

Adjudications : By Advertiser Name (27th August 2003 - 17th September 2003)

The Training Guild

*Willow House
9 Valleydene
Dibden Purlieu
Southampton
Hampshire
SO45 4NG*

Date: 10th September 2003

Media: E-mail

Sector: Education

Public Complaint From: Berkshire

Complaint:

Objection to an e-mail for training seminars. The e-mail stated in the subject field "Business Seminars - Telesales & Selling Skills Made Easy". When opened, the e-mail was headlined "The Training Guild Business Training Seminar" and stated "Tele-Sales & Selling Skills ... MADE EASY ... At last a selling skills course for non-aggressive sales people [sic] The most successful sales course in the UK ... More than 650 companies have attended ...". The complainant objected that:

1. the e-mail did not make it clear in the subject field that it was a marketing communication and
2. the advertisers did not get explicit consent to send the e-mail to the complainant.

Codes Section: [22.1](#), [43.4](#) (Ed 11)

Adjudication:

1. Complaint not upheld

The advertisers argued that by including the words "Business Seminars - Telesales & Selling Skills made Easy" in the subject field, they had made [it] clear that the e-mail was a marketing communication. The Authority considered that the words in the subject field made [it] clear that the e-mail was a marketing communication. It did not object on that point.

2. Complaint upheld

The advertisers stated that over the past nine years they had built up a list of customers who wished to receive promotional e-mails from them. They said that although one person in an office may have asked to be kept informed of their products by e-mail another person in that office may be unaware of that request and would also have received e-mails. The advertisers explained that they had bought a list of e-mail addresses they thought were for businesses, not for individuals, which they believed had opted to receive information about training and business development topics by e-mail. The advertisers stated that they had a strict policy of immediately removing someone from their mailing list if requested. The Authority noted the complainant's e-mail address was a personal one and not a business address. The Authority acknowledged that the advertisers had bought a list of e-mail addresses of people who had opted to receive information about business development topics by e-mail in good faith. The Authority nevertheless considered that it was the advertisers' responsibility to ensure that recipients on the list had given their explicit consent to receive such e-mails. The Authority considered that the advertisers had not got explicit consent to send the e-mail to the complainant. The Authority advised the advertisers to take more care in their targeting of marketing e-mails in the future.