

# **DIRECTIONS OF THE REGISTRAR UNDER SECTION 16(3) READ WITH SECTION 26(1) OF THE MONEYLENDERS ACT REGARDING THE ADVERTISING & MARKETING ACTIVITIES OF LICENSED MONEYLENDERS**

## **1. Introduction**

Pursuant to Section 26(1) of the Moneylenders Act (Cap. 188), the Registrar of Moneylenders hereby issues the following directions concerning the advertising and marketing activities of licensees. These directions are without prejudice to the requirement for all advertisements to also conform with all other Singapore laws, and with all relevant guidelines issued by statutory and regulatory authorities in Singapore.

## **2. Medium of advertising**

2.1. Subject to paragraph 2.2, licensees are permitted to advertise their moneylending business in the following media only:

- a. Business or consumer directories in print or online media;
- b. Internet websites belonging to the licensee; and
- c. Advertisements placed within the approved place of business, or on the exterior side of the wall, door, shutter, gate or window of the approved place of business.

2.2. Notwithstanding paragraph 2.1, the following advertising channels are **not** permitted:

- a. Business websites of licensees which are engineered, such as through manipulating website content and metadata to include keywords relating to gambling, for example, “football betting”, “casino”, etc., to appear in the result of searches on internet search engines, or to be displayed alongside online content, that are related to gambling or other unrelated subjects.
- b. Paid-for internet links (also known as “sponsored links”) through search engines such as any paid-for links from search engines, appearing on internet search engine results pages or on any other Internet webpage.

*Note: For the avoidance of doubt, it is permissible for a licensee to use search engine optimisation to optimise the search ranking of the link to the licensee’s business website.*

- c. Directories in print medium where 10% or more of the listings and advertisements appearing therein, by number of advertisers or total page coverage, are placed by licensed moneylenders.
- d. Directories in online medium which consist solely of listings and advertisements of moneylenders and which are advertised in any manner or which are engineered in the same manner as described in paragraph 2.2a.

- e. Listings and advertisements in print and online business and consumer directories which are not under the categories of moneylenders, moneylending or financial services.

*Note: For the avoidance of doubt, a posting on the main page of a business or consumer directory is **not** permitted.*

- f. Online advertisements that are not on the licensee's business website or in an online business directory.

*Note: For the avoidance of doubt, advertising on internet social media sites (e.g. "Facebook") or video hosting sites (e.g. "YouTube") is **not** permitted.*

- g. Advertisements placed near the licensee's approved business premises but beyond the immediate exterior wall of the premises.

*Note: For the avoidance of doubt, the placement of any signboard, mobile signage, light box or banner on the walkway outside the licensee's shop unit, or on the parapet overhanging the walkway, is **not** permitted.*

- h. Advertisements in the form of Short Message Service ("SMS") messages and e-mails sent to the general public, patrons of the licensee or former patrons of the licensee.

*Note: For the avoidance of doubt, a licensee may communicate with its customers through SMS messages and emails on matters pertaining to their outstanding loans.*

2.3 All other advertising channels apart from those set out in paragraph 2.1 (and not already prohibited under paragraph 2.2) are not permitted.

### **3. Information in advertisements or marketing materials**

3.1. Subject to and without prejudice to paragraph 2, any marketing material in any form, whether a business or consumer directory, an internet website belonging to the licensee, or an advertisement placed within the approved place of business, or on the exterior side of the wall, door, shutter, gate or window of the approved place of business, or other similar document (hereinafter referred to as "advertisement"), and whether in print, written or pictorial representation, video or audio format, must be clear and easily understood by the audience being addressed. They must not contain information that may mislead or deceive members of the public reading, watching or listening to them.

3.2. An advertisement shall not —

- a. contain a material misrepresentation;
- b. omit to state a material fact;

- c. contain any information which cannot be verified;
- d. create an unjustified expectation about the results that can be achieved by the licensee or a borrower (e.g. understating the cost of borrowing or overstating the ease of borrowing); or
- e. contain graphics that could convey an impression that is inaccurate or inconsistent with the nature of the loan product or the risks to the borrower in taking up the loan product.

For example, an advertisement must not mislead the borrower into believing that his loan application would be approved within a certain time, when the licensee is not able or has no intention to fulfil such promises or that his loan application has been approved when the licensee has yet to do so in accordance with the Moneylenders Act and Rules. In addition to committing the offence of failing or refusing to comply with a direction, a licensee who issues or publishes any advertising or marketing material in breach of these directions may be committing an offence punishable under Section 16(4) of the Act.

3.3. An advertisement shall contain the following information:

- a. the business name as stated in the licence;

*Note: For the avoidance of doubt, the licensee is responsible for any advertisement put up by the licensee or an agent appointed by the licensee even if the advertisement does not bear the name of the licensee's moneylending business. For example, if a licensee puts up an online advertisement which says "Follow this link if you want personal loans", the licensee will still be responsible for the advertisement notwithstanding that it does not specifically mention the licensee's moneylending business by name.*

- b. the licensee's licence number;
- c. where it states a business address, it shall state only the address of the licensee's place of business as approved by the Registrar;
- d. where it states a contact number, it shall state only the land telephone line(s) of the licensee which has (have) been approved by the Registrar;

*Note: For the avoidance of doubt, displaying a non-approved landline or a mobile telephone number in any advertisement, including any sign placed on the immediate exterior of your business premises is **not** permitted.*

- e. where it states a contact person, it shall state only the name of any officeholder or employee of the licensee to whom the advertisement relates and whose office-holding or employment has been approved by the Registrar;
- f. where it states the contractual interest rate, that rate is to be expressed only as a percentage per annum with the words "per annum" or "p.a." added;

- g. where it purports to offer a discounted rate(s), or any other special offer, e.g. payment holiday/waiver, it shall also state –
  - (i) whether there are any fees payable at any point in time which are not as a result of the borrower defaulting on the loan; and
  - (ii) additional information, such as the qualifying criteria for the loan or any special terms and conditions which apply.

Where the advertisement is in print or in written representation, the above required information must be in conspicuous text and placed in a conspicuous position in the advertisement. The use of fine print for the publication of the above-mentioned items is not permitted.

3.4. No advertisement or marketing material shall attempt to induce or attract persons to borrow money to gamble or pay off gambling debts. Nor shall any advertisement or marketing material appear in the websites or publications of casinos or private clubs which offer gambling.

3.5. Apart from indicating that the business has been licensed by the Registrar, no advertisement shall contain any statement suggesting that the licensee's moneylending business has been approved by any other Government agency.

3.6. No advertisement shall ask borrowers to provide their SingPass User-ID and Password.

#### **4. Notice to alter, withdraw, remove or discontinue an advertisement**

4.1. Where the Registrar issues to a licensee any notice in writing requiring the licensee to alter, withdraw, remove or discontinue their advertisement, the licensee shall comply with the notice within the timeline notified by the Registrar. A failure to comply with such a notice shall constitute non-compliance with a direction of the Registrar.

#### **5. Offences under the Moneylenders Act**

5.1. The attention of all licensees is drawn to Section 26(3) of the Moneylenders Act, which provides that non-compliance with directions issued under Section 26(1) shall be an offence punishable on conviction with a fine not exceeding \$20,000. Non compliance with directions may also result in the revocation of licence by the Registrar.

5.2. In addition, under Section 16(4) of the Moneylenders Act, any licensee whose advertisement is found to contain false or misleading information shall be guilty of an offence and is liable on conviction to a fine of up to \$20,000 or to imprisonment of up to 6 months or both.

REGISTRAR OF MONEYLENDERS  
INSOLVENCY & PUBLIC TRUSTEE'S OFFICE  
MINISTRY OF LAW  
31 JULY 2013