall be conveyed in writing or electronically, within 7 (seven) working days of the decision- (Notice of Decision- NOD).**

**Where the decision is an approval, the NOD shall include any further instruction including applicable fees and payment instructions, which fees would be the total amount charged for the promotion less the application fee**

### **Pre- Approval requirements**

**Fully completed Application Form**

**All required documents included with the Application**

**Payment of Assessed Approval Fees after receipt of Council's notice to pay same.**

### **Emergency Approval**

**In limited circumstances, particularly where a promotion is proposed to begin in less than 21 days the Council may where it deems fit, accept and process the application within 48 hours.**

**This emergency application process will be upon payment of a**

**premium service application fee as stated in the Sales Promotion Schedule of Fees hereof in addition to the total promotion fee also prescribed in the Schedule of Fees hereof.**

**The provisional approval letter shall state the conditions under which the sales promotion should operate.**

### **Draw (s)**

**Invitations to the Council to monitor draws must be received not less than 14 (fourteen) days to the scheduled draw.**

**A complete list of winners, including contact details and prices won must be provided to the Council not later than 3 (three) days after the draw(s).**

### **Denial of Application**

**The Council reserves the right to reject any application for a sales promotion. In the event of such denial, the Council shall notify the promoter by an NOD within 3 (three) working days of receipt of all required documentation and information. The NOD conveying denial shall state reasons for the denial.**

### **Sanctions/Penalties**

**It shall be a violation of law for which sanctions or penalties may be imposed by the Council when a promoter/applicant;**

**Commences a promotion prior to receipt of the Council's Approval**

**Fails to comply with any conditions imposed by the Council**

**Fails to comply with these guidelines and any prevailing law,**

**Changes or modifies any terms of the approved promotion without the prior approval of the Council.**

**Engages in any conduct in the course of the promotion that the**

**council determines to be exploitative of consumers.**

**Please see schedule for which states penalties for violations.**

### **Revocation of Approval**

**In addition to any other penalties under these guidelines or any law, the Council may revoke any approval of a promotion where the Council determines it appropriate in the interest and protection of consumers.**

**Upon such revocation the promotion shall be immediately discontinued.**

**The promoter shall immediately announce the discontinuation using the same dissemination channels with the same scope and visibility by which the promotion was advertised.**

### **Appeal**

**Where an Application has been rejected or approval revoked, the promoter may appeal such decision by filing an appeal to the Director General of the Council.**

**An appeal must be in writing and received by the Council within seven (7) working days of the rejection or revocation stating the reasons for the appeal, and providing additional information for the appeal or possible reconsideration by the Council.**

**CONSUMER PROTECTION COUNCIL**