Unsolicited Short Message Service Marketing: A Preliminary Investigation into Individual Acceptance, Perceptions of Content, and Privacy Concerns

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***Abstract*—In an attempt to reach potential clients, many companies make use of targeted and sometimes unsolicited Short Message Service (SMS) marketing campaigns. With global perception of privacy principles and legislation increasing, a company engaging in such activities may unknowingly create a negative perception and/or sentiment, thereby actively discouraging potential consumers to transact with them.**

In this paper we report on the results of a preliminary research effort that investigated individual perceptions, acceptance and concerns about mobile marketing in the South African context. Making use of simple descriptive analysis techniques, we describe and highlight emerging themes identified from data collected in an online survey questionnaire. Despite a small sample of n=44, and for various reasons, the results demonstrate a lack of consumer awareness of the law, is suggestive of a largely negative attitude towards mobile marketing campaigns, and highlights their continued efforts to control and manage privacy. There against the results suggest that users may neglect their own privacy if the content is crafted correctly. In an environment where it appears that little is being done to enforce/comply with the provisions of legislation, local companies may also be aware of the extent to which they can manipulate the law even if it increases non-acceptance of mobile marketing. As such, ample scope for further research is created.

***Index Terms*—Privacy, Fair Information Practice Principles, PII, Purpose Limitation, Target Marketing, Mobile Marketing, SMS, Permission Based Marketing**

I. Introduction

The use of text-based marketing messages to reach potential clients via mobile phones is a common technique pursued by many companies. Because mobile marketing is considered an affordable and thus lucrative channel, the line that exists between acceptable marketing practices and unsolicited communication (spamming) is subtle. Many countries have laws in place to curb the practice of (bulk) spamming in favour of permission-based approaches; the marketing sector in most countries also have regulations in place to ensure fair treatment of consumers.

With the introduction in 2002 of the Electronic Communications and Transactions (ECT) Act in South Africa, local companies are, at least in theory, subjected to legal definitions that contain certain minimum requirements as far as mobile marketing goes. Legislation, however, is just one aspect to consider. With global perception of privacy principles increasing, companies engaging in mobile marketing may unknowingly nurture negative consumer perceptions and/or sentiments in many other ways, thereby actively discouraging consumers from engaging with them.

For example, much research has been conducted on the both the factors influencing acceptance of mobile marketing (e.g. Scharl, Dickinger and Murpy [1]; Haghirian and Madlberger [2]; Bauer, Reichardt, Barnes and Neumann [3]) and on what constitutes effective and appropriate marketing text content (Doherty [4], Carroll et al. [5], [6], and Haghirian and Madlberger [2]).

However, and in the South African context, a dearth of research exists as it relates to both consumers' familiarity with the law, their perceptions and acceptance of, and privacy concerns on mobile marketing. An in-depth search for localized studies uncovered only three studies, with the research populations limited to high school pupils (Beneke [7] and two to university students (Radder et al [8], and Van der Waldt et al [9]). As such, ample scope exists for further research with a broader sample from the population. Forming part of a larger research project, this paper presents the findings of a preliminary investigation into South African consumers' familiarity with current legislation, their privacy concerns, as well as their acceptance and perceptions of mobile marketing. The purpose is to identify emerging themes that will provide the foundations for further research.

Given that a mobile handset is a private device, this paper contributes preliminary evidence to the field of information security by showing negative consumer perceptions of mobile marketing to exist in a broader consumer base than previously identified. Underlying these perceptions are a lack of consumers awareness and/or enforcement of relevant mobile marketing legislation, their subsequent efforts to ensure

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privacy, as well as evidence that suggests local companies are ignorant of other factors which is known to increase or decrease acceptance of mobile marketing strategies.

The rest of the paper is structured as follows: section II provides background and information on related work. Section III describes the research method employed. Section IV presents our results and identifies emerging themes, and finally section V provides concluding remarks.

II. Background

In this section we provide background and information on privacy issues and mobile marketing.

A. Privacy

Privacy of the individual, and the right to privacy has a long history, starting with the seminal Warren and Brandeis [10] paper which proclaimed privacy as a basic right that had to be respected and protected.

There are several schools of thought on privacy, some regarding it as a property right (the reductionist view) and some regarding it as a basic human right (the coherence view) [11]. Both of these views, however, still advocate the need to protect privacy, although the approach to doing so differs.

In the digital age, privacy is generally viewed as the right to information self-determination [12], or the ability to determine who has information about oneself (the data controller), what information they have, what they may use it for (purpose specification and limitation), and with whom they may share one's information.

Information self-determination matches most contemporary views of privacy which argues that individuals should have control over access to themselves (both physically and mentally), and that they should have control over their ability to make these privacy decisions [11]. These views are concisely represented in the Organisation for Economic Cooperation and Developments (OECDs) guidelines [13] for the protection of private information. Even before the OECD's report, the Fair Information Practice Principles (FIPP) standards was proposed from a study commissioned in 1973 by the US Department of Health, Education and Welfare [14].

The guidelines from the OECD report and the FIPP standards can be summarised as two principles: the principle of use specification (clearly stating what information is needed and what it will be used for – this includes the ability of the individual to consent to their information being collected and used), and use limitation (matching the ultimate use of the data with the stated purpose, along with redress if there is a violation).

The data in question is referred to as Personal Identifiable Information (PII). That is, any data or information that can be used to uniquely identify an individual is considered PII. In many cases PII can be a datum that instantly identifies the individual, such as a government issued Identification (ID). In other cases there is a collation of data required to identify a person.

Protecting PII is also done using anonymity (notice that there is no purpose specification and use limitation here). Chaum's mixes [15] and cascading mixes [16] was the first proposal for creating infrastructure to protect privacy through anonymity. Since then, a lot of work has been done on creating Privacy Enhancing Technologies (PETs), starting with the abstract definitions of such systems by the Dutch and Canadian commissions on privacy [17].

It is, however, not always possible to remain anonymous. Large financial institutions require that one provide them with facts about oneself: often to comply with some form of legislation, such as the FICA [18], and RICA [19] acts in South Africa. The availability of this information, and the spirit in which it is collected seems to intimate a message of free use. That is to say, when legislation and regulation forces individuals to relinquish control of their personal information, the data controller it is given to is never forced to act responsibly with it (at least in the same way in which individuals were forced to relinquish information). All that stood between the acquisition of PII and its abuse was the guidelines provided in reports such as that from the OECD, and self-regulatory policies.

Governments realised that placing PII in the hands of business (who need the information to survive) was creating a situation ripe for abuse of the PII. The EU Data Directive [20] puts into law very strict rules for acquiring and using PII. Recently South Africa introduced the Protection of Private Information (PoPI) act, which puts into force the expectation of reasonable effort by data controllers with the PII they have in their possession.

The PoPI act [21] protects individuals by limiting their exposure to unwanted electronic communication which results directly from their contact details being used without their consent. This right was actually protected by previous acts such as the ECT act [22], however, the PoPI act is the first to concisely protect the privacy of the individual by covering the guidelines as set forth by the OECD report.

The PoPI act allows a legal person to contact another but once, and to offer the contacted person to opt out of receiving future communications from the sender. Moreover, the act makes provision for a 'permanent opt-out' through the use of a database of persons who do not wish to be contacted – even once.

B. Mobile marketing

Marketing and advertising benefits greatly from mobile phones: individuals are easier to reach, and the potential for consumers responding to individualised messages is recognised [23]. Dickinger et al [1] define mobile marketing as the use of a wireless medium to promote goods, services, and ideas. This definition also states that the promotion provides personalised, time and location sensitive information, and that it should benefit all stakeholders. This necessarily means that unwanted marketing is a nuisance since it does not benefit the recipient.

Godin [24] defined Permission Based Marketing (PBM) as way to improve the customer/marketer relationship by requesting permission from the consumer before sending marketing messages (as opposed to interruption marketing in which the marketer simply sends their marketing message). These two strategies are commonly referred to as pull or push marketing [23]. In push-marketing, the marketer sends messages to the consumer. In pull-marketing, the consumer will request marketing messages from the marketer (such as signing up for a service, or getting marketing messages in exchange for the free use of an application). Additionally, push and pull marketing is either opt-in, or opt-out. In opt-out marketing, the marketer will send the consumer a message, and notify the consumer that they have the right to opt-out of receiving any more marketing messages. In opt-in, the consumer is not contacted directly, and their attention should be grabbed by other means.

Many studies have been conducted on the individual's perception of marketing using the SMS function of mobile telephones. These studies provide models that can be used to determine the consumer's acceptance of mobile marketing. Carrol et al [5] found that permission played a key role in determining acceptance from a study conducted in New Zealand. Van der Waldt et al [9] found the same from a study conducted under a small student population in South Africa. A study by Bamba et al [23] in the United Kingdom (UK) found relevance of content as the primary indicator of acceptance.

Ong [25] examines the perception of mobile marketing as spam by consumers and the use of PBM as a way of reducing this perception. Phones are considered "intimate" devices – a device which is tied very closely to the person who owns it. She concludes that marketers should wait to be invited into this personal space before sending marketing messages.

It thus becomes clear that a mobile phone extends the concept of the inviolate person [10], and there is an inherent expectation of privacy (being able to contact a person by phone means we have access to that person, which could be a violation of privacy depending on the person's view of our ability to contact them, and their ability to decide if we should be able to contact them).

Fishbein et al [26] have developed a model (Reasoned Action Approach (RAA)) which explains the factors that influence a person's intent, which will eventually lead to action. The RAA provides three main contributing factors: behavioural belief (a person's attitude towards an action), normative belief (a person's belief that the behaviour is socially acceptable), and perception of control (a person's belief in their ability to perform the action).

Several authors have highlighted the importance of content of Marketing Short Message (MSMS) in mobile marketing acceptance. Beneke [7] suggests that consumers value helpful, informative, creative and entertaining mobile advertisements. Doherty [4], Carroll et al. [5], [6], and Haghirian and Madlberger [2] all found content to be one of the main factors that influence acceptance. Simirarily, Pagnani [27], Nasco and Bruner [28] found consumers were more likely to accept mobile marketing when the content was relevant to them. All these findings indicate that behavioural and normative belief is important in the acceptance of mobile marketing. However, recent world events have put privacy and respect for privacy in the foreground, which would mean control belief has to be investigated. Control belief would influence a person by making them aware that they have a choice in receiving marketing messages, and that they are able to act on this belief.

Many countries have adopted legislation which forces marketers to obtain permission (consent) from the persons they intend to send messages to, before sending those messages [25]. This PBM provides the user with the freedom (and autonomy) to determine if they want to receive marketing messages beforehand. In most cases attitudes towards marketing messages in the case of PBM is much more positive. The problem with a strict opt-out approach (if legislation allows for it) is of course that a marketer has to contact a person at least once in order to determine if they may have the person's permission to send them marketing messages.

Another step taking in law is the creation of a *do not call* register. This allows individuals to place themselves on a 'black-list' from the marketers point of view. Marketers should examine the list before sending messages to ensure that individuals who are on the list do not receive messages. This lines up with a strict opt-in policy.

Although there are many examples of legislation which governs electronic communication with respect to marketing, as well as standards and guidelines such as those provided by the FIPPs and the OECD which are commonly expected to guide the industry in self-regulation, many companies still engage in sending unsolicited marketing messages to individuals.

III. Research Design

A research design, according to Creswell [29], has three components: a philosophical world view, strategies of inquiry and research methods. The purpose of this research is to identify emerging themes that will form the foundations of further research

A. Philosophy

Since the current study was aimed at producing an understanding of individual acceptance, perceptions and concerns is influenced by the context [30] of unsolicited mobile marketing, we adopted an interpretive perspective as our philosophical base.

B. Strategy of inquiry

The selected strategy was a revelatory case study in which the researchers explore events, activities, processes and individuals in depth [31]. Here case refers to the selection and presentation of respondents' experiences about unsolicited mobile marketing.

C. Research methods

Data was collected using an online survey. Since this was a preliminary study, snowball sampling, where family, friends

and colleagues were requested to complete the survey and to recruit further subjects from among their acquaintances, was employed. Since it is not our intention to generalize the results, we employed simple descriptive statistical analysis techniques that attempted to count how many times certain behaviours occurred (quantitative methods).

IV. Results and Discussion of findings

The following section first details demographic and usage information, followed by the general themes that emerged from the data collected. Lack of space precludes a discussion of recommendations while more research is required to fully expose the issues at hand. These recommendations will be reported elsewhere.

A. Demographics

Sixty-one percent (61%) of the respondents (n=44) were male. Five percent (5%) of respondents were younger than 20 years of age, 39% were between the ages of 20 and 30, 27% between the ages of 31 and 40, 16% between the ages of 41 and 50, and 13% above the age of 50.

Fourty-five percent were single, 33% had a level of education below that of a bachelor degree with 61% in possession of a bachelor's degree or higher. In terms of vocation, 59% was employed by a company, 11% by the government, 11% were students, one was unemployed with the rest (14%) self-employed. The majority of respondents (50%) used Vodacom as their mobile service provider, followed by MTN (32%), Cell C (14%) or other providers (4%).

B. Usage

Seventy-six percent (76%) of respondents regularly use their mobile phones to send Short Messages (SMSs) or receive SMSs (82%). Sixty-seven percent (67%) use their mobile phone to make financial transactions. Kaspersky Lab gathered data from users in 23 countries and reported a disconnect between mobile preferences and how consumers view privacy. That is, although they are concerned that sensitive information may be compromised, exposed, stolen, or may be used to spy on them, they continue to use tablets or smart-phones believing that service providers are responsible for safeguarding. Stated differently, while there is an awareness, it appears to be coupled with apathy or resignation [32]. It is thus imperative that users are educated, and that service providers comply with legislation.

C. Acceptance of MSMSs

Several survey questions set out to investigate the subject's acceptance towards MSMSs. Based on results reported by Tsang and Lian [33], the underlying assumption is that there an inverse relationship between permission-based mobile marketing and acceptance. Table I to IV presents the simple descriptive analysis statistics generated per question. The questions are grouped in tables for ease of presentation, as well as for grouping questions with similar responses together.

	Q1	Q2	Q3	Q4
n	n=41	n=44	n=41	n=38
Yes (1)	39 (95%)	6 (14%)	39 (95%)	35 (92%)
No (2)	2 (5%)	38 (86%)	2 (5%)	3 (8%)
Median	1	1.8	1	1
Mode	1	2	1	1
Range	1	1	1	1
IQR	1,1,1,0,2	1,2,2,2,0,2	1,1,1,1,0,2	1,1,1,1,2

TABLE I
DESCRIPTIVE STATISTICS FOR QUESTIONS 1-4 AND 7

	Q7	Q8	Q9	Q10	Q11
n	41	42	41	40	39
Yes (1)	36 (86%)	38 (94%)	32 (78%)	21 (55%)	19 (49%)
No (2)	6 (14%)	4 (6%)	9 (22%)	19 (22%)	20 (51%)
Median	2	1	1	1	2
Mode	2	1	1	1	2
Range	1	1	1	1	1
IQR	1,1,1,0,2	1,1,1,0,2	1,1,0,1,2	1,1,1,2,2	1,1,0,1,2

TABLE II
DESCRIPTIVE STATISTICS FOR QUESTIONS 8 TO 11

	Q12	Q13	Q14
n	n=37	n=39	n=37
Yes (1)	35 (95%)	19 (49%)	13 (35%)
No (2)	2 (5%)	20 (51%)	24 (65%)
Median	1	1	2
Mode	1	1	2
Range	1	1	1
IQR	1,1,0,1,2	1,1,1,1,2	1,1,2,2,2

TABLE III
DESCRIPTIVE STATISTICS FOR QUESTIONS 12 TO 14

	Q6
n	n=40
Strongly disagree (1)	10 (25%)
Disagree (2)	9 (23%)
Neutral (3)	11 (28%)
Agree (4)	8 (20%)
Strongly agree (5)	2 (5%)
Median	3
Mode	3
Range	4
OQR	1,2,4,5

TABLE IV
DESCRIPTIVE STATISTICS FOR QUESTION 6

In listing the questions, we first describe the statistics generated, and where appropriate, discuss themes as they emerge from these descriptions over a set of questions.

Q1 **Have you ever received any MSMSs on your mobile phone?** Ninety-five percent of respondents (n=41) indicated that they have received MSMSs on their mobile phones before. In terms of the frequency, 54% of respondents indicated that they receive 1 to 3 pieces per week, 24% indicated 4-6, 15% indicated 7-9, and 7% indicated that they receive more than 10.

Q2 **Receiving unsolicited MSMSs on my mobile phone is acceptable to me.** Only 14% of respondents (n=44) indicated that it is acceptable to receive MSMSs. When further prompted if they think it is inevitable that companies will target mobile phones and that it cannot be

prevented, 62% of the respondents agreed (not shown in the table). Twenty-two percent of respondents (n=27) were not bothered by this fact. When asked what an acceptable number of MSMSe per day would be, 48% (n=42) remained firm in their response by indicating that they do not want to receive any, with 19% indicating 1 per day, and 7% indicated 2-3 per day. Conversely, 12% indicated that 1 per week would be acceptable, 10% indicated 2-3, and 5% would accept 3 or more per week.

Q3 **I am more likely to accept MSMSs if the sender has specifically requested my permission.** The majority of respondents (95%, n=41) indicated that they are more likely to accept MSMSs if the company has specifically requested their permission. Note it does not necessarily mean that they will accept MSMS - only that they are more likely.

Q4 **I get upset when a company sends me a MSMS and I know for a fact that I have not given them permission to do so. They are abusing my mobile phone for their own purposes.** Not surprisingly, 92% of respondents (n=38) get upset when a company sends them unsolicited MSMSs - to the extent that they feel such a company is abusing their personal mobile phone for unacceptable purposes.

Q5 **Which of the following incentive(s) will increase your acceptance of MSMSs?** Scharl, Dickinger and Murpy [1] suggest the use Customer Relationship Management (CRM) approaches such as offering a loyalty program to change consumer behaviour. These include free newsletters, pictures, ring tones, bonus points or coupons. Given a variety of incentives, forty-five percent (45%) of current respondents chose free Internet data, 20% unlimited sending and receiving of MSMSs, and 52% a monetary award for each commercial message accepted. Whereas these statistics suggest that there is a place for CRM approaches to mobile marketing, it is equally evident that an equivalent number of respondents are not interested in joining loyalty programs.

Q6 **I have no problem with SMS marketing. I simply delete/ignore such MSMSs and go on with life.** Most likely a character trait, 25% (n=40) of respondents indicated that they have no problem with MSMSs and that they simply delete the message and "go on with life". A further 28% were neutral, while 48% indicated that they do have a problem with MSMSs.

Emerging theme The results of the above question set not only points at a predominantly negative attitude by a broader consumer base towards mobile marketing in the South African context, but provisionally confirms findings by Beneke [7] and Radder et al [8] who reported negative attitudes towards mobile marketing under local youth and high school students.

A next set of questions focused on privacy issues as it relates to mobile marketing.

D. Privacy Concerns

Q7 **When completing a form, I always look for an option to prevent the company from sending me MSMSs.** The majority of respondents (86%, n=42) indicated that they always look for an option to prevent the company from sending them MSMSs.

Q8 **When completing a form, I always look for an option to prevent the company from sharing my information with other companies.** Likewise, 94% (n=42) always look for an option to prevent a company from sharing their information with other companies.

Q9 **When I supply my cell number on a form without marketing options, I am worried that I will receive MSMSs.** When further prompted, 78% (n=41) indicated that they are worried that they will receive MSMSs if they do supply their cell number on a form without marketing options.

Q10 **I have requested companies to remove me from their SMS marketing database.** Fifty-five percent (n=40) of respondents have requested their number to be removed from a company database. Given the high percentages reported for the previous three questions, the lower percentage reported here can be expected. That is, by being cautious when completing forms, respondents will receive fewer unsolicited MSMSs, and hence fewer requests to be removed from a database.

Q11 **I have requested a company to provide me with details on where they got my number from, or who gave them permission to send me MSMSs.** Fourty-nine percent (n=39) of respondents have either requested a company to reveal their source or indicate who gave them permission to send them MSMSe.

Q12 **I am sceptical of privacy issues if companies can send marketing SMSs to my mobile phone when they do not have my permission to do so.** Ninety-five percent (n=37) of respondents indicated that they feel their privacy has been breached when they receive unsolicited MSMSs.

Q13 **I am afraid to opt-out from marketing MSMSs since this will confirm to the sender that my mobile number is an active number.** More or less an equal number of respondents indicated that they are either worried or not worried that opting-out from a MSMS will serve as confirmation to the sender that their number is in use (49% versus 51%, n=39). Given previous responses, the fear may well be that by opting-out, their mobile number is confirmed as being valid, which can then be sold to other marketing companies.

Q14 **I have a smart phone and use a SMS blocker application to filter unwanted MSMSs.** Only 35% of respondents (n=37) indicated that they own a smart phone with an SMS blocker application to filter unwanted MSMSs. This finding may have a unintended effect on some of the current results. For example, being able to block repeated MSMSs may influence responses to the number of MSMSs received and fewer demands to be re-

	Q16	Q17	Q18	Q19
n	n=42	n=42	n=42	n=42
Strongly disagree (1)	19 (45%)	19 (45%)	3 (7%)	12 (29%)
Disagree (2)	7 (17%)	7 (17%)	5 (12%)	17 (40%)
Neutral (3)	14 (33%)	13 (31%)	11 (26%)	10 (24%)
Agree (4)	2 (5%)	3 (7%)	8 (19%)	3 (7%)
Strongly agree (5)	0	0	15 (36%)	0
Median	2	2	4	2
Mode	1	1	5	2
Range	3	3	4	3
IQR	1,1,2,3,4	1,1,2,3,4	1,3,4,5,5	1,1,2,3,4

TABLE V
DESCRIPTIVE STATISTICS FOR QUESTION 16 - 19

	Q19	Q20
n	n=42	n=42
Strongly disagree (1)	12 (29%)	12 (29%)
Disagree (2)	17 (40%)	17 (40%)
Neutral (3)	10 (24%)	10 (24%)
Agree (4)	3 (7%)	3 (7%)
Strongly agree (5)	0	0
Median	2	2
Mode	2	2
Range	3	3
IQR	1,1,2,3,4	1,1,2,3,4

TABLE VI
DESCRIPTIVE STATISTICS FOR QUESTION 19 - 20

	Q21	Q22
n	n=38	n=41
Yes (1)	19 (50%)	23 (59%)
No (2)	19 (50%)	18 (41%)
Median	2	1
Mode	2	1
Range	1	1
IQR	1,1,2,2,2,	1,1,2,2,2

TABLE VII
DESCRIPTIVE STATISTICS FOR QUESTIONS 20 - 22

moved from a database, thereby increasing "acceptance" of mobile marketing.

Emerging theme: The results of the above question set appear to confirm preliminary evidence provided by Beneke [7], who identified "control" as the most important and significant aspect of mobile marketing for consumers. That is, subjects have a need for more control over access to and use of their personal information, and hence their acceptance of mobile advertising. Without such control, consumers are likely to be more negative about mobile marketing. Whereas Beneke [7] furthermore suggests that message frequency needs to be limited to 1-3 times a week to prevent a negative attitude from developing, the predominantly negative attitudes evident in the current results, and where the majority of subjects received at least 1-3 per week, suggest otherwise. Moreover, the reported efforts by current respondents to control mobile marketing may point at a fear, which Petty [34] identified as having the strongest negative influence on consumer attitudes towards mobile marketing.

Q15 Two further questions tested respondents' knowledge of and familiarity with the law (as embodied in section 45 of the Electronic Communications Act) regarding the sending of unsolicited MSMSs. While 45% were aware of the law, only 9% knew exactly what the law entails. Limited consumer awareness may well open up opportunities for companies to adopt rogue mobile marketing strategies.

E. Perceptions of Content

Consumer attention, consumer intention and consumer behaviour are measures of MSMS success. Attention largely depends on the content of the message [35]. A next set of questions thus attempted to gauge respondents' (emotive) perceptions as it concerns MSMS content.

Q16 **I find mobile MSMS content generally pleasant.** A total of 62% (n=42) either disagreed or strongly disagreed that the content of MSMSs they have received were generally pleasant. Only 5% agreed, with the rest neutral.

Q17 **The content of most MSMSs is generally exciting.** Similar results (n=42) were reported when asked if the content is generally pleasant, the only difference that 7% agreed.

Q18 **I find marketing content by SMS irritating regardless the product marketed.** When asked if the content of MSMSs are generally irritating regardless the product, 55% (n=42) agreed, with 26% neutral.

Q19 **Marketing content received by SMS is generally relevant to my interest.** When asked if the content of MSMSs are relevant regardless the product, 69% (n=42) disagreed or strongly disagreed, with only 7% indicating that the content is generally relevant to their interest.

Q20 **Marketing content received by SMS normally contains useful information.** Asked if the content of MSMSs normally contains useful information, similar results were reported with 69% (n=42) disagreeing or strongly disagreeing, against 7% who agreed.

Q21 **I am more likely to accept MSMSs if the content of messages is creative/funny.** An equal number of respondents (n=38) indicated that they will or will not accept MSMSs if the content is creative/funny.

Q22 **Have you ever received a MSMS that offended you?** The majority of respondents 59% (n=44) indicated that they have received an offending MSMS.

Emerging theme: The current result set, where more than half the respondents found MSMSs irritating, unpleasant, unexciting, irrelevant, and not useful or creative/funny, together with the previous result set on privacy management, suggests that local companies may be deliberately ignoring consumer acceptance factors in favour of bulk messaging or rogue mobile marketing approaches – if not an ignorance to comply with the provisions of legislation.

V. CONCLUSION

As part of a larger research project, the primary research focus of the current study was to conduct a preliminary investigation into South African consumers' familiarity with

current legislation, their privacy concerns, as well as their acceptance, perceptions and concerns of mobile marketing. Whereas some questions may be construed as leading, the purpose was to identify emerging themes that will form the foundations of further research on mobile marketing.

From the themes identified, it is appears that little is being done to enforce and/or comply with the provisions of the legislation. This notion is supported by a demonstrated lack of consumer awareness of the law, and thus continued efforts by them to control and manage their privacy. Conversely, local companies may be aware of the extent to which they can manipulate privacy protection mechanisms built into the law to their advantage, and do this in a manner which ignores factors that will increase acceptance of mobile marketing. Moreover, it appears as though appropriate content in a marketing message appeases recipients the most to the extent that they are not concerned with their privacy rights – a situation that marketing companies may wish to exploit.

These emerging themes have provided a foundation on which to conduct future and more directed research. Recommendations on addressing the issues identified will thus be reported on elsewhere.

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