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PRIVACY

Principle

Living individuals should be protected from unwarranted infringements of privacy. Broadcasters should respect an individual's right to his or her private and family life, home and correspondence. Advertisements featuring an individual should not imply that that individual endorses a product if he or she does not (see Section 3: Misleading Advertising).

Rules

6.1 **Television only** – With limited exceptions, living persons must not be featured, caricatured or referred to in advertisements without their permission.

Exceptions are made only for brief and incidental appearances, such as crowd scenes, and advertisements that refer to a person featured in publications, programmes, films and the like, providing that the reference to or portrayal of that person is neither offensive nor defamatory.

6.2 **Radio only** – Broadcasters must ensure that, if an advertiser has not sought his or her prior permission, a person featured in an advertisement must not be featured in an offensive, adverse or defamatory way.

Advertisements that feature, allude or refer to a living person must not interfere with that person's private or family life: legal advice is strongly advisable and is required in cases of doubt. Advertisements that feature, caricature or refer to a living person will be cleared on the basis that it is recommended that that person's permission is sought. Even if an advertisement contains nothing that is inconsistent with the position or views of the person featured, broadcasters and advertisers should be aware that those who do not want to be associated with the advertised product might have a legal claim.

Impersonations, soundalikes, parodies or similar take-offs of celebrities are permissible only if those devices are instantly recognisable and if it could be reasonably expected that the person concerned has no reason to object. Nevertheless, advertisers are urged to obtain advance permission or seek legal advice before clearance. Copyright permission should be sought for references to, or portrayals of, well-known characters or their names or personae.