

ERA Rules and Policies Regarding Electronic Retailing Self-Regulation Program (“ERSP”)

1. ERA will not refer or recommend the review of any specific matters to ERSP and will not encourage others to refer specific matters to ERSP (but ERA members may refer matters to ERSP, and ERA will in general encourage its members and others to refer appropriate matters to ERSP).
2. ERA will not be involved in any specific matter under review or being considered for review by ERSP, will not attempt to influence the review or disposition of any specific matter under review or being considered for review by ERSP, and will not communicate with ERSP about any specific matter under review or being considered for review by ERSP. ERA will maintain complete neutrality with respect to all matters that have been reviewed or that are under review or being considered for review by ERSP.
3. ERA will fulfill its contractual obligations to the National Advertising Review Council (“NARC”) relating to ERSP, including without limitation funding obligations.
4. Subject to #s 1 and 2 above, ERA will consult with NARC from time to time about staffing for ERSP and the written policies and procedures for ERSP.
5. Subject to #s 1 and 2 above, ERA will cooperate with NARC in the implementation of ERSP.
6. ERA will promulgate information about ERSP, and will encourage participation and compliance in ERSP throughout the electronic retailing industry, using educational and communication channels available to it.
7. ERA will make information about ERSP decisions available to its members through one or more of the following media: the ERA web site, ERA’s electronic newsletter, press releases, and other media available to it.
8. ERA membership will be affected by ERSP activities as follows:
 - (a) If an ERA member fails to participate in an ERSP review of its marketing or fails to comply with an ERSP determination relating to its marketing, then the ERA membership of that ERA member will be subject to immediate termination by ERA.

(b) A former ERA member whose membership has been terminated for this reason may not re-apply or be reconsidered for membership until one year has elapsed from the relevant ERSP decision. Any such re-application will be considered by **ERAs Board of Directors' Ethics Committee** based on a review of the applicants marketing activities during the preceding year.

(c) A new applicant for ERA membership that has failed to participate in an ERSP review of its marketing or has failed to comply with an ERSP determination relating to its marketing **or who was advised in advance and did not comply** will not be considered for membership until one year has elapsed from the relevant ERSP decision. Any such application will be considered by **ERAs Board of Directors' Ethics Committee** based on a review of the applicants marketing activities during the preceding year.