

Annex 2

Mapping Documents

1. Mapping documents provide a side-by-side comparison of the existing BCAP Advertising Codes and the proposed BCAP Broadcast Advertising Standards Code.
2. In Part 2 of its consultation document, BCAP has endeavoured to set out all the proposed substantive changes between the existing Codes and the proposed Code. It has, nevertheless, asked the reader to bring to its attention any other such changes that are not reflected in Part 2 and that should be given dedicated consideration.
3. Annex 2 includes mapping documents that compare the proposed Code with:
 - [the BCAP Television Advertising Standards Code](#) (page 2)
 - [the BCAP Rules on the Scheduling of Television Advertisements](#) (page 131)
 - [the BCAP Advertising Standards Code for Text Services](#) (page 145) and
 - [the BCAP Radio Advertising Standards Code](#) (page 150)
4. The mapping documents contain two rows of boxes. The left hand boxes include the present rules and the right hand boxes include the proposed rules. A proposed new rule is indicated by a rule in the right hand box adjacent to an empty left hand box. A proposal to delete a rule is indicated by a rule in the left hand box adjacent to an empty right hand box.

Mapping Document

The BCAP Television Advertising Standards Code

PRESENT CODE	PROPOSED CODE
SECTION 1: COMPLIANCE	
1.1 Complying with the law Advertisements must comply with the law and licensees must make that a condition of acceptance	1.3 Advertisements must comply with the law and broadcasters must make that a condition of acceptance.
1.2 The spirit of the rules Advertisements must reflect the spirit, not just the letter of the rules	1.1 Advertisements must reflect the spirit, not merely the letter, of the Code.
1.3 Legal sale Advertisements must not state or otherwise create the impression that a product can legally be sold when it cannot	1.3.1 Advertisements must not state or imply that a product can legally be sold if it cannot.
	1.2 Advertisements must be prepared with a sense of responsibility to the audience and to society.
PRESENT CODE	PROPOSED CODE
SECTION 2: PROGRAMMES AND ADVERTISING	Section 2: Recognition of Advertising
Background: <i>(1) Section 2 has two purposes. The first is to ensure that viewers know at all times whether they are watching programming or advertising. The second relates to editorial independence and is to ensure that programmes are not distorted for commercial purposes; links between advertisers and programme properties are restricted for that purpose.</i>	2.1 Advertisements must be clearly distinguishable from editorial content, especially if they use a situation, performance or style reminiscent of editorial content, to prevent the audience being confused between the two. The audience should quickly recognise the message as an advertisement.
<i>(2) Unless otherwise stated, Section 2 also applies to programme promotions.</i>	Principle Unless otherwise stated, all the rules in this Section apply to programme promotions.
<i>(3) 'Programme' in this rule is defined as any current or recent programme on any UK television service. 'Current' refers to series still running or likely to be resumed. 'Recent' is defined as any programme or series last transmitted (including repeats) in the previous two years.</i>	Definitions "Programme" is a programme on any UK television or radio service. For television only:

	<p>"Programme promotion" is a trailer for a programme. It is not an advertisement if it is shown on the channel on which the programme will be broadcast or on a channel related to the channel on which the programme will be broadcast.</p>
<p><i>(4) The Ofcom Rules on the Amount and Distribution of Advertising and the BCAP Rules on the Scheduling of Advertising contain rules on specific separations of programmes and advertising.</i></p>	<p>Principle</p> <p>The rules on recognition of advertising must be read in conjunction with all other parts of the Code, including the annex relating to the scheduling of advertisements.</p> <p>The Ofcom Code on the Scheduling of Television Advertising and the Ofcom Broadcasting Code, for both television and radio, contain rules for sponsorship and commercial references that are relevant to this Section.</p>
<p>2.1 Separation of advertisements and programmes</p>	
<p>2.1.1</p> <p>There must be a clear distinction between programmes and advertisements</p>	<p>2.1</p> <p>Advertisements must be clearly distinguishable from editorial content, especially if they use a situation, performance or style reminiscent of editorial content, to prevent the audience being confused between the two. The audience should quickly recognise the message as an advertisement.</p>
<p>Note:</p> <p><i>In ambiguous cases, advertisements must be identified as such on screen.</i></p>	

<p>2.1.2</p> <p>Advertisements must not:</p>	
<p>(a) use expressions reserved for important news and public service announcements (eg 'news flash')</p>	<p>2.2</p> <p>If used in an advertisement, an expression or sound effect associated with news bulletins or public service announcements (for example "news flash") needs special care. The audience should quickly recognise the message as an advertisement.</p>
<p>(b) use a situation, performance or style reminiscent of a programme in a way that might confuse viewers as to whether they are watching a programme or an</p>	<p>2.1</p> <p>Advertisements must be clearly distinguishable from editorial content, especially if they use a situation,</p>

advertisement	performance or style reminiscent of editorial content, to prevent the audience being confused between the two. The audience should quickly recognise the message as an advertisement.
(c) refer to themselves in a way that might lead viewers to believe they are watching a programme (eg by adopting the title 'Programme')	<p>2.4 – Television only</p> <p>Television advertisements, except for programme promotions, must not:</p> <p>2.4.1</p> <p>refer to themselves in a way that might lead viewers to believe they are watching a programme;</p>
(d) include extracts from broadcasts of parliamentary proceedings	<p>2.4 – Television only</p> <p>Television advertisements, except for programme promotions, must not:</p> <p>2.4.3</p> <p>include extracts from broadcasts of parliamentary proceedings.</p>
(e) feature, visually or orally, anyone who regularly presents news or current affairs on television	<p>2.4 – Television only</p> <p>Television advertisements, except for programme promotions, must not:</p> <p>2.4.2</p> <p>feature, visually or orally, anyone who currently and regularly presents news or current affairs on television;</p>
Notes to 2.1.2(c)– (e):	
<i>(1) Rules 2.1.2(c) – (e) do not apply to programme promotions.</i>	<p>2.4</p> <p>Television advertisements, except for programme promotions, must not:</p>
<i>(2) Ofcom can offer licensees advice on 2.1.2(e).</i>	

2.2 Editorial independence	
2.2.1	
Broadcasters must retain editorial independence and	

responsibility for the content and scheduling of programmes	
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2.2.2	
Advertisements must not:	
(a) refer to the use or appearance of any product or service in any programme	
(b) feature a person who appears in any current programme which the advertiser would be precluded from sponsoring. (See Section 9 of the Ofcom Broadcasting Code (Sponsorship))	
(c) include extracts from any recent or current programme (with limited exceptions)	2.1 Advertisements must be obviously distinguishable from editorial content, especially if they use a situation, performance or style reminiscent of editorial content, to prevent the audience being confused between the two. The audience should quickly recognise the message as an advertisement.
(d) include titles, logos, sets or theme (ie start/end) music from any programme (with limited exceptions)	2.3 The use of a title, logo, set or music associated with a programme that is broadcast on that medium needs special care. The audience should quickly recognise the message as an advertisement.
Notes to 2.2.1 and 2.2.2:	
<i>(1) 2.2.2(c) and (d) do not apply to programme promotions.</i>	
<i>(2) Other exceptions to 2.2.2(c) and (d) concern advertisements for products or services based on a particular programme. In these cases, if an actual programme extract is used, the programme extract must not appear to endorse the product or service advertised. Care must also be taken to ensure the advertisement as a whole is not mistaken for an extract from the programme.</i>	
<i>(3) 2.2.2(c) does not apply to news footage or brief extracts from interviews where the interviewer is not identified or in the case of programmes not readily identifiable as such (e.g. typical wildlife footage).</i>	
<i>(4) 2.2.2(d) only applies to music predominantly associated or identified in viewers' minds with a particular programme.</i>	
<i>(5) There are further exceptions to 2.2.1 and 2.2.2 for some sponsors and programmes subject to Section 9</i>	

of the Ofcom Broadcasting Code (Sponsorship). The promotion of programme support material is subject to Section 10 of the Ofcom Broadcasting Code (Commercial References and Other Matters).	
Notes: Permissions and Copyright	
(1) Advertisements have the potential to impinge on intellectual property rights if they are linked to a programme, for example by featuring actors playing the same characters they play in the programme. Advertisers are advised to obtain any necessary permissions before committing themselves to production.	
(2) Licensees are free to give advertisers permission to use elements of a programme but are advised to take account of the likely effect on the programme's reputation. Any references in the programmes to the relevant products, services or advertising are likely to contravene the 'no undue prominence' requirements of the Ofcom Broadcasting Code (Sponsorship and Commercial References sections).	
PRESENT CODE	PROPOSED CODE
SECTION 3: UNACCEPTABLE PRODUCTS AND SERVICES	
<p>Background:</p> <p>The advertising of a number of products and services is not permitted either because there is a statutory prohibition, or because there is the potential for harm from the power of television advertising being used to promote them. In some areas, for example, it is not possible for the broadcaster to make a judgement about harm or misleadingness because the services are of an individual and personal nature. In these cases, the standard of the service delivered to the individual is difficult to assess and the services themselves are often not subject to independent, recognised regulation or mediation. In other areas, where services would normally be accessed through a professional intermediary (as with some medical services) direct advertising to the consumer carries the risk that viewers might not seek that advice.</p>	<p>Principle</p> <p>Broadcast advertisements for some products or services are not permitted either because those products may not legally be advertised or because of a clear potential for harm or serious or widespread offence to the audience or to society.</p>

<p>3.1 Unacceptable categories</p> <p>Advertisements for products or services coming within the recognised character of, or specifically concerned with the following are not acceptable:</p>	<p>10.1</p> <p>Advertisements for products or services coming within the recognised character of or specifically concerned with these are not acceptable:</p>
<p>(a) breath-testing devices and products that purport to mask the effects of alcohol</p>	<p>10.1.1</p> <p>breath-testing devices and products that are intended to mask the effects of alcohol</p>

(b) betting tips	<p>10.1.2</p> <p>betting systems and products that are intended to facilitate winning games of chance</p> <p>Betting Tipsters</p> <p>Principle</p> <p>Advertisements for betting tipster services should not be likely to mislead the audience.</p> <p>Definition</p> <p>Proofing means provably lodging and securely recording a betting tip with an independent and suitably qualified third party, such as a solicitor, before the start of the event to which the tip relates.</p> <p>Rules</p> <p>21.1 – Radio Central Copy Clearance</p> <p>Radio advertisements for betting tipsters must be centrally cleared.</p> <p>21.2</p> <p>Advertisements for betting tipsters must not be likely to be of particular appeal to under 18s.</p> <p>21.3</p> <p>Advertisements for betting tipster services must not make money-back guarantees.</p> <p>21.4</p> <p>Advertisements for betting tipster update-line services are acceptable only if the broadcaster is satisfied that the recorded messages are brief and</p>
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	<p>the lines are a valid and necessary complement to the main-line service</p> <p>21.5</p> <p>Before broadcasting an advertisement for a betting tipster service, a broadcaster must hold the tipster's name (not merely his or her business name) and his or her full, permanent business address.</p> <p>21.6</p> <p>Advertisements for a betting tipster service operating on a premium-rate phone line must include the service provider or information provider's usual trading name and contact details (see Section 22.1: Premium-rate Services section).</p> <p>21.7</p> <p>Advertisements for betting tipsters who run, or are associated with, another betting tipster service must make that link clear.</p> <p>21.8</p> <p>Advertisements may include claims about a betting tipster's previous successful tips only if those claims are supported, before the relevant race, by proofing of all tips offered on his or her service on the day or during the period in question.</p> <p>21.9</p> <p>Advertisements for betting tipsters must not include claims about notional profits. Claims about previous profits must be proportionate and representative.</p> <p>21.10</p> <p>Advertisements for betting tipsters must not state or imply that success is guaranteed or that players could forge a long-term income by following the advertiser's tips.</p> <p>21.11</p> <p>Advertisements for betting tipsters may include claims about previous successful double, treble or</p>
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	<p>other combination bets only if those claims are supported by proofing that the winners were clearly and specially tipped as a combination.</p> <p>21.12</p> <p>Profit, success or individual-win claims must not refer to odds.</p> <p>21.13</p> <p>If a change in circumstance would render it misleading, for example if a race meeting were cancelled, an advertisement for a betting tipster must be not be repeated in its original form.</p> <p>21.14</p> <p>Advertisements for betting tipsters must not refer to a tip as a maximum bet or similar unless it is the only tip offered for that race. Claims about the success of a maximum tip are acceptable only if they are supported by advance proofing.</p>
(c)	
(d) all tobacco products. Also non-tobacco products or services which share a name, emblem or other feature with a tobacco product where these are prohibited by law from advertising in other UK media. See the Tobacco Advertising and Promotion (Brandsharing) Regulations 2004.	<p>10.1.3</p> <p>all tobacco products. Also non-tobacco products or services that share a name, emblem or other feature with a tobacco product (as provided for by rule 10.3), rolling papers and filters</p>
(e) private investigation agencies	<p>Private Investigation Agencies</p> <p>Rules</p> <p>29.1 - Radio central copy clearance</p> <p>Radio advertisements for private investigation agencies must be centrally cleared.</p> <p>29.2</p> <p>Private investigation agencies may be advertised only if they have given the broadcaster evidence of suitable and relevant credentials: for example, affiliation to a body that has systems for dealing with complaints and for taking disciplinary action; registration based on minimum standards for</p>

	training and qualifications, systems in place for regular review of members; skills and competencies and suitable professional indemnity insurance covering provided services.
(f) guns and gun clubs	<p>10.1.4</p> <p>guns (including replica guns), gun clubs and offensive weapons. "Offensive weapons" are items made or adapted to cause injury. References to clay pigeon shoots are permitted only as part of a wider range of outdoor pursuits</p>
(g) escort agencies	<p>10.1.10 - Television only</p> <p>escort agencies</p>
<p>(h) pornography</p> <p>Note to 3.1(h):</p> <p><i>This includes publications of the kind commonly referred to as 'top shelf'. Encrypted elements of adult entertainment channels may however carry advertising for categories of 'top shelf' publications designated from time to time by BCAP.</i></p>	<p>10.1.6</p> <p>obscene material. "Obscene material" is material that may not be freely offered for sale or distribution to persons over the age of 18 years without offending against the Obscene Publications Act 1959 (as amended)</p> <p>SECTION 30</p> <p>Pornography</p> <p>Definition</p> <p>Encrypted elements of adult channels are interpreted with reference to rule 1.24 of the Ofcom Broadcasting Code.</p> <p>Rules</p> <p><u>30.1</u> - Radio central copy clearance</p> <p>Advertisements for products coming within the recognised character of pornography must be centrally cleared.</p> <p>30.2 – Television only</p> <p>Advertisements for products coming within the recognised character of pornography are permitted on encrypted elements of adult entertainment</p>

	<p>channels only.</p> <p>30.3 – Television only</p> <p>Advertisements must not feature R18-rated material (as classified by the British Board of Film Classification) or its equivalent. That does not preclude advertisements for R18-rated material or its equivalent.</p> <p>30.4 – Television only</p> <p>Advertisements must not feature adult-sex material before 10pm or after 5.30am.</p>
<p>(i) the occult etc. (See 10.3 – The occult, psychic practices and exorcism – for details and some exceptions)</p>	<p>15.4</p> <p>Television and television text advertisements must not promote psychic practices or practices related to the occult, except those permitted by rule 15.5. Radio advertisements may promote psychic and occult practices but must not make efficacy claims.</p> <p>Psychic and occult-related practices include astrology, personalised horoscopes, palmistry, fortune-telling, tarot, attempts to contact the dead, divination, clairvoyance, clairsaudience, the invocation of spirits or demons and exorcism.</p>
<p>(j) commercial services offering individual advice on personal or consumer problems</p> <p>Notes to 3.1(j):</p> <p><i>(1) This does not prevent advertisements for financial advice services which comply with Section 9 (Finance and Investment).</i></p> <p><i>Nor does it prevent advertising by solicitors. Further exceptions may be made for other services if BCAP is satisfied that, for example, they are subject to credible and effective independent regulation.</i></p>	<p>SECTION 26</p> <p>Services Offering Individual Advice on Consumer or Personal Problems</p> <p>Rules</p> <p>26.1 – Radio Central Copy Clearance</p> <p>Radio broadcasters must ensure that advertisements for services offering individual advice on consumer or personal problems are centrally cleared.</p> <p>26.2</p> <p>Services offering individual advice on consumer or</p>

	personal problems may be advertised only if those advertisers have given the broadcaster evidence of suitable and relevant credentials: for example, affiliation to a body that has systems for dealing with complaints and for taking disciplinary action; systems in place for regular review of members' skills and competencies; registration based on minimum standards for training and qualifications; and suitable professional indemnity insurance covering the services provided.
(k) pyramid promotional schemes Note to 3.1(k): <i>Pyramid promotional schemes are those under which consumers pay or give other consideration for the opportunity to receive compensation that is derived primarily from the introduction of other consumers into the scheme, not the sale or consumption of products.</i>	10.1.8 pyramid promotional schemes. "Pyramid promotional schemes" are those in which consumers pay or give other consideration for the opportunity to receive compensation that is derived primarily from the introduction of other consumers into the scheme, not the sale or consumption of products
	10.1.5 prostitution and sexual massage services
Note to 3.1: <i>Details of other unacceptable categories of advertising can be found in the following Sections:</i>	Cross reference: Information about other unacceptable and restricted categories of advertising can be found in these Sections: Political and Controversial Matters (Section 7); Children (section 5); Medicines, Medical Devices, Treatments and Health (Section 11); Financial Products, Services and Investments (Section 14); Faith, Religion and Equivalent Systems of Belief, (Section 15); Homeworking Schemes (Section 24); Instructional Courses (Section 25) and Pornography (Section 30).
4 Bodies with political objectives	Cross reference: Information about other unacceptable and restricted categories of advertising can be found in these Sections: Political and Controversial Matters (Section 7); Children (section 5); Medicines, Medical Devices, Treatments and Health (Section 11); Financial Products, Services and Investments (Section 14); Faith, Religion and Equivalent Systems of Belief, (Section 15); Homeworking Schemes (Section 24); Instructional Courses (Section 25) and Pornography (Section 30).
8.2.1 (a) Prescription only medicines (POM)	Cross reference: Information about other unacceptable and restricted categories of advertising can be found in these Sections: Political and Controversial Matters (Section 7); Children (section 5); Medicines, Medical Devices, Treatments and Health (Section 11); Financial Products, Services and Investments (Section 14); Faith, Religion and Equivalent Systems of Belief, (Section 15); Homeworking Schemes (Section 24); Instructional Courses (Section 25) and Pornography

	(Section 30).
<i>8.2.1 (b) Products for the treatment of alcohol and substance dependence</i>	Cross reference: Information about other unacceptable and restricted categories of advertising can be found in these Sections: Political and Controversial Matters (Section 7); Children (section 5); Medicines, Medical Devices, Treatments and Health (Section 11); Financial Products, Services and Investments (Section 14); Faith, Religion and Equivalent Systems of Belief, (Section 15); Homeworking Schemes (Section 24); Instructional Courses (Section 25) and Pornography (Section 30).
<i>8.2.1 (c) Hypnosis-based procedures (including techniques commonly referred to as hypnotherapy), psychiatry, psychology, psychoanalysis and psychotherapy</i>	Cross reference: Information about other unacceptable and restricted categories of advertising can be found in these Sections: Political and Controversial Matters (Section 7); Children (section 5); Medicines, Medical Devices, Treatments and Health (Section 11); Financial Products, Services and Investments (Section 14); Faith, Religion and Equivalent Systems of Belief, (Section 15); Homeworking Schemes (Section 24); Instructional Courses (Section 25) and Pornography (Section 30).
<i>8.2.1 (d) Remote medical prescription or treatment</i>	Cross reference: Information about other unacceptable and restricted categories of advertising can be found in these Sections: Political and Controversial Matters (Section 7); Children (section 5); Medicines, Medical Devices, Treatments and Health (Section 11); Financial Products, Services and Investments (Section 14); Faith, Religion and Equivalent Systems of Belief, (Section 15); Homeworking Schemes (Section 24); Instructional Courses (Section 25) and Pornography (Section 30).
<i>8.2.2 Homeopathic medicines without UK registration</i>	Cross reference: Information about other unacceptable and restricted categories of advertising can be found in these Sections: Political and Controversial Matters (Section 7); Children (section 5); Medicines, Medical Devices, Treatments and Health (Section 11); Financial Products, Services and Investments (Section 14); Faith, Religion and Equivalent Systems of Belief, (Section 15); Homeworking Schemes (Section 24); Instructional Courses (Section 25) and Pornography (Section 30).
9.5 <i>Some investment products</i>	10.1.9 the acquisition or disposal of units in collective investment schemes not authorised or recognised by the FSA, without the prior approval of BCAP.
<i>10.2 Some bodies subject to the rules on religion, faith and systems of belief</i>	Cross reference: Information about other unacceptable and restricted categories of advertising can be found in these Sections: Political and Controversial Matters (Section 7); Children (section 5); Medicines, Medical Devices, Treatments and Health (Section 11); Financial Products, Services and Investments (Section 14);

	Faith, Religion and Equivalent Systems of Belief, (Section 15); Homeworking Schemes (Section 24); Instructional Courses (Section 25) and Pornography (Section 30).
11.1.2 <i>Most 0909 premium rate phone services</i>	23.2 – Television only Advertisements for telecommunications-based sexual entertainment services are acceptable on encrypted elements of adult entertainment channels only.
11.4.2 <i>Some homeworking schemes</i>	Cross reference: Information about other unacceptable and restricted categories of advertising can be found in these Sections: Political and Controversial Matters (Section 7); Children (section 5); Medicines, Medical Devices, Treatments and Health (Section 11); Financial Products, Services and Investments (Section 14); Faith, Religion and Equivalent Systems of Belief, (Section 15); Homeworking Schemes (Section 24); Instructional Courses (Section 25) and Pornography (Section 30).
11.5(c) <i>Some instructional courses</i>	Cross reference: Information about other unacceptable and restricted categories of advertising can be found in these Sections: Political and Controversial Matters (Section 7); Children (section 5); Medicines, Medical Devices, Treatments and Health (Section 11); Financial Products, Services and Investments (Section 14); Faith, Religion and Equivalent Systems of Belief, (Section 15); Homeworking Schemes (Section 24); Instructional Courses (Section 25) and Pornography (Section 30).

3.2 Indirect promotion No advertisement may indirectly publicise an unacceptable product or service (1) [Clarification of rule 3.2, published 14 January 2003] <i>No advertisement is acceptable if a significant effect of it would be to publicise an unacceptable product or service by, for example, referring viewers to a website, publication etc where the product or service is promoted to a significant extent. (This applies to categories listed in both rule 3.1 and the Note to 3.1.)</i>	10.2 No advertisement may indirectly promote an unacceptable product or service. For example, advertisements must not refer the audience to a website or a publication if a significant part of that website or publication promotes a prohibited product or service.
(2) <i>Where non-tobacco products or services are linked to a tobacco brand because they share a name, emblem or other feature (See 3.1(d) above), they may be advertised only if the advertising:</i> <i>(a) complies with 3.1(d) and</i> <i>(b) is clearly aimed at an adult audience and</i>	<u>Tobacco</u> 10.3 Advertisements must not promote smoking or the use of tobacco products.

<p>(c) makes or implies no other reference to smoking or to the tobacco product and does not lead the viewer to other material promoting tobacco or smoking and</p> <p>(d) does not include any elements of design, colour, imagery, logo style etc which are associated with tobacco products, apart from the brand name.</p> <p>(3) There must be no references to tobacco products or smoking in advertising which might be of particular interest to children or teenagers. There will be few occasions when their inclusion in other advertising is acceptable but two exceptions are health-related public service advertising and incidental images of smoking in clips from films made before the dangers of smoking were widely recognised.</p>	<p>10.4</p> <p>If it shares a name, emblem or other feature with a tobacco product, a non-tobacco product or service may be advertised only if the advertisement is obviously directly targeted at an adult audience, makes or implies no reference to smoking or to a tobacco product, does not promote tobacco or smoking and does not include a design, colour, imagery, logo style or the like that might be associated in the audience's mind with a tobacco product.</p> <p>10.5</p> <p>Advertisements that might be of particular interest to children or teenagers must not refer to tobacco or smoking, unless that reference obviously forms part of an anti-smoking or anti-drugs message.</p>
PRESENT CODE	PROPOSED CODE
SECTION 4: POLITICAL AND CONTROVERSIAL ISSUES	Section 7 – Political And Controversial Issues
4	7.2
No advertisement:	No advertisement may
(a) may be inserted by or on behalf of any body whose objects are wholly or mainly of a political nature	7.2.1 be inserted by or on behalf of a body whose objectives are wholly or mainly of a political nature
(b) may be directed towards any political end	7.2.2 be directed towards a political end
<p>(c) may have any relation to any industrial dispute (with limited exceptions)</p> <p>Note to 4(c):</p> <p><i>The Broadcasting Act 1990 specifically exempts public service advertisements by or on behalf of a government department from the prohibition of advertisements having 'any relation to any industrial dispute'.</i></p>	<p>7.2.3</p> <p>relate to an industrial dispute, unless it is a public service advertisement by a Government department, or</p>
(d) may show partiality as respects matters of political or industrial controversy or relating to current public policy	<p>7.2.4</p> <p>show partiality in matters of political or industrial controversy or public policy.</p>

	<p>Note:</p> <p>Objectives of a political nature and political ends include:</p> <ul style="list-style-type: none"> influencing the outcome of elections or referendums; bringing about changes of the law or otherwise influencing the legislative process; influencing the policies or decisions of local, regional or national governments; influencing the policies or decisions of persons on whom public functions are conferred by or under law; influencing the policies or decisions of persons on whom functions are conferred by or under international agreements; influencing public opinion on a matter that, in the United Kingdom, is a matter of public controversy and promoting the interests of a party or other group of persons organised for political ends. <p>7.3</p> <p>This rule does not prohibit Trade Union advertisements that are not politically or industrially contentious. Advertisements by Trade Unions may recruit members and promote the services they provide, including legal advice, insurance and meetings, but must not advertise for support in a ballot or refer to an employer.</p>
<p>Notes to Section 4:</p> <p><i>(1) The purpose of this prohibition is to prevent well-funded organisations from using the power of television advertising to distort the balance of political debate. The rule reflects the statutory ban on 'political' advertising on television in the Broadcasting Act 1990.</i></p>	
	<p>Principle</p> <p>Unless stated otherwise, the rules in this Section apply to political groups and causes in the United Kingdom and elsewhere.</p>
	<p>Principle</p> <p>These rules do not apply to the party political and election campaign broadcasts that the Communications Act 2003 obliges broadcasters to</p>

	carry.
<i>(2) The term ‘political’ here is used in a wider sense than ‘party political’. The rule prevents, for example, issue campaigning for the purpose of influencing legislation or executive action by legislatures either at home or abroad. Where there is a risk that advertising could breach this rule, prospective advertisers should seek guidance from licensees before developing specific proposals.</i>	Principle The term “political” is used in the Code in a wider sense than “party political”. The prohibition includes, for example, campaigning for the purposes of influencing legislation or executive action by local, or national (including foreign) governments.
<i>(3) The setting of standards and investigations of complaints in relation to political advertising have not been contracted out to BCAP and the ASA and remain matters for Ofcom. The ASA refers complaints about political advertising to Ofcom.</i>	Principle The setting of standards and the investigation of complaints in relation to political advertisements have not been contracted out to BCAP and the ASA and remain matters for Ofcom. The ASA refers complaints about political advertisements to Ofcom. Ofcom will determine whether an advertisement is “political”.
PRESENT CODE	PROPOSED CODE
SECTION 5: MISLEADING ADVERTISING	
Background: <i>Television advertising can be a powerful medium for communicating advertising messages but is unsuited to providing consumers with detailed, permanent information about products and services. The rules in this Section are therefore designed (amongst other things) to ensure that advertising does not misrepresent the nature, benefits and limitations of advertised offers.</i>	Principle Other Sections of the Code contain product-specific or audience-specific rules that are intended to protect consumers from misleading advertisements. For example, the “Children” and “Medicines” Sections of the Code contain rules that apply, as well as the general rules, to advertisements that fall under those Sections. The ASA will take into account the impression created by advertisements as well as specific claims. It will adjudicate on the basis of the likely effect on consumers, not the advertiser’s intentions. The rules in this Section apply to implicit as well as direct claims and to visual as well as oral claims. The name of a product can constitute a claim. Cross-reference: Appendix X explains how the ASA will assess whether marketing communications are misleading.

5.1 DEFINITION OF MISLEADING ADVERTISING	
5.1.1 No advertisement may directly or by implication mislead about any material fact or characteristic of a product or service	3.1 Advertisements must not materially mislead.
5.1.2 No advertisement may mislead by omission about any material fact or characteristic of a product or service or advertiser	3.2 Advertisements must not mislead consumers by omitting material information. They must not mislead

	<p>by hiding material information or presenting it in an unclear, unintelligible, ambiguous or untimely manner.</p> <p>Material information is information that consumers need to make informed decisions about whether or how to buy a product or service. Whether the omission or presentation of material information is likely to mislead consumers depends on the context, the medium and, if the medium of the advertisement is constrained by time or space, the measures that the advertiser takes to make that information available to consumers by other means.</p>
<p>Notes:</p> <p><i>(1) See also 7.1 (Misleading advertising and children) for additional rules about advertising for products and services likely to be of interest to children.</i></p>	<p>Principle</p> <p>Other Sections of the Code contain product-specific or audience-specific rules that are intended to protect consumers from misleading advertisements. For example, the “Children” and “Medicines” Sections of the Code contain rules that apply, as well as the general rules, to advertisements that fall under those Sections.</p>
<p><i>(2) Advertising is likely to be considered misleading if, for example, it contains a false statement, description, illustration or claim about a material fact or characteristic. Material characteristics include price, availability and performance. Any ambiguity which might give a misleading impression must be avoided.</i></p>	<p>Material information is information that consumers need to make informed decisions about whether or how to buy a product or service. Whether the omission or presentation of material information is likely to mislead consumers depends on the context, the medium and, if the medium of the advertisement is constrained by time or space, the measures that the advertiser takes to make that information available to consumers by other means.</p>
<p><i>(3) Even if everything stated is literally true, an advertisement may still mislead if it conceals significant facts or creates a false impression of relevant aspects of the product or service.</i></p>	<p>Principle</p> <p>The ASA will take into account the impression created by advertisements as well as specific claims. It will adjudicate on the basis of the likely effect on consumers, not the advertiser’s intentions.</p> <p>3.2</p> <p>Advertisements must not mislead consumers by omitting material information. They must not mislead by hiding material information or presenting it in an unclear, unintelligible, ambiguous or untimely manner.</p>
<p><i>(4) Scientific terms or jargon, statistics and other technical information should not be used to make claims appear to have a scientific basis that they do not possess. Equally, statistics of limited validity must not be presented in such a way as to mislead, for instance by implying that they are universally true.</i></p>	<p>3.2</p> <p>Advertisements must not mislead consumers by omitting material information. They must not mislead by hiding material information or presenting it in an unclear, unintelligible, ambiguous or untimely manner.</p>
<p><i>(5) An advertisement may be misleading even if it does not directly lead to financial loss or a misguided</i></p>	

<p><i>purchasing decision. The ASA and BCAP may also regard an advertisement as misleading if, for example, it causes viewers to waste their time making enquiries, only to find that offers are unavailable or that there are important limitations. This could involve encouraging viewers to visit shops, or to make lengthy telephone calls.</i></p>	
<p><i>(6) When assessing whether an advertisement is misleading, the ASA and BCAP consider the overall impression likely to be conveyed to the average consumer who it reaches. They do not consider the intentions of the advertiser, nor simply whether the advertising meets legal or other regulatory requirements.</i></p>	<p>Principle</p> <p>The ASA will take into account the impression created by advertisements as well as specific claims. It will adjudicate on the basis of the likely effect on consumers, not the advertiser's intentions.</p>

<p>5.1.3 Marketing communications must not omit, hide or provide in an unclear, unintelligible, ambiguous or untimely manner material information if that omission or presentation is likely to affect consumers' decisions about whether and how to buy the advertised product, unless the information is obvious from the context. If the advertisement is limited by time or space, the ASA will take into account steps that the advertiser has taken to make that information available to consumers by other means.</p>	<p>3.2</p> <p>Advertisements must not mislead consumers by omitting material information. They must not mislead by hiding material information or presenting it in an unclear, unintelligible, ambiguous or untimely manner.</p> <p>Material information is information that consumers need to make informed decisions about whether or how to buy a product or service. Whether the omission or presentation of material information is likely to mislead consumers depends on the context, the medium and, if the medium of the advertisement is constrained by time or space, the measures that the advertiser takes to make that information available to consumers by other means.</p>
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<p>5.1.4 For advertisements that quote prices for advertised products, material information includes:</p>	<p>3.3</p> <p>For advertisements that quote prices for an advertised product or service, material information [for the purposes of 3.2] includes:</p>
<p>a) the main characteristics of the product</p>	<p>3.3.1</p> <p>the main characteristics of the product or service</p>
<p>b) the identity (eg trading name) and geographical address of the marketer and any other trader on whose behalf the advertiser is acting</p>	<p>3.3.2</p> <p>the identity (for example, a trading name) and geographical address of the marketer and any other trader on whose behalf the advertiser is acting</p>
<p>c) the price of the advertised product, including taxes; or where the nature of the product is such that the price cannot be calculated in advance, the manner in which the price is calculated</p>	<p>3.3.3</p> <p>the price of the advertised product or service, including taxes, or, if the nature of the product or service is such that the price cannot be calculated in advance, the manner in which the price is calculated</p>

d) delivery charges	3.3.4 delivery charges
e) the arrangement for payment, delivery, performance or complaint handling, if those differ from the arrangements that consumers are likely to reasonably expect	3.3.5 the arrangements for payment, delivery, performance or complaint handling, if those differ from the arrangements that consumers are likely to reasonably expect
f) that consumers have the right to withdraw or cancel, if they have that right.	3.3.6 that consumers have the right to withdraw or cancel, if they have that right.

5.2 CLAIMS 5.2.1 Evidence Licensees must obtain adequate objective evidence to support all claims	3.9 Broadcasters must hold documentary evidence to prove claims that the audience is likely to regard as objective. The ASA may regard claims as misleading in the absence of adequate substantiation.
	3.4 Obvious exaggerations (“puffery”) and claims that the audience is unlikely to take literally are allowed provided they do not affect the accuracy or perception of the advertisement in a material way.
	3.5 Subjective claims must not mislead the audience; advertisements must not imply that expressions of opinion are objective claims.
	3.13 Advertisements must not suggest that their claims are universally accepted if a significant division of informed or scientific opinion exists.
Notes: <i>(1) Where a claim is based on scientific research or testing, that work should have been conducted in accordance with recognised best practice. Where licensees lack the specialised knowledge to assess the adequacy of evidence, they must consult independent experts.</i>	
<i>(2) Licensees must make their own independent assessment of evidence submitted in support of advertising, and of any advice they have commissioned.</i>	
<i>(3) Absolute claims – eg ‘best on the market’, ‘lowest prices guaranteed’ – should be avoided unless they are backed up by clear evidence and are based on a formula on which an advertiser can completely deliver. In particular, licensees should be alert to the fact that such claims may be invalidated by sudden changes in the market or the actions of competitors</i>	<u>Comparisons</u> Principle

<p><i>while the advertising is still on air. For this reason, absolute price claims should be treated with great caution.</i></p>	<p>The ASA will consider unqualified superlative claims as comparative claims against all competing products or services.</p> <p>Superiority claims must be supported by evidence unless they are obvious puffery (that is, claims that consumers are unlikely to take literally). Objective superiority claims must make clear the aspect of the product or service or the advertiser's performance that is claimed to be superior. Subjective superlative claims such as "the best" are unlikely to be justified.</p>
<p><i>(4) Under the Consumer Protection from Unfair Trading Regulations 2008 and the Business Protection from Misleading Marketing Regulations 2008, the ASA is empowered to regard a factual claim as inaccurate unless adequate evidence of accuracy is provided to it when requested.</i></p>	<p>3.9</p> <p>Broadcasters must hold documentary evidence to prove claims that the audience is likely to regard as objective. The ASA may regard claims as misleading in the absence of adequate substantiation.</p>
<p><i>(5) A claim can be implied or direct, written, spoken or visual. The name of a product or service may in itself be regarded as a claim.</i></p>	<p>SECTION 1 INTRODUCTION</p> <p>(b) These definitions apply to the Code:</p> <p>(v) a "claim" can be implied or direct, written, spoken or visual. The name of a product can constitute a claim.</p>

<p>5.2.2 Implications</p> <p>Descriptions, claims and illustrations must not imply attributes, capabilities or performance beyond those that can be achieved in normal use</p>	<p>3.12</p> <p>Advertisements must not exaggerate the capability or performance of a product or service; claims must be based on normal use.</p>
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<p>5.2.3 Qualifications</p> <p>All important limitations and qualifications must be made clear</p>	<p>3.10</p> <p>Advertisements must make important limitations and qualifications clear. Qualifications may clarify but must not contradict the claims that they qualify.</p>
<p>Note:</p> <p><i>Important limitations and qualifications include those on availability, particularly where failure to mention such conditions is likely to lead viewers to assume that an advertised offer is available on equal terms to all who might see it. Such restrictions might include geographical restrictions, limited numbers of purchases per person, age or sex restrictions etc.</i></p>	<p>3.28</p> <p>Advertisements that quote prices for featured products must state any reasonable grounds the advertisers have for believing that they might not be able to supply the advertised (or an equivalent) product at the advertised price, within a reasonable period and in reasonable quantities. In particular:</p>

	<p>3.28.1</p> <p>if estimated demand exceeds supply, advertisements must make clear that stock is limited</p> <p>3.28.2</p> <p>if the advertiser does not intend to fulfil orders, because the purpose of the advertisement is to assess potential demand, the advertisement must make that clear</p> <p>3.28.3</p> <p>advertisements must state restrictions on the availability of products, for example, geographical restrictions or age limits.</p>
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	<p>3.48</p> <p>Advertisements must not use the word “guarantee” in a way that could cause confusion about a consumer’s rights.</p>
<p>5.2.5 Guarantees</p> <p>Advertisements must make clear significant limitations to an advertised guarantee</p>	<p>3.49</p> <p>Advertisements must make clear each significant limitation to an advertised guarantee (of the type that has implications for a consumer’s rights). Broadcasters must be satisfied that the advertiser will supply the full terms of the guarantee before the consumer is subject to it.</p>
	<p>3.50</p> <p>Broadcasters must be satisfied that advertiser will promptly refund consumers who make valid claims under an advertised money-back guarantee.</p>
<p>Notes:</p> <p>(1) This rule applies equally to ‘warranty’ and similar terms.</p>	
<p>(2) This does not prevent the colloquial use of the word ‘guarantee’ where there is no risk of it being construed as part of an offer. For instance ‘guaranteed to make you laugh’.</p>	<p>3.48</p> <p>Advertisements must not use the word “guarantee” in a way that could cause confusion about a consumer’s rights.</p>

<p>5.2.6 Environmental claims</p> <p>Advertisements must not make unsubstantiated claims about environmental impact</p>	<p>9.4</p> <p>Absolute claims must be supported by a high level of substantiation. Comparative claims such as “greener” or “friendlier” can be justified, for example, if the advertised product or service provides a total environmental benefit over that of the advertiser’s previous product or service or competitor products or services and the basis of the comparison is clear.</p>
	<p>9.2</p> <p>The basis of environmental claims must be clear. Unqualified claims could mislead if they omit significant information.</p>
	<p>9.3</p> <p>The meaning of all terms used in advertisements must be clear to consumers.</p>
	<p>9.5</p> <p>Environmental claims must be based on the full life cycle of the advertised product or service, unless the advertisement states otherwise, and must make clear the limits of the life cycle. If a general claim cannot be justified, a more limited claim about specific aspects of a product or service might be justifiable. Claims that are based on only part of an advertised product or service’s life cycle must not mislead consumers about the product or service’s total environmental impact.</p>
	<p>9.6</p> <p>Advertisements must not suggest that their claims are universally accepted if a significant division of informed or scientific opinion exists.</p>
	<p>9.7</p> <p>If a product or service has never had a demonstrably adverse effect on the environment, advertisements must not imply that the formulation has changed to improve the product or service in the way claimed. Advertisements may, however, claim that a product or service has always been designed in a way that omits an ingredient or process known to harm the environment.</p>
	<p>9.8</p> <p>Advertisements must not mislead consumers about the environmental benefit that a product or service offers, for example, by highlighting the absence of an environmentally damaging ingredient if that ingredient is not usually found in competing products or services by highlighting an environmental benefit that results from a legal obligation if competing products are subject to the same requirements.</p>

<p>Note:</p> <p><i>Best practice on environmental impact claims is contained in ISO 14021 and the Department for the Environment, Food and Rural Affairs' Green Claims Code. Licensees must satisfy themselves that any departure from this best practice is justified.</i></p>	<p>Principle</p> <p>Advertisements should take account of the Government guidance including the Green Claims Code published by DEFRA and BERR.</p>
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<p>5.2.7 Animal testing</p> <p>Claims that a product has not been tested on animals are unlikely to be acceptable</p>	
<p>Notes:</p> <p><i>(1) Even though a finished product has not been tested on animals, it will normally be very difficult to prove that none of the materials used in its manufacture have ever been tested in that way.</i></p>	
<p><i>(2) Some statements about, for example, an advertiser's opposition to animal testing may breach rule 4 (Political and controversial issues). This requires television advertising to be impartial on matters of political controversy and public policy.</i></p>	

<p>5.2.8 Pressure to purchase</p> <p>a) Advertisements must not falsely claim that the advertiser is about to cease trading or move premises. They must not falsely state that a product, or the terms on which it is offered, will be available only for a very limited time in order to deprive consumers of the time or opportunity to make an informed choice</p>	<p>3.30</p> <p>Advertisements must not falsely claim that the advertiser is about to stop trading or move premises. They must not falsely state that a product or service, or the terms on which it is offered, will be available only for a very limited time to deprive consumers of the time or opportunity to make an informed choice.</p>
<p>b) Advertisements must not mislead consumers about market conditions or the possibility of finding the product elsewhere in order to induce consumers to buy the product at conditions less favourable than normal market conditions</p>	<p>3.31</p> <p>Advertisements must not mislead consumers about market conditions or the possibility of finding the product or service elsewhere to induce consumers to buy the product or service at conditions less favourable than normal market conditions.</p>
<p>c) Advertisements must not explicitly claim that, if consumers do not buy the advertised product or service, the advertiser's job or livelihood will be jeopardised</p>	<p>3.16</p> <p>Advertisements must not explicitly claim that the advertiser's job or livelihood is in jeopardy if consumers do not buy the advertised product or service.</p>

<p>5.2.9 After-sales service</p> <p>a) If an advertisement in a language other than English offers after-sales service, licensees must be satisfied that the advertiser will tell consumers, before a contract is concluded, if the after-sales service is not available in the language of the advertisement.</p>	<p>3.52</p> <p>If an advertisement in a language other than English offers after-sales service but the after-sales service is not available in the language of the advertisement, broadcasters must be satisfied that the advertiser will explain that to consumers before a contract is concluded.</p>
<p>b) Advertisements must not falsely claim or imply that after-sales service is available in a state that forms part of the European Economic Area other than the state where the advertised product is sold</p>	<p>3.51</p> <p>Advertisements must not falsely claim or imply that after-sales service is available in an EEA member state in which the advertised product or service is not sold.</p>

<p>5.2.10 Exaggeration</p> <p>a) Advertisements must not present rights given to consumers in law as distinctive features of the advertiser's offer</p>	<p>3.12x</p> <p>Advertisements must not present rights given to consumers in law as a distinctive feature of the advertiser's offer.</p> <p>Note: this rule number appears twice in error; rule 3.12x is a distinct rule and the numbering will be corrected in the final Code</p>
<p>b) Advertisements must not mislead about the nature or extent of the risk to consumers' personal security if they do not buy the advertised product</p>	<p>3.14</p> <p>Advertisements must not mislead about the nature or extent of the risk to consumers' personal security, or that of their families, if they do not buy the advertised product or service.</p>

	<p><u>Free claims</u></p> <p>Principle Advertisements must not describe a product or service as "free", "gratis", "without charge" or similar if the consumer has to pay anything other than the unavoidable cost of responding to the promotion and collecting or paying for delivery of the item.</p>
<p>5.2.11 Use of the word 'free'</p> <p>(a) Advertisements must not describe an offer as 'free', or similar, if there are costs to consumers other than actual postage or carriage, non-premium rate telephone charges or reasonable travel required to collect the offer. Advertising must make clear the extent of the consumer's liability for any costs</p>	<p>3.24</p> <p>Advertisements must make clear the extent of the commitment consumers must make to take advantage of a "free" offer.</p> <p>Advertisements must not describe items as "free" if:</p> <p>3.24.1</p>

	<p>the price of a product or service that consumers must buy to take advantage of the offer, or the cost of response, has been inflated to recover the cost of supplying the “free” item or service or</p> <p>3.24.2</p> <p>the quality of the product or service that consumers must buy has been reduced.</p> <p>3.24.3</p> <p>consumers have to pay for packing, packaging, handling or administration</p>
	<p>3.25</p> <p>Advertisements must not describe an element of a package as “free” if that element is included in the package price.</p>
<p>Notes to 5.2.11(a):</p> <p><i>(1) Trials can be described as free even if the customer has to pay the costs of returning the goods, provided this is made clear in the advertising.</i></p>	<p>3.26</p> <p>Advertisements must not use the term “free trial” to describe a “satisfaction or your money back” offer or an offer for which a non-refundable purchase is required.</p> <p>Cross-reference: BCAP and CAP have published joint Guidance on the use of “free”.</p>
<p><i>(2) Making clear the extent of liability would include, for example, explaining the need to collect tokens, or to travel a considerable distance to redeem an offer.</i></p>	

<p>b) No element of an offer may be described as ‘free’ if viewers are likely to be misled as to whether it is genuinely additional to the offer</p>	<p>Principle</p> <p>Advertisements must not describe a product or service as “free”, “gratis”, “without charge” or similar if the consumer has to pay anything other than the unavoidable cost of responding to the promotion and collecting or paying for delivery of the item.</p>
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<p>5.3 PRICE CLAIMS</p> <p>5.3.1 Accurate pricing</p> <p>Indications of actual or comparative prices, or the manner in which a price is to be calculated, must be</p>	<p><u>Prices</u></p> <p>Principle</p> <p>Price statements in advertisements should take into account the Department for Business, Enterprise and Regulatory Reform (BERR) Pricing Practices Guide.</p>
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accurate and must not mislead by omission, undue emphasis or distortion	<p>Definition</p> <p>Price statements include statements about the manner in which the price will be calculated as well as definite prices.</p> <p>3.17</p> <p>Price statements must not mislead by omission, undue emphasis or distortion. They must relate to the product or service depicted in the advertisement.</p>
<p>Note to 5.3.1:</p> <p><i>The Consumer Protection from Unfair Trading Regulations 2008 lay down the statutory framework for indications of price, price comparisons and reductions. In addition DBERR has issued guidance a Pricing Practice Guide and licensees are advised to refer to this.</i></p>	<p>Principle</p> <p>Price statements in advertisements should take into account the Department for Business, Enterprise and Regulatory Reform (BERR) Pricing Practices Guide.</p>

<p>5.3.3 Pricing requirements</p> <p>(a) Quoted prices must be inclusive of all non-optional taxes, duties and fees, including freight, delivery or postal charges, which apply to all buyers. If such charges cannot reasonably be calculated in advance, marketers must state that additional charges may be payable.</p>	<p>3.18</p> <p>Quoted prices must include non-optional taxes, duties, fees and charges that apply to all or most buyers. VAT-exclusive prices may be given only if all or most consumers pay no VAT or can recover VAT; advertisements that quote VAT-exclusive prices must prominently state the amount or rate of VAT payable if some consumers are likely to pay VAT.</p> <p>3.19</p> <p>If a tax, duty, fee or charge cannot be calculated in advance, for example, because it depends on the consumer's circumstances, the advertisement must make clear that it is excluded from the advertised price and state how it is calculated.</p> <p>3.21</p> <p>Advertisements that state prices must also state applicable delivery, freight or postal charges or, if those cannot reasonably be calculated in advance, state that such charges are payable.</p>
	<p>3.22</p> <p>If the price of one product or service depends on another, advertisements must make clear the extent of the commitment consumers must make to obtain the advertised price.</p>
<p>Notes to 5.3.3(a):</p> <p>(1) Areas where this is particularly relevant include flight and cruise advertising.</p>	

<p>(2) <i>Television advertising is regarded by the ASA and BCAP as generally being a business-to-consumer medium. Advertising quoting only VAT exclusive pricing would be appropriate only in exceptional circumstances.</i></p>	<p>3.18</p> <p>Quoted prices must include non-optional taxes, duties, fees and charges that apply to all or most buyers. VAT-exclusive prices may be given only if all or most consumers pay no VAT or can recover VAT; advertisements that quote VAT-exclusive prices must prominently state the amount or rate of VAT payable if some consumers are likely to pay VAT.</p>
<p>(b) Where goods are available on an instalment basis and the individual instalment costs are given, the total price of the goods must be equally prominent. If the instalment frequency is other than monthly, this must be made clear</p>	<p>3.20</p> <p>Advertisements that quote instalment costs must state the total price of the advertised product or service and the instalment frequency equally prominently.</p>
<p>Note to 5.3.3(b):</p> <p><i>In practice, this is likely to apply only when goods are to be paid for in four or fewer instalments. Advertising for schemes involving more than four instalments is likely to be subject to the Consumer Credit (Advertisements) Regulations 2004.</i></p>	
<p>(c) Where the headline cost of goods and services available by mail order or other distance selling means does not include delivery, the delivery charge must be clearly indicated beside the headline price.</p>	<p>3.21</p> <p>Advertisements that state prices must also state applicable delivery, freight or postal charges or, if those cannot reasonably be calculated in advance, state that such charges are payable.</p>
<p>Note to 5.3.3(c):</p> <p><i>Rule 11.2 deals specifically with distance selling. Licensees should also refer to the <u>Consumer Protection (Distance Selling) Regulations 2000</u>.</i></p>	
<p>5.3.4 Availability of products advertised at a specified price</p> <p>a) Advertisements must state any reasonable grounds the advertisers might have for believing that they might not be able to supply the advertised or an equivalent product at the advertised price, within a reasonable period and in reasonable quantities</p>	<p>3.28</p> <p>Advertisements that quote prices for featured products must state any reasonable grounds the advertisers have for believing that they might not be able to supply the advertised (or an equivalent) product at the advertised price, within a reasonable period and in reasonable quantities. In particular:</p> <p>3.28.1</p> <p>if estimated demand exceeds supply, advertisements must make clear that stock is limited</p>

	<p>3.28.2</p> <p>if the advertiser does not intend to fulfil orders, because the purpose of the advertisement is to assess potential demand, the advertisement must make that clear</p> <p>3.28.3</p> <p>advertisements must state restrictions on the availability of products, for example, geographical restrictions or age limits.</p>
(b) Licensees must be satisfied that the advertisers will not use the technique of switch selling, where their sales staff refuse to show the advertised product, refuse to take orders for it or to deliver it within a reasonable time, or demonstrate a defective sample of it, in order to promote a different product	<p>3.29</p> <p>Broadcasters must be satisfied that advertisers who advertise products at specific prices will not use the technique of switch selling, in which their sales staff refuse to show the advertised product, refuse to take orders for it or to deliver it within a reasonable time or demonstrate a defective sample of it to promote a different product.</p>
	<p>3.23</p> <p>Price claims such as “up to” and “from” must not exaggerate the availability or amount of benefits likely to be obtained by consumers.</p>

	<p>3.27</p> <p>Broadcasters must be satisfied that advertisers have made a reasonable estimate of demand.</p>
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<p>5.4 CREATIVE TREATMENTS</p> <p>5.4.1 Visual techniques and special effects</p> <p>Advertisements must not use any technique that is likely to give a misleading or unfair impression of the product or service.</p>	<p>3.1</p> <p>Advertisements must not materially mislead.</p>
<p>Note:</p> <p><i>This does not prevent the use of techniques to overcome technical problems in filming: for example, the use of a visually identical material as a substitute for ice cream which would melt under lights. But it would prevent the use of glass sheeting to</i></p>	

<i>exaggerate the effects of floor polish.</i>	
<p>5.4.2 Superimposed text</p> <p>(a) Text in advertisements must be legible and must comply with BCAP Guidance on On-screen Text and Subtitling in Television Advertisements</p>	<p>3.11</p> <p>Qualifications must be clear to the consumers who see or hear the advertisement only once.</p> <p>Cross-reference: BCAP has published Guidance on Superimposed Text to help television broadcasters ensure compliance with rule 3.11.</p>
<p>(b) Whilst text may expand or clarify a claim, or add minor qualifications, it must not contradict the claim</p>	<p>3.10</p> <p>Advertisements must make important limitations and qualifications clear. Qualifications may clarify but must not contradict the claims that they qualify.</p>
<p>Notes to 5.4.2:</p> <p><i>(1) Advertising can mislead if text intended to qualify a claim or offer is too long, complicated or obscurely expressed to be easily absorbed by viewers in one viewing.</i></p>	<p>3.11</p> <p>Qualifications must be clear to the consumers who see or hear the advertisement only once.</p>
<p>5.4.3 Denigration</p> <p>Advertisements must not discredit or unfairly attack other products or services, advertisers or advertisements either directly or by implication</p>	<p>3.41</p> <p>Advertisements must not discredit or denigrate another product, advertiser or advertisement or a trade mark, trade name or other distinguishing mark.</p>
<p>5.4.5 Subliminal advertising</p> <p>No advertisement may use images of very brief duration, or any other technique which is likely to influence viewers, without their being fully aware of what has been done</p>	<p>3.8</p> <p>No advertisement may use images of very brief duration, or any other technique that is likely to influence them, without consumers being fully aware of what has been done.</p>
<p>5.4.6 Comparative advertising</p> <p>There must be no realistic likelihood that viewers will be misled as a result of any comparison, whether about the product or service advertised or that with which it is compared</p>	<p>3.32</p> <p>Advertisements that include a comparison with an identifiable competitor must not mislead, or be likely to mislead, consumers about either the advertised product or service or the competing product or service.</p>

	<p>3.37</p> <p>Advertisements that include comparisons with unidentifiable competitors must not mislead, or be likely to mislead, consumers. The elements of the comparison must not be selected to give the advertiser an unrepresentative advantage.</p>
<p>Notes:</p> <p><i>(1) Comparative advertising is regulated by the Business Protection from Misleading Marketing Regulations 2008. They state that an advertisement is 'comparative' if it explicitly or by implication identifies a competitor or its goods or services.</i></p>	
<p><i>(2) For the purposes of this Code, however, 'comparative advertising' extends beyond the narrow definition contained in the statutory regulations and covers comparisons of a more general kind where a competitor is not identified.</i></p>	
<p><i>(3) Whilst only the courts can decide the precise meaning of the law, the following points may be helpful:</i></p> <p><i>A comparative advertisement is acceptable if:</i></p>	
<p><i>(a) it is not misleading</i></p>	<p>3.32</p> <p>Advertisements that include a comparison with an identifiable competitor must not mislead, or be likely to mislead, consumers about either the advertised product or service or the competing product or service.</p>
<p><i>(b) it compares goods or services meeting the same needs or intended for the same purpose</i></p>	<p>3.33</p> <p>Advertisements must compare products or services meeting the same need or intended for the same purpose.</p>
<p><i>(c) it objectively compares material, relevant, verifiable and representative features (which may include price)</i></p>	<p>3.34</p> <p>Advertisements must objectively compare one or more material, relevant, verifiable and representative feature of those products or services.</p>
<p><i>(d) it does not create confusion between the advertiser and the competitor, or between their respective trade marks, trade names, other distinguishing marks, goods or services</i></p>	<p>3.35</p> <p>Advertisements must not create confusion between the advertiser and its competitors or between the advertiser's product or service, trade mark, trade name or other distinguishing mark and that of a competitor.</p>
<p><i>(e) it does not discredit or denigrate</i></p>	<p>3.41</p> <p>Advertisements must not discredit or denigrate another product, advertiser or advertisement or a</p>

	trade mark, trade name or other distinguishing mark.
<i>(f) it does not take unfair advantage of a competitor's trade marks, trade names or other distinguishing marks, or of the designation of origin of competing products</i>	3.42 Advertisements must not take unfair advantage of the reputation of a competitor's trade mark, trade name or other distinguishing mark or of the designation of origin of a competitor product or service.
<i>(g) it does not present goods or services as imitations or replicas.</i> <i>In addition:</i>	3.43 Advertisements must not present a product as an imitation or replica of a product or service with a protected trade mark or trade name.
<i>(h) products with designation of origin may only be compared with other products with the same designation</i>	3.36 Certain EU agricultural products and foods are, because of their unique geographical area and method of production, given special protection by being registered as having a "designation of origin". Products that are registered as having a "designation of origin" should be compared only with other products with the same designation.
<i>(i) comparisons relating to special offers must indicate when the offer ends or, where appropriate, that the offer is subject to availability.</i>	
	<u>Price comparisons</u> 3.38 Advertisements that include a price comparison must state the basis of the comparison. Comparisons with competitors' prices must be with the prices for identical or substantially equivalent products or services and must explain significant differences between the products or services. If the competitor offers more than one similar product or service, the advertisement must compare the advertiser's price with the price for the competitor's product or service that is most similar to the advertised product or service. 3.39 Advertisements may compare a price with a recommended retail price (RRP) or similar if it does not differ significantly from the price at which the product is generally sold.

5.4.8 Imitation	<u>Imitation and Denigration</u>
Advertisements must not mislead consumers about	3.40

who manufactures the product	Advertisements must not mislead consumers about who manufactures the product.
	3.41 Advertisements must not discredit or denigrate another product, advertiser or advertisement or a trade mark, trade name or other distinguishing mark.

5.4.9 Testimonials Testimonials or endorsements used in advertising must be genuine and be supported by documentary evidence. Fictitious testimonials must not be presented as genuine. Testimonials that are likely to be interpreted as factual claims must not mislead consumers.	3.44 Testimonials or endorsements used in advertising must be genuine, unless they are obviously fictitious, and be supported by documentary evidence. Testimonials and endorsements must relate to the advertised product or service. Claims that are likely to be interpreted as factual and appear in advertisements must not mislead.
Note: <i>In ambiguous cases it may be necessary to indicate, for example, that an advertisement features actors presenting the advertiser's opinion, or that those giving testimonials are employees or relatives of employees of the advertiser.</i>	
	3.45 Advertisements must not feature testimonials without permission.

5.4.10 Endorsements a) Advertisements must not display a trust mark, quality mark or equivalent without the necessary authorisation and must not claim that the advertiser (or any other entity referred to in the advertisement), the advertisement or the advertised product has been approved, endorsed or authorised by a public or private body if it has not or without complying with the terms of the approval, endorsement or authorisation	3.46 Advertisements must not display a trust mark, quality mark or equivalent without the necessary authorisation. Advertisements must not claim that the advertiser (or any other entity referred to in the advertisement), the advertisement or the advertised product or service has been approved, endorsed or authorised by any person or body if it has not or without complying with the terms of the approval, endorsement or authorisation.
b) Advertisements must not falsely claim that the advertiser, or other entity referred to in the advertisement, is a signatory to a code of conduct. They must not falsely claim that a code of conduct has an endorsement from a public or other body	3.47 Advertisements must not falsely claim that the advertiser, or other entity referred to in the advertisement, is a signatory to a code of conduct. Advertisements must not falsely claim that a code of conduct has an endorsement from a public or other body.

5.4.11 Identification of the advertiser a) The identity of the advertiser must be made clear if advertising might otherwise be misleading	3.6 Advertisements must make clear the identity of the advertiser if the advertisement would otherwise mislead. Cross-reference: 8.2 requires broadcasters to give enquirers the identity and geographical address of distance selling advertisers if that information is not included in the advertisement.
b) Advertisements must not create a false impression that the advertisers are acting as consumers or for purposes outside their trade, business, craft or profession	3.7 Advertisements must not falsely imply that the advertiser is acting as a consumer or for purposes outside its trade, business, craft or profession. Advertisements must make clear their commercial intent, if that is not obvious from the context.
Note: <i>Viewers could be misled if, for example, advertising by a commercial company appeared to be part of a charity or public service campaign.</i>	
PRESENT CODE	PROPOSED CODE
SECTION 6: HARM AND OFFENCE	
Background: <i>(1) The rules in this Section (and in 7.4: Harm and Distress to Children) are intended to prevent advertising leading to harm. They are also to prevent advertising causing offence to viewers generally or to particular groups in society (for example by causing significant distress, disgust or insult, or by offending against widespread public feeling).</i> <i>The ASA and BCAP will not act, however, where advertising is simply criticised for not being in ‘good taste’ unless the material also offends against generally accepted moral, social or cultural standards. Apart from freedom of speech considerations, there are often large and sometimes contradictory differences in views about what constitutes ‘bad taste’ or what should be deplored. Nevertheless, licensees may wish to make judgements about matters of taste in order to cater for their particular audiences.</i>	SECTION 7 HARM AND OFFENCE Principle Advertisements must not be harmful or offensive. Advertisements must take account of generally accepted standards to minimise the risk of causing harm or serious or widespread offence. The context in which an advertisement is likely to be broadcast must be taken into account to avoid unsuitable scheduling (see Part 2: Scheduling).
<i>(2) The use of humour may reduce the risk of offence in borderline cases. But where there is a risk of significant offence, humour will rarely help. Nor will it usually reduce the likelihood of harmful influence, particularly on children.</i>	
<i>(3) There are additional rules about health, safety and social harm which apply to all advertising but which are focused on particular issues or categories of product or service (such as Driving Standards,</i>	

Alcohol, Medicines, Food or Lotteries, Pools & Bingo).	
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6.1 Offence Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards, or offend against public feeling	4.1 Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.
Notes: <i>(1) Although no list can be exhaustive, and values evolve over time, society has shared standards in areas such as:</i> <i>(a) the portrayal of death, injury, violence (particularly sexual violence), cruelty or misfortune</i> <i>(b) respect for the interests and dignity of minorities</i> <i>(c) respect for spiritual beliefs, rites, sacred images etc</i> <i>(d) sex and nudity, and the use of offensive language. (For further information see the ITC research reports Nudity in Television Advertising and the ASA/ITC report Delete Expletives. The latter reports on attitudes to swearing and offensive language.)</i>	
<i>(2) The ASA does not judge cases simply, or even primarily, on the number of complaints received. It makes judgements about the likelihood of widespread offence as well as taking into account the possibility of deep, usually unintentional, offence to sections of the audience which have particular vulnerabilities.</i>	
<i>(3) Particular circumstances can result in otherwise unobjectionable material causing offence. For example, a joke may cease to be acceptable if it seems to refer to a recent tragedy or if it appears close to a programme about a serious, related issue. On the other hand, if material might be on the edge of acceptability for a general audience but would be perfectly acceptable to, for example, young adults, careful scheduling in 'youth' programmes may be sufficient to avoid causing offence.</i>	
<i>(4) Whilst commercials for media products such as CDs and videos must not mislead about their content, any extracts from the products should not cause offence.</i>	

6.2 Violence and cruelty	
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(a) Advertisements must not encourage or condone violence or cruelty	4.7 Advertisements must not condone or encourage violence, crime, disorder or anti-social behaviour.
(b) Gratuitous and realistic portrayals of cruel or irresponsible treatment of people or animals are not acceptable	4.1 Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.
Notes to 6.2: (1) Careful judgements are needed in this area. 'Theatrical' violence (for example, the mayhem common in action/adventure films) is generally acceptable, as is violence which has a stylised 'cartoon' or slapstick quality. Problems are more likely to arise where the violence seems to take place in everyday life and to involve ordinary people. However, care should be taken to avoid giving young viewers the impression that copying wrestling, martial arts etc would be safe, harmless fun.	
(2) Advertisements must not appear to condone people using violence or aggression to get their own way in everyday life.	
(3) Jokes about or involving violence require care and will usually need to be distanced from everyday life by being, for example, in cartoon form.	
(4) Scenes which would otherwise be inappropriate may be acceptable to the audience in, for example, charity advertising or newsreel footage in advertisements for news media.	
(5) Timing restrictions are necessary for advertising featuring violence. See 7.4.6 (Distress) and 7.4.7 (Scheduling) below.	
6.3 Use of animals in filming Where the behaviour of animals has been controlled for the purpose of making an advertisement, licensees must not show it without satisfactory evidence that the animals were not killed or caused pain or distress	4.9 – Television only Animals must not be harmed or distressed as a result of the production of an advertisement.
Note: <i>A vet or other qualified person must care for animals and be able to attest to their well-being during the making of commercials. The RSPCA's Guidelines for the Use of Animals in Advertising may also be helpful.</i>	
6.4 Personal distress Advertisements must not, without good reason, contain material which is likely to cause serious	4.8 Advertisements must not distress the audience without justifiable reason. Advertisements must not

distress to significant numbers of viewers	exploit the audience's fears or superstitions.
<p>Notes:</p> <p>(1) Any appeal to fear should be justified and proportionate. Only mild material is likely to be acceptable in demonstrating, for example, the risks in not buying life insurance. More disturbing material might be acceptable in, for example, road safety advertising. See also 8.2.11(a) (re Medicines etc) and 10.14 (re Doctrinal Advertising).</p> <p>(2) Scenarios which might be distressing reminders of tragic personal experiences for significant numbers of viewers should be carefully judged. For example, at any given time, many viewers will be recently bereaved.</p>	
	<p>4.7</p> <p>Advertisements must not condone or encourage violence, crime, disorder or anti-social behaviour.</p>

<p>6.5 Protection of privacy and exploitation of the individual</p> <p>With limited exceptions, living people must not be portrayed, caricatured or referred to in advertisements without their permission</p>	<p>SECTION 8 PRIVACY</p> <p>Principle</p> <p>Living individuals should be protected from unwarranted infringements of privacy. Broadcasters should respect an individual's right for 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 6: Misleading).</p> <p><u>6.1 – Television only</u></p> <p>With limited exceptions, living persons must not be featured, caricatured or referred to in advertisements without their permission.</p> <p>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.</p>
Note:	

<i>Exceptions are made only for:</i>	
<i>(a) advertisements for specific publications (books, films or specific editions of radio or television programmes, newspapers, magazines etc) which feature the person referred to in the advertisement. This is provided the reference or portrayal is neither offensive nor defamatory.</i>	<p><u>Television</u></p> <p>6.1 – Television only</p> <p>With limited exceptions, living persons must not be featured, caricatured or referred to in advertisements without their permission.</p> <p>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</p>
<i>(b) generic advertising for news media. Prior permission is not required if it would be reasonable to expect that the individuals concerned would not object. If they do object, however, the advertising must be suspended immediately pending resolution of the complaint.</i>	
<i>(c) advertisements where the appearance is brief and incidental, for example in a crowd scene.</i>	

<p>6.6 Harmful or negative stereotypes</p> <p>Advertisements must not prejudice respect for human dignity or humiliate, stigmatise or undermine the standing of identifiable groups of people</p>	<p>4.6</p> <p>Advertisements must not condone or encourage harmful discriminatory behaviour or treatment. Advertisements must not prejudice respect for human dignity.</p>
<p>Notes:</p> <p><i>(1) The ASA and BCAP recognise that the use of stereotypes is an inevitable part of establishing characters within the brief span of a TV commercial. But some stereotypes can be harmful or deeply insulting to the groups in question and care is needed that they do not condone or feed prejudice or perpetuate damaging misconceptions. The ASA and BCAP would not, however, object to the use of stereotypes which, though objectionable to a few people, seem generally acceptable to most members of the group in question as well as to the broader public.</i></p>	
<p><i>(2) Mild comments or humour about many characteristics can be harmless but sensitivity is always needed. Acceptability may depend on whether the characteristic is simply a matter of personal choice and whether it is of relatively minor significance. For example, hairstyles or hobbies lie at</i></p>	

<i>the 'safer' end of the spectrum whilst characteristics such as accent, disability, nationality and skin colour are at or towards the 'sensitive' end. Even gentle humour involving the latter characteristics has significant potential for offence or distress.</i>	
<i>(3) Anything which could encourage or condone the idea that some serious negative characteristic is associated with a particular group must be avoided.</i>	
<i>(4) Particular sensitivity is required where the group in question is generally recognised to encounter prejudice. The kind of humour which may be acceptable in other contexts can seem patronising or demeaning in these cases.</i>	
<i>(5) Care is needed with stereotypes of children to avoid the risk of taunting or bullying. Children who are 'different' physically or in their behaviour, ability or background must not be presented as unpopular or unsuccessful. Nor should they normally be presented as non-users of a product or service or unworthy of it. Even if an advertisement portrays only adults being stereotyped, an ill-judged stereotype could still be harmful to children (for example, by encouraging bullying).</i>	
<i>(6) Experience has shown that well-meaning attempts by commercial advertisers to counter prejudice about, for example, race or disability can sometimes backfire. Appropriate guidance should be sought.</i>	
<i>(7) Further background about public attitudes to stereotyping can be found in the ITC research report Boxed In.</i>	

6.7 Health and safety Advertisements must not encourage or condone behaviour prejudicial to health and safety and advertisements must not use techniques that may directly harm viewers	4.2 Advertisements must not include material that is likely to condone or encourage behaviour that prejudices health or safety.
Notes: <i>(1) This does not prevent responsible advertising for products and services which, used to excess or abused, could endanger health or safety.</i>	
<i>(2) The use of proper safety equipment or working practices must not be mocked or discouraged.</i>	
<i>(3) Tools, hazardous substances etc should normally be shown being used and stored in accordance with their manufacturers' instructions, relevant law and safety regulations.</i>	

<p>(4) Where appropriate, licensees should seek appropriate 'best practice' advice relating to activities which can be dangerous, either in all circumstances or if undertaken without proper precautions. Relevant sources might be the codes of statutory bodies, statements of established public policy or published guidance from recognised independent safety organisations.</p>	
<p>(5) <i>Photo-Sensitive Epilepsy</i>: See Ofcom's Guidance Note for Licensees on Flashing Images and Regular Patterns in Television.</p>	<p>4.4 – Television only</p> <p>Advertisements must not include visual effects or techniques that are likely to affect adversely members of the audience with photosensitive epilepsy (see Ofcom's Guidance Note for Licensees on Flashing Images and Regular Patterns in Television).</p>

<p>6.8 Protection of the environment</p> <p>Advertisements must not encourage or condone behaviour prejudicial to the environment</p>	<p>4.10</p> <p>Advertisements must not condone or encourage behaviour grossly prejudicial to the protection of the environment.</p>
<p>Notes:</p> <p>(1) <i>This does not prevent responsible advertising for products or services which may have adverse environmental impact in normal use or in their manufacturing processes.</i></p>	
<p>(2) <i>See also 5.2.6 (Environmental claims).</i></p>	

<p>6.9 Sound levels in advertisements</p> <p>Advertisements must not be excessively noisy or strident. The maximum subjective loudness of advertisements must be consistent and in line with the maximum loudness of programmes and junction material.</p> <p>Broadcasters must endeavour to minimise the annoyance that perceived imbalances could cause, with the aim that the audience need not adjust the volume of their television sets during programme breaks. For editorial reasons, however, commercial breaks sometimes occur during especially quiet parts of a programme, with the result that advertisements at normally acceptable levels seem loud in comparison.</p> <p>Measurement and balancing of subjective loudness levels should preferably be carried out using a loudness-level meter, ideally conforming to ITU recommendations¹. If a peak-reading meter² is used instead, the maximum level of the advertisements must be at least 6dB less than the maximum level of</p>	<p>4.5 – Television only</p> <p>Advertisements must not be excessively noisy or strident. The maximum subjective loudness of advertisements must be consistent and in line with the maximum loudness of programmes and junction material.</p> <p>Broadcasters must endeavour to minimise the annoyance that perceived imbalances could cause, with the aim that the audience need not adjust the volume of their television sets during programme breaks. For editorial reasons, however, commercial breaks sometimes occur during especially quiet parts of a programme, with the result that advertisements at normally acceptable levels seem loud in comparison.</p> <p>Measurement and balancing of subjective loudness levels should preferably be carried out using a loudness-level meter, ideally conforming to ITU recommendations¹. If a peak-reading meter² is used instead, the maximum level of the advertisements must be at least 6dB less than the maximum level of</p>
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the programmes ³ to take account of the limited dynamic range exhibited by most advertisements.	the programmes ³ to take account of the limited dynamic range exhibited by most advertisements.
<p>Notes:</p> <p>(1) <i>The relevant ITU recommendations are ITU-R BS1770 Algorithms to measure audio programme loudness and true-peak audio level and ITU-R BS1771 Requirements for loudness and true-peak indicating meters.</i></p> <p>(2) <i>Peak-reading meters should be a PPM Type IIa as specified in BS6840: Part 10, Programme Level Meters.</i></p> <p>(3) <i>Normal convention for analogue audio is that the peak sound level of programmes is set to be no higher than +8dBm, which corresponds to '6' on a peak-reading meter. The peak sound level of advertisements should therefore be limited to +2dBm or '4.5' on a peak-reading meter. Note: +8dBm corresponds to a digital audio level of -10dB relative to digital clipping level. ITU-R BS.645 and EBU recommendation R68-2000 describe how analogue audio levels should be translated into digital levels.</i></p>	<p>Notes:</p> <p>(1) The relevant ITU recommendations are ITU-R BS1770 <i>Algorithms to measure audio programme loudness and true-peak audio level</i> and ITU-R BS1771 <i>Requirements for loudness and true-peak indicating meters.</i></p> <p>(2) Peak-reading meters should be a PPM Type IIa as specified in BS6840: Part 10, <i>Programme Level Meters.</i></p> <p>(3) Normal convention for analogue audio is that the peak sound level of programmes is set to be no higher than +8dBm, which corresponds to 6 on a peak-reading meter. The peak sound level of advertisements should therefore be limited to +2dBm or 4.5 on a peak-reading meter. Note: +8dBm corresponds to a digital audio level of -10dB relative to digital clipping level. ITU-R BS.645 and EBU recommendation R68-2000 describe how analogue audio levels should be translated into digital levels.</p>
PRESENT CODE	PROPOSED CODE
SECTION 7: CHILDREN	
<p>Background:</p> <p>(1) <i>The ASA and BCAP are required to have special concern for the protection of children. The ASA and BCAP regard people of 15 and under as children.</i></p>	<p>SECTION 9 CHILDREN</p> <p>Principle</p> <p>To ensure that children are protected. The protection of children from advertisements that could cause physical, mental or moral harm should be balanced with the fundamental right to freedom of expression.</p> <p>The context in which an advertisement is likely to be broadcast and the likely age of the audience must be taken into account to avoid unsuitable scheduling. This Section should therefore be read in conjunction with Part 2: Scheduling. Care must be taken when scheduling advertisements that could frighten or distress children or could otherwise be unsuitable for them: those advertisements should not be scheduled or placed in or around children's programmes or in or around programmes likely to be seen by significant numbers of children. Care must also be taken when featuring children in advertisements.</p> <p>Definition</p> <p>A child is someone under 16.</p> <p>Children's products are products or services of more or less exclusive interest to children.</p> <p>Products of interest to children are products or</p>

	services that are likely to appeal to children but are not of exclusive interest to them.
<i>(2) The rules in this Section can and should be applied flexibly, taking into account the vulnerabilities and capabilities of both the target age groups and other age groups which might see the advertising.</i>	<p>Principle</p> <p>To ensure that children are protected. The protection of children from advertisements that could cause physical, mental or moral harm should be balanced with the fundamental right to freedom of expression.</p> <p>The context in which an advertisement is likely to be broadcast and the likely age of the audience must be taken into account to avoid unsuitable scheduling. This Section should therefore be read in conjunction with Part 2: Scheduling. Care must be taken when scheduling advertisements that could frighten or distress children or could otherwise be unsuitable for them: those advertisements should not be scheduled or placed in or around children's programmes or in or around programmes likely to be seen by significant numbers of children. Care must also be taken when featuring children in advertisements.</p>
<i>(3) Emulation, Fears and Misunderstandings is an ITC-commissioned independent review of research into the potential for television advertising to distress or harm children and into children's ability to understand the commercial objectives of advertising at different developmental stages.</i>	
7.1 MISLEADING ADVERTISING AND CHILDREN	
<p>7.1.1 Children's inexperience</p> <p>Advertising must not take advantage of children's inexperience or their natural credulity and sense of loyalty</p>	<p>5.9</p> <p>Advertisements must not take advantage of children's inexperience, credulity or sense of loyalty. Advertisements for products or services of interest to children must not be likely to mislead, for example by exaggerating the features of a product or service in a way that could lead to children having unrealistic expectations of that product or service.</p> <p>5.10</p> <p>Child actors may feature in advertisements but care must be taken to ensure that those advertisements neither mislead nor exploit children's inexperience, credulity or sense of loyalty.</p>
<p>Notes:</p> <p><i>(1) The rules in this Section should be read in conjunction with those in Section 5 (Misleading Advertising).</i></p>	
<i>(2) Children often buy products whose advertising reflects their appeal to a wider audience (for example, snacks or computer games). For the purposes of this Code, the term 'product of interest to children' describes this wider category of products or services. 'Children's product' means a product of</i>	<p>Definitions</p> <p>A child is someone under 16.</p> <p>"Children's products" are products or services of</p>

<i>more or less exclusive interest to children.</i>	more or less exclusive interest to children. “Products of interest to children” are products or services that are likely to appeal to children but are not of exclusive interest to them.
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7.1.2 Unrealistic expectations Advertisements for products of interest to children must take account of the level of experience of those in the relevant age groups so as to avoid arousing unrealistic expectations	5.9 Advertisements must not take advantage of children's inexperience, credulity or sense of loyalty. Advertisements for products or services of interest to children must not be likely to mislead, for example by exaggerating the features of a product or service in a way that could lead to children having unrealistic expectations of that product or service. 5.10 Child actors may feature in advertisements but care must be taken to ensure that those advertisements neither mislead nor exploit children's inexperience, credulity or sense of loyalty.
Notes: <i>(1) This rule is not relevant if the advertising is only broadcast when those children are unlikely to be watching. (For example, a commercial for a video game broadcast during a late-night film.)</i>	
<i>(2) Children's ability to distinguish between straightforward product demonstrations and imaginative scenes varies with age and the two elements should normally be clearly distinguishable to the relevant age groups. ('Imaginative scenes' include, for example, fantasy sequences and shots of the real-life counterparts of toys such as dolls or model trains.)</i>	
<i>(3) Children under four typically have little ability to distinguish between imaginative scenes and reality. Those over about 12 generally have adult skills in this area.</i>	
<i>(4) Verbal or visual ambiguity which could mislead children must be avoided. Slogans and comments which adults will recognise as exaggeration or irony may be taken more literally by children. Care is therefore needed.</i>	
<i>(5) Backgrounds, sets and special effects must not give the impression that a product includes more, or does more, than is the case.</i>	
<i>(6) Quick cuts, unusual camera angles etc may confuse very young children.</i>	
<i>(7) Where accessories to a children's product cost a significant amount, there should normally be no suggestion that they are essential for the enjoyment</i>	

of the basic product.	
<p><i>(8) The chances of winning a prize, and the value of it, must not be exaggerated, bearing in mind the age and sophistication of the relevant age groups. Licensees should examine the rules of competitions etc to ensure they are reflected fairly in advertising.</i></p>	<p>5.15</p> <p>Advertisements for promotions directly targeted at children:</p> <p>5.15.1</p> <p>must include all significant qualifying conditions</p> <p>5.15.2</p> <p>must not include a direct exhortation to buy a product</p> <p>5.15.3</p> <p>must make clear if adult permission is required for children to enter.</p> <p>Advertisements for competitions directly targeted at children are acceptable if any skill required is relevant to the age of likely participants and if the values of the prizes and the chances of winning are not exaggerated.</p>
<p>7.1.3 Product characteristics</p> <p>If advertisements for products of interest to children show or refer to characteristics which might influence a child's choice, those characteristics must be easy for children of the appropriate age to judge</p>	<p>5.9</p> <p>Advertisements must not take advantage of children's inexperience, credulity or sense of loyalty. Advertisements for products or services of interest to children must not be likely to mislead, for example by exaggerating the features of a product or service in a way that could lead to children having unrealistic expectations of that product or service.</p> <p>5.10</p> <p>Child actors may feature in advertisements but care must be taken to ensure that those advertisements neither mislead nor exploit children's inexperience, credulity or sense of loyalty.</p>
<p>Notes:</p> <p><i>(1) This rule is not relevant if the advertising is only broadcast when such children are unlikely to be watching.</i></p>	
<p><i>(2) If a child might reasonably expect particular parts or accessories to be included with a product but they are supplied separately, this must be made clear. If essential parts (such as batteries) are not included,</i></p>	

<i>this should also be explained.</i>	
<i>(3) Demonstrations of toys etc should normally reflect accurately what a child would experience when using them. In particular, if a toy is shown moving, it should be clear whether it can move independently or must be hand operated. Where construction or kit toys are being demonstrated, it is acceptable to show the toys apparently assembling themselves without human help. However, if there is ambiguity about what the product can really do, it may also be necessary to show how the product is really put together.</i>	
<i>(4) Where the size of toys etc may be a relevant factor, the actual size must be made easy to judge. This is often done by comparison with a familiar object of unambiguous size. The comparison must not be distorted by, for example, perspective.</i>	
<i>(5) The speed of toy cars etc must not be exaggerated by, for example, the use of close-ups.</i>	
<i>(6) The rule also applies to free promotional items and premium items. Where proofs of purchase are necessary, advertising should normally explain the number and type required.</i>	
7.1.4 Expensive toys Except in the case of television services carrying advertising directed exclusively at non-UK audiences, advertisements for expensive toys, games and comparable children's products must include an indication of their price	5.14 – Television only Advertisements for an expensive product or service of interest to children must include a statement of the product or service's price or, if it is not possible to include a precise price, an approximate price. BCAP considers a product or service of interest to children costing £30 or more to be expensive.
Notes: (1) For this purpose, a product will not be regarded as 'expensive' if it, plus any essential accessories, are reasonably widely available at a retail price below a figure specified by ASA and BCAP. (At September 2002, this was £25 but is subject to change.)	5.14 – Television only Advertisements for an expensive product or service of interest to children must include a statement of the product or service's price or, if it is not possible to include a precise price, an approximate price. BCAP considers a product or service of interest to children costing £30 or more to be expensive.
<i>(2) Where a range of products is featured in an advertisement, only the most expensive item need be priced.</i>	
<i>(3) Where it is impossible to show a precise cost, because retail prices are likely to vary, an approximation is acceptable so long as it is presented as simply indicative. For example, 'Around £x' or 'Costs between £y and £z'.</i>	

7.1.5 Prices	5.13
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Where advertising for a children's product contains a price, the cost must not be minimised by the use of words such as 'only' or 'just'	If it includes a price, an advertisement for a children's product or service must not use qualifiers such as "only" or "just" to make the price seem less expensive.
7.2 Food and Soft Drink Advertising and Children	
<p><i>On 1 July 2007, a new and important regulation governing nutrition and health claims for foods came into force. The regulation is complex and mandatory. BCAP encourages broadcasters to take advice on the effect of the regulation and to consult the Food Standards Agency's Guidance to Compliance with Regulation (EC) 1924/2006 on Nutrition and Health Claims on Foods, which is available at http://www.food.gov.uk</i></p>	<p>Background</p> <p>These rules must be read in conjunction with the relevant legislation including the Food Safety Act 1990, the Food Labelling Regulations 1996 (as amended), especially Schedule 6 and Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods. They apply to all broadcast advertisements for food products.</p> <p>Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods is complex and mandatory and seeks to protect consumers from misleading or false claims. Transitional periods apply and broadcasters are advised to take advice on the effect of the Regulation. Advertising industry stakeholders might find the Guidance to Compliance with European Regulation (EC) No 1924 on Nutrition and Health Claims Made on Foods published by the Food Standards Agency useful: www.food.gov.uk.</p>
<p>Notes:</p> <p>1. <i>The rules in 7.2 must be read in conjunction with the other rules in this Code, especially section 8.3, 'Food and Dietary Supplements'. For rules on the scheduling of HFSS product advertisements, please see the BCAP Rules on the Scheduling of Television Advertisements. References to food apply also, where relevant, to beverages.</i></p>	<p>These rules should be read in conjunction with the general rules in this Section and other rules in this code, especially Section 5 (Children) and, for television only, Section 32: (Scheduling).</p>
<p>2. <i>The spirit, as well as the letter, of the rules in this section applies to all advertisements that promote, directly or indirectly, a food or soft drink product.</i></p>	<p>2. The spirit, as well as the letter, of the rules in this Section applies to all advertisements that promote, directly or indirectly, a food. References to food apply also to soft drinks.</p>
<p>3. <i>These definitions apply in rule 7.2:</i></p> <ul style="list-style-type: none"> • <i>Children - refers to persons below the age of 16.</i> • <i>Advertisements targeted directly at pre-school or primary school children – advertisements that directly target pre-school or primary school children through their content as opposed to their scheduling. For rules on the scheduling of HFSS product advertisements, please see the BCAP Rules on the Scheduling of Television Advertisements.</i> • <i>Licensed Characters - those characters that are borrowed equities and have no historical association with the product.</i> 	<p>Definitions</p> <p>1. • Children: persons below the age of 16.</p> <ul style="list-style-type: none"> • Advertisements targeted directly at pre-school or primary school children: advertisements that directly target pre-school or primary school children through their content as opposed to their scheduling. For rules on the scheduling of HFSS product advertisements, please see Section 32: Scheduling. • Equity brand characters: those characters that have been created by the advertiser and have no

<ul style="list-style-type: none"> • <i>Equity Brand Characters</i> - those characters that have been created by the advertiser and have no separate identity outside their associated product or brand. • <i>HFSS products</i> - those food or drink products that are assessed as high in fat, salt or sugar in accordance with the nutrient profiling scheme published by the Food Standards Agency (FSA) on 6 December 2005. Information on the FSA's nutrient profiling scheme is available on the FSA website at: http://www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod 	<p>separate identity outside their associated product or brand.</p> <ul style="list-style-type: none"> • Licensed characters: those characters that are borrowed equities and have no historical association with the product. • HFSS products: those food or drink products that are assessed as High in Fat, Salt or Sugar in accordance with the nutrient profiling scheme published by the Food Standards Agency (FSA) on 6 December 2005. Information on the FSA's nutrient profiling scheme is available on the FSA website at: http://www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod <p>For the avoidance of doubt, HFSS product advertisements may make nutritional or health claims in accordance with 13.4.</p>
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7.2.1 Diet and lifestyle.	13.2
Advertisements must avoid anything likely to encourage poor nutritional habits or an unhealthy lifestyle in children.	Advertisements must avoid anything likely to condone or encourage poor nutritional habits or an unhealthy lifestyle, especially in children.
Notes: (1) <i>This rule does not preclude responsible advertising for any products including those that should be eaten only in moderation.</i>	
(2) <i>In particular, advertisements should not encourage excessive consumption of any food or drink, frequent eating between meals or eating immediately before going to bed.</i>	
(3) <i>It is important to avoid encouraging or condoning attitudes associated with poor diets, for example, a dislike of green vegetables.</i>	
(4) <i>Portion sizes or quantities of food shown should be responsible and relevant to the scene depicted, especially if children are involved. No advertisement should suggest that a portion intended for more than one person is to be consumed by a single individual or an adult's portion, by a small child.</i>	
(5) <i>Advertisements for food should not suggest that an inactive or sedentary lifestyle is preferable to physical activity.</i>	

7.2.2 Pressure to purchase	13.12 Pressure to Purchase
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Note: Please see also 7.3 (Pressure to purchase)	(Please see also Section 5, Children: Direct Exhortation)
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(a) Although children may be expected to exercise some preference over the food they eat or drink, advertisements must be prepared with a due sense of responsibility and should not directly advise or ask children to buy or to ask their parents or other adults to make enquiries or purchases	13.12 Although children might be expected to exercise some preference over the food they eat or drink, advertisements must be prepared with a due sense of responsibility and must not directly advise or ask children to buy or to ask their parents or other adults to make enquiries or purchases for them.
Notes: (1) This extends to behaviour shown: for example, a child should not be shown asking for a product or putting it into the parent's trolley in the supermarket.	
(2) Phrases such as "Ask Mummy to buy you" are not acceptable.	

(b) Nothing in an advertisement may seem to encourage children to pester or make a nuisance of themselves.	13.12.1 Nothing in an advertisement may seem to encourage children to pester or make a nuisance of themselves.
(c) Advertisements must not imply that children will be inferior to others, disloyal or will have let someone down, if they or their family do not buy, consume or use a product or service.	13.12.2 Advertisements must not imply that children will be inferior to others, disloyal or will have let someone down, if they or their family do not buy, consume or use a product or service.
(d) Advertisements must neither try to sell to children by appealing to emotions such as pity, fear, loyalty or self-confidence nor suggest that having the advertised product somehow confers superiority, for example making a child more confident, clever, popular, or successful.	13.12.3 Advertisements must neither try to sell to children by appealing to emotions such as pity, fear, loyalty or self-confidence nor suggest that having the advertised product somehow confers superiority, for example making a child more confident, clever, popular or successful.
(e) Advertisements addressed to children should avoid 'high pressure' and 'hard sell' techniques, i.e. urging children to buy or persuade others to buy. Neither the words used nor the tone of the advertisement should suggest that young viewers are being bullied, cajoled or otherwise put under pressure to acquire the advertised item.	13.12.4 Advertisements addressed to children must not urge children to buy or persuade others to buy and must avoid high-pressure or hard-sell techniques. Neither the words used nor the tone of the advertisement should suggest that young viewers could be bullied, cajoled or otherwise put under pressure to acquire

	the advertised item.
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(f) If an advertisement for a children's product contains a price, the price must not be minimized by the use of words such as "only" or "just".	13.12.5 If an advertisement for a children's product contains a price, the price must not be minimised by the use of words such as "only" or "just".
Note: <i>Products and prices should not be presented in a way that suggests children or their families can easily afford them.</i>	

7.2.3 Promotional offers Promotional offers should be used with a due sense of responsibility. They may not be used in HFSS product advertisements targeted directly at pre-school or primary school children.	13.9 Promotional offers must be used with a due sense of responsibility. They may not be used in HFSS product advertisements targeted directly at pre-school or primary school children.
(a) Advertisements featuring promotional offers linked to food products of interest to children must avoid creating a sense of urgency or encouraging the purchase of excessive quantities for irresponsible consumption.	13.9.1 Advertisements featuring a promotional offer linked to a food product of interest to children must avoid creating a sense of urgency or encouraging the purchase of an excessive quantity for irresponsible consumption.
(b) Advertisements should not seem to encourage children to eat or drink a product only to take advantage of a promotional offer: the product should be offered on its merits, with the offer as an added incentive. Advertisements featuring a promotional offer should ensure a significant presence for the product.	13.9.2 Advertisements must not seem to encourage children to eat or drink a product only to take advantage of a promotional offer: the product should be offered on its merits, with the offer as an added incentive. Advertisements featuring a promotional offer should ensure a significant presence for the product.
(c) Advertisements for collection-based promotions must not seem to urge children or their parents to buy excessive quantities of food. They should not directly encourage children only to collect promotional items or emphasise the number of items to be collected. If promotional offers can also be bought, that should be made clear. Closing dates for collection-based promotions should enable the whole set to be collected without having to buy excessive	13.9.3 Advertisements for collection-based promotions must not seem to urge children or their parents to buy excessive quantities of food. They must not directly encourage children only to collect promotional items, emphasise the number of items to be collected or create a sense of urgency. If a promotional offer can also be bought, that must be made clear. Closing

or irresponsible quantities of the product in a short time. There should be no suggestion of “Hurry and buy”.	dates for collection-based promotions must enable the whole set to be collected without having to buy excessive or irresponsible quantities of the product in a short time.
(d) If they feature large pack sizes or promotional offers, e.g. “3 for the price of 2”, advertisements should not encourage children to eat more than they otherwise would.	13.9.4 Advertisements must not encourage children to eat more than they otherwise would.
(e) The notion of excessive or irresponsible consumption relates to the frequency of consumption as well as the amount consumed.	The notion of excessive or irresponsible consumption relates to the frequency of consumption as well as the amount consumed.

7.2.4 Use of characters and celebrities Licensed characters and celebrities popular with children must be used with a due sense of responsibility. They may not be used in HFSS product advertisements targeted directly at pre-school or primary school children.	13.10 Licensed characters and celebrities popular with children must be used with a due sense of responsibility. They may not be used in HFSS product advertisements targeted directly at pre-school or primary school children.
Notes: <i>(1) Advertisements must not, for example, suggest that consuming the advertised product will enable children to resemble an admired figure or role-model or that by not doing so children will fail in loyalty or let someone down.</i>	
<i>(2) This prohibition does not apply to advertiser-created equity brand characters (puppets, persons or characters), which may be used by advertisers to sell the products they were designed to sell.</i>	That prohibition does not apply to advertiser-created equity brand characters (puppets, persons or characters), which may be used by advertisers to sell the products they were designed to sell.
<i>(3) Persons such as professional actors or announcers who are not identified with characters in programmes appealing to children may be used as presenters.</i>	
<i>(4) Celebrities and characters well-known to children may present factual and relevant generic statements about nutrition, safety, education, etc.</i>	Licensed characters and celebrities popular with children, may present factual and relevant generic statements about nutrition, safety, education or similar.

7.3 PRESSURE TO PURCHASE	
7.3.1 Direct exhortation Advertisements must not directly advise or ask children to buy or to ask their parents or others to make enquiries or purchases for them.	5.11 Advertisements must neither directly exhort children to buy a product or service nor encourage them to ask their parents, guardians or other persons to buy or enquire about a product or service for them.

7.3.2 Unfair pressure Advertisements must not imply that children will be inferior to others, disloyal or will have let someone down, if they or their family do not use a particular product or service	5.8 Advertisements must not imply that children are likely to be ridiculed, inferior to others, less popular, disloyal or have let someone down if they or their family do not use a product or service.
7.3.3 Children as presenters Children in advertisements must not comment on product or service characteristics in which children their age would not usually be interested	5.9 Advertisements must not take advantage of children's inexperience, credulity or sense of loyalty. Advertisements for products or services of interest to children must not be likely to mislead, for example by exaggerating the features of a product or service in a way that could lead to children having unrealistic expectations of that product or service. 5.10 Child actors may feature in advertisements but care must be taken to ensure that those advertisements neither mislead nor exploit children's inexperience, credulity or sense of loyalty.
7.3.4 Direct response Advertisements which offer to sell products or services by mail, telephone, email, internet or other interactive electronic media must not be aimed at children	5.12 Advertisements that promote a product or service and invite consumers to buy that product or service via a direct response mechanism must not be targeted directly at children. For a definition of "direct response mechanism", see Section 15: Distance Selling Section.

7.4 HARM AND DISTRESS 7.4.1 Mental harm Advertisements must not contain material which could lead to social, moral or psychological harm to children	5.1 Advertisements must contain nothing that could cause physical, mental, moral or social harm to children. 5.2 Advertisements that are suitable for older children but could distress younger children must be sensitively scheduled (see Part 2: Scheduling).
Note: <i>Negative or anti-social attitudes reflected in commercials may endorse similar attitudes amongst children. For example, advertisements should not:</i>	
<i>(a) present criminal activities in a way which is likely to condone comparable behaviour in real life. (Scenarios which are clearly comedy or drama do not generally cause problems.)</i>	
<i>(b) disparage education, high personal standards or</i>	

<i>caring qualities</i>	
<i>(c) appear to condone boorish, greedy or anti-social behaviour</i>	
<i>(d) present aggression as admirable or suggest it is an acceptable means of resolving problems or getting one's own way in real life.</i>	

<p>7.4.2 Physical harm</p> <p>Advertisements must not contain material which could lead to physical harm to children</p>	<p>5.1</p> <p>Advertisements must contain nothing that could cause physical, mental, moral or social harm to children.</p> <p>5.2</p> <p>Advertisements that are suitable for older children but could distress younger children must be sensitively scheduled (see Part 2: Scheduling).</p>
<p>Notes:</p> <p><i>This guidance indicates particular areas of risk but is not exhaustive.</i></p>	
<p><i>(1) Harmful emulation: Children sometimes copy dangerous or anti-social behaviour shown in advertisements. Experience and research have indicated that the following can be contributory factors:</i></p> <p><i>a) the behaviour is easy to copy (ie without special preparations)</i></p> <p><i>b) the scenario seems realistic rather than fantasy; live action rather than cartoon</i></p> <p><i>c) the behaviour and the hero are 'cool'</i></p> <p><i>d) the product or advertising appeals to the relevant age groups.</i></p> <p><i>Even if no children appear in an advertisement, it may be possible for examples set by adults to encourage or condone dangerous or anti-social behaviour by children. Experience has also shown that even advertisements with no obvious youth appeal can trigger emulation if the action itself is particularly intriguing. Care should be taken that dangerous behaviour will not be seen as a challenge or dare.</i></p> <p><i>Licensees should balance the risk of the behaviour (or similar actions) actually being copied by children against how serious the consequences could be if there was emulation. Clearly, the less serious the potential consequences, the more leeway is available. For further information see Copycat Kids? an ITC-commissioned report on research into</i></p>	<p>5.3</p> <p>Advertisements must not condone, encourage or unreasonably feature behaviour that could be dangerous for children to emulate. Advertisements must not implicitly or explicitly discredit established safety guidelines. Advertisements must not condone, encourage or feature children going off alone or with strangers.</p> <p>This rule is not intended to prevent advertisements that inform children about dangers or risks associated with potentially harmful behaviour.</p>

emulation risks.	
<p>(2) <i>Safety: Advertisements must not encourage or condone potentially dangerous behaviour and should not discourage children from following established safety guidelines. The advice of relevant safety organisations should be sought where there is doubt.</i></p> <p><i>Particular care should be taken with:</i></p> <p>a) <i>road safety for children as pedestrians, cyclists or passengers</i></p> <p>b) <i>domestic situations (where most accidents happen)</i></p> <p>c) <i>medicines and chemicals, or items which could be mistaken for them</i></p> <p>d) <i>dangerous machinery, fire, matches etc. (Because children may be particularly attracted to what other children are seen doing in commercials, they should not normally be shown using products which are not intended for them and which can be dangerous.)</i></p> <p>e) <i>playing in or near water, or digging 'caves' in sand dunes etc. (Children have died when caves have collapsed.)</i></p> <p>(3) <i>Clubs: Licensees should normally obtain satisfactory evidence that children's clubs promoted in advertising are responsibly supervised.</i></p>	

<p>7.4.3 Bullying</p> <p>Advertisements must not encourage or condone bullying</p>	<p>5.5</p> <p>Advertisements must not condone or encourage bullying.</p>
<p>Notes:</p> <p>(1) <i>Except in appropriate charity or public service advertising, advertisements should not normally show scenes of bullying, taunting or teasing, or of children being ostracised or criticised behind their backs.</i></p>	
<p>(2) <i>Care is needed with stereotypes of children to avoid the risk of bullying. Children who are 'different' physically or in behaviour, ability or background must not be presented as unpopular or unsuccessful. Nor should they normally be presented as non-users of a product or service or unworthy of it. However, even if an advertisement portrays only adults being stereotyped, an ill-judged stereotype could still be harmful to children (for example, by encouraging</i></p>	

<i>bullying).</i>	
<p>7.4.4 Vulnerability</p> <p>Advertisements must neither encourage children to go off alone or with strangers nor show them doing so</p>	<p>5.3</p> <p>Advertisements must not condone, encourage or unreasonably feature behaviour that could be dangerous for children to emulate. Advertisements must not implicitly or explicitly discredit established safety guidelines. Advertisements must not condone, encourage or feature children going off alone or with strangers.</p> <p>This rule is not intended to prevent advertisements that inform children about dangers or risks associated with potentially harmful behaviour.</p>
<p>7.4.5 Sexuality</p> <p>Advertisements must not portray children in a sexually provocative manner</p> <p>Note:</p> <p><i>Scenes in which children are not fully clothed require careful consideration</i></p>	<p>5.6</p> <p>Advertisements must not portray or represent children in a sexual way.</p>
<p>7.4.6 Distress</p> <p>Advertisements likely to cause distress to children must not be shown in children's programmes, or in programmes likely to be seen by significant numbers of younger children</p> <p>Notes:</p> <p><i>(1) Distress may be caused, particularly to younger children, by frightening material, extreme appeals to the emotions etc. However, there can be cases where a very few children, because of their individual circumstances or experiences, may be upset by material which would not affect the vast majority of children. In those cases, the ASA and BCAP would not be justified in taking action. Experience has shown that children up to four years can be upset if their feelings of security are undermined by, for example, the use of 'morphing' (computer effects) to distort real human faces grotesquely. Young children</i></p>	<p>5.1</p> <p>Advertisements must contain nothing that could cause physical, mental, moral or social harm to children.</p> <p>5.2</p> <p>Advertisements that are suitable for older children but could distress younger children must be sensitively scheduled (see Part 2: Scheduling).</p>

<i>often sit close to the screen and this can magnify the impact of disturbing material. Some children up to about ten years old may also be distressed by, for example, aggression or inter-personal violence which seems 'real'.</i>	
<i>(2) Advertisements likely to distress children will require timing restrictions whether or not the campaign is intended for a young audience. (See 7.3.7)</i>	

<p>7.4.7 Use of scheduling restrictions</p> <p>Appropriate timing restrictions must be applied to advertisements which might harm or distress children of particular ages or which are otherwise unsuitable for them</p>	<p>Principle</p> <p>To ensure that children and young persons are protected. The protection of children and young persons from advertisements that could cause physical, mental or moral harm should be balanced with the fundamental right to freedom of expression.</p> <p>The context in which an advertisement is likely to be broadcast and the likely age of the audience must be taken into account to avoid unsuitable scheduling or placement. This Section should therefore be read in conjunction with the Scheduling Section. Care must be taken when scheduling or placing advertisements that could frighten or distress children or could otherwise be unsuitable for them: those advertisements should not be scheduled or placed in or around children's programmes or in or around programmes likely to be seen by significant numbers of children. Care must also be taken when featuring children in advertisements.</p> <p>5.2</p> <p>Advertisements that are suitable for older children but could distress younger children must be sensitively scheduled (see Part 2: Scheduling).</p>
<p>Notes:</p> <p><i>(1) Please also see the BCAP Rules on the Scheduling of Advertising.</i></p>	<p>5.2</p> <p>Advertisements that are suitable for older children but could distress younger children must be sensitively scheduled (see Part 2: Scheduling).</p>
<p><i>(2) The following advice reflects decisions and guidance derived from past cases including those previously published in Ofcom Advertising Complaints Reports.</i></p> <p><i>The ASA and BCAP distinguish between two kinds of advertising problem in this area:</i></p> <ul style="list-style-type: none"> <i>• Inappropriate advertising – advertising which is regarded as relatively harmless but would be</i> 	

<p><i>considered inappropriate by many parents in either children's programmes or family viewing time</i></p> <ul style="list-style-type: none"> • <i>Harmful advertising – advertising (rarely encountered) which could be a direct harmful influence on children or teenagers, or could be seriously distressing to younger children.</i> 	
<p><i>Inappropriate advertising</i></p> <p><i>The ASA and BCAP believe that parents should feel confident that they can allow even the youngest children to watch, unaccompanied, programmes made specifically for children. Excluding advertising from breaks in or around these programmes, or from children's channels, is often called an 'Ex Kids' restriction. It is a suitable restriction for advertising which is inappropriate for children up to about eight years old (as long as it is not likely to be harmful or distressing to them). Even mildly sexual or aggressive content must be excluded.</i></p> <p><i>If advertising is inappropriate for children over eight, Ex Kids may not be sufficient.</i></p> <p><i>The following may be useful in considering which timing restrictions are appropriate:</i></p> <ul style="list-style-type: none"> • <i>Inappropriate for children under eight: Consider Ex Kids</i> • <i>Inappropriate for children over eight: Consider further restriction</i> 	
<p><i>Harmful Advertising</i></p> <p><i>When an advertisement has been tested against the rules in 7.4 and a judgement has been made that it could be a harmful influence or could cause distress to particular age groups, a more stringent restriction is required than for advertising which is simply 'inappropriate'. A restriction which will minimise the chances of those in the relevant age groups seeing the advertising is needed. (Even conscientious parents cannot, in practice, control their children's viewing of advertising because, unlike programmes which are scheduled, advertisements appear unpredictably.)</i></p> <p><i>Once the difficult judgement has been made that there is a significant risk of harm or distress, the choice of an appropriate restriction can be based on children's and teenagers' viewing patterns.</i></p> <p><i>In these fairly uncommon cases, the following guidance may be helpful in minimising the chance of the identified age group seeing the advertising:</i></p>	

<ul style="list-style-type: none"> • <i>Ex Kids restriction</i> <i>Will avoid most children up to 4 years old</i> • <i>Post 9pm restriction</i> <i>Will avoid most 5-8 year olds</i> • <i>Later restriction (eg post 11pm)</i> <i>Will avoid most 9-12 year olds</i> <p><i>Where a realistic risk of harm to those over 12 years old is perceived, consideration will need to be given to whether the advertising should be shown at all.</i></p>	
<p><i>Making judgements</i></p> <p><i>In judging the suitability of a timing restriction, the ASA and BCAP will take account of the seriousness of any potential consequences, the realistic likelihood of a problem arising, and the age of the children likely to be affected.</i></p> <p><i>The ASA and BCAP acknowledge that it is not easy to predict the reactions of children of particular ages and recognise that cases must be judged on their individual merits.</i></p>	
<p><i>Note: Specific Scheduling Restrictions</i></p> <p><i>See the BCAP Rules on the Scheduling of Television Advertisements for mandatory scheduling restrictions which relate to young viewers and which apply to all advertising in the following categories:</i></p> <ul style="list-style-type: none"> <i>(a) alcoholic drinks and liqueur chocolates</i> <i>(b) condoms</i> <i>(c) lotteries, pools or bingo</i> <i>(d) matches</i> <i>(e) medicines, vitamins or other dietary supplements and including:</i> <ul style="list-style-type: none"> <i>1. advertising in any category in which children are shown having any of these products administered to them</i> <i>2. advertising for products which cannot easily be distinguished from a medicine or where the advertising itself could cause such confusion</i> <i>(f) merchandise based on children's programmes</i> <i>(g) personalities or other characters (including puppets etc) who appear regularly in a current or recent children's programme on any UK television</i> 	

<p>channel. Restrictions apply where such characters present</p> <p>or endorse products or services of particular interest to children. (The restrictions do not apply to public service advertisements or to characters specially created for advertisements)</p> <p>(h) religion, faith or systems of belief</p> <p>(i) sanitary protection etc</p> <p>(j) slimming products, treatments or clinics</p> <p>(k) 15- and 18-rated films and videos.</p> <p>(l) HFSS food or soft drink products</p>	
	<p>5.7</p> <p>Advertisements must not exploit the special trust children place in parents, guardians, teachers or other persons.</p>
	<p>5.4</p> <p>Advertisements must not condone or encourage practices that are detrimental to children's health.</p>
Present Code	Proposed Code
SECTION 8: MEDICINES, TREATMENTS, HEALTH CLAIMS AND NUTRITION	SECTION 10 MEDICINES, MEDICAL DEVICES, TREATMENTS AND HEALTH
<p>Background:</p> <p>The rules in this section are designed to ensure that advertising for medicines and other treatments receive the necessary high level of scrutiny. This section also covers claims relating to the nutritional, therapeutic or prophylactic effects of products, including food, toiletries and cosmetics. Independent expert advice will usually be needed in assessing advertising which is subject to this Section. (See 8.1.1 below.)</p>	<p>Principle</p> <p>The rules in this Section are designed to ensure that advertisements that include health claims (please see Section 11 for health claims made on foods) and advertisements for medicines, medical devices and treatments receive the necessary high level of scrutiny. Health claims may, for example, relate to the therapeutic or prophylactic effects of products, including toiletries and cosmetics.</p> <p>The rules apply to advertisements and not the products or services, which are regulated by health regulators such as the Medicines and Healthcare products Regulatory Agency (MHRA), the European Medicines Agency (EMA) and the Department of Health. Advertisements for those products or services must comply with the rules and professional codes of conduct of relevant professional bodies.</p>
	SECTION 12 WEIGHT CONTROL AND SLIMMING

	<p>Principle</p> <p>The rules in this Section are designed to ensure that advertisements for weight control and slimming products receive the necessary high level of scrutiny.</p>
<p>Medical Advisory Panel</p> <p><i>Clearcast retains a panel of eminent consultants to advise it on health and medical aspects of advertising. Members are appointed after consultation with the leading medical professional bodies. Licensees may also consult the panel but will be responsible for the costs involved. Licensees should initially contact Clearcast if they wish to make use of this facility. The ASA and BCAP may seek a further medical opinion if there is a significant challenge to an advertisement that has been accepted by a licensee on the advice of a member of the panel.</i></p>	<p>Medical advisory panels</p> <p>For television advertisements, Clearcast retains a panel of consultants to advise it on health and medical aspects of products or services before they are advertised. For information, see “Contact us” at www.clearcast.co.uk</p> <p>For radio advertisements, the RACC retains consultants to advise it on health and medical aspects of advertising. For information, see “Services” at www.racc.co.uk</p> <p>The ASA or BCAP may seek a medical opinion if there is a significant challenge to an advertisement that has been accepted by a broadcaster on the advice of a member of the panels.</p>
<p><i>On 1 July 2007, a new and important regulation governing nutrition and health claims for foods came into force. The regulation is complex and mandatory. BCAP encourages broadcasters to take advice on the effect of the regulation and to consult the Food Standards Agency’s Guidance to Compliance with Regulation (EC) 1924/2006 on Nutrition and Health Claims on Foods, which is available at http://www.food.gov.uk</i></p>	
<p>8.1 GENERAL</p> <p>8.1.1 Assessment of claims</p> <p>Licensees must seek appropriate independent medical advice where this is necessary for a proper assessment of claims</p>	<p>11.2</p> <p>If they are necessary for the assessment of claims, broadcasters must, before the advertisement is broadcast, obtain generally accepted scientific evidence and independent expert advice.</p>

<p>8.1.2 Impressions of professional advice and support</p> <p>The following are not acceptable in advertisements for products or treatments within the remit of Section 8:</p>	<p>11.5</p> <p>These are not acceptable in advertisements for medicinal products:</p>
<p>(a) presentations of doctors, dentists, veterinary surgeons, pharmaceutical chemists, nurses, midwives etc, which give the impression of professional advice or recommendations</p>	<p>11.5.1</p> <p>Presentations, by doctors, dentists, veterinary surgeons, pharmaceutical chemists, nurses, midwives and the like that imply professional advice</p>

	or recommendation;
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(b) statements giving the impression of professional advice or recommendation by people who are presented, whether directly or by implication, as being qualified to give such advice or recommendation	11.5.2 statements that imply professional advice or recommendation by people who are presented, whether directly or by implication, as being qualified to give that advice or recommendation;
Note to 8.1.2(b): <i>In ambiguous cases, it may be necessary to make clear that the presenter is not a professionally qualified person.</i>	

(c) references to approval, recommendation of, or preference for, any relevant product or its ingredients or their use by the professions referred to in (a) above	11.5.3 references to approval of, or preference for, any relevant product, its ingredients or their use by the professions covered by 11.5.1.
	11.6 Advertisements other than those for medicinal products may feature or refer to health professionals covered by 11.5.1, if those professionals are suitably qualified in the relevant subject.
	11.7 Unless it is obvious from the context, advertisements that include a health professional must make clear if he or she has a direct financial interest, or equivalent reciprocal interest, in the sale of the advertised product or service.
	11.8 Testimonials or endorsements by health professionals must be genuine and supported by documentary evidence. Fictitious testimonials must not be presented as genuine. Any statement in a testimonial that is likely to be interpreted as a factual claim must be substantiated.

8.1.3 Medical or health advice given remotely	11.13
(a) Licensees may only accept advertising for services offering remote personalised advice on medical or health matters where all staff who provide such advice are subject to regulation by a statutory or recognised medical or health professional body	<p>Broadcasters may accept advertisements for services offering remote personalised advice on medical or health matters only if all staff providing that advice are suitably qualified and subject to regulation by a statutory or recognised medical or health professional body and the advice given is in accordance with its relevant professional codes of conduct (see 11.9).</p>
	<p>SECTION 12 WEIGHT CONTROL AND SLIMMING</p> <p>12.3</p> <p>Advertisements for services offering remote personalised advice on health matters related to weight control or slimming are acceptable only if all staff providing that advice are suitably qualified and subject to regulation by a statutory or recognised medical or health professional body and the advice given is in accordance with its relevant professional code of conduct (see 11.9). That does not prevent advertisements that offer general information on health matters related to slimming or weight control.</p>

(b) Services that offer to prescribe or treat remotely may not be advertised	<p>11.13.1</p> <p>Advertisements must not contain offers to prescribe or treat remotely (including by phone, post, e-mail or fax). That does not preclude advertisements containing offers to distribute general information on health-related matters, such as leaflets or information packs.</p> <p>SECTION 12 WEIGHT CONTROL AND SLIMMING</p> <p>12.3</p> <p>Advertisements for services offering remote personalised advice on health matters related to weight control or slimming are acceptable only if all staff providing that advice are suitably qualified and subject to regulation by a statutory or recognised medical or health professional body and the advice given is in accordance with its relevant professional code of conduct (see 11.9). That does not prevent advertisements that offer general information on health matters related to slimming or weight control.</p>
<p>Notes to 8.1.3:</p> <p>(1) 'Remotely' includes by phone, post, internet, email and fax.</p>	

(2) <i>This does not prevent advertising offering general information on health matters.</i>	
(3) <i>The ASA and BCAP maintains a list of the statutory and professional bodies covered by this rule and will consider proposals for amendments or additions to the list.</i>	

8.1.4 Encouragement of excess No advertisement may encourage indiscriminate, unnecessary or excessive use of products within the remit of Section 8	11.14 No advertisement may encourage indiscriminate, unnecessary or excessive use of products or services covered by this Section.
	SECTION 12 WEIGHT CONTROL AND SLIMMING 12.4 Advertisements must not encourage indiscriminate or excessive use of a weight control or slimming product.

8.1.5 Tonic Unless authorised by its product licence, the word 'tonic' is not acceptable in advertisements for products making health claims. Claims must not suggest that a product has tonic properties	11.16 Unless authorised by the relevant product licence, the word "tonic" is not acceptable in advertisements that make health claims. Claims must not suggest that a product has tonic properties. That does not prevent the use of the word "tonic" in the description "Indian tonic water" or "quinine tonic water".
Note: <i>This does not prevent the use of the word 'tonic' in the description 'Indian tonic water' or 'quinine tonic water'.</i>	
	11.4 Medicinal claims may be made for a medicinal product which is licensed by the MHRA or EMEA, or a medical device that contains medicinal substances that act on the body in a manner ancillary to the device only. A medicinal claim is a claim that a substance or combination of substances can be used with a view to making a medical diagnosis or can treat or prevent disease, including an injury, ailment or adverse condition, whether of body or mind, in humans beings by restoring, correcting or modifying physiological functions by exertion of a pharmacological, immunological or metabolic action.

Present Code	Proposed Code
8.2 MEDICINAL PRODUCTS AND TREATMENTS	
<p>Notes:</p> <p>(1) <i>With the introduction of new or changed products, the diverse licensing requirements of the Medicines Act 1968 and changes in medical opinion on particular issues, this Code cannot provide a complete guide to required standards in relation to health claims or to the advertising of particular products or classes of medicines and treatments. The general principles governing the advertising of medicines, treatments and health claims are set out below. These also apply, where relevant, to veterinary products and services.</i></p>	<p>With the introduction of new or changed products, the diverse licensing requirements of the Medicines Act 1968 and changes in medical opinion, this Code cannot provide a complete guide to all requirements for health claims or the advertising of products or classes of medicines and treatments.</p> <p>The general principles governing the advertising of medicines, treatments, devices and health claims are set out below. These principles also apply to advertisements for veterinary products and services.</p>
<p>(2) <i>EC Council Directive 92/28/EEC (codified under Title VIII of Directive 2001/83/EC)</i></p> <p><i>The Directive concerns 'The Advertising of Medicinal Products for Human Use' and has been implemented in the UK by The Medicines (Advertising) Regulations 1994 and The Medicines (Monitoring of Advertising) Regulations 1994 (both as amended). The ASA is under an obligation to consider complaints about breaches of Regulation 9 of the Advertising Regulations, and these have been incorporated in the rules below.</i></p>	<p>Title VIII of European Directive 2001/83/EC as amended by Directive 2004/27/EC concerns "The Advertising of Medicinal Products for Human Use" and has been implemented in the UK by The Medicines (Advertising) Regulations 1994 and The Medicines (Monitoring of Advertising) Regulations 1994 (both as amended). The ASA and BCAP are obliged to consider complaints about breaches of Regulation 9 of the Advertising Regulations, which has been incorporated in these rules.</p>
<p>(3) <i>Medicines Act 1968</i></p> <p><i>Advertisements for products subject to licensing under the Medicines Act 1968 must comply with the requirements of the Act, Regulations made under it and any conditions contained in the current marketing authorisation.</i></p>	<p>Background</p> <p>Advertisements for products subject to licensing under the Medicines Act 1968 must comply with the requirements of the Act. That includes regulations made under the Act and any conditions contained in the marketing authorisation, certificate, licence or traditional herbal registration for the advertised product.</p>
<p>(4) <i>Directive 2001/82/EC as amended deals with veterinary medicinal products and its provisions have been implemented in the Veterinary Medicines Regulations 2005, which contain requirements for the advertising of such products.</i></p>	<p>Directive 2001/82/EC on the Community code relating to veterinary medicinal products (as amended by Directive 2004/28/EC), which has been implemented in the UK via The Veterinary Medicines Regulations, contains provisions relating to the advertising of such products. The Veterinary Medicines Regulations are revoked and remade annually.</p>

8.2.1 Unacceptable products and services	11.21
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Advertisements for the following are not acceptable:	Advertisements for these are not acceptable:
(a) medicinal products or treatments available only on prescription (POM)	11.21.1 medicinal products or medical treatments available only on prescription
(b) products for the treatment of alcohol and substance misuse or dependence Note to 8.2.1(b): <i>An exception is made for smoking deterrents.</i>	11.21.2 Products for the treatment of alcohol or substance misuse or dependence. An exception is made for smoking deterrents (see 11.18).
(c) hypnosis-based procedures (including techniques commonly referred to as hypnotherapy), psychiatry, psychology, psychoanalysis and psychotherapy Note to 8.2.1(c): <i>An exception is made for clinics and institutions and certain types of publications, where these have been approved by BCAP after consulting its medical advisors.</i>	11.10 Advertisements for hypnosis-based procedures (including techniques commonly referred to as hypnotherapy), psychiatry, psychology, psychoanalysis or psychotherapy are acceptable subject to rule (11.9). Broadcasters must take particular care over advertisements for publications employing those techniques.
(d) services that offer to prescribe or treat remotely (see 8.1.3(b))	11.13.1 Advertisements must not contain offers to prescribe or treat remotely (including by phone, post, e-mail or fax). That does not preclude advertisements containing offers to distribute general information on health-related matters, such as leaflets or information packs.
Teleshopping for the following is not acceptable:	11.12 Teleshopping for these products or services are not acceptable:

(e) medicinal products for humans that are subject to a marketing authorisation within the meaning of Directive 2001/83/EC as amended by Directive 2004/27/EC and on the General Sale List (GSL), available as a pharmacy medicine (P) or as a prescription-only medicine (POM)	11.12.1 medicinal products that are for human use and that are subject to a marketing authorisation within the meaning of Directive 2001/83/EC (as amended by Directive 2004/27/EC) and are on the General Sale List (GSL) as a pharmacy medicine (P) or as a prescription-only medicine (POM)
(f) veterinary medicinal products that are subject to a marketing authorisation within the meaning of Directive 2001/82/EC as amended by Directive 2004/28/EC and are available as an authorised veterinary medicine on the General Sales List (AVMGSL), a non-food animal medicine from a veterinarian, pharmacist or suitably qualified person or as a prescription-only medicine from a veterinarian (POM-V) or from a veterinarian, pharmacist or suitably qualified person (POM-VPS)	11.12.2 veterinary medicinal products that are subject to a marketing authorisation within the meaning of Directive 2001/82/EC (as amended by Directive 2004/28/EC) and are available as an authorised veterinary medicine on the General Sales List (AVMGSL) as a non-food animal medicine from a veterinarian, pharmacist or suitably qualified person or as a prescription-only medicine from a veterinarian (POM-V) or from a veterinarian, pharmacist or suitably qualified person (POM-VPS)
(g) medical treatments for humans or animals	11.12.3 medical treatments for humans or animals.

8.2.2 Homeopathic medicinal products	11.33 Only homeopathic medicinal products that are registered in the UK may be advertised. Mandatory information for homeopathic advertisements can be found in the MHRA Blue Guide at www.mhra.gov.uk .
(a) Only homeopathic medicinal products which are registered in the UK may be advertised	11.20 Advertisements for traditional herbal medicinal products and homeopathic medicinal products must include mandatory information, which can be found in the MHRA Blue Guide at www.mhra.gov.uk .
(b) The only information which may be included is that which is allowed to appear on product labelling. Advertisements may not, therefore, include medicinal or therapeutic claims or refer to a particular ailment.	
Note to 8.2.2: <i>This rule incorporates the requirements of EC Directive 2001/83/EC (as amended by EC Directive</i>	

2004/27/EC) on Medicinal Products For Human Use.	
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8.2.3 Products without a marketing authorisation No medicinal claims may be made for products that do not hold a marketing authorisation under the Medicines Act 1968 (Registered homeopathic medicinal products are dealt with separately at 8.2.2 above)	11.4 Medicinal claims may be made for a medicinal product which is licensed by the MHRA or EMEA, or a medical device that contains medicinal substances that act on the body in a manner ancillary to the device only. A medicinal claim is a claim that a substance or combination of substances can be used with a view to making a medical diagnosis or can treat or prevent disease, including an injury, ailment or adverse condition, whether of body or mind, in humans beings by restoring, correcting or modifying physiological functions by exertion of a pharmacological, immunological or metabolic action.
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8.2.4 Mandatory information Advertisements for medicinal products must include the following information:	11.20 Advertisements for medicinal products must include this information:
(a) the name of the product	11.20.1 the name of the product
(b) the name of the active ingredient, if it contains only one	11.20.2 the name of the active ingredient, if it contains only one
(c) the indication (ie what the product is for)	11.20.4 the indication (what the product is for).
(d) wording such as 'always read the label' or 'always read the leaflet' as appropriate	11.20.3 relevant wording such as "always read the label" or "always read the leaflet"
	Advertisements for traditional herbal medicinal products and homeopathic medicinal products must include mandatory information, which can be found in the MHRA Blue Guide at www.mhra.gov.uk .

8.2.5 Unacceptable references (a) Advertisements must not suggest that a product is special or different because it has been granted a marketing authorisation. Nor may they contain any references to the European Commission or the	11.19 Medicines must have a licence from the MHRA before they are advertised. Advertisements for medicinal products must conform with the licence. Advertisements must not suggest that a product is "special" or "different" because it has been granted a
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Medicines and Healthcare Products Regulatory Agency (MHRA) unless the MHRA requires it	licence from the MHRA.
(b) No advertisement may suggest that a medicinal product is a food, cosmetic or other consumer product	11.22 No advertisement may suggest that a medicinal product is a foodstuff, cosmetic or other consumer product.
(c) Advertisements for medicinal products must not offer to donate money to charity. (See 11.3.6(f))	16.7 Advertisements for medicinal products may offer to donate money to charity but must not be likely to encourage indiscriminate, unnecessary or excessive purchases of medicinal products. Advertisements must state the basis on which the contribution will be calculated. Cross reference: See also Section 11 Medicines, Medical Devices, Treatments and Health

8.2.6 Conditions requiring medical attention No advertisement may give the impression that a medical consultation or surgical operation is not necessary for conditions for which qualified medical advice should be sought (either instead of self-treatment or prior to it), in particular by offering a diagnosis or by suggesting treatment by post, fax or telephone.	11.3 Advertisements must not discourage essential treatment for conditions for which medical supervision should be sought. For example, they must not offer specific advice on, diagnosis of or treatment for such conditions unless that advice, diagnosis or treatment is conducted under the supervision of a suitably qualified health professional. (See 11.9) That does not prevent advertising for spectacles, contact lenses or hearing aids.
Note: <i>This does not prevent advertising for spectacles and contact lenses.</i>	

8.2.7 Self diagnosis No advertisement for a medicinal product may contain any description or case history which could lead to a wrong self-diagnosis	11.29 Advertisements for medicinal products must not contain material that could, for example by description or detailed representation of a case history, lead to a wrong self-diagnosis.
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8.2.8 Guarantee of efficacy No advertisement for a medicinal product may claim that its effects are guaranteed	11.23 No advertisement for a medicinal product may claim its effects are guaranteed. That does not prevent the offering of refunds, if the advertisement does not suggest that efficacy is guaranteed.
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<p>Note:</p> <p><i>This does not prevent the offering of refunds, providing that there is no suggestion that efficacy is guaranteed.</i></p>	
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<p>8.2.9 Cure</p> <p>Unless allowed by a marketing authorisation, words, phrases or illustrations that claim or imply the cure of any ailment, illness, disease or addiction, as distinct from the relief of its symptoms, are unacceptable</p>	<p>11.15</p> <p>Unless allowed by a product licence, words, phrases or illustrations that claim or imply the cure of an ailment, illness, disease or addiction, as distinct from the relief of its symptoms, are unacceptable.</p>
<p>8.2.10 Claims of recovery</p> <p>No advertisement for a medicinal product may refer in improper, alarming or misleading terms to claims of recovery</p>	<p>11.28</p> <p>No advertisement for a medicinal product may refer in improper, alarming or misleading terms to claims of recovery.</p>

<p>8.2.11 Appeals to fear and exploitation of credulity</p>	<p>11.25</p>
<p>(a) Advertisements must not, without good reason, make viewers anxious that they may be suffering from disease or ill-health or might do so if they do not respond to the advertising</p>	<p>Advertisements must not, without good reason, make viewers anxious that they are or might be suffering from disease or ill-health or might do so if they do not respond to the advertisement.</p>
<p>(b) No advertisement may falsely suggest that any product is necessary for the maintenance of physical or mental health, whether by people in general or by particular groups, or that health could be enhanced by taking the product or affected by not taking the product</p>	<p>11.25.1</p> <p>Advertisements must not falsely suggest that a product is necessary for the maintenance of physical or mental health or that health could be enhanced by taking the product or affected by not taking it.</p>

<p>8.2.12 Side effects</p> <p>No advertisement for a medicinal product may suggest that it has no side effects</p>	<p>11.30</p> <p>Although it may refer to the likely absence of a specific side effect, for example “unlikely to cause drowsiness”, no advertisement for a medicinal product may suggest that a product has no side effects.</p>
<p>Note:</p> <p><i>It is acceptable to refer to the likely absence of a specific side effect eg ‘unlikely to cause drowsiness’.</i></p>	

<p>8.2.13 Comparisons</p> <p>No advertisement for a medicinal product may suggest that its effects are better than, or equivalent to, those of another identifiable medicinal product or treatment</p>	<p>11.31</p> <p>No advertisement for a medicinal product or treatment may suggest that the effects are better than, or equivalent to, those of another identifiable medicinal product or treatment.</p>
<p>8.2.14 ‘Natural’ products</p> <p>No advertisement for a medicinal product may suggest that its safety or efficacy are due to it being ‘natural’</p>	<p>11.32</p> <p>No advertisement for a medicinal product may suggest that the safety or efficacy of the product is due to it being “natural”.</p>
<p>8.2.15 Medicines and children</p> <p>No advertisement for a medicinal product or treatment may be directed at people under the age of 16</p> <p>Note:</p> <p><i>See also Section 7 for additional rules about advertising for products or services likely to interest children and BCAP’s Rules on the Scheduling of Advertising for scheduling restrictions.</i></p>	<p>11.24</p> <p>No advertisement for a medicinal product or treatment may be directed at people under the age of 16. See also Section 5: Children and section 32: Scheduling.</p>
<p>8.2.16 Unacceptable images</p> <p>No advertisement for a medicinal product may use in improper, alarming or misleading terms images of changes in the human body caused by disease, injury or a medicinal product</p>	<p>11.26</p> <p>Advertisements must not, in improper, alarming or misleading ways, use images of changes in the human body caused by disease, injury or a medicinal product.</p>
<p>8.2.17 Celebrity testimonials and presentations</p> <p>No advertisement for a medicinal product or treatment may include a testimonial by a person well known in public life, sport, entertainment etc, or be presented by such a person</p>	<p>11.27</p> <p>No advertisement for a medicinal product or treatment may include a testimonial by a person well-known in public life, sport, entertainment or similar or be presented by such a person. That includes persons corporate as well as singular and would prohibit, for example, recommendations by medical charities, patient groups and health or sport organisations.</p>
<p>8.2.18 Analgesics</p>	<p>11.34</p> <p>A tension headache is a recognised medical condition; analgesics may be advertised for the relief</p>

<p>A 'tension headache' is a recognised medical condition and analgesics may be advertised for the relief of pain associated with this condition. However, no simple or compound analgesic may be advertised for the direct relief of tension. There must be no references to depression</p>	<p>of pain associated with that condition but no advertisement for a simple or compound analgesic may claim the direct relief of tension or refer to depression.</p>
	<p>11.11</p> <p>Advertisements for post-conception pregnancy advice services must make clear in the advertisement if the service does not refer women directly for abortion.</p> <p>Cross reference: See also rule 11.9 and section 15 Faith, Religion and Equivalent Systems of Belief and section 16 Charities.</p>

<p>8.2.19 Smoking deterrents</p> <p>Advertisements for smoking deterrents:</p>	<p>11.18</p> <p>Advertisements for smoking deterrents:</p>
<p>(a) must make clear that the indispensable factor in giving up smoking is will-power and that the products are no more than an aid to breaking the habit</p>	<p>11.18.1</p> <p>must make clear that the indispensable factor in giving up smoking is willpower</p>
<p>(b) must not claim that smoking is made safer whilst the habit is being reduced</p>	<p>11.18.2</p> <p>must not claim that smoking is safer while the habit is being reduced.</p>
<p>Note to 8.2.19:</p> <p><i>Advertisements for smoking deterrents must be approved by Clearcast's Medical Advisory Panel who will only give clearance to products that appear to offer genuine assistance in giving up smoking.</i></p>	
	<p>11.9</p> <p>Advertisements are acceptable only if the advertiser can provide suitable credentials, for example, evidence of: relevant professional expertise or qualifications; systems for regular review of members' skills and competencies and suitable professional indemnity insurance covering all services provided; accreditation by a professional or regulatory body that has systems for dealing with complaints and taking disciplinary action and has</p>

	registration based on minimum standards for training and qualifications.
	<p>11.17</p> <p>Jingles may be used but must not incorporate a medical or health claim.</p>
Present Code	Proposed Code
8.3 Food and dietary supplements	SECTION 11 FOOD, DIETARY SUPPLEMENTS AND ASSOCIATED HEALTH OR NUTRITION CLAIMS
<p>Notes:</p> <p><i>(1) The rules in 8.3 must be read in conjunction with the relevant legislation including the Food Labelling Regulations 1996 (as amended) and especially Schedule 6. They apply to all advertising for food products. If an advertisement is targeted at children, Section 7 of this Code also applies. For HFSS product advertisements scheduled in and around programmes of particular appeal to children, please see the BCAP Rules on the Scheduling of Television Advertisements.</i></p>	<p>Background</p> <p>These rules must be read in conjunction with the relevant legislation including the Food Safety Act 1990, the Food Labelling Regulations 1996 (as amended), especially Schedule 6 and Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods. They apply to all broadcast advertisements for food products.</p> <p>Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods is complex and mandatory and seeks to protect consumers from misleading or false claims. Transitional periods apply and broadcasters are advised to take advice on the effect of the Regulation. Advertising industry stakeholders might find the Guidance to Compliance with European Regulation (EC) No 1924 on Nutrition and Health Claims Made on Foods published by the Food Standards Agency useful: www.food.gov.uk.</p> <p>References to food apply also to soft drinks.</p>
<p><i>(2) Public health policy increasingly emphasises good dietary behaviour and an active lifestyle as a means of promoting health. Commercial product advertising cannot reasonably be expected to perform the same role as education and public information in promoting a varied and balanced diet but should not undermine progress towards national dietary improvement by misleading or confusing consumers or by setting bad examples, particularly to children. Advertisements for food should not suggest that an inactive or sedentary lifestyle is preferable to physical activity.</i></p>	<p>Principle</p> <p>Public health policy increasingly emphasises good dietary behaviour and an active lifestyle as a means of promoting health. Commercial product advertising cannot reasonably be expected to perform the same role as education and public information in promoting a varied and balanced diet but should not undermine progress towards national dietary improvement by misleading or confusing consumers or by setting a bad example, especially to children. The spirit, as well as the letter, of the rules in this Section applies to all advertisements that promote, directly or indirectly, a food or soft drink product.</p>
<p><i>(3) The spirit, as well as the letter, of the rules in this section applies to all advertisements that promote, directly or indirectly, a food or soft drink product.</i></p>	

8.3.1 Accuracy in food advertising	
<p>(a) Nutrition claims (e.g. “full of the goodness of vitamin C”) or health claims (e.g. “aids a healthy digestion”) must be supported by sound scientific evidence. Advertising must not give a misleading impression of the nutritional or health benefits of the product as a whole and factual nutrition statements should not imply a nutritional or health claim that cannot be supported. Ambiguous wording that could be understood as a nutritional claim must be avoided. For example, “goodness” should not be used as a synonym for “wholesomeness” and, if a claim relates to taste, that should be made clear, e.g. “It tastes good”, not “It is good”. The scientific meaning of the word “energy”, i.e. calorific value, should not be confused with its colloquial meaning of physical vigour</p>	<p>13.4.2</p> <p>Nutrition or health claims must be supported by documentary evidence. Advertisements must not give a misleading impression of the nutrition or health benefits of the product as a whole and factual nutrition statements should not imply a nutrition or health claim that cannot be supported. Claims must be presented clearly and without exaggeration. References to energy should not confuse its scientific meaning, calorific value, with its colloquial meaning, physical vigour.</p>
<p>(b) Nutritional claims and health claims should relate to benefits that are significant and relevant to groups likely to be strongly interested in the advertisement. Claims should be presented clearly and without exaggeration</p>	

<p>(c) No nutritional or health claim may be used in HFSS product advertisements targeted directly at pre-school or primary school children</p>	<p>13.11</p> <p>No nutrition or health claim may be used in HFSS product advertisements targeted directly at pre-school or primary school children. For the avoidance of doubt, claims referring to children’s development or health are acceptable in non-HFSS product advertisements, if those claims are authorised by the European Commission.</p>
<p>Notes:</p> <p><i>(1) Advertisements targeted directly at pre-school or primary school children are advertisements that directly target pre-school or primary school children through their content as opposed to their scheduling. For rules on the scheduling of HFSS product advertisements, please see the BCAP Rules on the Scheduling of Television Advertisements.</i></p>	<p>Definitions</p> <ul style="list-style-type: none"> • Advertisements targeted directly at pre-school or primary school children: advertisements that directly target pre-school or primary school children through their content as opposed to their scheduling. For rules on the scheduling of HFSS product advertisements, please see Section 32 (Scheduling).

<p>(d) The fact that a food product is a good source of certain nutrients does not justify generalized claims of a wider nutritional benefit</p> <p>Notes:</p> <p><i>(1) Claims of nutritional or health benefits should be considered in the context of a balanced diet or lifestyle or both. For the avoidance of doubt, HFSS product advertisements may make nutritional or health claims in accordance with 8.3.1.</i></p>	<p>13.4.3</p> <p>The fact that a food product is a good source of certain nutrients does not justify generalised claims of a wider nutritional benefit and should be considered in the context of a balanced diet or lifestyle or both. Claims for the presence, absence or reduced content of a nutrient in a product must be able to show a beneficial nutritional or physiological effect as accepted by generally accepted scientific evidence.</p>
<p><i>(2) A wide range of guidelines that offers best-practice advice for nutritional claims and healthy eating is available. For example, The Food Standards Agency's Guidelines for the Use of Certain Nutrition Claims in Food Labelling and Advertising include a recommendation to avoid "% fat free" claims (issued November 1999). Appropriate consideration and uniform application of such guidelines is needed from the relevant pre-clearance and adjudicatory bodies.</i></p>	<p>Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods is complex and mandatory and seeks to protect consumers from misleading or false claims. Transitional periods apply and broadcasters are advised to take advice on the effect of the Regulation. Advertising industry stakeholders may find the Guidance to Compliance with European Regulation (EC) No 1924 on Nutrition and Health Claims Made on Foods published by the Food Standards Agency useful: www.food.gov.uk.</p>

<p>8.3.2 Excessive consumption</p> <p>Advertisements must not encourage or condone excessive consumption of any food</p>	<p>13.3</p> <p>Advertisements must not condone or encourage excessive consumption of any food.</p>
<p>Notes:</p> <p><i>(1) Interpretation of this rule should be by reference to generally accepted nutritional advice. It would clearly not be inconsistent with shots of someone enjoying a chocolate bar; it would, however, preclude someone being shown eating whole boxes of chocolates in one sitting.</i></p>	
<p><i>(2) Portion sizes or quantities of food shown should be suitable for the occasion and the people portrayed, especially if children are involved. Advertisements should not suggest that a portion intended for more than one person is to be consumed by a single individual or an adult's portion, by a small child.</i></p>	
<p><i>(3) If they feature large pack sizes or promotional offers, e.g. "3 for the price of 2", advertisements should not encourage people to eat more than they otherwise would.</i></p>	
<p><i>(4) The notion of excessive consumption relates to the frequency of consumption as well as the amount consumed.</i></p>	

<p>8.3.3 Comparisons and good dietary practice</p> <p>Advertisements must not disparage good dietary practice. Comparisons between products must not discourage the selection of options such as fresh fruit and vegetables, which accepted dietary opinion recommends should form a greater part of the average diet</p>	<p>13.5</p> <p>Comparisons between foods must not discourage the selection of options such as fresh fruit and fresh vegetables, which generally accepted dietary opinion recommends should form a greater part of the average diet. Advertisements must not disparage good dietary practice. No advertisement should suggest that a balanced and varied diet cannot provide adequate nutrients in general.</p> <p>13.5.1</p> <p>Comparative nutrition claims must show any differences between a product bearing a Permitted Nutrition Claim and foods of the same category.</p> <p>13.5.2</p> <p>An advertisement may use one product as the sole reference for comparison only if that product is representative of the products in its category.</p> <p>13.5.3</p> <p>The difference in the quantity of a nutrient or energy value must be stated in the advertisement and must relate to the same quantity of food.</p> <p>The European Commission has produced guidance on food categories that advertising industry stakeholders might find useful: http://ec.europa.eu/food/food/labellingnutrition/claims/guidance_claim_14-12-07.pdf</p>
<p>Notes:</p> <p><i>(1) Advertisements should not seem to contradict or ignore good dietary practice.</i></p>	
<p><i>(2) To reflect generally accepted good dietary practice, a reasonable variety of other foods should be shown if the advertised product is presented as part of a meal.</i></p>	
<p><i>(3) Food products not intended as substitutes for meals should not be presented as such.</i></p>	

<p>8.3.4 Oral health</p> <p>Advertisements must not encourage or condone damaging oral health care practices</p>	<p>13.12.1</p> <p>Advertisements must not condone or encourage damaging oral healthcare practices, especially in children.</p>
<p>Note:</p>	

For instance, advertisements must not encourage frequent consumption throughout the day, particularly of potentially cariogenic products such as those containing sugar. This rule has children's dental health particularly in mind.	
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8.3.5 Dietary supplements	
(a) Advertisements must not suggest that it is necessary or therapeutic for the average person to augment their diet or that dietary supplements can enhance normal good physical or mental condition	<p>BCAP advises advertising industry stakeholders to ensure that claims made for food supplements and other vitamins and minerals are in line with the requirements of Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods.</p> <p>13.7</p> <p>Advertisements must not suggest that it is necessary for the average person to augment the diet or, unless the claim is authorised by the European Commission, that a dietary supplement can enhance normal good physical or mental condition. Claims about a higher vitamin or mineral intake for a specific function are permitted if authorised by the European Commission. Individuals must not be encouraged to swap a healthy diet for supplementation.</p>

(b) Advertisements must clearly establish those groups of people likely to benefit from a particular form of supplement	<p>13.7.1</p> <p>Advertisements may offer vitamin and mineral supplements to certain groups as a safeguard to help maintain good health. If a claim is made for a vitamin or mineral relevant only to a group who is at risk of inadequate intake the advertisement must state clearly the group's likely to benefit from the supplement.</p>
<p>Note to 8.3.5(b):</p> <p><i>Only certain groups are likely to benefit from particular vitamin or mineral supplements. They might include people on a restricted dietary regimen, those eating unsupplemented, low-energy diets, women of child-bearing age (particularly if they are planning to have a baby, are pregnant or lactating), growing children and some individuals over 50.</i></p>	<p>Only certain groups are likely to benefit from a vitamin or mineral supplement. They might include:</p> <ul style="list-style-type: none"> people on a restricted dietary regimen those eating unsupplemented, low-energy diets women of child-bearing age (especially if they are planning to have a baby, are pregnant or lactating) growing children people who eat nutritionally inadequate meals

	<p>convalescents,</p> <p>athletes in training or others who are physically very active,</p> <p>people who smoke,</p> <p>people with Asian ancestry from the Indian subcontinent</p> <p>some individuals over 50</p> <p>people who are housebound</p>
	<p><u>Infant and Follow-on Formula</u></p> <p>These rules must be read in conjunction with the relevant legislation including the Infant Formula and Follow-on Formula Regulations 2007 and the European Regulation (EC) No 1924/2006 on Nutrition and Health claims made on foods.</p> <p>13.8</p> <p>Advertisements for infant formula are prohibited.</p> <p>13.8.1</p> <p>Advertisements must not confuse between infant formula and follow-on formula.</p>
	<p>13.4</p> <p>Only Permitted Nutrition Claims listed in the Annex of EC Regulation 1924/2006 Nutrition and Health Claims made on Foods are permitted in advertisements.</p> <p>Authorised health claims in the Community Register may be used in advertisements. [Web link to Community Register]</p> <p>Transitional periods apply, including those for certain health claims in use before 19 January 2007 for which an application for authorisation has been submitted and nutrition claims in use in the EU before 1 January 2006. BCAP advises advertising industry stakeholders to take advice on the effect of the Regulation.</p> <p>Advertisements that feature health claims awaiting authorisation may be used with particular care. They must comply with all relevant rules.</p>

	<p>13.4.1</p> <p>These Permitted Nutrition Claims or claims that would have the same meaning for the audience, must comply with the criteria in the annex of EC Regulation 1924/2006 Nutrition and Health Claims made on Foods:</p> <p>Low energy, energy-reduced, energy-free, low fat, fat-free, low saturated fat, saturated fat-free, low sugars, sugars-free, with no added sugars, low sodium, low salt, very low sodium, very low salt, sodium-free, salt-free, source of fibre, high fibre, source of protein, high protein, source of [name of vitamin], high in [name of vitamin], contains [name of vitamin], source of [name of mineral], high in [name of mineral] contains [name of mineral], increased [name of nutrient], reduced [name of nutrient], light, lite, naturally and natural. More nutrition claims may be added to the list at a later date.</p> <p>The Annex provisions can be found at [link to BCAP help note]:</p>
Present Code	Proposed Code
8.4 SLIMMING REGIMES & WEIGHT CONTROL PRODUCTS	

<p>8.4.1 People under 18</p> <p>Advertisements for products or services which are subject to 8.4 must not:</p> <p>(a) be addressed to people under 18</p> <p>(b) use creative treatments likely to appeal particularly to people under 18</p> <p>(c) feature any personality who has a particular appeal to those under 18, or whose example they are likely to follow</p> <p>Note to 8.4.1:</p> <p><i>Please refer to Section 7 for additional rules about products or services likely to be of interest to children and to BCAP's Rules on the Scheduling of Advertising for scheduling restrictions. (The latter, however, do not apply to advertisements for calorie/energy-reduced foods and drinks, provided they are not presented as part of a slimming regime and provided the advertisements do not use the theme of slimming or weight control.)</i></p>	<p>Definitions</p> <p>This Section applies to advertisements for weight control and slimming foodstuffs, aids (including exercise products that make weight-loss or slimming claims), clinics and other establishments, diets, medicines, treatments and the like.</p> <p>12.5</p> <p>Advertisements for slimming or weight control products or services must not be addressed to people under 18, use creative treatments likely to be of particular appeal to them, or, feature any person whose example people under 18 are likely to follow or who has a particular appeal to them. This rule does not apply to advertisements for calorie-reduced or energy-reduced foods and drinks, provided the product is not presented as part of a slimming regime and the advertisement does not use the theme of slimming or weight control.</p>
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<p>8.4.2 Requirement for medical advice</p> <p>Licensees must obtain suitably qualified independent medical advice on the safety and efficacy of products or services which are subject to 8.4. This advice must take into account:</p>	<p>12.6</p> <p>Broadcasters must obtain suitably qualified independent medical or other health specialist advice on the safety and efficacy of weight control and slimming products or services before broadcast. In particular, the advice must satisfy broadcasters that:</p> <p>12.6.1</p> <p>the slimming product or service is likely to be effective and will not lead to harm;</p>
<p>(a) whether there is reputable scientific evidence to support any claims</p>	<p>12.2</p> <p>If they are necessary for the assessment of claims, broadcasters must, before the advertisement is broadcast, obtain generally accepted scientific evidence and independent expert advice.</p>
<p>(b) whether clinics and other establishments offering medically supervised treatment are run in accordance with General Medical Council guidelines</p>	<p>12.6.2</p> <p>clinics and other establishments offering medically supervised treatments are run in accordance with the National Minimum Standards Regulations issued by the Department of Health or, if they operate abroad, broadly equivalent requirements.</p>
<p>Note to 8.4.2:</p> <p><i>This rule applies to slimming aids (including exercise products that make weight-loss or slimming claims), clinics and other establishments, diets, medicines etc.</i></p>	<p>Definitions</p> <p>This Section applies to advertisements for weight control and slimming foodstuffs, aids (including exercise products that make weight-loss or slimming claims), clinics and other establishments, diets, medicines, treatments and the like.</p>

<p>8.4.3 Predictions of weight loss</p> <p>Advertisements must not promise or predict specific weight loss for products or services in this category. Advertisements which refer to specific amounts of weight that have been lost by individuals must also state the period over which that loss was achieved. The rate and amount of weight loss must be compatible with accepted good medical and dietary practice and must be representative of the</p>	<p>12.7</p> <p>Promises or predictions of specific weight loss are not acceptable for any slimming product.</p> <p>12.8</p> <p>Health claims in food product advertisements that</p>
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capabilities of the product or service	<p>refer to a rate or amount of weight loss are not permitted.</p> <p>12.9</p> <p>Claims that refer to specific amounts of weight that have been lost by an individual must state the period over which that loss was achieved and should not be based on unrepresentative experiences of the slimming or weight-control product. The amount of weight lost and the period over which it was lost must be compatible with generally accepted good medical and dietary practice. For those who are normally overweight, a rate of weight loss greater than 2lbs (just under 1kg) a week is unlikely to be compatible with good medical and nutritional practice. For those who are obese, a rate of weight loss greater than 2lbs a week in the early stages of dieting could be compatible with good medical and nutritional practice.</p>
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<p>8.4.4 Low-calorie foods</p> <p>In the following circumstances, advertisements for low-calorie foods and drinks must make it clear that the products only assist weight loss as part of a calorie/energy controlled diet:</p>	<p>12.10</p> <p>Low-calorie foods and drinks, if advertised as, or as part of, a slimming regime or if advertised using a slimming or weight-control theme, must make clear in the advertisement that the product merely helps weight loss as part of a calorie-controlled or energy-controlled diet.</p>
(a) if the products are presented as part of a slimming regime or	
(b) if the advertising uses a slimming or weight control theme	

<p>8.4.5 Obesity</p> <p>Advertisements for products and services in this category, other than those for clinics and other establishments offering treatment under medical supervision, must not be directed at the obese or use testimonials or case histories referring to subjects who were or appeared to be obese before using the product or service advertised</p>	<p>12.11</p> <p>Advertisements for weight control or slimming products or services must not be targeted directly at individuals with a Body Mass Index of 30 or above (obesity) or use testimonials or case histories referring to subjects who were or seemed to be obese before using the advertised product.</p> <p>12.11.1</p> <p>Advertisements for clinics or other establishments that offer treatment under suitably qualified supervision and advertisements for non-prescription</p>
<p>Note:</p> <p><i>Obese, for the purposes of this rule, means a Body</i></p>	

Mass Index of 30 or above.	medicines that are indicated for the treatment of obesity and that require the involvement of a pharmacist in the sale or supply of the medicine may nevertheless be targeted at those who are obese. Please see rule 11.9, "Services including Clinics, Establishments and the like Offering Advice on, or Treatment in, Medical, Personal or other Health Matters".
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<p>8.4.6 Underweight</p> <p>Advertisements for products and services in this category must not suggest that to be underweight is acceptable or desirable. Where testimonials or case histories are used, they must not refer to subjects who are or appear to be underweight</p> <p>Notes:</p> <p>(1) <i>Underweight, for the purposes of this rule, means a Body Mass Index of below 20.</i></p>	<p>12.12</p> <p>Advertisements for weight-control or slimming products must not suggest or imply that to be underweight is acceptable or desirable. If they are used, testimonials or case histories must not refer to subjects who are or seem to be underweight. Underweight means a Body Mass Index below 20.</p>
<p>(2) <i>Licensees should also be aware that The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997 may apply to some products. Where products do fall within the remit of the regulations, a number of provisions apply including:</i></p> <p><i>(a) such foods may not be offered under any name other than</i></p> <ul style="list-style-type: none"> - 'total diet replacement for weight control' or - 'meal replacement for weight control', <p><i>(b) advertisements for such foods may not refer to the rate or amount of weight loss that may result from the use of the product, or to a reduction in the sense of hunger or an increase in the sense of satiety.</i></p>	<p>12.13</p> <p>Advertisements for specially formulated products intended for use in energy-restricted diets that, when used as instructed by the manufacturer, replace the whole of the total daily diet or one or more meals of the daily diet must comply with the Foods Intended for Use in Energy Restricted Diets For Weight Reduction Regulations 1997 (as amended), specifically:</p> <p>12.13.1</p> <p>advertisements for such foods may not be offered under any name except "total diet replacement for weight control" or "meal replacement for weight control"</p> <p>12.13.2</p> <p>advertisements for such foods may not refer to the rate or amount of weight loss that could result from use of the product or to a reduction in the sense of hunger or an increase in the sense of satiety.</p>
<p>(3) <i>Advertisements for Very Low Calorie Diets, those where daily kilo-calorie intake falls below 800, must</i></p>	<p>12.14</p>

<p><i>also comply with the following conditions:</i></p> <p><i>(a) they must advise users to ‘consult your doctor’ before embarking on the diet</i></p> <p><i>(b) they must position the diet as a short-term measure only</i></p> <p><i>(c) they must not use testimonials or specific case histories.</i></p>	<p>For the purposes of this rule, very low-calorie diets (VLCDs) are those with a daily intake of less than 800 kilo-calories. They must comply with the provisions of the Food Safety Act 1990 and relevant regulations made under it, including those on advertising. These conditions apply to advertisements for such products:</p> <p>12.14.1</p> <p>the advertisement must include a clear injunction to consult your doctor before embarking on the diet</p> <p>12.14.2</p> <p>the diet must be positioned as a short-term measure only</p> <p>12.14.3</p> <p>testimonials or specific case histories must not be used</p>
<p><i>(4) In addition, licensees must seek independent medical advice on whether the proposed advertisement complies with the recommendations of the Government COMA Report No. 31, The Use of Very Low Calorie Diets.</i></p>	<p>12.14.4</p> <p>independent medical advice must be sought on whether the proposed advertisement accords with the guidance on “Obesity: the prevention, identification, assessment and management of overweight and obesity in adults and children” (2006) published by the National Institute for Health and Clinical Excellence.</p>
	<p>12.15</p> <p>Advertisements for establishments offering weight-control or slimming treatments are acceptable only if they make clear that dietary control is necessary to achieve weight loss. An exception is made for clinics and other establishments that provide immediate weight loss surgery under suitably qualified medical supervision and are run in accordance with rule 11.9. Those clinics and other establishments must not refer to the amount of weight that can be lost.</p>
Present Code	Proposed Code
SECTION 9: FINANCE AND INVESTMENT	
<p>Background:</p> <p><i>(1) The rules in this Section largely draw attention to statutory regulation with which all advertising must comply. However, selecting the most appropriate</i></p>	<p>Principle</p>

<p><i>financial products or services normally requires consumers to consider many factors and television advertising is not well suited to communicating large amounts of detail. It is not, therefore, an appropriate medium for advertising some particularly high risk or specialist investments or any financial products or services that are not regulated or otherwise permitted in the UK under FSMA.</i></p>	<p>The rules in this Section largely draw attention to statutory regulation with which all advertisements must comply. Selecting the most relevant financial products or services normally requires consumers to consider many factors; short-form television and radio advertisements are not well-suited to communicating large amounts of detail. They are not, therefore, suitable formats for advertising especially high-risk or specialist investments or any financial products or services that are not regulated or permitted in the UK under the Financial Services and Markets Act 2000 (FSMA).</p>
<p><i>(2) The Financial Services and Markets Act 2000 (FSMA) unifies much of the structure of financial regulation in the UK by replacing previous legislation and merging existing regulators into the <u>Financial Services Authority (FSA)</u>.</i></p>	<p>Under FSMA, a financial promotion is “an invitation or inducement to engage in investment activity that is made in the course of business and is capable of having an effect in the UK.” That broad definition captures all promotional activity, including traditional advertising, telephone sales and face-to-face conversations, in relation to all products and services regulated by the FSA. Under FSMA, “investment activity” does not cover only conventional investments; it includes deposits, home finance transactions (regulated mortgages, home purchase plans and home reversion plans), other forms of secured credit and most insurance, including some advertisements by insurance intermediaries (see the New Insurance Conduct of Business sourcebook - ICOBS).</p>
<p><i>(3) The FSA is the regulator for the financial services industry and regulates conduct of business, including advertising, for investment products. It also regulates the advertising of insurance, including the activities of insurance intermediaries (e.g. motor, home and travel insurers).</i></p>	<p>The FSA is the regulator for the financial services industry and regulates conduct of business, including advertising, for investment products, including structured deposits where capital is subject to market risk. It also regulates the advertising of insurance, including the activities of insurance intermediaries (for example motor, home and travel insurers).</p>
<p><i>(4) The FSA is responsible for the regulation of most first charge mortgage lending and selling. Mortgages that are not regulated are those secured on non-UK land, business premises with less than 40% residential occupation, and second charge mortgages. The FSA’s Financial promotion rules set out in Mortgage Conduct of Business Chapter 3 (MCOB 3) in the FSA Handbook apply to qualifying credit promotions as defined under the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (FPO) and the FSA Handbook glossary.</i></p>	<p>It is responsible for the regulation of most first-charge mortgage lending and selling. Mortgages that are not regulated are those secured on non-UK land, business premises with less than 40% residential occupation and second-charge mortgages. The FSA’s financial promotion rules set out in Mortgages and Home Finance: Conduct of Business sourcebook (MCOB) Chapter 3 in the FSA Handbook apply to Home Reversion Plans and qualifying credit promotions as defined under the FPO and the FSA Handbook glossary. The rules in MCOB 3 do not apply to Home Purchase Plans, with the exception of the fair, clear and not misleading standard and some relevant guidance detailed in MCOB Chapter 2.</p>
<p><i>(5) Unsecured lending, other forms of secured lending and some other credit activities continue to be regulated by the Consumer Credit Act 1974 (as amended) and the Consumer Credit (Advertisements) Regulations 2004.</i></p>	<p>Unsecured lending, other forms of secured lending and some other credit activities continue to be regulated by the Consumer Credit Act 1974 (as amended) and the Consumer Credit (Advertisements) Regulations 2004 (as amended).</p>
<p><i>(6) In this Section, unless otherwise stated, the terms ‘financial promotion’, ‘authorised person’ and ‘qualifying credit promotion’ have the same meanings as in the FSMA and the FPO. Please note</i></p>	<p>Definitions</p>

<p><i>that the definition of a financial promotion is broad and includes, for example, advertising for deposits and insurance products.</i></p>	<p>In this Section, unless otherwise stated, the terms “financial promotion”, “authorised person”, “qualifying credit” and “regulated activity” have the same meanings as in FSMA and the Financial Services and Markets Act (Financial Promotion) Order 2005 (FPO) (as amended). The FSMA definition of a financial promotion is broad and includes, for example, advertisements for deposits and insurance products.</p>
<p>9.1 Non-UK advertising</p> <p>Advertisements for financial services which:</p> <p>(a) are broadcast on Ofcom licensed services that are aimed exclusively at audiences in EU Member States other than the UK and</p> <p>(b) are not subject to the financial promotion rules of the FSA</p> <p>need not comply with Section 9. Instead they must comply with the laws and regulations of the relevant Member States</p>	<p>14.3</p> <p>Advertisements for financial services that are broadcast exclusively to audiences in EU Member States other than the UK or are not subject to the FSA’s financial promotion rules need not comply with this Section. Instead, they must comply with the laws and regulations of the relevant Member States.</p>

<p>9.2 Legal responsibility</p> <p>Financial promotions must comply with all legal and regulatory requirements</p>	<p>14.2</p> <p>Broadcasters are responsible for ensuring that advertisements carried by them comply with all the relevant legal and regulatory requirements. Broadcasters might need to seek legal advice if an advertiser claims an advertisement should be considered:</p> <p>14.2.1</p> <p>not to be a financial promotion or</p> <p>14.2.2</p> <p>to be a financial promotion that is not required to be communicated or approved by an authorised person (because it is subject to an exemption under the FPO).</p> <p>Advice, or general advice from the FSA, might be required on compliance with the FSA Handbook. The FSA does not pre-vet or advise on the compliance of proposed financial promotions with FSMA. For more information, visit the financial promotions pages of the FSA website (www.fsa.gov.uk) and see the FSA Handbook, especially the Conduct of Business sourcebook (COBS) Chapter 4, MCOB Chapter 3,</p>
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	ICOBs Chapter 2.2 and the Perimeter Guidance Manual (PERG) chapter 8.
<p>Notes:</p> <p><i>(1) To quote the FSMA, a Financial Promotion is ‘an inducement or invitation to engage in investment activity, which is communicated in the course of business’. It is, however, important also to refer to the FSA Handbook, in particular to the rules in Conduct of Business Chapter 3 (COB 3), MCOB and Insurance Conduct of Business Chapter 3 (ICOB 3).</i></p>	<p>Definitions</p> <p>In this Section, unless otherwise stated, the terms “financial promotion”, “authorised person”, “qualifying credit” and “regulated activity” have the same meanings as in FSMA and the Financial Services and Markets Act (Financial Promotion) Order 2005 (FPO) (as amended). The FSMA definition of a financial promotion is broad and includes, for example, advertisements for deposits and insurance products.</p>
<p><i>(2) Legal advice, or general advice from the FSA, may be required concerning compliance with FSMA requirements. Please note that the FSA does not pre-vet promotions.</i></p>	<p>14.2</p> <p>Broadcasters are responsible for ensuring that advertisements carried by them comply with all the relevant legal and regulatory requirements. Broadcasters might need to seek legal advice if an advertiser claims an advertisement should be considered:</p> <p>14.2.1</p> <p>not to be a financial promotion or</p> <p>14.2.2</p> <p>to be a financial promotion that is not required to be communicated or approved by an authorised person (because it is subject to an exemption under the FPO).</p> <p>Advice, or general advice from the FSA, might be required on compliance with the FSA Handbook. The FSA does not pre-vet or advise on the compliance of proposed financial promotions with FSMA. For more information, visit the financial promotions pages of the FSA website (www.fsa.gov.uk) and see the FSA Handbook, especially the Conduct of Business sourcebook (COBS) Chapter 4, MCOB Chapter 3, ICOBS Chapter 2.2 and the Perimeter Guidance Manual (PERG) chapter 8.</p>

<p>9.3 Misleading advertising</p> <p>Background:</p> <p><i>The ASA and BCAP will apply their usual standards to prevent misleading advertising (see section 5) and require any significant exceptions and qualifications to be made clear (see rule 5.2.3). In addition, Financial Promotions must be “clear, fair and not</i></p>	<p>Principle</p> <p>The ASA and BCAP Executive may seek advice from other regulators when investigating possible breaches of the BCAP Code. They will apply their usual standards to prevent misleading advertising (see Section 3) and require significant exceptions and qualifications to be made clear (see rule 3.10). The Financial Services Authority (FSA) Handbook</p>
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<i>misleading” as required by the FSA Handbook. Where appropriate, the ASA and BCAP will seek advice from other regulators when investigating possible breaches of the rules in Section 9.</i>	requires financial promotions to be “fair, clear and not misleading”.
Unless advertisements subject to Section 9 are clearly addressed to a specialist audience and shown either on specialised financial channels or in breaks within appropriate financial programming, they must be considered to be addressing non-specialist audiences	14.6 Unless they are obviously addressed to a specialist audience and shown either on specialised financial channels or stations or in breaks in relevant financial programmes, advertisements subject to this Section must be considered to be addressed to non-specialist audiences. No specialist knowledge should normally be required for a clear understanding of claims or references. For example, exceptions, conditions or expressions that would be understood by finance specialists must be avoided or explained if they would be unfamiliar to the audience.
Note: <i>No specialist knowledge should normally be required for a clear understanding of claims or references. For example, exceptions, conditions or expressions which would be understood by finance specialists must be avoided or explained if they would be unfamiliar to many viewers.</i>	14.6 Unless they are obviously addressed to a specialist audience and shown either on specialised financial channels or stations or in breaks in relevant financial programmes, advertisements subject to this Section must be considered to be addressed to non-specialist audiences. No specialist knowledge should normally be required for a clear understanding of claims or references. For example, exceptions, conditions or expressions that would be understood by finance specialists must be avoided or explained if they would be unfamiliar to the audience.

9.4 Direct remittance Financial promotions must not invite the direct remittance of money	<u>Direct Remittance</u> 14.13 Advertisements on television or radio are unacceptable if they directly or indirectly invite the remittance of money direct to the advertiser or any other person without offering an opportunity to receive more information; an intermediate stage at which more information is supplied is mandatory.
Notes: (1) <i>It must not be possible to buy ‘off the screen’ without further formality. There must always be an intermediate stage in which further information is supplied.</i>	
(2) <i>See the <u>BCAP Code for Text Services</u> for exceptions to the rule for Ofcom-regulated text services.</i>	14.14 Advertisements on Ofcom-regulated text services that invite the direct remittance of money are acceptable for the categories listed in rule 14.4, but not those in 14.5.

	<p>14.15</p> <p>Broadcasters must retain, for 90 days after final transmission, printed paper copies of each advertisement that invites direct remittance of money.</p>
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<p>9.5 Unacceptable categories</p> <p>(a) Except on specialised financial channels, the following categories of advertising are not acceptable:</p>	<p>14.5</p> <p>These categories of advertisement may be broadcast on specialised financial channels or stations or programming only:</p>
<p>(1) advertisements for the issue of shares or debentures. Exceptions are made for advertisements announcing the publication of listing particulars or a prospectus in connection with an offer of shares or debentures to be listed on the London Stock Exchange or prospectuses approved for the purposes of the Prospectus Directive 2003/71/EC and permitted under FSMA.</p>	<p>14.5.1</p> <p>advertisements for the acquisition or disposal of derivatives, warrants or other transferable securities (such as shares) that are not on the Official List of the FSA or admitted to trading on a Regulated Market in the UK or other EEA State (as defined by the Markets in Financial Instruments Directive);</p>
<p>(2) advertisements recommending the acquisition or disposal of an investment in any specific company other than an investment trust company listed on the London Stock Exchange</p>	<p>10.1</p> <p>Advertisements for products or services coming within the recognised character of or specifically concerned with these are not acceptable:</p> <p>10.1.9</p> <p>the acquisition or disposal of units in collective investment schemes not authorised or recognised by the FSA, without the prior approval of BCAP.</p>

<p>(b) Spread betting may be advertised as an investment on specialised financial channels or in specialised financial programming or on interactive or additional TV services (including text services) only. Spread betting advertisements must comply with the gambling rules (see rule 11.10).</p>	<p>14.5</p> <p>These categories of advertisement may be broadcast on specialised financial channels or stations or programming only:</p> <p>14.5.2</p> <p>advertisements for spread betting, as an investment only. Spread betting advertisements may be advertised on interactive or additional TV services (including text services). They must comply with the gambling rules (see Section 17). The advertised products or services should be available only to clients who have demonstrated through a pre-vetting procedure compliant with the FSA's appropriateness</p>
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	test that they have relevant financial trading experience;
(c) Nothing may be advertised as an investment unless it is regulated or otherwise permitted under FSMA.	<p>14.5</p> <p>These categories of advertisement may be broadcast on specialised financial channels or stations or programming only:</p> <p>14.5.4</p> <p>advertisements for investments not regulated or permitted under FSMA. An advertisement that implies, for example, that a collectors' item or other unregulated product or service could have investment potential (in the colloquial sense) would normally be unacceptable.</p>
<p>Notes to 9.5:</p> <p><i>(1) Advertisements for Contracts for Differences (except Spread Betting) are acceptable on specialist financial channels provided the products are available only to clients who have demonstrated through appropriate pre-vetting procedure that they have relevant financial trading experience. (For this purpose, a "specialised financial channel" is an Ofcom licensed channel whose programmes, with few exceptions, are likely to be of particular interest only to business people or finance professionals.)</i></p>	<p>14.5</p> <p>These categories of advertisement may be broadcast on specialised financial channels or stations or programming only:</p> <p>14.5.3</p> <p>advertisements for Contracts for Differences (except Spread Betting), provided the products are available only to clients who have demonstrated through appropriate pre-vetting procedure that they have relevant financial trading experience.</p>
<p><i>(2) In this Code, "Spread Betting" and "Contract for Differences" have the same meanings as in the current glossary to the FSA Handbook.</i></p>	<p>Definitions</p> <p>In this Code, "spread betting" and "contract for differences" have the same meanings as in the glossary to the FSA Handbook.</p>
<p>Note to 9.5(c):</p> <p><i>Any advertising which implies that, for example, a collectors' item or some other unregulated product or service could have investment potential would normally be unacceptable. ('Investment' is used in its colloquial sense in this note.)</i></p>	<p>14.5</p> <p>These categories of advertisement may be broadcast on specialised financial channels or stations or programming only:</p> <p>14.5.4</p> <p>advertisements for investments not regulated or permitted under FSMA. An advertisement that implies, for example, that a collectors' item or other unregulated product or service could have investment potential (in the colloquial sense) would normally be unacceptable.</p>

<p>9.6 Financial promotions</p> <p>Subject to 9.5(a), financial promotions are acceptable if:</p> <p>(a) they have been approved by an 'authorised person' as defined in the FSMA or</p>	<p>14.4</p> <p>Financial promotions or other advertisements for regulated activity may be broadcast if:</p> <p>14.4.1</p> <p>communicated by an authorised person</p> <p>14.4.2</p> <p>approved or issued by an authorised person or an appointed representative of an authorised person who, to the broadcaster's satisfaction, has confirmed that the final recorded version of the advertisement complies with the FSA's financial promotion rules or</p>
<p>(b) they are exempt as set out in COB 3.2.5R, MCOB 3.2.5R and ICOB 3.3.6R</p>	<p>14.4</p> <p>Financial promotions or other advertisements for regulated activity may be broadcast if:</p> <p>14.4.3</p> <p>exempt under the FPO. An advertisement by a general insurance intermediary need not be approved by an authorised person if it is a generic promotion and exempted by the FPO. (That is usually if the advertisement does not identify an insurer, insurance intermediary or product; so it will usually apply if the financial promotion refers generally to product types.)</p>
<p>Note to 9.6:</p> <p><i>Advertising by a general insurance intermediary need not be approved by an authorised person if it is a generic promotion under the FPO. (This is usually where the advertising does not identify any particular insurer, insurance intermediary or product, so it will usually apply where the financial promotion refers generally to product types).</i></p>	
<p>9.7 Savings and deposits</p> <p>(a) References to interest on savings must be accurate at the time of transmission and the advertising must be modified immediately if the rate changes</p>	<p>14.7</p> <p>References to interest payable on savings are acceptable, subject to these conditions:</p> <p>14.7.1</p> <p>they must be factually accurate at the time of broadcast and the advertisement must be modified immediately if the rate changes</p>

	<p>14.7.2</p> <p>advertisements quoting a rate must use the Annual Equivalent Rate (AER) and the contractual rate as set out in the British Bankers' Association and Building Societies Association Code of Conduct for the Advertising of Interest Bearing Accounts and advertisements should comply with all the provisions of that code</p>
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(b) Calculations of interest must not be based on significant unstated factors	<p>14.7.3</p> <p>if conditions apply to calculations of interest and might affect the sum received, the advertisement must refer to the conditions and how they can be accessed</p>
<p>Note to 9.7(b):</p> <p><i>It may be necessary to refer to factors such as a minimum deposit, minimum deposit period or minimum period of notice for withdrawal.</i></p>	

(c) Advertisements must make clear whether interest is gross or net of tax	<p>14.7.4</p> <p>advertisements quoting a rate must make clear whether it is gross or net of tax, or tax-free, but do not need to explain those expressions</p>
(d) Where the interest rate is variable, this must be stated	<p>14.7.5</p> <p>if interest rates are calculated by reference to an external index or rate that fact must be stated clearly</p>
(e) Where the investment returns of savings products are compared (eg a unit trust is compared with a bank deposit) any significant differences between the products must be explained	<p>14.7.6</p> <p>if the investment returns of different types of savings products are compared (for example, a unit trust and a bank deposit), significant differences between the products must be explained.</p>
(f) Advertisements subject to Section 9 must comply with the <u>Code of Conduct on the Advertising of Interest Bearing Accounts</u> which is published jointly by the Building Societies Association and the British Bankers' Association	<p>14.7.2</p> <p>advertisements quoting a rate must use the Annual Equivalent Rate (AER) and the contractual rate as set out in the British Bankers' Association and Building Societies Association Code of Conduct for the Advertising of Interest Bearing Accounts and advertisements should comply with all the provisions of that code</p>

9.8 Lending and credit	<u>Lending and Credit</u>
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<p>The advertising of most credit or hire services is acceptable only where the advertiser complies with the Consumer Credit (Advertisements) Regulations 2004 and the Consumer Credit Act 1974 (as amended). The advertising of mortgages regulated by the FSA and secured loans of FSA regulated lenders is only acceptable where the advertiser complies with the FSMA and the FSA Handbook.</p>	<p>14.9</p> <p>The advertising of consumer credit or hire services is acceptable only if the advertiser complies with the Consumer Credit (Advertisements) Regulations 2004 (as amended) and the Consumer Credit Act 1974 (as amended). Credit advertisements that are not qualifying credit promotions must comply with Section 46 of the Consumer Credit Act and Regulations made under it. If the applicability or interpretation of those Regulations is in doubt, advertisers must be encouraged to seek guidance from their Local Trading Standards department. Such advertisements that involve distance marketing must also comply with the Financial Services (Distance Marketing) Regulations 2004. Other distance-marketing financial advertisements are covered by the FSA Handbook. Similarly, qualifying credit promotions must comply with the requirements imposed by FSMA and MCOB. The advertising of home finance transactions (regulated mortgages, home purchase plans and home reversion plans) regulated by the FSA is acceptable only if the advertiser complies with the FSMA and the FSA Handbook.</p> <p>14.10</p> <p>Advertisements for mortgages and re-mortgages are normally financial promotions under FSMA and must comply with the requirements imposed by FSMA and MCOB</p> <p>14.10.1</p> <p>Advertisements for most loans secured by a second charge are credit advertisements and the requirements of the Consumer Credit (Advertisements) Regulations 2004 (as amended) therefore apply. Special note should be taken of the requirements in those Regulations for secured loans;</p> <p>14.10.2</p> <p>Advertisements for some mortgages might also have to comply with the provisions of COBS (for example if an investment product is being sold alongside a mortgage).</p>
<p>Notes:</p> <p><i>(1) Credit advertisements that are not qualifying credit promotions must comply with Section 46 of the Consumer Credit Act and Regulations made under it. Where there is doubt about their applicability or</i></p>	

<i>interpretation, advice should be sought from the appropriate Trading Standards Department. Such advertisements that involve distance marketing must also comply with the Financial Services (Distance Marketing) Regulations 2004. Other financial advertisements that are distance marketed will be covered by the FSA Handbook.</i>	
<i>(2) Qualifying Credit Promotions must comply with the requirements imposed by the FSA Rules contained in MCOB 3.</i>	
<i>(3) Please note the Guidance for Debt Management Companies and other guidance issued by the Director General of Fair Trading.</i>	<p>14.11</p> <p>Advertising for debt management services is acceptable only from bodies that:</p> <p>14.11.1</p> <p>are licensed under the Consumer Credit Act 1974 (as amended) and</p> <p>14.11.2</p> <p>undertake to comply with the Debt Management Guidance published by the Office of Fair Trading.</p>

<p>9.9 Financial publications</p> <p>Advertisements for publications (whether electronic or on paper) must make no recommendations about specific investments</p>	<p>14.16</p> <p>Advertisements for paper or electronic publications (for example periodicals, books and text services) must not recommend a specific investment offer.</p>
Present Code	Proposed Code
SECTION 10: RELIGION, FAITH AND SYSTEMS OF BELIEF	Section 15: Faith, Religion and Equivalent Systems of Belief
<p>Background:</p> <p><i>(1) BCAP is concerned that the power of television advertising should not be used in ways which could have damaging consequences. These rules seek a balance between freedom of speech and other competing social concerns and objectives. They aim:</i></p> <p><i>a) to reduce the risk of damage to the inter-group relations that are essential to a successful pluralist society</i></p> <p><i>b) to protect the young and safeguard the right of parents to take responsibility for their children's moral and philosophical education without undue</i></p>	<p>Principle</p> <p>These rules seek to strike a balance between freedom of speech and the prevention of advertising that could be harmful. BCAP intends them to:</p> <ul style="list-style-type: none"> a. reduce the social harm that can result from damage to inter-faith relations b. protect the young and allow parents to exercise choice in their children's moral and philosophical education c. protect those who are vulnerable because,

<p><i>interference</i></p> <p><i>c) to protect viewers who are emotionally vulnerable for personal reasons, such as sickness or bereavement</i></p> <p><i>d) to deny the persuasive power and emotional impact of television advertising to potentially harmful or</i></p>	<p>for example, of sickness or bereavement</p> <p>d. prevent potentially harmful advertisements from exploiting their audience.</p>
<p><i>(2) Neither BCAP or the ASA nor Ofcom or its licensees would be entitled to assess the acceptability of particular organisations by making subjective judgements about their values. The criteria for the acceptability of advertisers are, therefore, objective tests and acceptance or disqualification of an organisation is not an indication of approval or disapproval of the organisation or its objectives or activities.</i></p>	
<p><i>(3) Licensees should supplement information provided by prospective advertisers with any enquiries of their own which are necessary to ensure compliance with these rules.</i></p>	
<p><i>(4) For convenience, the terms 'doctrine' and 'doctrinal' are generally used to refer to all advertising subject to this Section of the Code (although BCAP recognises that they are not fully adequate words for the purpose).</i></p>	
<p><i>coercive groups.</i></p> <p><i>(5) All doctrinal advertising must also comply with the rest of the Code. Attention is drawn particularly to Section 4 (Political and controversial issues). This includes a prohibition on advertising which shows partiality in matters of political controversy or current public policy and may be relevant because some moral or other issues which are clear-cut to some groups in society can be controversial within the wider community.</i></p>	<p>Cross reference: Some advertisements subject to this Section are also subject to Section 5 (Political and Controversial Matters) or Section 16 (Charities).</p>
<p><i>(6) Licensees who do not wish to carry any doctrinal advertising are free to adopt that policy so long as there is no unreasonable discrimination either against or in favour of particular advertisers. On the same even-handed basis, licensees may impose additional, generally applicable requirements which they consider necessary in the interests of viewers. (See Appendix 1, note(c))</i></p>	<p>Appendix 1.8(c)</p> <p>discrimination between advertisers who seek to have advertisements included in television and radio services. NB: Subject to that, broadcasters, like publishers and other media, are generally entitled to refuse an advertisements they do not want to carry;</p>

10.1 Application of rules	Definitions
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The rules in Section 10 apply to:	The rules in this Section apply to:
(a) advertising by, or on behalf of, any organisation or individual whose objectives are or appear to be wholly or mainly concerned with religion, faith or other philosophies or beliefs	a. advertisements, about any matter, by or on behalf of bodies that are wholly or mainly concerned with religion, faith or other systems of belief that can reasonably be regarded as equivalent to those that involve recognition of a deity, including belief in the non-existence of deities;
(b) any other advertising which appears to have a doctrinal objective	b. advertisements, by any body, that wholly or mainly concern matters of religion, faith or equivalent systems of belief and
(c) advertising for commercial products or services which draw on or reflect doctrine	c. advertisements, by any body, for products or services related to such matters.

10.2 Unacceptable advertisers No advertising is acceptable from or on behalf of any body which is subject to 10.1 and	15.2 Broadcasters must not accept advertisements from or on behalf of bodies:
(a) which practises or advocates illegal behaviour or	15.2.1 that practise or advocate illegal behaviour or

(b) whose rites or other forms of collective observance are not normally directly accessible to the public (see notes below) or	15.2.2 whose rites or other forms of collective observance are not normally directly accessible to the general public or
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<p>Notes to 10.2(b):</p> <p><i>(1) For advertisers to qualify, their rites and collective observances should generally be physically accessible to the public without charges or unreasonable conditions being applied. There is a specific exemption under the Sex Discrimination Act for religious organisations to the extent that gender discrimination is necessary to comply with the doctrines or the religion or to avoid offending the religious susceptibilities of a significant number of the followers of the religion. In these circumstances, the fact that the public may not be able to participate fully in services would not normally disqualify the advertiser.</i></p> <p><i>(2) The dates, times and venues of services should normally be publicised locally.</i></p>	
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<p>(c) which has been shown to apply unreasonable pressure on people to join or participate or to obstruct or penalise people who wish to leave or cease contact or</p>	<p>15.2.3</p> <p>that apply unreasonable pressure on people to join or participate or not to opt-out.</p>
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<p>(d) which does not provide written assurances that no representatives will call on any respondent without prior arrangement. (See note below)</p>	<p>15.3</p> <p>Broadcasters must obtain written assurance that no representatives will contact respondents without their consent.</p>
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<p>Note to 10.2 (d):</p> <p><i>Advertisers should be reminded of the need to comply with current UK data protection legislation and that they should not disclose the names of respondents without their prior permission.</i></p>	
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<p>10.3 The occult, psychic practices and exorcism</p> <p>With very limited exceptions, advertisements for products or services concerned with (a) the occult or (b) psychic practices are not acceptable</p>	<p>15.4</p> <p>Television and television text advertisements must not promote psychic practices or practices related to the occult, except those permitted by rule 15.5. Radio advertisements may promote psychic and occult practices but must not make efficacy claims.</p> <p>Psychic and occult-related practices include astrology, personalised horoscopes, palmistry, fortune-telling, tarot, attempts to contact the dead, divination, clairvoyance, clairsaudience, the invocation</p>
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	of spirits or demons and exorcism.
<p>Notes:</p> <p><i>(1) When appropriate, the ASA and BCAP will make exceptions for specific categories of publications which are of general interest.</i></p> <p>[Exceptions published 1 November 2002] The ITC defined two categories of advertising which are exempt and which may therefore be advertised:</p> <p><i>a) Advertisements for tarot-based prediction services where:</i></p> <p><i>the service is pre-recorded and this is explained in the advertising and at the start of the recording and</i></p> <p><i>the service is for entertainment only and this is clear from the advertising and is explained at the start of the recording and</i></p> <p><i>all references to tarot in the service and the advertising are qualified to make clear that it is not a “real” tarot service (e.g. “tarot-based reading” would be acceptable) and</i></p> <p><i>the service does not contain any material which might feel threatening to callers, or which might harm, offend or distress them</i></p> <p><i>b) Advertisements for books, newspaper or magazine articles and similar paper or electronic publications which refer to or discuss tarot without recommending or promoting it.</i></p>	<p>15.5</p> <p>Television and television text advertisements may promote services that the audience is likely to regard merely as entertainment and that offer generalised advice that would obviously be applicable to a large section of the population, for example, typical newspaper horoscopes.</p> <p>15.5.1</p> <p>Advertisements may promote a pre-recorded tarot-based prediction service if:</p> <p>15.5.1 a) the service includes no content that respondents might feel to be threatening and</p> <p>15.5.1 b) both the advertisement and the service state clearly that the service is pre-recorded and qualify references to “tarot” to make clear that the predictions are not based on live readings.</p>
<p><i>(2) For these purposes, ‘the occult’ includes, for example, invocation of spirits, tarot and attempts to contact the dead or demons.</i></p> <p><i>(3) Products or services concerned with exorcism may not be advertised since they are concerned with the occult in the sense of being intended to counter it.</i></p> <p><i>(4) Psychic practices include astrology, horoscopes, palmistry etc. An exception to part (b) of the rule has been made for the advertising of services (for example, typical newspaper horoscopes) which most viewers are likely to regard simply as entertainment and which offer only generalised comments that would clearly apply to large sections of the population. Such advertising must comply with the rules on misleading advertising in Section 5.</i></p>	<p>15.4</p> <p>[...]</p> <p>Psychic and occult-related practices include astrology, personalised horoscopes, palmistry, fortune-telling, tarot, attempts to contact the dead, divination, clairvoyance, clairsaudience, the invocation of spirits or demons and exorcism.</p>

<i>(5) Beyond Entertainment is an ITC-commissioned report on research which explored attitudes in this area, including the distinctions the public draw between the occult and psychic issues.</i>	
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10.4 Superstition No advertisement may exploit the superstitious	4.8 Distress, Fears and Superstitions Advertisements must not distress the audience without justifiable reason. Advertisements must not exploit the audience's fears or superstitions.
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10.5 Acceptable categories Doctrinal advertising is acceptable only for the following purposes:	
(a) publicising events such as services, meetings or festivals	
(b) describing an organisation's or individual's activities or publicising their name or contact details	
(c) offering publications or merchandise	
Note to 10.5: <i>Advertising which, while ostensibly for one of these purposes, conflicts with other requirements of these rules is not acceptable.</i>	

10.6 Fund-raising Subject to 10.7, doctrinal advertisements must not include appeals for funds	15.11 Advertisements must not appeal for funds, except for charitable purposes. If the charitable purpose includes or will be accompanied by recruitment or evangelism, the advertisement must make that clear. Before broadcasting an advertisement that includes a charitable appeal, broadcasters must seek be satisfied that the funds raised will be used solely for the benefit of specified groups of disadvantaged third parties. Advertisements must not imply that respondents will receive spiritual benefits in return for a donation to
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	the advertised cause.
10.7 Religious charities	
Advertising for religious charities may include appeals for funds if the charities reliably demonstrate:	
(a) that any proceeds will be devoted solely to the benefit of identified categories of disadvantaged third parties	15.11 [...] Before broadcasting an advertisement that includes a charitable appeal, broadcasters must seek be satisfied that the funds raised will be used solely for the benefit of specified groups of disadvantaged third parties.
(b) that the conveying of that benefit will not be associated with any other objective (eg proselytising)	15.11 [...] Advertisements must not appeal for funds, except for charitable purposes. If the charitable purpose includes or will be accompanied by recruitment or evangelism, the advertisement must make that clear.
Note to 10.7: The advertising must also comply with 11.3 (Charity Advertising).	Cross reference: Some advertisements subject to this Section are also subject to Section 5 (Political and Controversial Matters) or Section 16 (Charities).
10.8 References to beliefs	
Advertising must not be used to expound doctrinal beliefs nor suggest that viewers should change their behaviour or beliefs	15.7 Television and television text advertisements must not expound doctrines or beliefs, unless they are broadcast on channels whose editorial content is wholly or mainly concerned with matters of religion, faith or equivalent systems of belief ("specialist broadcasters"). Advertisements carried by specialist broadcasters may express the advertiser's opinion on matters of doctrine or belief but must not present it as unqualified fact and must make clear to the audience that it is the advertiser's opinion. Radio advertisements may expound doctrines or beliefs if they are presented as the advertiser's opinion.

	15.8 Advertisements must not exhort audience members to change their beliefs or behaviour.
Notes: <i>(1) References to doctrine must only be incidental to the acceptable purposes of advertising described in 10.5. They must not be expressed in ways which suggest they are other than the advertiser's belief.</i>	15.7 [...] Advertisements carried by specialist broadcasters may express the advertiser's opinion on matters of doctrine or belief but must not present it as unqualified fact and must make clear to the audience that it is the advertiser's opinion.
<i>(2) Rule 6.1 (Offence) should be borne in mind when considering incidental references which might be offensive to those holding other views.</i>	

10.9 Services and ceremonies Doctrinal advertisements must not appear to involve viewers in services or ceremonies	
Note: <i>It is, however, acceptable to include brief extracts of ceremonies or services in ways which do not conflict with other rules.</i>	

10.10 Benefit claims Testimonials and references to individual experiences or personal benefits associated with a doctrine are not acceptable	
10.11 Counselling No doctrinal advertisement may offer counselling	15.13 Advertisements must not claim that faith healing, miracle working or faith-based counselling can treat, cure or alleviate physical or mental health problems; they may, however, make restrained and proportionate claims that such services can benefit emotional or spiritual well-being.

10.12 Denigration No advertisement may denigrate other doctrines	15.10 Advertisements must not denigrate the beliefs of others.
Note: <i>Suggestions that, for example, a particular doctrine is the 'only' or 'true' one are not acceptable.</i>	15.9 Advertisements must not refer to the alleged consequences of faith or lack of faith. They must not present the advertiser's beliefs as the "one" or "true" faith.

10.13 Vulnerable viewers No advertisement may exploit children, or the hopes or fears of any other vulnerable category of viewer (eg the elderly, or those who are sick, separated or bereaved)	15.14 Advertisements must not appeal particularly to people under 18 and must not be broadcast during or adjacent to programmes that appeal or are likely to appeal particularly to those under 18. This rule does not apply to advertisements for public events, including services and festivals, that children are likely to participate in or to advertisements for publications or similar merchandise that are designed for children, provided that neither the advertisement nor the advertised product or service is linked to recruitment or fund-raising. It does not apply to advertisements on channels or stations whose editorial content is dedicated to matters of religion, faith or equivalent systems of belief. 15.15 Advertisements must not feature children as presenters, unless the advertisement is for an event, such as Christmas carol services or Diwali celebrations, that children are especially likely to take part in. 15.12 Advertisements must not exploit the hopes or fears of the vulnerable. The elderly, the sick and the bereaved should be regarded as especially vulnerable.
Note: <i>References to faith healing, miracle working and directly influencing the future are unlikely to comply with this rule.</i>	15.13 Advertisements must not claim that faith healing, miracle working or faith-based counselling can treat, cure or alleviate physical or mental health problems; they may, however, make restrained and proportionate claims that such services can benefit emotional or spiritual well-being.

10.14 Use of fear No doctrinal advertisement may play on fear. References to the alleged consequences of not subscribing to a particular doctrine are not acceptable	15.9 Advertisements must not refer to the alleged consequences of faith or lack of faith. They must not present the advertiser's beliefs as the "one" or "true" faith.
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10.15 Children and young people (a) In general, no doctrinal advertising is acceptable if it is likely to appeal particularly to people under 18. Nor may it appear in breaks in or adjacent to programmes intended principally for them or likely to appeal particularly to them	15.14 Advertisements must not appeal particularly to people under 18 and must not be broadcast during or adjacent to programmes that appeal or are likely to appeal particularly to those under 18.
(b) The only exception is advertising for publications, merchandise or other items provided there is no recruitment or fund-raising link	This rule does not apply to advertisements for public events, including services and festivals, that children are likely to participate in or to advertisements for publications or similar merchandise that are designed for children, provided that neither the advertisement nor the advertised product or service is linked to recruitment or fund-raising. It does not apply to advertisements on channels or stations whose editorial content is dedicated to matters of religion, faith or equivalent systems of belief.

10.16 Identification Doctrinal advertisements must make clear the identity of the advertiser and, where different, the body on whose behalf the advertisement is being broadcast	15.6 Advertisements must identify the advertiser and its faith, if that is not obvious from the context.
Note: <i>Where an organisation is known by more than one name, the one which is likely to be most familiar to viewers should normally be included. There is, however, no requirement to include titles to which the organisation objects.</i>	

10.17 Advertising on specialised religious channels	
Notes: (1) The ASA and BCAP accept that the characteristics and expectations of audiences for 'specialised religious channels' justify the relaxation	

<i>of some rules for those channels.</i>	
<i>(2) For these purposes, a 'specialised religious channel' is a television service licensed under section 235 of the Communications Act 2003 by means of a determination under Schedule 142, Part 4 paragraph 15 of the Act.</i>	
<i>(3) Under 10.5 (Acceptable categories) the expounding of doctrine will be regarded as an acceptable purpose of advertising on these channels.</i>	
<p><i>(4) The following rules do not apply to these channels:</i></p> <p><i>(a) 10.8 (References to beliefs)</i></p> <p><i>(b) 10.9 (Services and ceremonies) These must not, however, contain material which conflicts with other rules.</i></p> <p><i>(c) 10.10 (Benefit claims)</i></p> <p><i>(d) 10.15 (Children and young people) There must, however, be no recruitment or fund-raising link.</i></p>	<p>15.7</p> <p>Television and television text advertisements must not expound doctrines or beliefs, unless they are broadcast on channels whose editorial content is wholly or mainly concerned with matters of religion, faith or equivalent systems of belief ("specialist broadcasters"). Advertisements carried by specialist broadcasters may express the advertiser's opinion on matters of doctrine or belief but must not present it as unqualified fact and must make clear to the audience that it is the advertiser's opinion.</p> <p>15.14</p> <p>Advertisements must not appeal particularly to people under 18 and must not be broadcast during or adjacent to programmes that appeal or are likely to appeal particularly to those under 18.</p> <p>This rule does not apply to advertisements for public events, including services and festivals, that children are likely to participate in or to advertisements for publications or similar merchandise that are designed for children, provided that neither the advertisement nor the advertised product or service is linked to recruitment or fund-raising. It does not apply to advertisements on channels or stations whose editorial content is dedicated to matters of religion, faith or equivalent systems of belief.</p>
Present Code	Proposed Code
SECTION 11: OTHER CATEGORIES	
<p>Background:</p> <p><i>This Section contains rules for a range of categories which can have implications for individuals or for society as a whole.</i></p>	
11.1 PREMIUM RATE TELEPHONE SERVICES	

<p>11.1.1</p> <p>Advertisements that include a premium rate telephone number must comply with the PhonepayPlus Code of Practice</p>	<p>Principle</p> <p>The price and nature of premium-rate telephone services must be made clear. Advertisements that include premium-rate telephone numbers or short codes should comply with the PhonepayPlus Code of Practice.</p> <p>Definition</p> <p>Text short codes are premium-rate SMS services, which often consist of four or five digits and begin 5, 6 or 8.</p> <p>22.1</p> <p>Advertisements that include a premium-rate telephone number must comply with the PhonepayPlus Code of Practice.</p>
<p>11.1.2</p> <p>Premium rate services of a sexually explicit nature (ie those which operate on the 0909 dialling code) may not be advertised. An exception is made for premium rate voice services of a sexual nature, which may be advertised on encrypted elements of adult entertainment channels only</p>	<p>SECTION 23</p> <p>Telecommunications-Based Sexual Entertainment Services</p> <p>Definition</p> <p>Telecommunications-based sexual entertainment services are voice, text, image or video services of a sexual nature that are made available to consumers via a direct-response mechanism and are delivered over electronic communication networks.</p> <p>Encrypted elements of adult channels are interpreted with reference to rule 1.24 of the Ofcom Broadcasting Code.</p> <p>23.2 – Television only</p> <p>Advertisements for telecommunications-based sexual</p>

	entertainment services are acceptable on encrypted elements of adult entertainment channels only.
11.1.3 Advertisements for services (excluding live or virtual chat) that normally involve a call of at least five minutes must alert viewers that use of the service may involve a long call	22.7 Advertisements for services, excluding live or virtual-chat services, that normally involve a telephone call of at least five minutes must alert the audience that use of the service might involve a long call.
	22.2 Advertisements for premium-rate telephone services must include clear pricing information if the service generally costs 50 pence per call or more. 22.3 Advertisements for premium-rate children's services, services accessed by automated equipment or subscription services must always include clear pricing information. 22.4 Advertisements for premium-rate services must state the identity of the service provider or the information provider. <u>22.6 - Television</u> Television advertisements for premium-rate services must include a non-premium-rate telephone number for customer care purposes.
	22.8 Advertisements for live premium-rate services must not appeal particularly to people under 18, unless those services have received prior permission from PhonepayPlus to target people under 18.

Present Code	Proposed Code
11.2 DISTANCE SELLING	
Notes: <i>(1) Distance selling includes home shopping by mail order, telephone order and orders placed through interactive television etc. The majority of distance selling contracts are subject to the Consumer</i>	Principle Most distance selling contracts are subject to the Consumer Protection (Distance Selling) Regulations

<p><i>Protection (Distance Selling) Regulations 2000 (as amended) and licensees should obtain written assurances that those advertising such contracts comply with the regulations. Licensees operating as teleshopping channels must ensure that they are operating in accordance with the regulations where they apply.</i></p>	<p>2000 (as amended). These rules complement those Regulations and do not replace them. Broadcasters that operate as teleshopping channels should seek legal advice to ensure they comply with the Regulations.</p> <p>Definitions</p> <p>The rules in this Section apply to advertisements that promote specific products and invite consumers to buy those products, without meeting the supplier face-to-face, by means of direct response mechanisms.</p> <p>Teleshopping broadcasters are the advertisers of all products that are promoted in their services.</p>
<p><i>(2) BCAP has a number of additional rules for this category (see below) and these should be read in conjunction with 5.3.2(b) and (c) (the requirements for goods payable by instalments and delivery pricing).</i></p>	<p>These rules should be read in conjunction with other rules in this code, especially Section 3, Misleading (Availability).</p>
<p><i>(3) Rule 7.2.4 prohibits advertising that offers to sell goods or services to children by means of distance selling.</i></p>	
<p>11.2.1</p> <p>Before transmitting advertisements for goods or services offered by distance selling, licensees must make arrangements for enquirers to be given the name and full postal address of the advertiser if this is not included in the advertisements</p>	<p>8.2</p> <p>Broadcasters must be able to give consumers the advertiser's name and geographical address for complaints if that information is not included in the advertisement.</p>

<p>11.2.2</p> <p>Licensees must be satisfied:</p>	<p>8.3</p> <p>Broadcasters must be satisfied that the advertisers:</p>
<p>(a) that the advertiser is able to meet any reasonably foreseeable demand created by the advertising. Licensees operating as teleshopping channels must have access to adequate stocks to fulfil such demand</p>	<p>3.27</p> <p>Broadcasters must be satisfied that advertisers have made a reasonable estimate of demand.</p> <p>3.28</p> <p>Advertisements that quote prices for featured products must state any reasonable grounds the advertisers have for believing that they might not be able to supply the advertised (or an equivalent) product at the advertised price, within a reasonable period and in reasonable quantities. In particular:</p>

	<p>3.28.1</p> <p>if estimated demand exceeds supply, advertisements must make clear that stock is limited</p> <p>3.28.2</p> <p>if the advertiser does not intend to fulfil orders, because the purpose of the advertisement is to assess potential demand, the advertisement must make that clear</p> <p>3.28.3</p> <p>advertisements must state restrictions on the availability of products, for example, geographical restrictions or age limits.</p>
(b) that adequate arrangements have been made for the protection of respondents' money (eg in the form of bonds or bank guarantees drawn up in favour of the licensee)	<p>8.3</p> <p>Broadcasters must be satisfied that the advertisers:</p> <p>8.3.1</p> <p>have made adequate arrangements to protect consumers' money;</p>
(c) that adequate arrangements exist for a responsible person to handle enquiries during normal business hours	<p>8.3</p> <p>Broadcasters must be satisfied that the advertisers:</p> <p>8.3.2</p> <p>can take enquiries during normal business hours;</p>
(d) that samples of the goods are available for public inspection	<p>8.3</p> <p>Broadcasters must be satisfied that the advertisers:</p>

	<p>8.3.3</p> <p>make samples of the advertised products available for public inspection and for pre-clearance of and investigation of complaints about claims made in advertisements for the product</p>
(e) that the advertiser is able to fulfil orders within 28 days unless particular circumstances make it reasonable to specify a longer period in the advertisement	<p>8.3</p> <p>Broadcasters must be satisfied that the advertisers:</p> <p>8.3.5</p> <p>fulfil orders within 30 days unless the nature of the product makes it reasonable to specify a longer period in the advertisement; for example, advertisements for made-to-measure products, plants that are out of season, or products that are supplied on an instalment basis may reasonably specify a longer period</p>
	<p>8.3</p> <p>Broadcasters must be satisfied that the advertisers:</p> <p>8.3.4</p> <p>tell consumers if they intend to supply substitute products if the advertised product becomes unavailable;</p>
(f) that the advertiser will refund money promptly and in full (but normally excluding return costs) if the buyer can show reasonable cause for dissatisfaction with their purchase or with delay in delivery	<p>8.3</p> <p>Broadcasters must be satisfied that the advertisers:</p> <p>8.3.6</p> <p>give a refund within 30 days if the consumer:</p>

	<p>8.3.6.a</p> <p>cancels, for any reason, within seven days of receiving goods or seven clear days from the conclusion of a contract for services or</p> <p>8.3.6.b</p> <p>can show reasonable cause for dissatisfaction with the product or delay in delivery.</p> <p>Except for substitute goods supplied in place of the goods that the consumer ordered, advertisers may require consumers to pay the direct cost of returning goods ordered through a distance selling mechanism.</p>
(g) that the advertisers do not send the goods advertised, or additional goods, without the authority of the recipient	<p>8.3</p> <p>Broadcasters must be satisfied that the advertisers:</p> <p>8.3.7</p> <p>will not seek payment for products that are sent without the recipients authority.</p>
(h) that advertisers who offer goods by distance selling methods can demonstrate or supply samples of the goods advertised to enable any claims to be assessed both before transmission (see 5.2.1) and in the event of subsequent investigation	<p>8.3</p> <p>Broadcasters must be satisfied that the advertisers:</p> <p>8.3.3</p> <p>make samples of the advertised products available for public inspection and for pre-clearance of and investigation of complaints about claims made in advertisements for the product;</p>

<p>11.2.3</p> <p>If the advertiser is likely to send a representative to</p>	
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call on people who respond to the advertisement, either	
(a) that must be made clear in the advertising or	
(b) the licensee must obtain an assurance that respondents will be informed in advance	
Present Code	Proposed Code
11.3 CHARITIES	
<p>Notes:</p> <p>(1) <i>Some viewers may be susceptible to emotive appeals for money or support and the following rules are designed to prevent the abuse of charitable impulses.</i></p>	<p>Principle</p> <p>These rules are intended to prevent the abuse of people's charitable impulses. Charity advertisements or advertisements that feature charities should treat with care and discretion any subjects likely to arouse strong emotions. Although audiences are generally more tolerant of potentially distressing treatments when the objectives of an advertisement are charitable, sensitivity is nevertheless required especially in relation to younger audiences.</p>
<p>(2) <i>In the case of charities with religious affiliations, Section 10 of the Code also applies.</i></p>	<p>If it is relevant, broadcasters should take care to comply with Section 7: Political and Controversial Matters, section 5: Children, section 15: Faith, Religion and Equivalent Systems of Belief, section 9: Environment Claims and section 32: Scheduling.</p> <p>Advertisements must comply with the requirements of the Charities Act 1993 (Substitution of Sums) Order 1995 and all relevant data protection legislation. For information on the Data Protection Act 1998 go to: www.ico.gov.uk</p>
<p>(3) <i>Section 4 (Political and Controversial Issues) may apply in some circumstances.</i></p>	
<p>11.3.1 Misrepresentation</p> <p>Advertisements seeking donations for, or promoting the needs or objects of a charitable body ('charity advertising') must not misrepresent the body, its activities or the use to which donations will be put</p>	<p>16.3</p> <p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p> <p>16.3.1</p> <p>misrepresent the body, its activities or the benefits of donated funds or exaggerate the scale or nature of the cause it claims to support</p>

Notes:	
<i>(1) To ensure that an organisation is not misrepresenting its status or activities, licensees should normally seek details including, where appropriate, the advertiser's constitution, aims and objects, recent and current activities, audited accounts and the membership of its governing body.</i>	
<i>(2) Licensees must seek assurances from charity advertisers that the response to their advertising, whether in cash or kind or services, will be applied solely to the purposes implied in the advertising.</i>	
<i>(3) If, after investigation, licensees still have doubts about the integrity of an advertiser, they should consult BCAP before accepting advertising.</i>	

11.3.2 Acceptable advertisers	16.2
Charity advertising is only acceptable from:	Advertising is acceptable only from:
(a) bodies recognised by the appropriate UK authorities as having charitable status	16.2.1 bodies registered with the relevant UK authorities as having charitable status or bodies that have had their charitable status otherwise officially recognised, for example by the Institute of Fundraising (www.institute-of-fundraising.org.uk).
Note to 11.3.2(a): <i>Charities in England and Wales are registered by the Charity Commission. In Scotland, the Inland Revenue holds a publicly accessible Index of Scottish Charities. There is no equivalent index in Northern Ireland but the Inland Revenue provides recognised bodies with a letter confirming that status. (Neither registration of a charity with the Charity Commission nor recognition by the Inland Revenue indicates that the conduct of its affairs has been investigated and approved.)</i>	Definitions Rules in this Section regulate charity advertisements and not the charities themselves, which are regulated by the Charity Commission (England and Wales) www.charitycommission.gov.uk , The Department for Social Development (Northern Ireland) www.dsdni.gov.uk , and the Office of the Scottish Charity Regulator (Scotland) www.oscr.org.uk . The rules apply to advertisements for charities (which include charitable bodies) and advertisements for other products and services that promote the needs or objectives of charities.
(b) bodies based outside the UK which supply licensees with confirmation that they comply with all	16.2

relevant legislation in their home countries	<p>Advertising is acceptable only from:</p> <p>16.2.2</p> <p>bodies based outside the UK that supply to broadcasters confirmation that they comply with all relevant legislation in their home countries and evidence of their good faith, which might include audited accounts and a list of members of their governing body.</p>
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<p>11.3.3 Children</p> <p>No fund-raising message may be addressed to children or be likely to be of particular interest to them</p>	<p>16.3</p> <p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p> <p>16.3.4</p> <p>address fund-raising messages to children or likely to be of particular interest to them.</p>
<p>Notes:</p> <p>(1) <i>This does not, however, prevent advertising simply showing, for example, animals or children if these are the beneficiaries of the charity.</i></p>	
<p>(2) <i>See the BCAP Rules on the Scheduling of Television Advertisements for scheduling restrictions on charity advertising.</i></p>	

<p>11.3.4 Ethical responsibility</p> <p>Charity advertising must reflect a broad sense of ethical responsibility</p>	<p>1.2</p> <p>Advertisements must be prepared with a sense of responsibility to the audience and to society.</p>
<p>Note:</p> <p><i>These advertisements should:</i></p>	
<p>(a) <i>not suggest that anyone will lack proper feeling or fail in any responsibility through not supporting a charity</i></p>	<p>16.3</p> <p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p>

	<p>16.3.2</p> <p>suggest that anyone will lack proper feeling or fail in a responsibility by not supporting a charity</p>
<i>(b) not exaggerate the scale or nature of any social problem</i>	<p>16.3</p> <p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p> <p>16.3.1</p> <p>misrepresent the body, its activities or the benefits of donated funds or exaggerate the scale or nature of the cause it claims to support</p>
<i>(c) respect the dignity of those on whose behalf an appeal is being made</i>	<p>16.3</p> <p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p> <p>16.3.3</p> <p>disrespect the dignity of those on whose behalf an appeal is being made.</p>
<i>(d) treat with care and discretion any issues likely to arouse strong emotions. Although viewers are generally more tolerant of potentially distressing images when the objectives of an advertisement are charitable, sensitivity is still required especially in relation to young viewers.</i>	<p>Principle</p> <p>These rules are intended to prevent the abuse of people's charitable impulses. Charity advertisements or advertisements that feature charities should treat with care and discretion any subjects likely to arouse strong emotions. Although audiences are generally more tolerant of potentially distressing treatments when the objectives of an advertisement are charitable, sensitivity is nevertheless required especially in relation to younger audiences.</p>

<p>11.3.5 Comparisons</p> <p>Advertisements must not include comparisons with other charities, non-charitable voluntary bodies or</p>	
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government aid agencies	
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<p>11.3.6 References to charities in general advertising</p> <p>(a) Advertisements by non-charity advertisers which promote the needs or objects of charitable bodies, or offer to assist them, are only acceptable if the bodies would be acceptable advertisers in their own right under 11.3.2</p>	<p>16.4</p> <p>Advertisements by non-charity advertisers which promote the needs or objects of charitable bodies, or offer to assist them, are only acceptable if the bodies would be acceptable advertisers in their own right under 16.2</p>
<p>(b) Licensees must obtain evidence that the charities have agreed to the proposed advertising</p>	<p>16.6</p> <p>Broadcasters must hold evidence that each charity has agreed to the proposed advertisement.</p>
<p>(c) The advertising must not exaggerate the benefit to the charities</p>	<p>3.1</p> <p>Advertisements must not materially mislead.</p>
<p>(d) Advertisements which offer to donate money to charity must:</p> <p>(1) identify the charities which will benefit and</p> <p>(2) explain the basis on which the amount to be donated will be calculated</p>	<p>16.4</p> <p>Advertisements that include an offer to donate money to charity must:</p> <p>16.4.2</p> <p>identify the charity that will benefit and explain the basis on which the amount to be donated will be calculated, for example “£1 per sale” or “10% of the purchase price”. If several organisations will benefit, a generic identification may be given but the advertisement should make clear where the audience can obtain a list of the charities that will benefit</p>
<p>(e) Offers to donate money must not depend on sales reaching a given level or be subject to any similar condition. If a target total is stated, any extra money must be donated on the same basis as contributions below that level</p>	<p>16.4</p> <p>Advertisements that include an offer to donate money to charity must:</p> <p>16.4.1</p> <p>not depend on sales reaching a given level or be subject to a similar condition. If a target total or an amount for each purchase is stated, any extra money given to the charity must be donated on the same basis as contributions below that level</p>

(f) Advertisements for medicinal products must not offer to donate money to charity	<p>16.7</p> <p>Advertisements for medicinal products may offer to donate money to charity but must not be likely to encourage indiscriminate, unnecessary or excessive purchases of medicinal products. Advertisements must state the basis on which the contribution will be calculated.</p> <p>Cross reference: See also Section 11 Medicines, Medical Devices, Treatments and Health</p>
Present Code	Proposed Code
11.4 HOMEWORKING SCHEMES	
<p>11.4.1</p> <p>Licensees must obtain full details of the scheme and must ensure that advertisements do not give a misleading impression of how it will work or of the likely remuneration</p>	<p>SECTION 24</p> <p>Homeworking Schemes</p> <p>Principle</p> <p>Homeworking scheme advertisements must neither mislead the audience nor exploit the susceptibilities or credulity of those seeking work.</p> <p>24.1</p> <p>Advertisements must not give a misleading impression of how homeworking schemes work or of the likely remuneration. Advertisements must make clear conditions, obligations or limitations that could reasonably be expected to influence a decision to participate in the scheme.</p>
<p>Notes:</p> <p><i>(1) For example, any obligation on the homeworker to collect or deliver materials must be explained.</i></p>	<p>24.1</p> <p>Advertisements must not give a misleading impression of how homeworking schemes work or of the likely remuneration. Advertisements must make clear conditions, obligations or limitations that could reasonably be expected to influence a decision to participate in the scheme.</p>
<p><i>(2) Homeworking schemes are those in which participants, whether employees or not, take on work at or from home on behalf of someone else (for example, addressing envelopes).</i></p>	<p>Definition</p> <p>Homeworking schemes are employment opportunities requiring participants to make articles, perform services or offer facilities at or from home. Participants can be self-employed or employed by a</p>

	business.
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11.4.2 No homeworking scheme may be advertised:	24.2 No homeworking scheme may be advertised:
(a) if it involves a charge for raw materials or components or	<u>24.2.2 – Television only</u> if it involves a charge for raw materials or components or
(b) if the advertiser offers to buy goods made by the homeworker or	<u>24.2.3 – Television only</u> if the advertiser offers to buy goods made by the homeworker.
(c) if a charge or deposit is required to obtain details of the scheme	24.2.1 if a charge or deposit is required to obtain information about the scheme

Present Code	Proposed Code
11.5 INSTRUCTIONAL COURSES (a) Advertisements offering courses of instruction in trades, or leading to professional or technical examinations, must not exaggerate the resulting opportunities for employment or remuneration	SECTION 25 Instructional Courses Principle Instructional course advertisements must neither mislead the audience nor exploit the susceptibilities or credulity of those seeking work. Definition Instructional courses are training or educational opportunities that typically offer instruction in a trade. 25.1 Advertisements offering a qualification, a course of instruction in a skill or a course that leads to a professional or technical examination must not exaggerate the resulting opportunities for work or

	remuneration.
(b) Advertisements must not offer unrecognised qualifications	25.2 Advertisements for a correspondence school or college may be broadcast only if the advertiser has given the broadcaster evidence of suitable and relevant credentials: for example, affiliation to a body that has systems for dealing with complaints and for taking disciplinary action; systems in place for regular review of members' skills and competencies and registration based on minimum standards for training and qualifications.
(c) Advertisements for correspondence schools and colleges, other than those accredited by the Open and Distance Learning Quality Council, are unacceptable except in circumstances approved by BCAP.	25.2 Advertisements for a correspondence school or college may be broadcast only if the advertiser has given the broadcaster evidence of suitable and relevant credentials: for example, affiliation to a body that has systems for dealing with complaints and for taking disciplinary action; systems in place for regular review of members' skills and competencies and registration based on minimum standards for training and qualifications.
Present Code	Proposed Code
11.6 THE NATIONAL LOTTERY	
Note: <i>National Lottery advertising is also subject to the Advertising and Sales Promotion Code of Practice approved by the National Lottery Commission.</i>	SECTION 18 LOTTERIES Principle [...] The UK National Lottery may be advertised under The National Lottery etc Act 1993 and The National Lottery Regulations 1994 (as amended). Advertisements for the UK National Lottery are also subject to the National Lottery Advertising and Sales Promotion Code of Practice, approved by the National Lottery Commission.

Advertisements for the National Lottery:	
(a) must not be directed at people under 16 or use treatments likely to be of particular appeal to them	<u>Rules for lottery advertisements</u> 18.4 Advertisements for lotteries must not exploit the susceptibilities, aspirations, credulity, inexperience or

<p>Note to 11.6(a): Please refer to the BCAP Rules on the Scheduling of Television Advertisements for scheduling restrictions.</p>	<p>lack of knowledge of under 18s or other vulnerable persons.</p>
<p>(b) must not feature any personality whose example children under 16 are likely to follow or who has particular appeal to audiences under that age</p>	<p>18.5 Advertisements for lotteries must not be likely to be of particular appeal to under 18s, especially by reflecting or being associated with youth culture. Please refer to Part 2 for scheduling restrictions.</p> <p>18.6 Advertisements for lotteries may include under 18s. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role.</p> <p>18.7 Advertisements that exclusively feature the good causes that benefit from a lottery and include no explicit encouragement to buy a lottery product may include under 18s in a significant role.</p>
<p>(c) must not show or encourage excessive or reckless playing</p>	<p><u>Rules for all advertisements</u></p> <p>18.2 Advertisements must not:</p> <p>18.2.1 portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.</p>
<p>(d) must not present such products as an alternative to work or as a way out of financial difficulties</p>	<p><u>Rules for all advertisements</u></p> <p>18.2 Advertisements must not:</p> <p>18.2.3 suggest that participating in a lottery can be a solution to financial concerns, an alternative to employment or a way to achieve financial security. Advertisers may, however, refer to other benefits of winning a prize.</p>
<p>Note to 11.6(d): <i>Advertisers may however refer to other benefits of winning a prize.</i></p>	<p>18.2.3 suggest that participating in a lottery can be a solution to financial concerns, an alternative to employment or a way to achieve financial security. Advertisers may, however, refer to other benefits of winning a prize.</p>
Present Code	Proposed Code
11.7 INTRODUCTION AND DATING SERVICES	
<p>Note to 11.7: <i>Services operating through premium rate telephone numbers are also subject to the <u>PhonepayPlus Code</u>.</i></p>	<p>Principle Advertisements are acceptable, subject to rule 10.1.5 Prostitution and sexual services, section 10 Prohibited categories rule 10.2 Indirect Promotion. Services operating through premium-rate telephone and text services are subject to Section 22 (premium-rate Section) and the PhonePayPlus code.</p>

	<p>Cross reference:</p> <p>For more information on the PhonepayPlus code go to: www.phonepayplus.org.uk</p> <p>For information on the Data Protection Act 1998 go to: www.ico.gov.uk</p>
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11.7.1	
Advertisements for introduction and dating services:	
(a) must not suggest that people without a partner are inadequate or unfulfilled	<p>27.3</p> <p>Advertisements must not dwell excessively on loneliness or suggest that people without a partner are inadequate</p>
(b) must not contain material that appears to encourage or condone promiscuity	<p>4.1</p> <p>Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.</p> <p>2.1</p> <p>Advertisements must be prepared with a sense of responsibility to the audience and to society.</p> <p>32.1</p> <p>Broadcasters must exercise responsible judgement on the scheduling of advertisements and operate internal systems capable of identifying and avoiding unsuitable juxtapositions between advertising material and programmes, especially those that could distress or offend viewers or listeners.</p>
(c) must not be directed at people under 18	<p>27.5</p> <p>Advertisements for an introduction or dating agency must not have particular appeal to people under 18. (See also section 32: Scheduling)</p>
(d) must not imply a greater degree of matching of individual clients according to suitability than is the case	<p>27.2</p> <p>Advertisements must not imply a greater degree of matching of individual clients according to suitability than is achieved.</p>

	<p>27.1</p> <p>Radio broadcasters must ensure advertisements for an introduction or dating agency are centrally cleared.</p>

<p>11.7.2</p> <p>For advertising subject to 11.7, licensees must obtain an assurance that the advertiser gives clear advice on precautions to take when meeting people through introduction or dating services</p>	<p>27.4</p> <p>Broadcasters must satisfy themselves that advertisers give customers clear advice on precautions to take when meeting people through an advertisement for an introduction or dating agency.</p>
Present Code	Proposed Code
11.8 ALCOHOLIC DRINKS	Section 19 - Alcohol
<p><i>On 1 July 2007, a new and important regulation governing nutrition and health claims for foods (including alcoholic drinks) came into force. The regulation is complex and mandatory. BCAP encourages broadcasters to take advice on the effect of the regulation and to consult the Food Standards Agency's Guidance to Compliance with Regulation (EC) 1924/2006 on Nutrition and Health Claims on Foods, which is available at http://www.food.gov.uk</i></p>	
<p>The spirit as well as the letter of the rules in this section apply whether or not a product is shown, referred to or seen being consumed. (See also rule 1.2).</p>	<p>Principle</p> <p>Advertisements for alcoholic drinks should not be targeted at people under 18 years of age and should not imply, condone or encourage immoderate, irresponsible or anti-social drinking.</p>
<p>Rule 11.8.1 applies to all advertising. 11.8.2 applies only to advertising for alcoholic drinks.</p>	
<p>Where soft drinks are promoted as mixers, rules 11.8.1 and 11.8.2 apply in full.</p>	<p>The spirit as well as the letter of the rules in this Section applies.</p> <p>Definitions</p> <p>The rules in this Section apply to advertisements for alcoholic drinks and advertisements that feature or refer to alcoholic drinks. Alcoholic drinks are defined as those containing at least 1.2% alcohol; low-alcohol drinks are defined as drinks containing between 0.5% and 1.2% alcohol.</p> <p>Where stated, exceptions are made for low-alcohol drinks. But, if an advertisement for a low-alcohol drink could be considered to promote a stronger alcoholic drink or if the low-alcohol content of a drink is not stated clearly in the advertisement, all the rules in this Section apply.</p>

	<p>If a soft drink is promoted as a mixer, the rules in this Section apply in full.</p> <p>The rules are not intended to inhibit responsible advertisements that are intended to counter problem drinking or tell consumers about alcohol-related health or safety themes. Those advertisements should not be likely to promote an alcohol product or brand.</p>
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Rule 11.8.1 – Rules which apply to all advertising.	Rules which apply to all advertising
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<p>11.8.1(a)</p> <p>(1) Advertisements must not suggest that alcohol can contribute to an individual's popularity or confidence, or that refusal is a sign of weakness. Nor may they suggest that alcohol can enhance personal qualities.</p>	<p>19.3</p> <p>Advertisements must neither imply that alcohol can contribute to an individual's popularity or confidence nor imply that alcohol can enhance personal qualities.</p> <p>19.4</p> <p>Advertisements must not imply that drinking alcohol is a key component of social success or acceptance or that refusal is a sign of weakness. Advertisements must not imply that the success of a social occasion depends on the presence or consumption of alcohol.</p>
<p>(2) Advertisements must not suggest that the success of a social occasion depends on the presence or consumption of alcohol.</p>	<p>19.4</p> <p>Advertisements must not imply that drinking alcohol is a key component of social success or acceptance or that refusal is a sign of weakness. Advertisements must not imply that the success of a social occasion depends on the presence or consumption of alcohol.</p>

<p>11.8.1(b)</p> <p>Advertisements must not link alcohol with daring, toughness, aggression or anti-social behaviour.</p>	<p>19.5</p> <p>Advertisements must not link alcohol with daring, toughness, aggression or unruly, irresponsible or anti-social behaviour.</p>
<p>11.8.1(c)</p> <p>Advertisements must not link alcohol with sexual activity or success or imply that alcohol can enhance attractiveness.</p>	<p>19.6</p> <p>Advertisements must not link alcohol with sexual activity, sexual success or seduction or imply that alcohol can enhance attractiveness. That does not preclude linking alcohol with romance or flirtation.</p>

<p>11.8.1 (d)</p> <p>Advertisements must not suggest that regular solitary drinking is acceptable or that drinking can overcome problems.</p>	<p>19.7</p> <p>Advertisements must not portray alcohol as indispensable or as taking priority in life. Advertisements must not imply that drinking can overcome problems or that regular solitary drinking is acceptable.</p>
<p>11.8.1(e)</p> <p>Advertisements must neither suggest that alcohol has therapeutic qualities nor offer it as a stimulant, sedative, mood-changer or source of nourishment, or to boost confidence. Although they may refer to refreshment, advertisements must not imply that alcohol can improve any type of performance. Advertisements must not suggest that alcohol might be indispensable or link it to illicit drugs.</p>	<p>19.8</p> <p>Advertisements must not imply that alcohol has therapeutic qualities. Alcohol must not be portrayed as capable of changing mood, physical condition or behaviour or as a source of nourishment. Although they may refer to refreshment, advertisements must not imply that alcohol can improve any type of performance.</p> <p>19.9</p> <p>Advertisements must not link alcohol to illicit drugs.</p>
<p>11.8.1 (f)</p> <p>Advertisements must not suggest that a drink is to be preferred because of its alcohol content nor place undue emphasis on alcoholic strength. (This does not apply to low alcohol drinks. See 11.8.3).</p>	<p>19.10</p> <p>Advertisements may give factual information about the alcoholic strength of a drink or make a factual strength comparison with another product but, except for low-alcohol drinks, which may be presented as preferable because of their low alcoholic strength, must not otherwise imply that a drink may be preferred because of its alcohol content or intoxicating effect.</p>

<p>11.8.1 (g)</p> <p>(1) Advertisements must not show, imply or encourage immoderate drinking. This applies both to the amount of drink and to the way drinking is portrayed.</p> <p>(2) References to, or suggestions of, buying repeat rounds of drinks are not acceptable. (Note: This does not prevent, for example, someone buying a drink for each of a group of friends. It does, however, prevent any suggestion that other members of the group will buy any further rounds.)</p>	<p>19.2</p> <p>Advertisements must not feature, imply, condone or encourage irresponsible or immoderate drinking. That applies to both the amount of drink and the way drinking is portrayed.</p> <p>References to, or suggestions of, buying repeat rounds of alcoholic drinks are not acceptable. That does not prevent, for example, someone buying a drink for each member of a group. It does, however, prevent any suggestion that other members of the group will buy a round.</p>
<p>(3) Alcoholic drinks must be handled and served responsibly.</p>	<p>19.12</p>

	Advertisements must not feature alcohol being handled or served irresponsibly.
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11.8.1(h) Advertisements must not link drinking with the use of potentially dangerous machinery, with behaviour which would be dangerous after consuming alcohol (such as swimming) or with driving.	19.13 Advertisements must not link alcohol with the use of potentially dangerous machinery or driving. Advertisements may feature sporting and other physical activities (subject to other rules in this Section) but must not imply that those activities have been undertaken after the consumption of alcohol.
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11.8.2 – Additional rules for alcohol advertisements.	Rules that apply to alcohol advertisements
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11.8.2(a)	
(1) Advertisements for alcoholic drinks must not be likely to appeal strongly to people under 18, in particular by reflecting or being associated with youth culture.	19.15 – Television only Alcohol advertisements must not: 19.15.1 be likely to appeal strongly to people under 18, especially by reflecting or being associated with youth culture or showing adolescent or juvenile behaviour. 19.15.2 include a person or character whose example is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18.
(2) Children must not be seen or heard, and no-one who is, or appears to be, under 25 years old may play a significant role in advertisements for alcoholic drinks. No-one may behave in an adolescent or juvenile way. Notes: (1) See the exception in 11.8.2 (a)(3) (2) In advertising for low alcohol drinks, anyone associated with drinking must be, and appear to be, at	19.15 – Television only Alcohol advertisements must not: 19.15.1 be likely to appeal strongly to people under 18, especially by reflecting or being associated with

least 18 years old.	<p>youth culture or showing adolescent or juvenile behaviour.</p> <p>19.15.2</p> <p>include a person or character whose example is likely to be followed by those aged under 18 years or who has a strong appeal to those aged under 18.</p> <p>19.17</p> <p>Alcohol advertisements must not feature in a significant role anyone who is, or seems to be, under 25 and must not feature children.</p> <p>An exception is made for advertisements that feature families socialising responsibly. Here, children may be included but they should have an incidental role only and anyone who seems to be under the age of 25 must be obviously not drinking alcohol</p>
<p>(3) There is an exception to 11.8.2 (a)(2) for advertisements in which families are socialising responsibly. In these circumstances, children may be included but they, and anyone who is, or appears to be, under 25 must only have an incidental role. Nevertheless, it must be explicitly clear that anyone who appears to be under the age of 18 is not drinking alcohol.</p>	<p>19.17</p> <p>Alcohol advertisements must not feature in a significant role anyone who is, or seems to be, under 25 and must not feature children.</p> <p>An exception is made for advertisements that feature families socialising responsibly. Here, children may be included but they should have an incidental role only and anyone who seems to be under the age of 25 must be obviously not drinking alcohol</p>

<p>11.8.2(b)</p> <p>Advertisements for alcoholic drinks must not show, imply or refer to daring, toughness, aggression or unruly, irresponsible or anti-social behaviour.</p>	<p>19.5</p> <p>Advertisements must not link alcohol with daring, toughness, aggression or unruly, irresponsible or anti-social behaviour.</p>
<p>11.8.2(c)</p> <p>Advertisements for alcoholic drinks must not appear to encourage irresponsible consumption.</p>	<p>19.2</p> <p>Advertisements must not feature, imply, condone or encourage irresponsible or immoderate drinking. That applies to both the amount of drink and the way drinking is portrayed.</p> <p>References to, or suggestions of, buying repeat rounds of alcoholic drinks are not acceptable. That does not prevent, for example, someone buying a drink for each member of a group. It does, however, prevent any suggestion that other members of the group will buy a round.</p>

	<p>19.11</p> <p>Advertisements may include alcohol sales promotions but must not imply, condone or encourage immoderate drinking.</p>
<p>11.8.2(d)</p> <p>Advertisements for alcoholic drinks must not normally show alcohol being drunk in a working environment.</p>	<p>19.14</p> <p>Advertisements must not normally show alcohol being drunk by anyone in their working environment.</p>
<p>11.8.2(e)</p> <p>Alcoholic drinks must not be advertised in a context of sexual activity or seduction but may include romance and flirtation subject to rule 11.8.2 (a) (Youth appeal).</p>	<p>19.6</p> <p>Advertisements must not link alcohol with sexual activity, sexual success or seduction or imply that alcohol can enhance attractiveness. That does not preclude linking alcohol with romance or flirtation.</p>
<p>11.8.2 (f)</p> <p>Advertisements for alcoholic drinks may contain factual statements about product contents, including comparisons, but must not make any other type of health, fitness or weight control claim.</p>	<p>19.18</p> <p>Advertisements for alcoholic drinks may give factual statements about product contents, including comparisons, but must not make any health claims, which include fitness or weight-control claims.</p> <p>The only permitted nutrition claims are “low alcohol”, “reduced alcohol” and “reduced energy”.</p>

<p>11.8.3 – Low alcohol drinks.</p> <p>Exceptions to 11.8.1 and 11.8.2 apply to advertisements for drinks containing 1.2% alcohol by volume or less so long as the low alcohol content is made clear. (The exceptions are not granted if the advertising might promote a product of higher alcoholic strength or might conflict with the spirit of the rules.)</p>	<p>Definitions</p> <p>The rules in this Section apply to advertisements for alcoholic drinks and advertisements that feature or refer to alcoholic drinks. Alcoholic drinks are defined as those containing at least 1.2% alcohol; low-alcohol drinks are defined as drinks containing between 0.5% and 1.2% alcohol.</p> <p>Where stated, exceptions are made for low-alcohol drinks. But, if an advertisement for a low-alcohol drink could be considered to promote a stronger alcoholic drink or if the low-alcohol content of a drink is not stated clearly in the advertisement, all the rules in this Section apply.</p>
<p>The exceptions are:</p> <p>(a) 11.8.2 (a)(2): Anyone associated with drinking must be, and appear to be, at least 18 years old.</p>	
<p>(b) The advertisements need not comply with:</p> <p>11.8.1 (f)</p> <p>11.8.1 (g)(1) or (2)</p>	<p>19.10</p> <p>Advertisements may give factual information about the alcoholic strength of a drink or make a factual strength comparison with another product but, except for low-alcohol drinks, which may be presented as preferable because of their low alcoholic strength, must not otherwise imply that a drink may be</p>

	preferred because of its alcohol content or intoxicating effect.
Present Code	Proposed Code
11.9 DRIVING STANDARDS	
<p>Note to 11.9:</p> <p><i>11.9.1 applies to any advertising which features or refers to driving. 11.9.2 contains additional rules for automotive advertising.</i></p>	<p>SECTION 20</p> <p>Motoring</p> <p>Principle</p> <p>Advertisements should not contribute to a culture of dangerous, irresponsible or inconsiderate driving or motorcycling, especially among young drivers.</p> <p>Definition</p> <p>"Motoring advertisements" are broadcast advertisements for vehicles or other automotive products, for example tyres, fuel or car accessories. These rules do not apply to public service advertisements about road safety.</p>

<p>11.9.1 Rules for all advertising</p> <p>No advertisement may encourage or condone dangerous, inconsiderate or irresponsible driving or motorcycling</p>	<p><u>Rules for all broadcast advertisements:</u></p> <p>20.1</p> <p>Advertisements must not condone or encourage dangerous, competitive, inconsiderate or irresponsible driving or motorcycling. Advertisements must not suggest that driving or motorcycling safely is staid or boring.</p> <p>20.2</p> <p>Advertisements must not condone or encourage a breach of the legal requirements of the Highway Code.</p>
<p>Note:</p> <p><i>This does not prevent flamboyant driving in scenes which are clearly fantasy or 'theatrical' so that the action is distanced from reality (eg scenes of driving mayhem in trailers for action films).</i></p>	

<p>11.9.2 Automotive advertising</p> <p>Advertisements for cars, motorbikes or other</p>	
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automotive products must not:	
a) encourage or condone fast or irresponsible driving nor	<p>20.1</p> <p>Advertisements must not condone or encourage dangerous, competitive, inconsiderate or irresponsible driving or motorcycling. Advertisements must not suggest that driving or motorcycling safely is staid or boring.</p>
b) refer to speeds over 70mph nor	<p>20.4</p> <p>Motoring advertisements must not refer to speed in a way that might condone or encourage dangerous, competitive, inconsiderate or irresponsible driving or motorcycling. Factual statements about a vehicle's speed or acceleration are permissible but must not be presented as a reason for preferring the advertised vehicle. Speed or acceleration claims must not be the main selling message of an advertisement.</p>
c) demonstrate power, acceleration, handling characteristics etc except in a clear context of safety. Any references to such characteristics must not imply excitement or competitiveness	<p>20.3</p> <p>Motoring advertisements must not demonstrate power, acceleration or handling characteristics except in a clear context of safety. Reference to those characteristics must not suggest excitement, aggression or competitiveness.</p>
<p>Background to 11.9.2:</p> <p><i>There is a public policy requirement that advertising for vehicles, fuels, accessories etc should be responsible and should not contribute to a culture of competitive, anti-social driving, especially amongst young drivers. Factors other than advertising play a major part in establishing driving culture but television advertising can be powerful and insistent and the way advertisers demonstrate their products may be particularly influential. Problems are more likely to be avoided if the guidance below is followed.</i></p>	
<p>Notes:</p> <p>(1) The guidance does not apply to public service advertising about road safety.</p>	
<p>(2) Highway Code: All driving which appears to be on public roads or in public places should normally comply with the letter and spirit of the Highway Code. Exceptions may be made where there is no indication that the setting is in the UK and the failure to comply would not, in real life, have direct safety implications (eg using fog lights when visibility is good). Sequences which are clearly fantasy (ie which would not be possible in reality) do not normally cause difficulties but care is needed where an advertisement features, however fancifully, driving behaviour which could be copied or which</p>	

<i>might condone other forms of bad driving.</i>	
<i>(3) Power and speed: Advertising must not suggest that fast driving is exhilarating nor portray driving as if it were a competitive sport. Conversely, there must be no suggestion that driving safely or cautiously is staid or boring. There must be no suggestion that a vehicle is to be preferred because of its power or speed. Words like 'performance' can be ambiguous and care should be taken to make the meaning clear.</i>	
<i>(4) Racing and rallying: Scenes of motor racing, off-road rallying etc rarely cause problems if they are clearly established as such and do not circumvent the spirit of this rule. For example, there should be no emotive references to the power of a rally car which shares the model name of a road car. Vehicles should normally be in racing livery and there must be no suggestion that standard production vehicles might be driven in a competitive way or are particularly suitable for fast driving. There should be no suggestion that competitive sport has been used in the development of increased power, speed etc in road cars (eg 'race-bred engines') but references to other improvements, such as reliability, in that context are harmless.</i>	
<i>(5) Foreign settings: Where the setting of an advertisement is clearly a foreign country, driving may comply with less strict local regulations except where this might encourage dangerous emulation (eg motorcyclists riding without helmets) or would run counter to the spirit of this rule. There must be no references to,</i> <i>or sequences showing driving at speeds in excess of UK limits.</i>	
<i>(6) Off-road settings: It is normally acceptable to use a location which is unambiguously not a road or public place in order to demonstrate features of a vehicle when this could not be done within the constraints of the Highway Code. But the use of off-road locations must not circumvent the spirit of these guidelines, for example by showing aggressive driving.</i> <i>Where such off-road sequences can be justified, it is not normally sufficient simply to indicate that a road has been closed to the public. The location should clearly be of a type which could not be accessible to general road users.</i>	
<i>(7) Safety features: Whilst the relative benefits of a safety feature may be claimed, there must be no suggestion that a vehicle's safety features enable it to be driven in complete safety or to be driven faster than would otherwise be the case. When a special feature is to be demonstrated (such as anti-lock brakes or superior manoeuvrability) any sudden stop or manoeuvre should not normally be made necessary by the featured vehicle travelling too fast</i>	20.5 Motoring advertisements must not exaggerate the benefit of safety features to consumers or suggest that a vehicle's features enable it to be driven or ridden faster or in complete safety.

for the circumstances or being driven badly. Accidents should not be presented as being of little consequence.	
Present Code	Proposed Code
11.10 GAMBLING	
<p>Notes to 11.10:</p> <p>1) The rules in this section are designed to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.</p>	<p>SECTION 17 GAMBLING</p> <p>Principle</p> <p>The rules in this Section are designed to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect under 18s and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.</p>
<p>2) The term “gambling” means gaming, betting, and participating in a lottery, as defined in the Gambling Act 2005, and spread betting. This section does not apply to the UK National Lottery. See Rule 11.6.</p>	<p>Definitions</p> <p>The term “gambling” means gaming and betting, as defined in the Gambling Act 2005, and spread betting. For rules on lottery advertising, see Section 18.</p>
<p>3) The Gambling Act does not apply outside Great Britain. Licensees should ensure that specialist legal advice is sought when considering advertising any gambling products in Northern Ireland or the Channel Islands.</p>	<p>Principle</p> <p>The Gambling Act 2005 does not apply outside Great Britain. Licensees should ensure that specialist legal advice is sought when considering advertising any gambling products in Northern Ireland or the Channel Islands.</p>
<p>4) Spread Betting may be advertised as an investment activity under the Financial Services and Markets Act (FSMA) 2000, the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 and other FSA rules and guidance. Spread betting may be advertised on specialised financial channels or in specialised financial programming or on interactive or additional TV services (including text services) only (see Section 9 Rule 9.5). A “Spread Bet” is a contract for differences that is a gaming contract, as defined in the glossary to the FSA Handbook.</p>	<p>Spread betting may be advertised as an investment activity under the Financial Services and Markets Act (FSMA) 2000, the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (as amended) and in accordance with the FSA Handbook. Spread betting may be advertised on specialised financial stations or channels, in specialised financial programming or on interactive or additional television services (including text services) only (see 14.5.2). A “spread bet” is a contract for differences that is a gaming contract, as defined in the glossary to the FSA Handbook.</p>
<p>5) The rules in this section apply to advertisements for “play for money” gambling products and advertisements for “play for free” gambling products that offer the chance to win a prize or that explicitly or implicitly direct the consumer to a “play for money” gambling product, whether on-shore or off-shore.</p>	<p>Definitions</p> <p>The rules in this Section apply to advertisements for “play for money” gambling products and advertisements for “play for free” gambling products that offer the chance to win a prize or that explicitly or implicitly direct the consumer to a “play for money” gambling product, whether on-shore or off-shore.</p>
<p>6) For the purposes of this section, “children” are people of 15 and under and “young persons” are people of 16 or 17.</p>	

11.10.1 – Rules for all advertisements Rule 11.10.1 is not intended to inhibit advertisements to counter problem gambling that are responsible and unlikely to promote a brand or type of gambling.	Principle These Rules are not intended to inhibit advertisements to counter problem gambling that are responsible and unlikely to promote a brand or type of gambling.
(a) Advertisements must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.	<u>Rules for all advertisements</u> 17.3 Advertisements must not: 17.3.1 portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm
(b) Advertisements must not suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression.	17.3.2 suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression
(c) Advertisements must not suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security.	17.3.3 suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security
(d) Advertisements must not portray gambling as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments.	17.3.4 portray gambling as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments
(e) Advertisements must neither suggest peer pressure to gamble nor disparage abstention.	17.3.5 suggest peer pressure to gamble or disparage abstention
(f) Advertisements must not suggest that gambling can enhance personal qualities, for example that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration.	17.3.6 suggest that gambling can enhance personal qualities, for example that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration
(g) Advertisements must not link gambling to seduction, sexual success or enhanced attractiveness.	17.3.7 link gambling to seduction, sexual success or enhanced attractiveness
(h) Advertisements must not portray gambling in a context of toughness or link it to resilience or recklessness.	17.3.8 portray gambling in a context of toughness or link it to resilience or recklessness
(i) Advertisements must not suggest gambling is a rite of passage.	17.3.9 suggest gambling is a rite of passage
(j) Advertisements must not suggest that solitary gambling is preferable to social gambling.	17.3.10 suggest that solitary gambling is preferable to social gambling
(k) Advertisements must not claim that products or services can facilitate winning in games of chance.	10.1 Advertisements for products or services coming within the recognised character of, or specifically concerned with these are not acceptable: 10.1.2 betting systems and products that are intended to facilitate winning games of chance

11.10.2 – Rules for gambling advertisements. Advertisements for events or facilities that can be accessed only by entering gambling premises must	17.2 Advertisements for events or facilities that can be accessed only by entering gambling premises must
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make that condition clear. Unless they portray or refer to gambling, rule 11.10.2 does not apply to advertisements for non-gambling leisure events or facilities, for example hotels, cinemas, bowling alleys or ice rinks, that are in the same complex as but separate from gambling events or facilities.	make that condition clear.
(a) Advertisements for gambling must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons.	<u>Rules for gambling advertisements</u> 17.4 Advertisements for gambling must not: 17.4.4 exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of under 18s or other vulnerable persons
(b) Advertisements for gambling must not be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture.	17.4.5 be likely to be of particular appeal to under 18s, especially by reflecting or being associated with youth culture
(c) No child or young person may be included in a gambling advertisement. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role. No-one may behave in an adolescent, juvenile or loutish way.	17.4.6 feature anyone who is, or seems to be, under 25 years old gambling or playing a significant role. No-one may behave in an adolescent, juvenile or loutish way.
(d) Advertisements for family entertainment centres, travelling fairs, horse racecourses and dog race tracks, and for non-gambling leisure facilities that incidentally refer to separate gambling facilities e.g. as part of a list of facilities on a cruise ship, may include children or young persons provided they are accompanied by an adult and are socialising responsibly in areas that the Gambling Act 2005 does not restrict by age. Advertisements for a lottery product may include children or young persons. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role.	17.5 Advertisements for family entertainment centres, travelling fairs, horse racecourses and dog racetracks, and for non-gambling leisure facilities that incidentally refer to separate gambling facilities as part of a list of facilities on, for example a cruise ship, may include under 18s provided they are accompanied by an adult and are socializing responsibly in areas that the Gambling Act 2005 does not restrict by age. <u>Rules for lottery advertisements</u> 18.6 Advertisements for lotteries may include under 18s. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role.
(e) Advertisements that exclusively feature the good causes that benefit from a lottery and include no explicit encouragement to buy a lottery product may include children or young persons and they may be featured playing a significant role.	18.7 Advertisements that exclusively feature the good causes that benefit from a lottery and include no explicit encouragement to buy a lottery product may include under 18s in a significant role.
(f) Advertisements for gambling products must not exploit cultural beliefs or traditions about gambling or luck.	<u>Rules for gambling advertisements</u> 17.4 Advertisements for gambling must not: 17.4.1 exploit cultural beliefs or traditions about gambling or luck
(g) Advertisements for gambling products must not condone or encourage criminal or anti-social behaviour.	17.4.2 condone or encourage criminal or anti-social behaviour
(h) Advertisements for gambling products must not condone or feature gambling in a working environment. An exception exists for licensed gambling premises	17.4.3 condone or feature gambling in a working environment (an exception exists for licensed gambling premises)

Mapping Document

The BCAP Rules on the Scheduling of Television Advertisements

Present Code	Proposed Code
SECTION 4	
Particular Separations of Advertisements and Programmes	
General Principles 4.1	
4.1.1 BCAP expects licensees to exercise responsible judgement on the scheduling of advertising and in particular to operate internal systems capable of identifying in advance, and avoiding, inappropriate juxtapositions between advertising material and programmes, particularly those which could cause distress or offence to viewers.	Scheduling of Television and Radio Advertisements 32.1 Broadcasters must exercise responsible judgement on the scheduling of advertisements and operate internal systems capable of identifying and avoiding unsuitable juxtapositions between advertising material and programmes, especially those that could distress or offend viewers or listeners.
4.1.2 Particular sensitivity is required in relation to advertising inserted in or around news programmes where a news item, especially one of a tragic nature, may completely transform the context in which an advertisement having some apparent connection with it may be perceived by viewers. In some cases of this kind a separation from news references may be insufficient and it may be preferable to suspend the advertising altogether in order to avoid distress or offence.	Principle Particular sensitivity is required for advertisements inserted in or around news or current affairs programmes in which a news item, especially one of a tragic nature, could completely transform the context in which an advertisement having an apparent connection with it could be perceived by viewers or listeners. A separation from news references might be inadequate and suspending the advertisement altogether to avoid distress or offence could be preferable.
PRESENT CODE	PROPOSED CODE
Specific Separation Requirements 4.2	
GENERAL NOTES:	
(i) The term 'adjacent' where used in these rules refers to a break immediately before or after the programme in question.	Definitions "Adjacent" refers to an advertising break immediately before or after the programme in question.
(ii) The term 'children's programmes' means programmes made for children below the age of 16.	"Children's programme" means a programme made for persons below the age of 16.

<p>(iii) Channels devoted to children's programmes, or whose programmes are or are likely to be of particular appeal to children, will be unlikely to be able to carry at any time advertising of the kind restricted under 4.2.1 and 4.2.2 below. Such channels should also take particular note of 4.2.3 and 4.2.4. Thus, for instance, dedicated children's channels may not carry any advertising for products or services restricted under 4.2.1(b) below, namely: lotteries, pools and food or drinks assessed as high in fat, salt or sugar (HFSS). (Scheduling restrictions for HFSS product advertisements will not apply to dedicated children's channels until 1 January 2009.)</p>	<p><u>Children's Television Channels</u></p> <p>Television channels devoted to children's programmes, or whose programmes are or are likely to be of particular appeal to children, will be unlikely to be able to carry at any time advertisements of the type restricted under 32.1 – 32.6. Thus, for instance, dedicated children's channels may not carry an advertisement for a product restricted under 32.2.2 or 32.5.1, namely: gambling and food or drink assessed as high in fat, salt or sugar (HFSS).</p>
<p>(iv) For the avoidance of doubt, any given timing, programme category or age band restriction subsumes any other less severe restriction. Thus, a 'post 9pm' subsumes both a 'post 7.30 pm' as well as the restriction on scheduling in or adjacent to children's programmes or programmes likely to have a significant child audience. Similarly, a prohibition on transmission in 'children's programmes', includes e.g. programmes made for pre-school children. Particular care needs to be exercised where a programme for, or likely to be of interest to, children is transmitted late in the evening or in the small hours, as for example at Christmas. Where such a programme is transmitted after 9pm, no advertisement carrying a timing restriction may be transmitted in or around that programme.</p>	<p>Children</p> <p>For the avoidance of doubt, any given timing, programme category or age band restriction subsumes any other less severe restriction. Thus, on television, a 9.00pm restriction subsumes both a 7.30 pm restriction as well as the restriction on scheduling in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children below the age of 16 or to programmes likely to have a significant child audience.</p>
PRESENT CODE	PROPOSED CODE
Children and young people 4.2.1	
<p>(a) The following may not be advertised in or adjacent to children's programmes or programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:</p>	<p><u>Under 18s</u></p> <p>32.2</p> <p>These may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:</p>
<p>Note:</p> <p>(ii) The restrictions above include sponsorship of the programme.</p>	<p>Definitions</p> <p>The restrictions given in 32.1 – 32.6 apply to sponsorship of the programme.</p>
<p>(i) alcoholic drinks containing 1.2 per cent alcohol or more by volume; (See also 4.2.5 below) (See note (iii) below on identification of programmes of particular appeal)</p>	<p>32.2</p> <p>These may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to</p>

	<p>audiences below the age of 18:</p> <p>32.2.1</p> <p>alcoholic drinks containing 1.2% alcohol or more by volume; (See also 32.4.7)</p>
Note (iii) Particular appeal – See ASA Advertising Guidance Note 5 – Audience indexing: identification of programmes likely to appeal to children and young people.	

(ii) gambling except lotteries, football pools, equal chance gaming (under a prize gaming permit or at a licensed family entertainment centre), prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines (<i>see 4.2.1(b) below</i>);	<p>32.2.2</p> <p>gambling except lotteries, football pools, equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre), prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines (<i>see 32.4</i>)</p>
(iii) religious matter subject to the rules on Religious Advertising in the BCAP Television Advertising Standards Code;	<p>32.2.5</p> <p>religious matter subject to the rules on Religious Advertising in Section 15, Faith, Religion and Equivalent Systems of Belief.</p>
(iv) slimming products, treatments or establishments.	<p>32.2.4</p> <p>slimming products, treatments or establishments (an exception is made for advertisements for calorie-reduced or energy-reduced foods and drinks, if they are not presented as part of a slimming regime and provided the advertisements do not use the theme of slimming or weight control)</p>

(b) The following may not be advertised in or adjacent to children's programmes or programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 16:	<p>32.4</p> <p>These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:</p>
(i) lotteries;	<p>32.4.1</p> <p>lotteries</p>
(ii) football pools;	<p>32.4.2</p> <p>football pools</p>

(iii) equal chance gaming (under a prize gaming permit or at a licensed family entertainment centre);	32.4.3 equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre)
(iv) prize gaming (at a non-licensed family entertainment centre or at a travelling fair);	32.4.4 prize gaming (at a non-licensed family entertainment centre or at a travelling fair)
(v) Category D gaming machines.	32.4.5 Category D gaming machines

(vi) food or drink products that are assessed as high in fat, salt or sugar in accordance with the nutrient profiling scheme published by the Food Standards Agency (FSA) on 6 December 2005.	<p>Other Television Scheduling or Timing Restrictions: Children</p> <p><u>Under 16s</u></p> <p>32.5</p> <p>These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 16:</p> <p>32.5.1</p> <p>food or drink products that are assessed as high in fat, salt or sugar (HFSS) in accordance with the nutrient profiling scheme published by the Food Standards Agency (FSA) on 6 December 2005. Information on the FSA's nutrient profiling scheme is available on the FSA website at:</p> <p>http://www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod</p>
NOTES: (i) Full details of the FSA's nutrient profiling scheme are available on the FSA website at: http://www.food.gov.uk/healthiereating/advertisingtochildren/nutlab/nutprofmod	

(c) The following may not be advertised in or adjacent to children's programmes or programmes which are of particular appeal to children under 10:	<p><u>Under 10s</u></p> <p>32.6</p> <p>These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children below the age of 10:</p>
(i) female sanitary protection products.	<p>32.6.1</p> <p>sanitary protection products</p>
	<p>32.6.2</p> <p>condoms</p>
(d) The following may not be advertised in or adjacent to children's programmes:	<p>Other Television Scheduling or Timing Restrictions: Children</p> <p><u>Under 16s</u></p> <p>32.5</p> <p>These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 16:</p>
(i) drinks containing less than 1.2 per cent alcohol by volume when presented as low or no-alcohol versions of an alcoholic drink;	<p>32.4</p> <p>These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:</p> <p>32.4.7</p> <p>drinks containing less than 1.2% alcohol by volume when presented as low-alcohol or no-alcohol versions of an alcoholic drink.</p>
(ii) liqueur chocolates;	
(iii) matches;	<p>32.5</p> <p>These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 16:</p> <p>32.5.2</p>

	matches
(iv) medicines, vitamins and other dietary supplements;	<p>32.4</p> <p>These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:</p> <p>32.4.6</p> <p>medicines, vitamins or other dietary supplements</p>

(v) trailers for films or videos carrying an 18- or 15-certificate;	<p>32.5</p> <p>These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 16:</p> <p>32.5.3</p> <p>trailers for films or videos carrying an 18-certificate or 15-certificate (that does not preclude the scheduling in or adjacent to children's programmes of an advertisement containing brief extracts from such a film if those are used in connection with a promotional offer, derived from the film, for other types of product, subject to content)</p>
Note (iv) Depending on content and, in particular, on the extent and nature of any portrayal of violence or sexual activity, an alternative timing restriction such as post 7.30pm, post 9pm or even later may often be appropriate for material in category (d)(v), particularly that which is 18 rated.	
Note (v) Again subject to content, this does not preclude the scheduling in or adjacent to children's programmes of advertisements containing brief extracts from films where these are used in connection with promotional offers derived from films for other types of product or service.	<p>Children</p> <p>Advertisements that might frighten or distress children or are otherwise unsuitable for them (for example because they refer explicitly to sexual matters) must be subject to restrictions on times of transmission to minimise the risk that children in the relevant age group will see or hear them. That does not preclude well-considered daytime scheduling for such material but broadcasters should take account of factors, such as school holidays, that could affect child audience levels. Material that would be incomprehensible to pre-school children and could, therefore, reasonably be broadcast when they are viewing or listening with parents, might</p>

	be more problematic in relation to older children.
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PRESENT CODE	PROPOSED CODE
Merchandise Based on Children's Programmes 4.2.2	Other Television Scheduling or Timing Restrictions: Children
Advertisements for merchandise based on children's programmes must not be broadcast in any of the two hours proceeding or succeeding episodes or editions of the relevant programme.	Children's merchandise, endorsements and appearances by persons from children's programmes 32.8 Advertisements for merchandise based on a children's programme must not be broadcast in the two hours before or after episodes or editions of that programme. The ASA and BCAP reserve the right to require a wider separation around some programmes, including a prohibition of any advertisement while a programme series is running.
NOTE: <i>The ASA reserves the right to require a wider separation in the case of some programmes, including a prohibition of any advertising while a particular series is running. See also 4.2.7(c) below.</i>	32.15 The ASA and BCAP reserve the right to issue directions requiring separation between certain advertisements or types of advertisement and certain programmes or types of programme for reasons or in ways that go beyond those already listed.

PRESENT CODE	PROPOSED CODE
Treatments Unsuitable for Children 4.2.3	
Advertisements which might frighten or cause distress to children of particular ages or which are otherwise unsuitable for them (eg because they refer explicitly to sexual matters) must be subject to appropriate restrictions on times of transmission designed to minimise the risk that children in the relevant age group will see them. This does not preclude well-considered daytime slotting for such material but licensees should take account of factors such as school holidays, which may affect child viewing levels. In some cases, material which would be incomprehensible to pre-school children and could, therefore, reasonably be shown when they are viewing with parents, may be more problematic in relation to older children.	Children Advertisements that might frighten or distress children or are otherwise unsuitable for them (for example because they refer explicitly to sexual matters) must be subject to restrictions on times of transmission to minimise the risk that children in the relevant age group will see or hear them. That does not preclude well-considered daytime scheduling for such material but broadcasters should take account of factors, such as school holidays, that could affect child audience levels. Material that would be incomprehensible to pre-school children and could, therefore, reasonably be broadcast when they are viewing or listening with parents, might be more problematic in relation to older children.

	<p>32.3</p> <p>Relevant timing restrictions must be applied to advertisements that, through their content, might harm or distress children of particular ages or that are otherwise unsuitable for them.</p>
Post-watershed 4.2.4	
<p>(a) The following may not be advertised before 9pm:</p> <p>Advertisements in which personalities or other characters (including puppets etc.) who appear regularly in any children's television programme on any UK television channel present or positively endorse products or services of special interest to children. (See Note to 4.2.7(c) below.)</p>	<p>32.9</p> <p>Advertisements in which persons (including puppets) who appear regularly in any children's programme on any UK television channel present or endorse products of special interest to children must not be broadcast before 9.00pm.</p>
<p>(b) The following may not be advertised before 9pm without the prior agreement of BCAP:</p>	<p>Administering medicines, vitamins or dietary supplements to children</p>
<p>(i) Advertisements in which children are shown having any medicine, or vitamin or other dietary supplement administered to them;</p>	<p>32.7</p> <p>Advertisements in which children are shown having a medicine, vitamin or other dietary supplement administered to them must not be broadcast before 9.00pm.</p>
<p>(ii) Advertisements for medicines, vitamins or other dietary supplements which use techniques that are likely to appeal particularly to children, such as cartoons, toys or characters of special interest to children.</p>	
<p>(iii) Condoms.</p>	<p>32.6</p> <p>These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children below the age of 10:</p> <p>32.6.2</p> <p>condoms.</p>
<p>NOTE:</p> <p><i>BCAP has agreed that, subject to copy content, the restriction on the advertising of condoms on Channel 4 will until further notice be 7pm.</i></p>	

PRESENT CODE	PROPOSED CODE
Religious programmes 4.2.5	
<p>The following may not be advertised in or between religious programmes:</p> <p>(i) Alcoholic drinks containing 1.2 per cent alcohol or more by volume.</p> <p>(See also 4.2.1 (a) above).</p>	<p>Principle</p> <p>Broadcasters must take special care when scheduling advertisements that might be unsuitable for children or young persons or the audience of religious programmes or for broadcast around sensitive programming or news items.</p>
PRESENT CODE	PROPOSED CODE
Charities 4.2.6	
<p>The following may not be advertised adjacent to any appeal or community service announcement transmitted in programme time:</p> <p>(i) Advertisements which fall to be considered under the section of the BCAP Television Advertising Standards Code relating to Charity Advertising.</p>	
PRESENT CODE	PROPOSED CODE
Persons Appearing in Advertisements and in Programmes 4.2.7	
<p>(a) In order to maintain a distinction between programmes and advertisements that is clear to the viewer, and to minimise any risk of confusion between the two, advertisements featuring a well known personality or performer, or a person who takes a leading role in or whose appearance is central to a programme, must not be scheduled in breaks in or adjacent to that programme. For these purposes cartoon and puppet characters are classed as 'persons'. Notes (i) to (v) below set out permissible exceptions to this rule.</p>	<p>32.10</p> <p>To maintain a distinction between programmes and advertisements that is clear to a child audience, and to minimise any risk of confusion between the two, advertisements featuring a well-known personality or performer, or a person who takes a leading role in or whose appearance is central to a children's programme, must not be scheduled in breaks in or adjacent to that programme. For the purposes of this rule, cartoon and puppet characters are classed as "persons". For appearances by persons in chart programmes or programmes such as pop concerts, the restriction applies only to the breaks adjacent to the programme segment in which they appear. The rule does not apply to public service advertisements or to characters specially created for advertisements.</p>
NOTES:	
<p>(i) No separation is required in respect of advertisements broadcast in or adjacent to feature films which, for the purposes of this rule, are defined as dramas which are created for the cinema and first shown</p>	

<i>theatrically or for direct video release.</i>	
<i>(ii) No separation is required in respect of advertisements broadcast in or adjacent to news programmes or immediately topical current affairs programmes.</i>	
<i>(iii) An incidental and non-speaking appearance in a programme by a person (eg where a star player is seen only as part of a team in the broadcast of a sporting occasion) will not attract the restriction, provided it is immediately and clearly apparent from the style of the advertisement that the individual's appearance in it could not be taking place at the same location as that of the programme.</i>	
<i>(iv) Advertisements containing appearances by persons in extracts from other programme footage should adopt the scheduling restriction of 4.2.8 below. Where the person themselves presented the advertisement the full separation in 4.2.7(a) would apply.</i>	32.11 Advertisements containing appearances by persons in extracts from a children's programme must not be broadcast in the two hours before or after an episode or edition of the relevant programme.
<i>(v) In the case of appearances by persons in magazine style programmes or programmes such as pop concerts or variety shows, the restriction applies only to the breaks adjacent to the programme segment in which they appear.</i>	32.10 To maintain a distinction between programmes and advertisements that is clear to a child audience, and to minimise any risk of confusion between the two, advertisements featuring a well-known personality or performer, or a person who takes a leading role in or whose appearance is central to a children's programme, must not be scheduled in breaks in or adjacent to that programme. For the purposes of this rule, cartoon and puppet characters are classed as "persons". For appearances by persons in chart programmes or programmes such as pop concerts, the restriction applies only to the breaks adjacent to the programme segment in which they appear. The rule does not apply to public service advertisements or to characters specially created for advertisements.

(b)	<p>Except in the circumstances described in Note (iv) above an advertisement featuring someone who appears regularly as a leading performer or participant in a series or serial must not be broadcast in breaks in or adjacent to the programme in question, whether or not he or she appears in that episode.</p>	
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<p>(c) Advertisements in which persons (including puppets, etc.) who appear regularly in any children's television programme on any UK television channel present or positively endorse products or services of special interest to children, must not be broadcast before 9pm.</p> <p><i>NOTE:</i></p> <p><i>4.2.7(c) does not apply to public service advertisements or to characters specially created for advertisements. (See also 4.2.4 (a) above)</i></p>	<p>32.9</p> <p>Advertisements in which persons (including puppets) who appear regularly in any children's programme on any UK television channel present or endorse products of special interest to children must not be broadcast before 9.00pm.</p>
PRESENT CODE	PROPOSED CODE
Extracts from Programme Material 4.2.8	
<p>The BCAP Television Advertising Standards Code sets out circumstances in which it is permissible for advertisements for products or services which are based on a particular programme to contain elements from that programme. Such advertisements must not be scheduled in breaks in or immediately preceding any episodes or editions of the programme to which they relate but may appear in the break immediately following provided they are not first in the break.</p> <p><i>NOTE:</i></p> <p><i>In the case of advertisements containing extracts from children's programmes the two hour restriction in 4.2.2 above applies.</i></p>	<p>32.11</p> <p>Advertisements containing appearances by persons in extracts from a children's programme must not be broadcast in the two hours before or after an episode or edition of the relevant programme.</p>

PRESENT CODE	PROPOSED CODE
Programmes Featuring Advertisements 4.2.9	
<p>Advertisements for products or services which appear in any advertisement shown as part of programme content may not be transmitted within or adjacent to that programme.</p>	
<p><i>NOTE:</i></p> <p>(ii) <i>This restriction does not apply to public service announcements transmitted in and around news and current affairs programmes which may show all or part of that announcement as part of the editorial content.</i></p>	

(ii) Ofcom's Broadcasting Code has specific requirements regarding advertisements within programmes (see Section 10.6). See also Section 10.3 for rules specific to the promotion of material in direct support of programmes.	

PRESENT CODE	PROPOSED CODE
UK Politicians 4.2.10	
For the purposes of this rule, a 'politician' is defined as a Member of, or candidate for, the European or UK Parliament, other elected assemblies in the UK, or a local authority, together with any person prominent in a political party organisation.	Definitions For the purposes of 32.12, a "politician" is defined as a Member of, or candidate for, the European or UK Parliament, other elected Assemblies in the UK or a local authority, a Member of the UK's House of Lords or a person prominent in a political party organisation.
(a) Once a General or European Election, or a by-election for the UK or European Parliament, or a local election (excluding a local by-election) has been called, no advertisement featuring a UK politician may be shown in any area in which the election is taking place.	<u>Scheduling of Television Advertisements that Feature Politicians</u> 32.12 Once a General or European Election, a by-election for the UK or European Parliament or a local election (but not a local by-election) has been called, no advertisement featuring a UK politician may be shown in an area in which the election is to take place.
(b) In the case of Parliamentary by-elections and local authority elections, advertisements featuring candidates must not be shown in breaks in or adjacent to national news or election results programmes in areas where an election is taking place.	32.13 Advertisements featuring a candidate for a parliamentary by-election or a local authority election must not be shown in breaks in or adjacent to national news or election results programmes in the area where the election is to take place.
PRESENT CODE	PROPOSED CODE
Live Parliamentary Broadcasts 4.2.11	
There are particular requirements applicable to advertisements in or adjacent to broadcasts of live Parliamentary proceedings. See Section 10.	Exclusion Of Certain Types Of Television Advertisement In Or Adjacent To Broadcasts Of Parliamentary Proceedings 32.14 The following categories of advertisement may not be shown during live broadcasts of

	<p>Parliamentary proceedings, or other programmes that include footage of Parliamentary proceedings other than brief news extracts:</p> <p>32.14.1</p> <p>advertisements that feature or refer to Members of Parliament, or Parliamentary parties, or with a Parliamentary setting;</p> <p>32.14.2</p> <p>advertisements with direct and specific relevance to main items of Parliamentary coverage where these are known in advance.</p> <p>Cross reference: For requirements applicable to advertisements in or adjacent to broadcasts of live Parliamentary proceedings, see Section 2, Recognition of Advertising</p>
PRESENT CODE	PROPOSED CODE
Other separations and timing restrictions 4.3	
<p>(a) The ASA reserves the right to issue directions requiring separations between particular advertisements or types of advertisement and particular programmes or types of programme for reasons or in ways that go beyond those listed above. These separations will usually be one of the following:</p>	<p>Other Television Separations and Timing Restrictions</p> <p>32.15</p> <p>The ASA and BCAP reserve the right to issue directions requiring separation between certain advertisements or types of advertisement and certain programmes or types of programme for reasons or in ways that go beyond those already listed.</p> <p>Those separations will usually be one of these:</p>
<p>(i) not first and / or last in any advertising;</p>	<p>32.15.1</p> <p>not first or last in any advertisement break or both</p>
<p>(ii) not in the two hours preceding or following a particular programme;</p>	<p>32.15.2</p> <p>not in the two hours before or after a certain programme</p>

(iii) not for the duration of a programme series;	32.15.3 not for the duration of a programme series
(iv) neither for the duration nor for a given period after and/or before the series.	32.15.4 neither for the duration of a programme series nor for a given period before and/or after the series;
(v) not before 7.30pm.	32.15.5 not before 7.30pm;
(vi) not in or adjacent to programmes with a specific audience index..	32.15.6 not in or adjacent to programmes with a specific audience index.
<p>(b) On encrypted subscription services where normal programme content-related scheduling constraints have been relaxed, advertising appearing similarly encrypted on such a service may reflect the programme scheduling</p> <p><i>Example: Where the programme watershed has been moved on such a service, say to 8pm, then encrypted advertisements that attract a watershed timing restriction will be permitted after 8pm rather than after 9pm.</i></p>	<p>32.16</p> <p>On encrypted subscription services for which normal programme content-related scheduling constraints have been relaxed, advertisements appearing similarly encrypted on such a service may reflect the programme scheduling. For example, if the programme watershed has been moved on such a service, say, to 8.00pm, encrypted advertisements that attract a watershed timing restriction are permitted after 8.00pm, not only after 9.00pm. (See Section 1 of the Ofcom Broadcasting Code (Protection of the Under-Eighteens))</p> <p>http://www.ofcom.org.uk/tv/ifi/codes/bcode/.)</p>

The BCAP Advertising Standards Code for Text Services

PRESENT CODE	PROPOSED CODE
SECTION 1: Advertising Standards	
1. Advertising standards	
(a) Rules 3.1(b) and (c) (Betting tips) does not apply but advertisements for betting systems and the like are not acceptable.	<p>Betting Tipsters</p> <p>Principle</p> <p>Advertisements for betting tipster services should not be likely to mislead the audience.</p> <p>Definition</p> <p>Proofing means provably lodging and securely recording a betting tip with an independent and suitably qualified third party, such as a solicitor, before the start of the event to which the tip relates.</p> <p>Rules</p> <p>21.2</p> <p>Advertisements for betting tipsters must not be likely to be of particular appeal to under 18s.</p> <p>21.3</p> <p>Advertisements for betting tipster services must not make money-back guarantees.</p> <p>21.4</p> <p>Advertisements for betting tipster update-line services are acceptable only if the broadcaster is satisfied that the recorded messages are brief and the lines are a valid and necessary complement to the main-line service</p> <p>21.5</p> <p>Before broadcasting an advertisement for a betting tipster service, a broadcaster must hold the tipster's name (not merely his or her business name) and his</p>

	<p>or her full, permanent business address.</p> <p>21.6</p> <p>Advertisements for a betting tipster service operating on a premium-rate phone line must include the service provider or information provider's usual trading name and contact details (see Section 22.1: Premium-rate Services section).</p> <p>21.7</p> <p>Advertisements for betting tipsters who run, or are associated with, another betting tipster service must make that link clear.</p> <p>21.8</p> <p>Advertisements may include claims about a betting tipster's previous successful tips only if those claims are supported, before the relevant race, by proofing of all tips offered on his or her service on the day or during the period in question.</p> <p>21.9</p> <p>Advertisements for betting tipsters must not include claims about notional profits. Claims about previous profits must be proportionate and representative.</p> <p>21.10</p> <p>Advertisements for betting tipsters must not state or imply that success is guaranteed or that players could forge a long-term income by following the advertiser's tips.</p> <p>21.11</p> <p>Advertisements for betting tipsters may include claims about previous successful double, treble or other combination bets only if those claims are supported by proofing that the winners were clearly and specially tipped as a combination.</p> <p>21.12</p> <p>Profit, success or individual-win claims must not refer</p>
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	<p>to odds.</p> <p>21.13</p> <p>If a change in circumstance would render it misleading, for example if a race meeting were cancelled, an advertisement for a betting tipster must be not be repeated in its original form.</p> <p>21.14</p> <p>Advertisements for betting tipsters must not refer to a tip as a maximum bet or similar unless it is the only tip offered for that race. Claims about the success of a maximum tip are acceptable only if they are supported by advance proofing.</p>
(b) Rule 11.7: Advertising for matrimonial and introduction agencies is acceptable subject to the detailed requirements of that rule.	

(c) Rule 9.4:	Direct Remittance
(i) Advertising which invites the direct remittance of money is acceptable for the categories listed under rule 9.6 (but not 9.5).	<p>14.14</p> <p>Advertisements on Ofcom-regulated text services that invite the direct remittance of money are acceptable for the categories listed in rule 14.4, but not those in 14.5.</p>
(ii) In addition to the requirements in rule 8 of Part A of this Code, licensees must retain, for 90 days after final transmission, 'hard copies' (ie facsimiles on paper) of each advertisement inviting direct remittance of money.	<p>14.15</p> <p>Broadcasters must retain, for 90 days after final transmission, printed paper copies of each advertisement that invites direct remittance of money.</p>
PRESENT CODE	PROPOSED CODE
SECTION 2: Separation of advertisements and editorial material	Section 2 – Recognition of Advertising
2 Separation of advertisements and editorial material	2.1
(a) Where there is a risk of confusion between advertisements and editorial material, the acceptability of an advertisement may depend on an express indication that it is an advertisement (eg by the addition of the title 'advertisement').	Advertisements must be clearly distinguishable from editorial content, especially if they use a situation, performance or style reminiscent of editorial content, to prevent the audience being confused between the two. The audience should quickly recognise the message as an advertisement.
(b) Advertising on pages containing editorial material must be clearly distinguished from the editorial material by, for example, a separating line or by the use of a differently coloured panel or text.	<p>2.1</p> <p>Advertisements must be clearly distinguishable from editorial content, especially if they use a situation, performance or style reminiscent of editorial content, to prevent the audience being confused between the</p>

	two. The audience should quickly recognise the message as an advertisement.
(c) Rule 2.2.2 of the BCAP Television Advertising Standards Code does not apply but advertisements must not include extracts from editorial material.	<p>2.1</p> <p>Advertisements must be clearly distinguishable from editorial content, especially if they use a situation, performance or style reminiscent of editorial content, to prevent the audience being confused between the two. The audience should quickly recognise the message as an advertisement.</p> <p>2.3</p> <p>The use of a title, logo, set or music associated with a programme that is broadcast on that medium needs special care. The audience should quickly recognise the message as an advertisement.</p>
(d) Detailed advertisements for betting tips or betting and gaming (including pools and bingo) must appear only on full advertising pages devoted solely to such advertisements but may be 'signposted' on other pages (except those of particular interest to children).	<p>32.20</p> <p>Broadcast television text and interactive television advertisements for these product categories must not:</p> <ul style="list-style-type: none"> • be directly accessible from programmes commissioned for, principally directed at or likely to appeal particularly to children • be directly accessible from advertisements that are adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to children • appear on editorial pages (text or interactive) that are likely to be of particular appeal to a significant audience of children <p>32.20.4</p> <p>Betting tips</p>
(e) Advertisements for lotteries permitted under the Lotteries and Amusements Act 1976 are not restricted to such pages but may not be included on pages of particular interest to children.	<p>32.20.11</p> <p>Gambling, including lotteries.</p>
PRESENT CODE	PROPOSED CODE
SECTION 3: Separation from particular editorial material	
3 Separation from particular editorial material	32.19
(a) BCAP expects licensees to exercise responsible	BCAP expects broadcasters to exercise responsible

judgement in the placing of advertising and in particular to consider the sensitivities of viewers likely to be exposed or attracted to particular editorial features. Advertisements which are unsuitable for children (eg because they might cause distress or because they refer explicitly to sexual matters) must be subject to appropriate restrictions on times of transmission designed to minimise the risk that children in the relevant age group will see them.	<p>judgement in the placing of broadcast television text and interactive television advertisements and especially to consider the sensitivities of viewers likely to be exposed or attracted to particular editorial content.</p> <p>Advertisements that are unsuitable for children (for example because they might cause distress or because they refer explicitly to sexual matters) must be subject to restrictions on the time of transmission designed to minimise the risk that children in the relevant age group will see them.</p>
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(b) Rule 7.3.7 of the BCAP Television Advertising Standards Code does not apply. Advertisements for the following must not appear on or adjacent to editorial pages of particular interest to children or adjacent to other advertising of particular interest to them:	<ul style="list-style-type: none"> appear on editorial pages (text or interactive) that are likely to be of particular appeal to a significant audience of children:
(i) Alcoholic drinks (including low alcohol); liqueur chocolates.	32.20.1 Alcoholic drinks (including low-alcohol drinks)
(ii) Matches.	32.20.9 Matches
(iii) Medicines, treatments, vitamins or other dietary supplements.	32.20.3 Medicines, vitamins or other dietary supplements
(iv) Films or videos carrying a -15 or -18 certificate.	32.20.2 Films or DVDs carrying an 18-certificate or 15-certificate
(v) Condoms.	
(vi) Matrimonial and Introduction Agencies.	32.20.6 Introduction and dating agencies;
(vii) Betting tips, betting and gaming (including pools and bingo), and lotteries.	32.20.4 Betting tips 32.20.11 Gambling, including lotteries.
(viii) Religious bodies subject to Section 10 of the Television Advertising Standards Code. (Note, however, the exception in rule 10.15(b).)	32.20.7 Religious bodies. The only exception is advertising for publications, merchandise or other items if there is no recruitment or fund-raising link

(ix) Sanitary protection products.	
(x) Premium rate telephone services which cost more than the normal national premium rates. (ie 'higher rate' premium services.)	32.20.8 Premium-rate telephone services that cost more than the normal national premium rates (higher-rate premium services)

Mapping Document

The BCAP Radio Advertising Standards Code

PRESENT CODE	PROPOSED CODE
SECTION 1: ADVERTISEMENTS	
<p>1 Advertisements</p> <p>‘Advertising’ in this Code refers to any items, including spot advertisements and promotions with advertisers, which are broadcast in return for payment or other valuable consideration to a licensee or which seek to sell to listeners any products or services. It does not cover product placement or sponsorship. For rules on these areas, please see the Ofcom Broadcasting Code. Ofcom requires adherence to this Code for the content of sponsorship credits. ‘Special Category’ sponsorship credits are cleared for broadcast by the Radio Advertising Clearance Centre (RACC). See Rule 3 below.</p>	<p>INTRODUCTION</p> <p>(b) (ii) “advertisement” means publicity by advertisers, including spot advertisements and broadcaster promotions with advertisers (outside programme time), that is broadcast in return for payment or other valuable consideration to a broadcaster or that seeks to sell products to viewers or listeners. The promotion of broadcasters’ own-branded activities, goods and events (such as websites, T-shirts and concerts), which enhance audience involvement and are not designed to make a profit or promote commercial partnerships, are excluded;</p>
<p>This Rule excludes promotion of radio stations’ own-branded activities, goods and events (such as websites, T-shirts and concerts) which enhance listener involvement and are not designed to make a profit or promote commercial partnerships.</p>	<p>[see (b) (ii) above]</p>

<p>Radio advertising should be legal, decent, honest and truthful, and these Rules should be applied in spirit as well as in the letter.</p>	<p>Principle</p> <p>The overarching principles of this Code are that advertisements should not mislead, cause serious or widespread offence or harm, especially to children or the vulnerable. Broadcasters are responsible for ensuring that the advertisements they transmit comply with both the spirit and the letter of the Code. All compliance matters (copy clearance, content, scheduling and the like) are the ultimate responsibility of each broadcaster. Any matter that concerns a legal dispute should be resolved through law enforcement agencies or the Courts.</p> <p>1.1</p> <p>Advertisements must reflect the spirit, not merely the letter, of the Code.</p>
<p>Licensees must make it a condition of acceptance that advertising complies fully with all legal requirements. Advertising for an acceptable product or service may have to be withdrawn if the ASA considers that a significant effect is indirectly to publicise an unacceptable product or service.</p>	<p>1.3</p> <p>Advertisements must comply with the law and broadcasters must make that a condition of acceptance.</p>

	<p>1.3.1</p> <p>Advertisements must not state or imply that a product can legally be sold if it cannot.</p> <p>10.2</p> <p>No advertisement may indirectly promote an unacceptable product or service. For example, advertisements must not refer the audience to a website or a publication if a significant part of that website or publication promotes a prohibited product or service.</p>
	<p>1.2</p> <p>Advertisements must be prepared with a sense of responsibility to the audience and to society.</p>

<p>2 Product Placement and Undue Prominence</p> <p>The setting of standards and the investigation of complaints in relation to product placement and undue prominence have not been contracted out to BCAP and the ASA and remain matters for Ofcom. The ASA refers complaints about product placement and undue prominence to Ofcom.</p>	<p>INTRODUCTION</p> <p>(c) The Code does not apply to commercial references within a programme, for which, please see the Ofcom Broadcasting Code, which is available at www.ofcom.org.uk. Ofcom requires adherence to the BCAP Code for the content of sponsorship credits but the ASA refers complaints about those and about product placement, undue prominence and programme sponsorship to Ofcom. “Special Category” advertisements and sponsorship credits on radio must be cleared for broadcast by the Radio Advertising Clearance Centre (RACC). Before being broadcast on radio, all advertisements that feature claims that need substantiation must be cleared locally or, if they are included in advertisements for special categories, by the RACC. See Section 2: Compliance.</p>
<p>3 Sponsorship</p> <p>The setting of standards and the investigation of complaints in relation to programme sponsorship (including promotions funded by advertisers) have not been contracted out to BCAP and the ASA and remain matters for Ofcom. The ASA refers complaints about programme sponsorship to Ofcom.</p> <p>Ofcom’s sponsorship rules are published in the Ofcom Broadcasting Code, which is available at www.ofcom.org.uk. All sponsorships which involve special category sponsors must be scripted and submitted to the RACC for central copy clearance. All the claims which need substantiation must be cleared locally or by the RACC (for special categories). All sponsorships must comply fully with the requirements of this Code.</p>	<p>[see INTRODUCTION (c) above]</p>
PRESENT CODE	PROPOSED CODE

4 Compliance and Advance Clearance of Advertisements	
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<p>4.1 Compliance</p> <p>All compliance matters (copy clearance, content, scheduling etc) are the ultimate responsibility of each Licensee. This is the case whether or not advertising also requires central clearance.</p>	<p>Principle</p> <p>The overarching principles of this Code are that advertisements should not mislead, cause serious or widespread offence or harm, especially to children or the vulnerable. Broadcasters are responsible for ensuring that the advertisements they transmit comply with both the spirit and the letter of the Code. All compliance matters (copy clearance, content, scheduling and the like) are the ultimate responsibility of each broadcaster. Any matter that concerns a legal dispute should be resolved through law enforcement agencies or the Courts.</p>
<p>4.2 General Clearance</p> <p>Stations must ensure that all advertisements are cleared in advance of broadcast, either by the Radio Advertising Clearance Centre (RACC) or by stations themselves, as outlined below.</p>	<p>Broadcasters should use the ASA or CAP website, www.asa.org.uk and www.cap.org.uk, to inform themselves of recent ASA adjudications, the latest text of the Code and BCAP guidance on the Code.</p> <p>Broadcasters must ensure that all advertisements are cleared before broadcast, are scheduled suitably and in accordance with BCAP's rules on scheduling of advertisements (section 32: Scheduling). BCAP strongly advises broadcasters to follow relevant Clearcast or RACC scheduling warnings, although compliance with them is not necessarily a guarantee of compliance with the BCAP Code.</p>
<p>4.3 Scheduling</p> <p>Scheduling of all advertising is the ultimate responsibility of each Licensee. Advertising must be scheduled appropriately, and in accordance with the Rules in this Code. The ASA and BCAP also expect stations to follow RACC scheduling warnings, where appropriate.</p>	<p>Broadcasters must ensure that all advertisements are cleared before broadcast, are scheduled suitably and in accordance with BCAP's rules on scheduling of advertisements (section 32: Scheduling). BCAP strongly advises broadcasters to follow relevant Clearcast or RACC scheduling warnings, although compliance with them is not necessarily a guarantee of compliance with the BCAP Code.</p>
<p>4.4 Repeat campaigns</p> <p>Stations should ensure that previously approved copy is not re-run for subsequent campaigns without checks to ensure that all claims are still accurate. Copy which was originally RACC-cleared and is six months old or more needs to be re-submitted to the RACC for consideration (and new clearance numbers).</p>	<p>Broadcasters must ensure that previously approved copy is not re-run for subsequent campaigns without periodic checks to ensure that all claims are still accurate. For radio, copy originally cleared by the RACC that is over six months old, will need to be re-submitted for consideration by the RACC and assigned a new clearance number. Broadcasters or their respective clearance body must independently assess evidence submitted in support of an advertisement and any advice they have commissioned. Substantiation of factual claims made by advertisers and other supporting evidence must be held by the broadcaster or the relevant clearance body.</p>
<p>4.5 Station Copy Clearance</p> <p>Advertisements which do not fall into the special categories listed below (and which are only</p>	<p>Advertisements that do not fall into the special category list and are broadcast only by one station or in one locality must be cleared for broadcast by the relevant staff at the station concerned.</p>

<p>broadcast by one station or in one particular locality) must be cleared for broadcast by the relevant staff at the station concerned. Advertisers should contact the relevant station for further details or guidance. Substantiation of factual claims made by advertisers and other supporting evidence must be held on file by the station(s) concerned.</p>	<p>Advertisers should contact the relevant station for information or guidance. To provide consistent standards for the benefit of consumers and the radio industry, national radio advertisements should be centrally cleared by the RACC. National radio advertisements are those sold and broadcast nationally across the network.</p> <p>Substantiation of factual claims made by advertisers and other supporting evidence must be held by the broadcaster or the relevant clearance body.</p>
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<p>4.6 Central Copy Clearance</p> <p>‘Special categories’ of advertisement (whether for broadcast locally, regionally or nationally) need particular care. They must be sent to the RACC for central clearance.</p>	<p><u>Radio</u></p> <p>“Special category” radio advertisements, whether broadcast locally, regionally or nationally, must be centrally cleared by the RACC. Broadcasters or their sales houses must hold a record of centrally cleared advertisements. For more information, go to www.racc.co.uk or telephone 020 7306 2620. The Special Categories are:</p>
<p>To provide both consistent standards and ease of use of the medium, the RACC has also assumed responsibility for the clearance of ‘national’ advertisements (those sold/broadcast nationally across the network).</p>	<p>Advertisements that do not fall into the special category list and are broadcast only by one station or in one locality must be cleared for broadcast by the relevant staff at the station concerned. Advertisers should contact the relevant station for information or guidance. To provide consistent standards for the benefit of consumers and the radio industry, national radio advertisements should be centrally cleared by the RACC. National radio advertisements are those sold and broadcast nationally across the network.</p>

4.7The Special Categories are:	The Special Categories are:
Advertising aimed specifically at children (those aged below 16 years) (and see Section 2, Rule 11);	
Child voiceovers (and see Section 2, Rule 11.11);	
Testimonials (and see Section 2, Rule 18);	
Environmental claims (and see Section 2, Rule 5);	<ul style="list-style-type: none"> • Environmental claims
Consumer credit, investment and complex financial advertising	<ul style="list-style-type: none"> • Consumer credit, investment and complex financial products and services
Political, industrial and public controversy matters	<ul style="list-style-type: none"> • Matters of public controversy including

(including COI/Government and Council campaigns), Political Advertisers, Humanitarian Advertisers, Trade Unions and similar bodies; all advertisers/advertisements falling under Section 2, Rule 15;	matters of a political or industrial nature
Alcoholic drink	<ul style="list-style-type: none"> Alcoholic products
Medical products (including medicines), treatments, services and establishments Health products and services (including pharmaceutical products and services offering advice on personal medical problems, eg. private clinics offering cosmetic surgery, therapists)	<ul style="list-style-type: none"> Medical and health and beauty products and treatments
Health and/or beauty treatments and claims	<ul style="list-style-type: none"> Medical and health and beauty products and treatments
Food and nutrition claims	<ul style="list-style-type: none"> Food, nutrition and dietary products, supplements and services
Dietary supplements; slimming products, treatments and establishments	<ul style="list-style-type: none"> Slimming products, treatments and establishments
Contraception, condoms and family planning products and services; pregnancy-testing products and services	<ul style="list-style-type: none"> Medical and health and beauty products and treatments
Sanitary protection products	
Anti-AIDS, anti-drugs and solvent abuse messages Sex shops, Stripograms etc	<ul style="list-style-type: none"> Adult shops, stripograms, escort agencies and premium-rate sexual entertainment services
Consumer advice services	<ul style="list-style-type: none"> Commercial services offering individual personal and consumer advice
Competitions, Lotteries, Betting and Gaming (and see Section 2, Rule 23);	<ul style="list-style-type: none"> Gambling products and services
Dating, Introduction or Marriage Agencies or Services	<ul style="list-style-type: none"> Dating and introduction services
18-certificate films and videos;	<ul style="list-style-type: none"> Films, DVDs, video, computer and console games that have an 18+ certificate or rating. Films, DVDs, video, computer and console games that have an 18+ certificate or rating
UK-wide media;	
Websites featuring products and services which fall under ‘special categories’ within this Code;	
Religious advertising	<ul style="list-style-type: none"> Religious organisations

Divination and the Supernatural	
Charities	<ul style="list-style-type: none"> • Charitable causes

<p>4.8 Requirements for Central Clearance</p> <p>One copy of the draft, pre-production advertisement must be faxed, emailed or sent by post to the RACC at:</p> <p>fax 020 7306 2645 e-mail adclear@racc.co.uk</p> <p>Radio Advertising Clearance Centre, The Radiocentre, 77 Shaftesbury Avenue, London W1D 5DU</p> <p>telephone 020 7306 2620 further details on the RACC website www.racc.co.uk</p>	<p>“Special category” radio advertisements, whether broadcast locally, regionally or nationally, must be centrally cleared by the RACC. Broadcasters or their sales houses must hold a record of centrally cleared advertisements. For more information, go to www.racc.co.uk or telephone 020 7306 2620. The Special Categories are:</p>
<p>4.9 Requirements for Scripts</p> <p>Scripts must be accompanied by the name of the script submitter; his/her telephone and fax numbers; the full name of the advertiser; the brand name of the advertised product or service; the title of the advertisement; the length of the advertisement; the name(s) of the relevant station(s) if known.</p> <p>Time will be saved if scripts are also accompanied by full details of the product or service being advertised; satisfactory substantiation for all factual claims made and clear return contact details.</p> <p>Centrally cleared scripts will be checked against the requirements of this Code and, when approved, will be given an RACC clearance number and further advice issued, which may be mandatory.</p> <p>Stations or their sales houses must hold a record of centrally cleared scripts and clearance numbers. This is their only means of knowing or confirming that their scripts have been centrally cleared. Final output need not normally be sent to the RACC but stations must take responsibility to ensure that only RACC-approved output, where applicable, is broadcast.</p>	<p>Substantiation of factual claims made by advertisers and other supporting evidence must be held by the broadcaster or the relevant clearance body.</p>

	<p>“Special category” radio advertisements, whether broadcast locally, regionally or nationally, must be centrally cleared by the RACC. Broadcasters or their sales houses must hold a record of centrally cleared advertisements. For more information, go to www.racc.co.uk or telephone 020 7306 2620. The Special Categories are:</p>
5 Sanctions and Upheld Complaints	
<p>When the ASA feels a complaint is justified, it can take action with the Licence Holder concerned. BCAP can raise and investigate a challenge with the Licence Holder if it finds a potential breach when monitoring. The ASA can require that the commercial be withdrawn immediately or amended; it can also ask that advertising is suspended while investigations are carried out. Additionally, in more serious cases, Ofcom can apply sanctions to licensees who break the rules. Ofcom can issue a formal warning and can request a broadcast correction or statement of findings or impose a penalty which may include a fine or the shortening, suspending or taking away of a station’s licence to broadcast.</p> <p>Complaints are also held on record, and may attract adverse publicity for the station. The ASA publishes adjudications weekly on its website, www.asa.org.uk.</p>	<p>INTRODUCTION</p> <p>(g) When the ASA feels a complaint is justified, it can take action with the broadcaster concerned. The ASA can require the broadcaster to withdraw the advertisement immediately or amend it or to suspended the advertisement while investigations are carried out. The ASA Council’s interpretation of the Code is final and its adjudications are published weekly on the ASA website, www.asa.org.uk. Complainants, advertisers and broadcasters may request a review of Council decisions by the Independent Reviewer of ASA Adjudications. Information about the review process is given in the Broadcast Complaint Handling Procedures, available on the ASA website.</p> <p>(h) For serious or repeated breaches of the Code, Ofcom may impose sanctions, ranging from a formal warning to a request for broadcast correction or a statement of findings, a fine or the shortening, suspending or taking away of a licence to broadcast.</p>
PRESENT CODE	PROPOSED CODE
4 Compliance and Advance Clearance of Advertisements	
Section Two – General Rules	Section 2
1 Transparency and Clear Separation of Advertising	Recognition of advertising

<p>Advertising must be clearly distinguishable from programming.</p> <p>Licensees must ensure that the distinction between advertising and programming is not blurred and that listeners are not confused between the two.</p>	<p>2.1</p> <p>Advertisements must be clearly distinguishable from editorial content, especially if they use a situation, performance or style reminiscent of editorial content, to prevent the audience being confused between the two. The audience should quickly recognise the message as an advertisement.</p>
<p>Advertisements which have a similar style and format to programme editorial must be separated from programming by other material such as a jingle/station ident or by scheduling in the middle of a break.</p>	
<p>Advertisers may make references to the programming they sponsor within advertisements for their products. Specific advertisements/trails for particular television or radio sponsorships are also acceptable.</p>	<p>2.3</p> <p>The use of a title, logo, set or music associated with a programme that is broadcast on that medium needs special care. The audience should quickly recognise the message as an advertisement.</p>
<p>Advertising messages for a station's own commercial activities, or those on which it works with a commercial partner, may be broadcast but must be clearly distinguishable as advertising and should not be presented in such a way as to suggest to listeners that the information is impartial editorial.</p>	
<p>Expressions and sound effects associated with news bulletins need particular care. Listeners must quickly recognise the message as an advertisement.</p>	<p>2.2</p> <p>If used in an advertisement, an expression or sound effect associated with news bulletins or public service announcements (for example "news flash") needs special care. The audience should quickly recognise the message as an advertisement.</p>

PRESENT CODE	PROPOSED CODE
4 Compliance and Advance Clearance of Advertisements	
2 Unreasonable discrimination	

<p>The setting of standards and the investigation of complaints in relation to unreasonable discrimination by a radio station licensed by Ofcom, either against or in favour of any particular advertiser, have not been contracted out to BCAP and the ASA and remain matters for Ofcom. The ASA refers complaints about unreasonable discrimination, either against or in favour of any particular advertiser, to Ofcom.</p>	
PRESENT CODE	PROPOSED CODE
3.1 Misleadingness - General	
<p>All advertisements must comply with the requirements of the Consumer Protection from Unfair Trading Regulations 2008 and the Business Protection from Misleading Marketing Regulations 2008. The ASA is empowered to regard a factual claim as inaccurate unless adequate evidence of accuracy is provided within a short period of time when requested. The ASA will require advertisements that are found to be misleading to be withdrawn and not played again.</p>	<p>3.9</p> <p>Broadcasters must hold documentary evidence to prove claims that the audience is likely to regard as objective. The ASA may regard claims as misleading in the absence of adequate substantiation.</p> <p>3.13</p> <p>Advertisements must not suggest that their claims are universally accepted if a significant division of informed or scientific opinion exists.</p>
<p>In particular:</p>	
<p>a) Advertisements must not contain any descriptions, claims or other material which might, directly or by implication, mislead about the advertiser, the product or service advertised or about its suitability for the purpose recommended.</p>	<p>3.1</p> <p>Advertisements must not materially mislead.</p> <p>3.12</p> <p>Advertisements must not exaggerate the capability or performance of a product or service; claims must be based on normal use.</p>
<p>b) Advertisements must not mislead by omission. They must clarify any important limitations or qualifications, without which a misleading impression of a product or service or advertiser might be given.</p> <p>Advertisements must not omit material information if that omission is likely to affect consumers' decisions about whether and how to buy the advertised product, unless the information is obvious from the context or the advertisement is limited by time or space and the advertiser takes steps to make that information</p>	<p>3.10</p> <p>Advertisements must make important limitations and qualifications clear. Qualifications may clarify but must not contradict the claims that they qualify.</p> <p>3.11</p> <p>Qualifications must be clear to the consumers who see or hear the advertisement only once.</p>

<p>available to consumers by other means.</p> <p>For advertisements that quote prices for advertised products, material information includes:</p>	<p>3.2</p> <p>Advertisements must not mislead consumers by omitting material information. They must not mislead by hiding material information or presenting it in an unclear, unintelligible, ambiguous or untimely manner.</p> <p>Material information is information that consumers need to make informed decisions about whether or how to buy a product or service. Whether the omission or presentation of material information is likely to mislead consumers depends on the context, the medium and, if the medium of the advertisement is constrained by time or space, the measures that the advertiser takes to make that information available to consumers by other means.</p> <p>3.3</p> <p>For advertisements that quote prices for an advertised product or service, material information [for the purposes of 3.2] includes:</p>
i. the main characteristics of the product	<p>3.3.1</p> <p>the main characteristics of the product or service</p>
ii. the identity of the marketer and any other trader on whose behalf the advertiser is acting	<p>3.3.2</p> <p>the identity (for example, a trading name) and geographical address of the marketer and any other trader on whose behalf the advertiser is acting</p>
	<p>3.6</p> <p>Advertisements must make clear the identity of the advertiser if the advertisement would otherwise mislead.</p>
iii. the geographic address of the advertiser	<p>3.3.2</p> <p>the identity (for example, a trading name) and geographical address of the marketer and any other trader on whose behalf the advertiser is acting</p>
iv. the price of the advertised product, including taxes	<p>3.3.3</p> <p>the price of the advertised product or service, including taxes, or, if the nature of the product or service is such that the price cannot be calculated in advance, the manner in which the price is calculated</p>
v. delivery charges	<p>3.3.4</p> <p>delivery charges</p>

vi. the arrangement for payment, delivery, performance or complaint handling, if those differ from the arrangements that consumers are likely to reasonably expect	3.3.5 the arrangements for payment, delivery, performance or complaint handling, if those differ from the arrangements that consumers are likely to reasonably expect
vii.that consumers have the right to withdraw or cancel, if they have that right.	3.3.6 that consumers have the right to withdraw or cancel, if they have that right.
Advertisements must not misleadingly claim or imply that the product advertised, or an ingredient, has some special property or quality which cannot be established.	3.9 Broadcasters must hold documentary evidence to prove claims that the audience is likely to regard as objective. The ASA may regard claims as misleading in the absence of adequate substantiation.
Scripts must not contain complicated technical jargon. Relevant scientific terminology may only be used in a way that can be readily understood by listeners without specialist knowledge.	Principle The ASA will take into account the impression created by advertisements as well as specific claims. It will adjudicate on the basis of the likely effect on consumers, not the advertiser's intentions.
Scientific terms, statistics, quotations from technical literature, etc. should be used with a proper sense of clarity to the unsophisticated listener. Irrelevant data and scientific jargon should not be used to make claims appear to have a scientific basis they do not possess. Statistics of limited validity should not be presented in such a way as to make it appear that they are universally true. This paragraph is especially relevant to environment-related claims (see Section 2, Rule 5).	3.1 Advertisements must not materially mislead. 9.3 The meaning of all terms used in advertisements must be clear to consumers.

c) Before accepting advertisements, Licensees must be satisfied that all descriptions and claims have been adequately substantiated by the advertiser. A half-truth, or a statement which inflates the truth, or which is literally true but deceptive when taken out of context, may be misleading for these purposes. Ambiguity in the precise wording of advertisements and in the use of sound effects must be avoided. All factual claims need substantiation and advertisers must provide supporting written evidence if claims are likely to be challenged. 'Puffery' is only acceptable in descriptions of products and services where listeners can very easily recognise and accept it as such. Claims in sung jingles should be substantiated in the same way as those using the spoken word.	3.9 Broadcasters must hold documentary evidence to prove claims that the audience is likely to regard as objective. The ASA may regard claims as misleading in the absence of adequate substantiation. Principle The ASA will take into account the impression created by advertisements as well as specific claims. It will adjudicate on the basis of the likely effect on consumers, not the advertiser's intentions.
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	<p>3.4</p> <p>Obvious exaggerations (“puffery”) and claims that the audience is unlikely to take literally are allowed provided they do not affect the accuracy or perception of the advertisement in a material way.</p>
	<p>3.5</p> <p>Subjective claims must not mislead the audience; advertisements must not imply that expressions of opinion are objective claims.</p>
	<p>3.8</p> <p>No advertisement may use images of very brief duration, or any other technique that is likely to influence them, without consumers being fully aware of what has been done.</p>
<p>3.2 Pressure to purchase</p> <p>Advertisements must not falsely state that a product, or the terms on which it is offered, will be available only for a very limited time in order to deprive consumers of the time or opportunity to make an informed choice. Advertisements must not mislead consumers about market conditions or the possibility of finding the product elsewhere in order to induce consumers to buy the product at conditions less favourable than normal market conditions.</p> <p>Advertisements must not falsely claim that the advertisers are about to cease trading or move premises.</p> <p>Advertisements must not mislead about the nature or extent of the risk to consumers’ personal security if they do not buy the product.</p> <p>Advertisements must not explicitly claim that, if consumers do not buy the advertised product or service, the advertiser’s job or livelihood will be jeopardised.</p>	<p>3.30</p> <p>Advertisements must not falsely claim that the advertiser is about to stop trading or move premises. They must not falsely state that a product or service, or the terms on which it is offered, will be available only for a very limited time to deprive consumers of the time or opportunity to make an informed choice.</p> <p>3.31</p> <p>Advertisements must not mislead consumers about market conditions or the possibility of finding the product or service elsewhere to induce consumers to buy the product or service at conditions less favourable than normal market conditions.</p> <p>3.14</p> <p>Advertisements must not mislead about the nature or extent of the risk to consumers’ personal security, or that of their families, if they do not buy the advertised product or service.</p> <p>3.16</p> <p>Advertisements must not explicitly claim that the advertiser’s job or livelihood is in jeopardy if consumers do not buy the advertised product or service.</p>
<p>3.3 Identifying commercial messages</p>	<p>3.7</p> <p>Advertisements must not falsely imply that the advertiser is acting as a consumer or for purposes</p>

<p>Advertisements must not create a false impression that the advertisers are acting as consumers or for purposes outside their trade, business, craft or profession.</p>	<p>outside its trade, business, craft or profession. Advertisements must make clear their commercial intent, if that is not obvious from the context.</p>
<p>3.4 Legality</p> <p>Advertisements must not state or otherwise create the impression that a product can legally be sold when it cannot.</p> <p>Advertisements must not present rights given to consumers in law as distinctive features of the advertisers' offer.</p>	<p>1.3.1</p> <p>Advertisements must not state or imply that a product can legally be sold if it cannot.</p> <p>3.12x</p> <p>Advertisements must not present rights given to consumers in law as a distinctive feature of the advertiser's offer.</p>
<p>3.5 Imitation</p> <p>Advertisements must not mislead consumers about who manufactures the product.</p>	<p>3.40</p> <p>Advertisements must not mislead consumers about who manufactures the product.</p>

PRESENT CODE	PROPOSED CODE
4 Superlative claims	
4.1 Superlative Claims	
<p>Particular care is needed so that superlative claims do not mislead. Measurable criteria eg. 'the cheapest', must be confirmed. As particular factual claims, superlatives must be placed directly alongside the area where supremacy is claimed and proven. General superiority claims like 'the best' may only be used in clear puffery, and not on the basis of selective comparisons.</p> <p>The repeated insistence of superlatives within a script might in itself amount to a claim of supremacy which would need to be verified. Qualitative claims of superiority (eg. 'the tastiest') which are open to challenge and/or which are impossible to measure conclusively should be avoided, except for appropriate mentions in a way which allows that rival brands may also make the same claim.</p>	<p><u>Comparisons</u></p> <p>Principle</p> <p>The ASA will consider unqualified superlative claims as comparative claims against all competing products or services.</p> <p>Superiority claims must be supported by evidence unless they are obvious puffery (that is, claims that consumers are unlikely to take literally). Objective superiority claims must make clear the aspect of the product or service or the advertiser's performance that is claimed to be superior. Subjective superlative claims such as "the best" are unlikely to be justified.</p>

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PRESENT CODE	PROPOSED CODE
5 Environmental Claims	
Central copy clearance is required. Sound factual evidence must support all claims.	9.1 Radio Central Copy Clearance Radio broadcasters must ensure advertisements subject to this Section are centrally cleared. 9.4 Absolute claims must be supported by a high level of substantiation. Comparative claims such as “greener” or “friendlier” can be justified, for example, if the advertised product or service provides a total environmental benefit over that of the advertiser’s previous product or service or competitor products or services and the basis of the comparison is clear.
a) Generalised claims for environmental benefit must be assessed on a ‘cradle to grave’ basis. The complete life-cycle of the product and its packaging, the environmental effects of its manufacture, use, disposal and all other relevant aspects must be taken into account;	9.5 Environmental claims must be based on the full life cycle of the advertised product or service, unless the advertisement states otherwise, and must make clear the limits of the life cycle. If a general claim cannot be justified, a more limited claim about specific aspects of a product or service might be justifiable. Claims that are based on only part of an advertised product or service’s life cycle must not mislead consumers about the product or service’s total environmental impact.
b) Categorical statements such as ‘environment friendly’, ‘safe’ or ‘green’ are inappropriate;	9.4 Absolute claims must be supported by a high level of substantiation. Comparative claims such as “greener” or “friendlier” can be justified, for example,

	if the advertised product or service provides a total environmental benefit over that of the advertiser's previous product or service or competitor products or services and the basis of the comparison is clear.
c) Limited claims, relating to specific aspects of products or services, are acceptable in circumstances where more general ones cannot be justified;	9.4 Absolute claims must be supported by a high level of substantiation. Comparative claims such as "greener" or "friendlier" can be justified, for example, if the advertised product or service provides a total environmental benefit over that of the advertiser's previous product or service or competitor products or services and the basis of the comparison is clear.
d) Qualified claims (such as 'friendlier') are acceptable only where products/services can demonstrate significant advantages over competitors or improvements in, for example, the chemicals or packaging they use. In such cases the nature of the benefit must be explained, eg. "our unbleached nappies are kinder to the environment";	9.4 Absolute claims must be supported by a high level of substantiation. Comparative claims such as "greener" or "friendlier" can be justified, for example, if the advertised product or service provides a total environmental benefit over that of the advertiser's previous product or service or competitor products or services and the basis of the comparison is clear.
e) Claims based on the absence of a harmful chemical or damaging effect are unacceptable if the product category does not generally include the chemical or cause the effect. Claims for the absence of harmful constituents are also unacceptable if the product contains other, equally harmful elements. Spurious "free from X" claims are unacceptable.	9.7 If a product or service has never had a demonstrably adverse effect on the environment, advertisements must not imply that the formulation has changed to improve the product or service in the way claimed. Advertisements may, however, claim that a product or service has always been designed in a way that omits an ingredient or process known to harm the environment.
Advertising should also follow the Green Claims Code, published by the Defra and the <u>DBERR</u> .	Principle Advertisements should take account of the Government guidance including the Green Claims Code published by DEFRA and BERR.

PRESENT CODE	PROPOSED CODE
6 Fair Comparisons	
6.1 Fair Comparisons	
Advertisements containing comparisons with other advertisers, or other products, are permissible in the interest of vigorous competition and public information provided that:	<u>Comparisons with Identifiable Competitors</u> 3.32 Advertisements that include a comparison with an identifiable competitor must not mislead, or be likely to mislead, consumers about either the advertised product or service or the competing

	product or service.
a) the principles of fair competition are respected and the comparisons used are not likely to mislead listeners about either product;	
b) points of comparison are based on fairly selected facts which can be substantiated;	3.34 Advertisements must objectively compare one or more material, relevant, verifiable and representative feature of those products or services.
c) comparisons chosen do not give the advertiser an artificial advantage over his competitor;	3.34 Advertisements must objectively compare one or more material, relevant, verifiable and representative feature of those products or services.
d) they comply with Section 2, Rule 7 Denigration.	3.41 Advertisements must not discredit or denigrate another product, advertiser or advertisement or a trade mark, trade name or other distinguishing mark. 3.42 Advertisements must not take unfair advantage of the reputation of a competitor's trade mark, trade name or other distinguishing mark or of the designation of origin of a competitor product or service.
The Business Protection from Misleading Marketing Regulations 2008 (BPRs) set out requirements for comparative advertising (including comparative advertisements directed at consumers). The Regulations make it clear that comparative advertising is permissible, in the interests of competition and public information, but they require that comparative advertising (which is defined to mean any advertising which "explicitly or by implication" "identifies a competitor or goods or services offered by a competitor") shall, as far as the comparison is concerned, be permitted only when the following conditions are met: a) it is not misleading;	3.32 Advertisements that include a comparison with an identifiable competitor must not mislead, or be likely to mislead, consumers about either the advertised product or service or the competing product or service.
b) it compares goods or services meeting the same needs or intended for the same purpose;	3.33 Advertisements must compare products or services meeting the same need or intended for the same purpose.

c) it objectively compares one or more material, relevant, verifiable and representative features of those goods and services, which may include price;	3.34 Advertisements must objectively compare one or more material, relevant, verifiable and representative feature of those products or services.
d) it does not create confusion in the market place between the advertiser and a competitor or between the advertiser's trade marks, trade names, other distinguishing marks, goods or services and those of a competitor;	3.35 Advertisements must not create confusion between the advertiser and its competitors or between the advertiser's product or service, trade mark, trade name or other distinguishing mark and that of a competitor.
e) it does not discredit or denigrate the trade marks, trade names, other distinguishing marks, goods, services, activities or circumstances of a competitor;	3.41 Advertisements must not discredit or denigrate another product, advertiser or advertisement or a trade mark, trade name or other distinguishing mark.
f) for products with designation of origin, it relates in each case to products with the same designation;	3.36 Certain EU agricultural products and foods are, because of their unique geographical area and method of production, given special protection by being registered as having a "designation of origin". Products that are registered as having a "designation of origin" should be compared only with other products with the same designation.
g) it does not take unfair advantage of the reputation of a trade mark, trade name or other distinguishing marks of a competitor or of the designation of origin of competing products;	3.42 Advertisements must not take unfair advantage of the reputation of a competitor's trade mark, trade name or other distinguishing mark or of the designation of origin of a competitor product or service.
h) it does not present goods or services as imitations or replicas of goods or services bearing a protected trade mark or trade name.	3.43 Advertisements must not present a product as an imitation or replica of a product or service with a protected trade mark or trade name.
i) it does not create confusion among traders, between the advertiser and a competitor or between the advertiser's trade marks, trade names, other distinguishing marks, goods or services and those of a competitor.	3.35 Advertisements must not create confusion between the advertiser and its competitors or between the advertiser's product or service, trade mark, trade name or other distinguishing mark and that of a competitor.
	<u>Other comparisons</u> 3.37 Advertisements that include comparisons with unidentifiable competitors must not mislead, or be likely to mislead, consumers. The elements of the comparison must not be selected to give the

	advertiser an unrepresentative advantage.
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PRESENT CODE	PROPOSED CODE
7 Denigration	
Advertisements must not attack or discredit other products or services, people, advertisers or advertisements either directly or by implication.	3.41 Advertisements must not discredit or denigrate another product, advertiser or advertisement or a trade mark, trade name or other distinguishing mark.
Advertisers must not discredit competitors or their products by describing them in a derogatory way or in a denigratory tone of voice. This is particularly important in comparative advertising. While it is acceptable for an advertiser whose product has a demonstrable advantage over a competitor to point this out, care must be taken to ensure that the competitor's product is not depicted as generally unsatisfactory or inferior.	

PRESENT CODE	PROPOSED CODE
8 Scheduling	Section 32 – Scheduling rules
<p>See also Section 1, Rule 4.3. Licensees must exercise responsible judgements when scheduling categories of advertisement which may be unsuitable for children and younger people, for those listening to religious programmes and around sensitive programming or news items.</p> <p>The station's actual audience profile according to research, rather than its target audience profile, should be taken into account when deciding whether or not advertising is suitable for the station or time of day (and see Rule 9 Good Taste, Decency and Offence to Public Feeling, below).</p>	<p>Principle</p> <p>Broadcasters must take special care when scheduling advertisements that might be unsuitable for children or young persons or the audience of religious programmes or for broadcast around sensitive programming or news items.</p> <p>Judging particular appeal of broadcast editorial content to children or young persons</p> <p><u>Radio</u></p> <p>When deciding whether a station's programming has or is likely to have particular appeal to children or young persons, BCAP or the ASA would consider relevant factors, for example Radio Joint Audience Research (RAJAR) audience figures in the relevant time-slot, the nature of the station and programming and whether the advertisement was scheduled in the school run or in a time-slot when children are likely to be listening in large numbers.</p>

<p>For the purpose of this Rule, the ASA and BCAP generally consider that children and younger people are those aged below 16 years. However, there may be exceptional circumstances when advertising messages may be targeted at those aged 12-15 (e.g. anti-AIDS information or sanitary protection).</p> <p>Responsibility should be exercised where advertisements or their scheduling could be perceived as insensitive because of a tragedy currently in news or current affairs programmes, for example, a commercial for an airline should be immediately withdrawn if a neighbouring news bulletin featured details of a plane crash.</p>	<p><u>Scheduling of Radio Advertisements</u></p> <p>32.17</p> <p>Special care is required for these categories:</p> <p>32.17.4</p> <p>sanitary protection products</p> <p>31.17.6</p> <p>anti-AIDS or anti-drugs messages</p> <p>Principle</p> <p>Particular sensitivity is required for advertisements inserted in or around news or current affairs programmes in which a news item, especially one of a tragic nature, could completely transform the context in which an advertisement having an apparent connection with it could be perceived by viewers or listeners. A separation from news references might be inadequate and suspending the advertisement altogether to avoid distress or offence could be preferable.</p>
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<p>Advertisements for alcoholic drinks, sensational newspapers/magazines/websites (or their content) and violent or sexually explicit material must not be broadcast in or around programming/features aimed particularly at those aged below 18 years or around religious programming.</p>	<p>Principle</p> <p>Broadcasters must take special care when scheduling advertisements that might be unsuitable for children or young persons or the audience of religious programmes or for broadcast around sensitive programming or news items.</p> <p><u>Scheduling of Television and Radio Advertisements</u></p> <p>32.2</p> <p>These may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:</p>
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	<p>32.2.1</p> <p>alcoholic drinks containing 1.2% alcohol or more by volume; (See also 32.4.7)</p> <p>32.18</p> <p>Violent or sexually explicit material must not be advertised in or adjacent to programmes targeted particularly at audiences below the age of 18.</p>
<p>Particular care is required for the following categories: divination and the supernatural, sexual material, sanitary protection products, family planning products and services (including contraceptives, pregnancy-testing services/kits), anti-AIDS and anti-drugs messages, and solvent abuse advice.</p>	<p><u>Scheduling of Radio Advertisements</u></p> <p>32.17</p> <p>Special care is required for these categories:</p> <p>32.17.1</p> <p>sensational newspapers, magazines or websites or their content</p> <p>32.17.2</p> <p>divination or the supernatural</p> <p>32.17.3</p> <p>sexual material, sex shops, stripograms or similar</p> <p>32.17.4</p> <p>sanitary protection products</p> <p>31.17.5</p> <p>family planning products (including contraceptives and pregnancy-testing products)</p> <p>31.17.6</p> <p>anti-AIDS or anti-drugs messages</p>

	<p>31.17.7</p> <p>solvent abuse advice.</p>
<p>Advertisements for gambling must not be broadcast in or around programming/features aimed particularly at those aged below 18 (or 16 years for lotteries, football pools, equal chance gaming (under a prize gaming permit or at a licensed family entertainment centre), prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines).</p>	<p><u>Under 18s</u></p> <p>32.2</p> <p>These may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:</p> <p>32.2.2</p> <p>gambling except lotteries, football pools, equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre), prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines (see 32.4)</p> <p>32.4</p> <p>These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:</p> <p>32.4.1</p> <p>lotteries</p> <p>32.4.2</p> <p>football pools</p> <p>32.4.3</p> <p>equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre)</p> <p>32.4.4</p> <p>prize gaming (at a non-licensed family</p>

	entertainment centre or at a travelling fair)
	32.4.5
	Category D gaming machines

PRESENT CODE	PROPOSED CODE
9 Good Taste, Decency and Offence To Public Feeling	
<p>The Communications Act 2003 sections 319(2) and 325 require ASA and BCAP (exercising powers contracted out by Ofcom) set and enforce standards to ensure that “<i>generally accepted standards are applied to the content of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of offensive and harmful material</i>”.</p> <p>Standards of taste are subjective and individual reactions can differ considerably. Each station is expected to exercise responsible judgements and to take account of the sensitivities of all sections of its audience when deciding on the acceptability or scheduling of advertisements (and see Rule 8 above). For example, advertisers may make a range of advertisements which are suitable for different listeners and moods. Where research on individual stations shows that a significant number of specific listeners, such as those aged below 16 years, are present at certain times, such as at breakfast or in daytime during school holidays, stations must schedule sensitive advertisements accordingly.</p>	<p>Harm and Offence</p> <p>Principle</p> <p>Advertisements must not be harmful or offensive. Advertisements must take account of generally accepted standards to minimise the risk of causing harm or serious or widespread offence. The context in which an advertisement is likely to be broadcast must be taken into account to avoid unsuitable scheduling (see Part 2: Scheduling).</p> <p>4.1</p> <p>Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.</p>
In particular:	
a) offensive and profane language must be avoided;	<p>4.1</p> <p>Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.</p>
b) salacious, violent or indecent themes, or sexual innuendo or stereotyping likely to cause serious or general offence, should be avoided;	<p>4.6</p> <p>Advertisements must not condone or encourage harmful discriminatory behaviour or treatment. Advertisements must not prejudice respect for human dignity.</p>

	<p>4.7</p> <p>Advertisements must not condone or encourage violence, crime, disorder or anti-social behaviour.</p>
c) references to minority groups should not be stereotypical, malicious, unkind or hurtful;	<p>4.6</p> <p>Advertisements must not condone or encourage harmful discriminatory behaviour or treatment. Advertisements must not prejudice respect for human dignity.</p>
d) references to religious or political beliefs should not be offensive, deprecating or hurtful, and the use of religious themes and treatments by non-religious groups should be treated with extreme care;	<p>4.1</p> <p>Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.</p>
e) those who have physical, sensory, intellectual or mental health disabilities should not be demeaned or ridiculed;	<p>4.1</p> <p>Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.</p>
f) the handling of films, plays, music tracks or websites with salacious, violent or sexual themes and/or titles requires careful consideration. Audio clips should portray the product's true nature but clips containing bad language, sexual innuendo and/or gratuitous violence should normally be avoided;	<p>4.1</p> <p>Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.</p>
g) humour should not be used to circumvent the intention of Code Rules.	

PRESENT CODE	PROPOSED CODE
10 Harm	
<p>Advertising must not harm listeners nor exploit, either personally or financially, their vulnerability. No advertising is acceptable from those who practise or advocate illegal or harmful, or potentially harmful behaviour.</p> <p>No advertisement may encourage or condone behaviour which is harmful or prejudicial to health and safety. This does not preclude responsible advertisements for products and services which, used to excess or abused, could endanger health or safety.</p>	<p>1.2 Social Responsibility</p> <p>Advertisements must be prepared with a sense of responsibility to the audience and to society.</p>
	4.2

	Advertisements must not include material that is likely to condone or encourage behaviour that prejudices health or safety.
	<p>4.10</p> <p>Advertisements must not condone or encourage behaviour grossly prejudicial to the protection of the environment.</p>
<p>11 Children and Younger Listeners</p> <p>Advertisements likely to be heard by a significant number of children (for the purpose of this Rule, those aged below 16 years, unless otherwise stated) must not include any material which might result in harm to them, whether physically, mentally or morally.</p> <p>Each station's audience research information should be used to determine whether significant numbers of children are listening at any particular time.</p>	<p>SECTION 5</p> <p>Children</p> <p>Principle</p> <p>To ensure that children are protected. The protection of children from advertisements that could cause physical, mental or moral harm should be balanced with the fundamental right to freedom of expression.</p> <p>The context in which an advertisement is likely to be broadcast and the likely age of the audience must be taken into account to avoid unsuitable scheduling. This Section should therefore be read in conjunction with Part 2: Scheduling. Care must be taken when scheduling advertisements that could frighten or distress children or could otherwise be unsuitable for them: those advertisements should not be scheduled or placed in or around children's programmes or in or around programmes likely to be seen by significant numbers of children. Care must also be taken when featuring children in advertisements.</p> <p>Definitions</p> <p>A child is someone under 16.</p> <p>"Children's products" are products or services of more or less exclusive interest to children.</p> <p>"Products of interest to children" are products or services that are likely to appeal to children but are not of exclusive interest to them.</p> <p>5.1</p> <p>Advertisements must contain nothing that could cause physical, mental, moral or social harm to children.</p> <p>5.2</p> <p>Advertisements that are suitable for older children but could distress younger children must be sensitively scheduled (see Part 2: Scheduling).</p>

	<p>5.3</p> <p>Advertisements must not condone, encourage or unreasonably feature behaviour that could be dangerous for children to emulate. Advertisements must not implicitly or explicitly discredit established safety guidelines. Advertisements must not condone, encourage or feature children going off alone or with strangers.</p> <p>This rule is not intended to prevent advertisements that inform children about dangers or risks associated with potentially harmful behaviour.</p> <p>5.5</p> <p>Advertisements must not condone or encourage bullying.</p> <p>5.6</p> <p>Advertisements must not portray or represent children in a sexual way.</p>
	<p>5.7</p> <p>Advertisements must not exploit the special trust children place in parents, guardians, teachers or other persons.</p>
PRESENT CODE	PROPOSED CODE
11.1 Misleadingness	
Advertisements addressed to young listeners must not exaggerate or mislead about the size, qualities or capabilities of products.	<p>3.1</p> <p>Advertisements must not materially mislead.</p> <p>3.12</p> <p>Advertisements must not exaggerate the capability or performance of a product or service; claims must be based on normal use.</p> <p><u>Consumers</u></p> <p>The likely effect of an advertisement is generally considered from the point of view of the average consumer whom it reaches or to whom it is addressed. The average consumer is assumed to be</p>

	<p>reasonably well-informed, observant and circumspect.</p> <p>In some circumstances, an advertisement may be considered from the point of view of the average member of a specific group:</p> <ul style="list-style-type: none"> • If it is directed to a particular audience group, the advertisement will be considered from the point of view of the average member of that group. <p>If it is likely to affect the economic behaviour only of a clearly identifiable group of people who are especially vulnerable to the practice or the product, in a way that the advertiser could reasonably foresee, because of mental or physical infirmity, age or credulity, the advertisement will be considered from the point of view of the average member of the affected group.</p> <p>5.9</p> <p>Advertisements must not take advantage of children's inexperience, credulity or sense of loyalty. Advertisements for products or services of interest to children must not be likely to mislead, for example by exaggerating the features of a product or service in a way that could lead to children having unrealistic expectations of that product or service.</p>
<p>11.2 Prices</p> <p>Prices of products advertised to younger listeners must not be minimised by words such as 'only' or 'just'</p>	<p>5.13</p> <p>If it includes a price, an advertisement for a children's product or service must not use qualifiers such as "only" or "just" to make the price seem less expensive.</p>
<p>11.3 Immaturity and Credulity</p> <p>Advertisements must not take advantage of the immaturity or natural credulity of children.</p>	<p>5.9</p> <p>Advertisements must not take advantage of children's inexperience, credulity or sense of loyalty. Advertisements for products or services of interest to children must not be likely to mislead, for example by exaggerating the features of a product or service in a way that could lead to children having unrealistic expectations of that product or service.</p> <p>5.10</p> <p>Child actors may feature in advertisements but care must be taken to ensure that those advertisements neither mislead nor exploit children's inexperience,</p>

	credulity or sense of loyalty.
11.4 Inferiority Advertisements must not lead children to believe that unless they have or use the product advertised they will be inferior in some way to other children or liable to be held in contempt or ridicule.	5.8 Advertisements must not imply that children are likely to be ridiculed, inferior to others, less popular, disloyal or have let someone down if they or their family do not use a product or service.
11.5 Direct Exhortation Advertisements must neither encourage children to pester nor directly urge children to buy products or to ask adults to buy products for them. For example, children must not be directly invited to “ask Mum” or “ask Dad” to buy them an advertiser’s product.	5.11 Advertisements must neither directly exhort children to buy a product or service nor encourage them to ask their parents, guardians or other persons to buy or enquire about a product or service for them.
11.6 Appeals to Loyalty Advertisements must not take advantage of the sense of loyalty of children or suggest that, unless children buy or encourage others to buy a product or service, they will be failing in some duty or lacking in loyalty.	5.9 Advertisements must not take advantage of children’s inexperience, credulity or sense of loyalty. Advertisements for products or services of interest to children must not be likely to mislead, for example by exaggerating the features of a product or service in a way that could lead to children having unrealistic expectations of that product or service. 5.10 Child actors may feature in advertisements but care must be taken to ensure that those advertisements neither mislead nor exploit children’s inexperience, credulity or sense of loyalty.
11.7 Distance Selling to Children Advertisements must not invite children to purchase products by mail or telephone, including fax, email and via the Internet.	5.12 Advertisements that promote a product or service and invite consumers to buy that product or service via a direct response mechanism must not be targeted directly at children. For a definition of “direct response mechanism”, see Section 15: Distance Selling Section.
11.8 Competitions	
a) References to competitions for children are acceptable provided that any skill required is appropriate to the age of likely participants, and the values of the prizes and the chances of winning are not exaggerated;	5.15 Advertisements for promotions directly targeted at children: 5.15.1

	<p>must include all significant qualifying conditions</p> <p>5.15.2</p> <p>must not include a direct exhortation to buy a product</p> <p>5.15.3</p> <p>must make clear if adult permission is required for children to enter.</p> <p>Advertisements for competitions directly targeted at children are acceptable if any skill required is relevant to the age of likely participants and if the values of the prizes and the chances of winning are not exaggerated.</p> <p>Cross reference: Advertisements for promotions directly targeted at children should comply with Section 28: Competitions.</p>
b) The published rules must be submitted in advance to the Licensee and the principal conditions of the competition must be included in the advertisement (see also Section 2, Rule 23 Competitions, Lotteries, Betting and Gaming).	
<p>11.9 Free Gifts</p> <p>References to 'free' gifts for children in advertisements must include all qualifying conditions, e.g. any time limit, how many products need to be bought, how many wrappers need to be collected, etc.</p>	

PRESENT CODE	PROPOSED CODE
11.10 Health and Hygiene	
a) Advertising must not condone inappropriate health standards for children;	<p>5.4</p> <p>Advertisements must not condone or encourage practices that are detrimental to children's health.</p>
b) Advertising must not suggest that confectionery and snack food products may be substituted for balanced meals.	<p>13.2</p> <p>Advertisements must avoid anything likely to</p>

	encourage poor nutritional habits or an unhealthy lifestyle, especially in children.
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PRESENT CODE	PROPOSED CODE
11.11 Child Voiceovers and Presentation	
<p>a) Children may take part in radio commercials, subject to all relevant legal requirements. However, they must not feature in advertisements in ways which might cause them moral harm, give concern about their welfare or be regarded as commercial exploitation;</p>	<p>5.9</p> <p>Advertisements must not take advantage of children's inexperience, credulity or sense of loyalty. Advertisements for products or services of interest to children must not be likely to mislead, for example by exaggerating the features of a product or service in a way that could lead to children having unrealistic expectations of that product or service.</p> <p>5.10</p> <p>Child actors may feature in advertisements but care must be taken to ensure that those advertisements neither mislead nor exploit children's inexperience, credulity or sense of loyalty.</p>
<p>b) Children employed in commercials must not be used to present selling messages and calls to action about products or services which are likely to be beyond their understanding or which the law prevents them from buying themselves.</p>	<p>5.9</p> <p>Advertisements must not take advantage of children's inexperience, credulity or sense of loyalty. Advertisements for products or services of interest to children must not be likely to mislead, for example by exaggerating the features of a product or service in a way that could lead to children having unrealistic expectations of that product or service.</p> <p>5.10</p> <p>Child actors may feature in advertisements but care must be taken to ensure that those advertisements neither mislead nor exploit children's inexperience, credulity or sense of loyalty.</p>
<p>The exception to this Rule may be where a child acts out a role, although particular care should be taken in these circumstances to ensure that the child actor is not exploited or morally harmed in any way (see also Section 2, Rule 9 Good Taste, Decency and Offence to Public Feeling).</p>	

PRESENT CODE	PROPOSED CODE
11.12 Testimonials	

<p>Children must not personally testify about products and services. They may, however, give spontaneous comments on matters in which they would have an obvious natural interest.</p>	<p>5.9</p> <p>Advertisements must not take advantage of children's inexperience, credulity or sense of loyalty. Advertisements for products or services of interest to children must not be likely to mislead, for example by exaggerating the features of a product or service in a way that could lead to children having unrealistic expectations of that product or service.</p> <p>5.10</p> <p>Child actors may feature in advertisements but care must be taken to ensure that those advertisements neither mislead nor exploit children's inexperience, credulity or sense of loyalty.</p> <p>3.44</p> <p>Testimonials or endorsements used in advertising must be genuine, unless they are obviously fictitious, and be supported by documentary evidence. Testimonials and endorsements must relate to the advertised product or service. Claims that are likely to be interpreted as factual and appear in advertisements must not mislead.</p>
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PRESENT CODE	PROPOSED CODE
11.13 Food and Soft Drink Advertisements and Children	
<p><i>On 1 July 2007, a new and important regulation governing nutrition and health claims for foods came into force. The regulation is complex and mandatory. BCAP encourages broadcasters to take advice on the effect of the regulation and to consult the Food Standards Agency's Guidance to Compliance with Regulation (EC) 1924/2006 on Nutrition and Health Claims on Foods, which is available at http://www.food.gov.uk</i></p>	<p>Background</p> <p>These rules must be read in conjunction with the relevant legislation including the Food Safety Act 1990, the Food Labelling Regulations 1996 (as amended), especially Schedule 6 and Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods. They apply to all broadcast advertisements for food products.</p> <p>Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods is complex and mandatory and seeks to protect consumers from misleading or false claims. Transitional periods apply and broadcasters are advised to take advice on the effect of the Regulation. Advertising industry stakeholders might find the Guidance to Compliance with European Regulation (EC) No 1924 on Nutrition and Health Claims Made on Foods published by the Food Standards Agency</p>

	useful: www.food.gov.uk .
a) Promotional offers to children should be used with a due sense of responsibility. They may not be used in food or soft drink product advertisements targeted directly at pre-school or primary school children; that prohibition does not apply to advertisements for fresh fruit or fresh vegetables. Advertisements that contain promotional offers linked to food and drink products of interest to children must neither seem to encourage children to eat or drink a product only to take advantage of a promotional offer nor create a sense of urgency. If promotional offers can also be bought, that should be made clear. Closing dates for collection-based promotions should enable the whole set to be collected without having to buy excessive or irresponsible quantities of the product in a short time.	13.13 Promotional offers to children must be used with a due sense of responsibility. They may not be used in food or soft drink product advertisements targeted directly at pre-school or primary school children; that prohibition does not apply to advertisements for fresh fruit or fresh vegetables. Advertisements that contain a promotional offer linked to a food or drink product of interest to children must neither seem to encourage children to eat or drink a product only to take advantage of a promotional offer nor create a sense of urgency. If a promotional item can also be bought, that must be made clear. Closing dates for collection-based promotions must enable the whole set to be collected without having to buy excessive or irresponsible quantities of the product in a short time.
b) Licensed characters and celebrities popular with children must be used with a due sense of responsibility. They may not be used in food or soft drink product advertisements targeted directly at pre-school or primary school children; that prohibition does not apply to advertisements for fresh fruit or fresh vegetables.	13.14 Licensed characters and celebrities popular with children must be used with a due sense of responsibility. They may not be used in food or soft drink product advertisements targeted directly at pre-school or primary school children. That prohibition does not apply to advertisements for fresh fruit or fresh vegetables or to advertiser-created equity brand characters (puppets, persons or characters), which may be used by advertisers to sell the products they were designed to sell.
This prohibition does not apply to advertiser-created equity brand characters (puppets, persons or characters), which may be used by advertisers to sell the products they were designed to sell.	That prohibition does not apply to advertisements for fresh fruit or fresh vegetables or to advertiser-created equity brand characters (puppets, persons or characters), which may be used by advertisers to sell the products they were designed to sell.
Persons such as professional actors or announcers who are not identified with characters in programmes appealing to children may be used as presenters.	
Licensed characters, equity brand characters or celebrities well-known to children may present factual and relevant generic statements about nutrition, safety, education and the like.	Licensed characters, equity brand characters or celebrities well-known to children may present factual and relevant generic statements about nutrition, safety, education and the like.
Licensed Characters are those characters that are borrowed equities and have no historical association with the product.	Definitions Licensed characters: those characters that are borrowed equities and have no historical association with the product.

Equity Brand Characters are those characters that have been created by the advertiser and have no separate identity outside their associated product or brand.	<p>Definitions</p> <p>Equity brand characters: those characters that have been created by the advertiser and have no separate identity outside their associated product or brand.</p>
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PRESENT CODE	PROPOSED CODE
12 Sexual Discrimination	
It is illegal (with a few exceptions) for an advertisement to discriminate against women or men in opportunities for employment, education and training and the provision of accommodation, goods, facilities and services.	
The Sex Discrimination Act 1975 (as amended) makes it unlawful to discriminate solely on the grounds of sex. The Acts apply to employment, education and training opportunities; and accommodation, goods, facilities and services provided to the public. There are some exceptions, full details of which can be obtained from the Equal Opportunities Commission on 0845 601 5901; website: www.eoc.org.uk	

PRESENT CODE	PROPOSED CODE
13 Racial Discrimination	
a) It is illegal (with a few exceptions) for an advertisement to discriminate on grounds of race;	
b) Advertisements must not include any material which might reasonably be construed by ethnic minorities to be hurtful or tasteless.	<p>4.1</p> <p>Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.</p> <p>4.6</p> <p>Advertisements must not condone or encourage harmful discriminatory behaviour or treatment. Advertisements must not prejudice respect for human dignity.</p>
The Race Relations Act 1976 (as amended) makes it unlawful to broadcast an advertisement which indicates or implies racial discrimination. There are a few exceptions, full details of which can be obtained from the Commission for Racial Equality on 020 7939	

PRESENT CODE	PROPOSED CODE
14 Protection of Privacy and Exploitation of the Individual	
<p>Advertising must not claim or imply an endorsement where none exists.</p>	<p>Privacy</p> <p>Principle</p> <p>Living individuals should be protected from unwarranted infringements of privacy. Broadcasters should respect an individual's right for 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 6: Misleading).</p>
<p>Advertisers are urged to obtain written permission in advance if they portray, refer or allude to living individuals in any advertisement. Clearance given will be on the basis that it is recommended that such permission is sought.</p> <p>Advertisers who have not obtained prior permission from those featured should ensure that they are not portrayed in an offensive, adverse or defamatory way.</p> <p>Additionally, portrayals and references should not interfere with those individuals private or family lives: legal advice is strongly advisable. In cases of doubt, legal advice must be obtained prior to clearance being given that the person concerned is unlikely to have any successful legal claim.</p> <p>Even if the advertisement contains nothing that is inconsistent with the position or views of the person featured, Licensees and advertisers should be aware that those who do not wish to be associated with the advertised product may have a legal claim.</p>	<p><u>6.2 – Radio only</u></p> <p>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.</p> <p>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.</p> <p>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.</p>

References to anyone who is deceased should be handled with particular care to avoid causing offence or distress.	<p>4.1</p> <p>Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.</p>
References to, and portrayals of, people active in politics should be carefully worded; they can easily fall foul of the requirements of the Communications Act 2003 that political matters must be treated impartially and that advertisements must not be directed towards any political end.	
<p>Impersonations, soundalikes, parodies or similar take offs of celebrities are only permissible where this device is instantly recognisable as such and where it could be reasonably expected that the persons concerned had no reason to object. Nevertheless, advertisers are urged to obtain advance permission and/or seek legal advice before clearance. Copyright permission should be sought for references to, or portrayals of, well known characters or their names or persona.</p>	<p><u>6.2 – Radio only</u></p> <p>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.</p> <p>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.</p> <p>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.</p>

PRESENT CODE	PROPOSED CODE
15 Political, Industrial and Public Controversy	Section 7 – Political and Controversial Matters

	<p>Rules</p> <p>7.1 Radio Central Copy Clearance</p> <p>Radio broadcasters must seek central clearance for advertisements that might fall under this Section on the grounds of either the advertiser's objectives or the content of the advertisement.</p>
<p>The setting of standards and investigations of complaints in relation to political advertising have not been contracted out to BCAP and the ASA and remain matters for Ofcom. The ASA refers complaints about political advertising to Ofcom.</p>	<p>Principle</p> <p>The setting of standards and the investigation of complaints in relation to political advertisements have not been contracted out to BCAP and the ASA and remain matters for Ofcom. The ASA refers complaints about political advertisements to Ofcom. Ofcom will determine whether an advertisement is "political".</p>
	<p>These rules do not apply to the party political and election campaign broadcasts that the Communications Act 2003 obliges broadcasters to carry.</p>
<p>The effect of the Communications Act is to require Ofcom to ensure that:</p>	
<p>a) No advertisement shows undue partiality in matters of political or industrial controversy or relating to current public policy; and</p>	<p>7.2</p> <p>No advertisement may</p> <p>[...]</p> <p>7.2.4</p> <p>show partiality in matters of political or industrial controversy or public policy.</p>
<p>b) No advertisement is broadcast by, or on behalf of, any body whose objects are wholly or mainly of a political nature, and no advertisement is directed towards any political end.</p>	<p>7.2</p> <p>No advertisement may</p> <p>7.2.1</p> <p>be inserted by or on behalf of a body whose objectives are wholly or mainly of a political nature</p>

	<p>7.2.2</p> <p>be directed towards a political end</p>
<p>Ofcom will determine whether an ad or a proposed ad is 'political'. The term 'political' here is used in a wider sense than 'party political'. The prohibition includes, for example, issue campaigning for the purposes of influencing legislation or executive action by local, or national (including foreign) governments.</p>	<p>Principle:</p> <p>Unless stated otherwise, the rules in this Section apply to political groups and causes in the United Kingdom and elsewhere. The term "political" is used in the Code in a wider sense than "party political". The prohibition includes, for example, campaigning for the purposes of influencing legislation or executive action by local, or national (including foreign) governments.</p> <p>Note:</p> <p>Objectives of a political nature and political ends include:</p> <ul style="list-style-type: none"> influencing the outcome of elections or referendums; bringing about changes of the law or otherwise influencing the legislative process; influencing the policies or decisions of local, regional or national governments; influencing the policies or decisions of persons on whom public functions are conferred by or under law; influencing the policies or decisions of persons on whom functions are conferred by or under international agreements; influencing public opinion on a matter that, in the United Kingdom, is a matter of public controversy and promoting the interests of a party or other group of persons organised for political ends.
<p>Particular care is required where advertising mentions any government, political party, political movement or state-specific abuse, so as not to break the spirit of these rules, which are intended to prohibit lobbying or electioneering on politically controversial or partisan issues.</p>	
<p>c) No advertisement has any relation to any industrial dispute (other than an advertisement of a public service nature inserted by, or on behalf of, a government department).</p>	<p>7.2.3</p> <p>relate to an industrial dispute, unless it is a public service advertisement by a Government department, or</p>

Ofcom will normally regard having 'any relation to any industrial dispute' to be in furtherance of, or expressing partiality in relation to, such a dispute. Announcements about resumption of normal working following agreement between management and unions, or concerned with public safety during a strike, are acceptable. 'Industrial dispute' includes strikes, walkouts and withdrawals of labour by workers; lock-outs by employers; disputes between managements and differences between rival trade unions.	
Trade Unions may advertise, provided the advertising is not politically or industrially contentious. They may recruit members and also promote the services they provide, such as legal advice, insurance and meetings. They may not advertise for support in a ballot, nor refer to particular employers.	7.3 This rule does not prohibit Trade Union advertisements that are not politically or industrially contentious. Advertisements by Trade Unions may recruit members and promote the services they provide, including legal advice, insurance and meetings, but may not advertise for support in a ballot or refer to an employer.

PRESENT CODE	PROPOSED CODE
16 Superstition and Appeals to Fear	
Advertisements must not exploit the superstitious and must not, without justifiable reason, play on fear.	4.8 Advertisements must not distress the audience without justifiable reason. Advertisements must not exploit the audience's fears or superstitions.
A 'justifiable reason', for example, would be where the aim of the advertisement was to influence listeners to take action to improve safety or welfare. An impression of a person under threat from fire or a car accident could be acceptable, for example, if their function was to persuade listeners respectively to fit smoke alarms in their homes or to wear seat belts.	

PRESENT CODE	PROPOSED CODE
17.1 Price Claims and VAT	
17.1 Accurate pricing	
Advertisements indicating price comparisons or reductions must comply with all relevant requirements of the Consumer Protection from Unfair Trading Regulations 2008 and the DBERR's Pricing Practices Guide 2008. In addition, all prices quoted in advertisements must include VAT, except for business-to-business advertisements, where it must be made clear that prices are exclusive of VAT.	<u>Prices</u> Principle Price statements in advertisements should take into account the Department for Business, Enterprise and Regulatory Reform (BERR) Pricing Practices Guide.

	<p>Definition</p> <p>Price statements include statements about the manner in which the price will be calculated as well as definite prices.</p> <p>3.18</p> <p>Quoted prices must include non-optional taxes, duties, fees and charges that apply to all or most buyers. VAT-exclusive prices may be given only if all or most consumers pay no VAT or can recover VAT; advertisements that quote VAT-exclusive prices must prominently state the amount or rate of VAT payable if some consumers are likely to pay VAT.</p> <p>3.39</p> <p>Advertisements may compare a price with a recommended retail price (RRP) or similar if it does not differ significantly from the price at which the product is generally sold.</p>
<p>Actual and comparative prices quoted must be accurate at the time of broadcast and must not mislead. Claims of 'lowest prices' must be supported by evidence from the retailer that none of his competitors sells the advertised product or service at a lower price. Claims of 'unbeatable prices' or 'you cannot buy cheaper' must be supported by evidence from the retailer that his prices are as low as his competitors.</p>	<p>3.17</p> <p>Price statements must not mislead by omission, undue emphasis or distortion. They must relate to the product or service depicted in the advertisement.</p> <p><u>Comparisons</u></p> <p>Principle</p> <p>The ASA will consider unqualified superlative claims as comparative claims against all competing products or services.</p> <p>Superiority claims must be supported by evidence unless they are obvious puffery (that is, claims that consumers are unlikely to take literally). Objective superiority claims must make clear the aspect of the product or service or the advertiser's performance that is claimed to be superior. Subjective superlative claims such as "the best" are unlikely to be justified.</p> <p>3.22</p> <p>If the price of one product or service depends on another, advertisements must make clear the extent of the commitment consumers must make to obtain the advertised price.</p>

	<p><u>Price comparisons</u></p> <p>3.38</p> <p>Advertisements that include a price comparison must state the basis of the comparison. Comparisons with competitors' prices must be with the prices for identical or substantially equivalent products or services and must explain significant differences between the products or services. If the competitor offers more than one similar product or service, the advertisement must compare the advertiser's price with the price for the competitor's product or service that is most similar to the advertised product or service.</p> <p>3.23</p> <p>Price claims such as "up to" and "from" must not exaggerate the availability or amount of benefits likely to be obtained by consumers.</p> <p>3.19</p> <p>If a tax, duty, fee or charge cannot be calculated in advance, for example, because it depends on the consumer's circumstances, the advertisement must make clear that it is excluded from the advertised price and state how it is calculated.</p> <p>3.21</p> <p>Advertisements that state prices must also state applicable delivery, freight or postal charges or, if those cannot reasonably be calculated in advance, state that such charges are payable.</p>
	<p>3.20</p> <p>Advertisements that quote instalment costs must state the total price of the advertised product or service and the instalment frequency equally prominently.</p>
17.2 Other rules for Advertisements that feature Prices	
a) licensees must be satisfied that the advertisers will not use the technique of switch selling, where their sales staff refuse to show the advertised product, refuse to take orders for it or to deliver it within a reasonable time, or demonstrate a defective sample of it, in order to promote a different product.	<p>3.29</p> <p>Broadcasters must be satisfied that advertisers who advertise products at specific prices will not use the technique of switch selling, in which their sales staff refuse to show the advertised product, refuse to take orders for it or to deliver it within a reasonable time or demonstrate a defective sample of it to promote a different product.</p>

<p>b) advertisements must state any reasonable grounds the advertisers might have for believing that they might not be able to supply the advertised or an equivalent product at the advertised price, within a reasonable period and in reasonable quantities.</p>	<p>3.28</p> <p>Advertisements that quote prices for featured products must state any reasonable grounds the advertisers have for believing that they might not be able to supply the advertised (or an equivalent) product at the advertised price, within a reasonable period and in reasonable quantities. In particular:</p> <p>3.28.1</p> <p>if estimated demand exceeds supply, advertisements must make clear that stock is limited</p> <p>3.28.2</p> <p>if the advertiser does not intend to fulfil orders, because the purpose of the advertisement is to assess potential demand, the advertisement must make that clear</p> <p>3.28.3</p> <p>advertisements must state restrictions on the availability of products, for example, geographical restrictions or age limits.</p> <p>3.27</p> <p>Broadcasters must be satisfied that advertisers have made a reasonable estimate of demand.</p>
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PRESENT CODE	PROPOSED CODE
18.1 Testimonials	
<p>A testimonial is defined as a real person's expression of view, or statement of experience. The following apply:</p>	
<p>a) Testimonials must be genuine and must not be misleading;</p>	<p>3.44</p> <p>Testimonials or endorsements used in advertising must be genuine, unless they are obviously fictitious, and be supported by documentary evidence. Testimonials and endorsements must relate to the advertised product or service. Claims that are likely to be interpreted as factual and appear in advertisements must not mislead.</p>

b) Licensees must obtain satisfactory documentary evidence in support of any testimonial or claim before accepting it for inclusion in an advertisement;	3.44 Testimonials or endorsements used in advertising must be genuine, unless they are obviously fictitious, and be supported by documentary evidence. Testimonials and endorsements must relate to the advertised product or service. Claims that are likely to be interpreted as factual and appear in advertisements must not mislead.
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c) Children must not testify about any product or service, subject to Section 2, Rule 11.12.	
	3.45 Advertisements must not feature testimonials without permission.
A person's professional status may be used to lend authority to his/her opinions, eg. "I am Mona Test, actor, and I use Fabulous soap because I think it's wonderful" (but for Medicines, Treatments and Health, see also Section 3, Rule 4).	
Station presenters may not make personal testimonials within advertisements on stations on which they appear (see also Section 2, Rule 24 Presenters in Advertising).	
Dramatised playlets in which characters express advertising claims are acceptable, provided it is clear that the situation and people depicted are not real.	3.44 Testimonials or endorsements used in advertising must be genuine, unless they are obviously fictitious, and be supported by documentary evidence. Testimonials and endorsements must relate to the advertised product or service. Claims that are likely to be interpreted as factual and appear in advertisements must not mislead.

PRESENT CODE	PROPOSED CODE
18.2 Endorsements	
Advertisements must not display a trust mark, quality mark or equivalent without the necessary authorisation and must not claim or imply that the advertiser (or any other entity referred to in the advertisement) has been approved, endorsed or authorised by a public or private body if it has not or without complying with the terms of the approval, endorsement or authorisation.	3.46 Advertisements must not display a trust mark, quality mark or equivalent without the necessary authorisation. Advertisements must not claim that the advertiser (or any other entity referred to in the advertisement), the advertisement or the advertised product or service has been approved, endorsed or authorised by any person or body if it has not or without complying with the terms of the approval, endorsement or authorisation.

Advertisements must not falsely claim that the advertiser, or other entity referred to in the advertisement, is a signatory to a code of conduct. They must not falsely claim that a code of conduct has an endorsement from a public or other body.	3.47 Advertisements must not falsely claim that the advertiser, or other entity referred to in the advertisement, is a signatory to a code of conduct. Advertisements must not falsely claim that a code of conduct has an endorsement from a public or other body.
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PRESENT CODE	PROPOSED CODE
19 Guarantees	
19.1 Guarantees	
Advertisements must not contain the words 'guarantee', 'guaranteed', 'warranty' or 'warranted', or words with similar meaning, unless the licensee is satisfied that the terms of the guarantee are available for inspection if required and are outlined in the advertisement or are made available to the purchaser in writing at the point of sale or with the products.	
	3.48 Advertisements must not use the word "guarantee" in a way that could cause confusion about a consumer's rights.
<p>Under the Consumer Transactions (Restrictions on Statements) Order 1976, it is illegal for any guarantee to diminish the statutory or common law rights of the purchaser. Goods supplied to consumers in the course of business which bear a statement concerning the consumer's rights or the obligations accepted by the supplier must be accompanied by a clear and conspicuous statement that the consumer's statutory rights are not affected. (This Order also prohibits the advertisement of certain statements which purport to exclude or restrict consumers' rights under the Unfair Contract Terms Act 1977.) A guarantee must include details of the remedial action open to the purchaser.</p> <p>Use of the word 'guarantee' etc. is valid in advertisements when a material remedial action is offered to the purchaser in addition to legal requirements or accepted trade practice.</p> <p>The colloquial use of the word 'guarantee' may be acceptable in contexts where its meaning cannot be construed as being part of an advertiser's offer.</p>	3.48 Advertisements must not use the word "guarantee" in a way that could cause confusion about a consumer's rights.

19.2 After-sales service	
Advertisements must not falsely claim or imply that after-sales service is available in a state that	3.51

<p>forms part of the European Economic Area other than the state where the advertised product is sold.</p> <p>If an advertisement in a language other than English offers after-sales service, licensees must be satisfied that the advertiser will tell consumers, before a contract is concluded, if the after-sales service is not available in the language of the advertisement.</p>	<p>Advertisements must not falsely claim or imply that after-sales service is available in an EEA member state in which the advertised product or service is not sold.</p> <p>3.52</p> <p>If an advertisement in a language other than English offers after-sales service but the after-sales service is not available in the language of the advertisement, broadcasters must be satisfied that the advertiser will explain that to consumers before a contract is concluded.</p>
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PRESENT CODE	PROPOSED CODE
20 Use of the word 'Free'	
20.1 Use of the word 'Free'	
<p>Advertisements must not describe products or samples as 'free', or similar, unless they are supplied at no cost or no extra cost (other than postage or carriage) to the recipient.</p>	<p><u>Free claims</u></p> <p>Principle Advertisements must not describe a product or service as "free", "gratis", "without charge" or similar if the consumer has to pay anything other than the unavoidable cost of responding to the promotion and collecting or paying for delivery of the item.</p> <p>3.24</p> <p>Advertisements must make clear the extent of the commitment consumers must make to take advantage of a "free" offer.</p> <p>Advertisements must not describe items as "free" if:</p> <p>3.24.1</p> <p>the price of a product or service that consumers must buy to take advantage of the offer, or the cost of response, has been inflated to recover the cost of supplying the "free" item or service or</p> <p>3.24.2</p> <p>the quality of the product or service that consumers must buy has been reduced.</p>

	<p>3.24.3</p> <p>consumers have to pay for packing, packaging, handling or administration</p> <p>3.25</p> <p>Advertisements must not describe an element of a package as “free” if that element is included in the package price.</p>
<p>A trial product may be described as “free” provided that any subsequent financial obligations from the customer are specified in the advertisement, eg. the cost of returning the product in the case of dissatisfaction or the cost of the product at the end of the trial period.</p>	<p>3.24</p> <p>Advertisements must make clear the extent of the commitment consumers must make to take advantage of a “free” offer.</p> <p>3.26</p> <p>Advertisements must not use the term “free trial” to describe a “satisfaction or your money back” offer or an offer for which a non-refundable purchase is required.</p> <p>Cross-reference: BCAP and CAP have published joint Guidance on the use of “free”.</p>

PRESENT CODE	PROPOSED CODE
21 Direct Marketing / Distance Selling	
21.1 Direct Marketing / Distance Selling	
Advertisements for products and services offered by direct marketing methods (eg. mail order/website and direct response) are acceptable, subject to the following conditions:	
a) licensees must be able to give enquirers the name and full address of the advertiser where this is not given in the advertisement. The address given must be in a form which enables enquirers to locate the premises without further enquiry;	<p>8.2</p> <p>Broadcasters must be able to give consumers the advertiser’s name and geographical address for complaints if that information is not included in the advertisement.</p>
	8.3

	Broadcasters must be satisfied that the advertisers:
b) licensees must be satisfied that adequate arrangements exist at that address for enquiries to be handled by a responsible person available on the premises during normal business hours;	8.3.2 can take enquiries during normal business hours;
c) samples of products advertised should be made available at that address for public inspection, if requested;	8.3.3 make samples of the advertised products available for public inspection and for pre-clearance of and investigation of complaints about claims made in advertisements for the product;
d) licensees must be satisfied either that the advertiser can meet any reasonably foreseeable demand created by the advertising (for example, with assurances of adequate stock or that the advertisement makes clear that stock is limited;	
e) advertisers must be able to fulfil orders within a certain delivery period which must be stated at the point of sale. This should normally be 28 days unless there are particular circumstances where it is reasonable for the advertiser to state a delivery period in excess of 28 days;	8.3.5 fulfil orders within 30 days unless the nature of the product makes it reasonable to specify a longer period in the advertisement; for example, advertisements for made-to-measure products, plants that are out of season, or products that are supplied on an instalment basis may reasonably specify a longer period
f) licensees must be satisfied that fulfilment arrangements are in operation whereby monies sent by consumers are only released to the advertiser on receipt of evidence of despatch (unless licensees are satisfied that adequate alternative safeguards exist);	8.3.1 have made adequate arrangements to protect consumers' money
g) an undertaking must be received from the advertiser that money will be refunded promptly and in full to consumers who can show justifiable cause for dissatisfaction with their	8.3.6 give a refund within 30 days if the consumer:

<p>purchase(s) or with delay in delivery;</p>	<p>8.3.6.a cancels, for any reason, within seven days of receiving goods or seven clear days from the conclusion of a contract for services or</p> <p>8.3.6.b can show reasonable cause for dissatisfaction with the product or delay in delivery.</p> <p>Except for substitute goods supplied in place of the goods that the consumer ordered, advertisers may require consumers to pay the direct cost of returning goods ordered through a distance selling mechanism.</p>
<p>h) advertisers who offer products and services by direct marketing methods must be prepared to demonstrate or supply samples of products to licensees in order that they may assess the validity of advertising claims;</p>	<p>8.3.3</p> <p>make samples of the advertised products available for public inspection and for pre-clearance of and investigation of complaints about claims made in advertisements for the product</p>

<p>j) advertisers who intend to send a sales representative to a respondent's home or place of work must ensure that this intention is made clear either in the advertisement or at the time of response and that the respondent is given an adequate opportunity of refusing such a call. In the case of such advertising:</p>	
<p>i advertisers must give adequate assurances that sales representatives will demonstrate and make available for sale the articles advertised;</p>	
<p>ii it will be taken as prima facie evidence of misleading and unacceptable 'bait' advertising for the purpose of 'switch selling' if an advertiser's sales representative disparages or belittles the article advertised, reports unreasonable delays in obtaining delivery or otherwise puts difficulties in the way of its purchase with a view to selling an alternative article.</p>	

<p>(k) If a product is advertised at a specific price, licensees must be satisfied that advertisers will</p>	<p>3.29</p>
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not use the technique of switch selling, where their sales staff refuse to show the advertised product or demonstrate a defective sample of it in order to promote a different product. They should not place obstacles in the way of purchasing the advertised product or delivering it promptly.	Broadcasters must be satisfied that advertisers who advertise products at specific prices will not use the technique of switch selling, in which their sales staff refuse to show the advertised product, refuse to take orders for it or to deliver it within a reasonable time or demonstrate a defective sample of it to promote a different product.
Advertisers must comply with all relevant legislation including that relating to mail order transactions, distance selling (including in relation to disclosure of cancellation rights) and data protection.	1.3 Advertisements must comply with the law and broadcasters must make that a condition of acceptance.
Section 2, Rule 11.7 prohibits advertisements which invite children to buy products by direct response.	5.11 Advertisements must neither directly exhort children to buy a product or service nor encourage them to ask their parents, guardians or other persons to buy or enquire about a product for them. 5.12 Advertisements that promote a product and invite consumers to buy that product via a direct response mechanism must not be targeted directly at children. For a definition of “direct response mechanism”, see Section 8: Distance Selling Section.

PRESENT CODE	PROPOSED CODE
22 Premium Rate Telephone Services	
Advertisements which include reference to premium rate telephone services must comply with the PhonepayPlus Code of Practice. Guidance and copies of the Code may be obtained from PhonepayPlus on 020 7940 7474; website: www.phonepayplus.org.uk	Other Categories Section 22 Premium-Rate Telephone Services

	<p>Principle</p> <p>The price and nature of premium-rate telephone services must be made clear. Advertisements that include premium-rate telephone numbers or short codes should comply with the PhonepayPlus Code of Practice.</p> <p>Definition</p> <p>Text short codes are premium-rate SMS services, which often consist of four or five digits and begin 5, 6 or 8.</p> <p>22.1</p> <p>Advertisements that include a premium-rate telephone number must comply with the PhonepayPlus Code of Practice.</p>
In particular:	
a) pricing information should be given as “Calls cost xp per minute at all times” or as the total maximum cost of the complete message or service to the consumer;	<p>22.2</p> <p>Advertisements for premium-rate telephone services must include clear pricing information if the service generally costs 50 pence per call or more.</p> <p>22.3</p> <p>Advertisements for premium-rate children's services, services accessed by automated equipment or subscription services must always include clear pricing information.</p>
b) the identity of either the service provider or the information provider must be stated in the advertisement;	<p>22.4</p> <p>Advertisements for premium-rate services must state the identity of the service provider or the information provider.</p>
c) the address (or other contact details where PhonepayPlus permits) of either the service provider or the information provider must be stated in the advertising;	<p><u>22.5 - Radio</u></p> <p>If it is not included in the advertisement, radio broadcasters must retain and, on request, make available a non-premium-rate telephone number for the premium-rate service for customer care purposes.</p>

d) advertisements for non-live or message exchange services which normally last over five minutes must include a warning that use of the service(s) might involve a long call;	<p>22.7</p> <p>Advertisements for services, excluding live or virtual-chat services, that normally involve a telephone call of at least five minutes must alert the audience that use of the service might involve a long call.</p>
	<p>22.8</p> <p>Advertisements for live premium-rate services must not appeal particularly to people under 18, unless those services have received prior permission from PhonepayPlus to target people under 18.</p>
	<p>SECTION 23</p> <p>Telecommunications-Based Sexual Entertainment Services</p> <p>Definition</p> <p>Telecommunications-based sexual entertainment services are voice, text, image or video services of a sexual nature that are made available to consumers via a direct-response mechanism and are delivered over electronic communication networks.</p> <p>Encrypted elements of adult channels are interpreted with reference to rule 1.24 of the Ofcom Broadcasting Code.</p> <p>23.1 - Radio central copy clearance</p> <p>Advertisements for telecommunications-based sexual entertainment services must be centrally cleared.</p>

PRESENT CODE	PROPOSED CODE
24 Presenters In Advertising	
Station presenters/newsreaders may voice advertising messages provided that a proper distinction is made between the programming material and the advertising material they deliver. However, they may not be used to advertise products which may be seen to	<p>2.5 – Radio only</p> <p>A person who currently and regularly reads the news on radio or television may voice commercials</p>

<p>compromise the impartiality of their programming role. They should not make references to any specific advertisement or product, except within the Rules of this Code, and may not personally endorse products or services (see Testimonials, Section 2, Rule 18).</p>	<p>but must not advertise products or services that could be seen to compromise the impartiality of their news-reading role.</p>
25 Sound Effects	
<p>Advertisements must not include sounds likely to create a safety hazard.</p> <p>Distracting or potentially alarming sound effects such as sirens, horns, screeching tyres, vehicle collisions and the like must be treated cautiously; they may be dangerous to those listening, especially whilst driving. In particular, they should avoid being featured at the start of advertisements, before listeners are clear about what they are listening to.</p>	<p><u>4.3 – Radio only</u></p> <p>Advertisements must not include sounds that are likely to create a safety hazard, for example, to those listening to the radio while driving.</p>

PRESENT CODE	PROPOSED CODE
26 Competitions and the National Lottery	
<p>The National Lottery may be advertised in the UK subject to compliance with the National Lottery Act 1993. Such advertisements must be centrally copy cleared and must not:</p>	<p>SECTION 18</p> <p>Lotteries</p> <p>Principle</p> <p>The rules in this Section are designed to ensure that lottery advertisements are socially responsible, with particular regard to the need to protect under 18s and other vulnerable persons from being harmed or exploited by advertisements that feature or promote lotteries.</p> <p>This Section applies to advertisements for lottery products that are licensed and regulated by the Gambling Commission, the National Lottery Commission, or in the case of small society lotteries, registered with local authorities in England and Wales or licensing boards in Scotland.</p> <p>The UK National Lottery may be advertised under The National Lottery etc Act 1993 and The National Lottery Regulations 1994 (as amended).</p>

	<p>Advertisements for the UK National Lottery are subject to the National Lottery Advertising and Sales Promotion Code of Practice, approved by the National Lottery Commission.</p> <p>18.1 – Radio Central Copy Clearance</p> <p>Radio broadcasters must ensure that advertisements subject to this Section are centrally cleared.</p>
a) be directed at those aged below 16 years;	<p><u>Scheduling of Television and Radio Advertisements</u></p> <p>32.4</p> <p>These products may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to persons below the age of 16:</p> <p>32.4.1</p> <p>lotteries</p>
b) feature any personality aged below 16 years nor any content directed at or likely to be of particular appeal to anyone aged below 16 years;	<p>18.5</p> <p>Advertisements for lotteries must not be likely to be of particular appeal to under 18s, especially by reflecting or being associated with youth culture. Please refer to Section 32 for scheduling restrictions</p>
c) be presented as a solution to financial difficulties.	<p>18.2</p> <p>Advertisements must not:</p> <p>18.2.3</p> <p>suggest that participating in a lottery can be a solution to financial concerns, an alternative to employment or a way to achieve financial security. Advertisers may, however, refer to other benefits of winning a prize</p>
Advertisements inviting listeners to take part in competitions are acceptable, subject to Section 14 and Schedule 2 of the Gambling Act 2005.	<p>SECTION 28</p> <p>Competitions</p> <p>Rules</p>

	<p>28.1</p> <p>Competitions should be conducted fairly, prizes should be described accurately and rules should be clear and made known.</p>
<p>Licensees must be satisfied that prospective entrants can obtain printed details of a competition, including announcement of results and distribution of prizes.</p> <p>There are no limitations on prize values.</p> <p>Please see also Section 2 Rule 11.8 and Section 3 Rules 4.28 and 11.5</p>	
<p>Advertisements for the National Lottery are also governed by the National Lottery Advertising and Sales Promotion Code of Practice (2004) approved by the Director General for the National Lottery.</p>	<p>Principle</p> <p>The UK National Lottery may be advertised under The National Lottery etc Act 1993 and The National Lottery Regulations 1994 (as amended). Advertisements for the UK National Lottery are subject to the National Lottery Advertising and Sales Promotion Code of Practice, approved by the National Lottery Commission.</p>
	<p>18.2</p> <p>Advertisements must not:</p> <p>18.2.1</p> <p>portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm</p>
	<p>18.2.2</p> <p>suggest that participating in a lottery can provide an escape from personal, professional or educational problems such as loneliness or depression</p>
	<p>18.2.4</p> <p>portray participating in a lottery as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments</p>
	<p>18.2.5</p> <p>suggest peer pressure to participate in a lottery or</p>

	disparage abstention
	<p>18.2.6</p> <p>suggest that participating in a lottery can enhance personal qualities, for example that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration</p>
	<p>18.2.7</p> <p>link participating in a lottery to seduction, sexual success or enhanced attractiveness</p>
	<p>18.2.8</p> <p>not portray participation in a lottery in a context of toughness or link it to resilience or recklessness</p>
	<p>18.2.9</p> <p>suggest participation in a lottery is a rite of passage</p>
	<p>18.2.10</p> <p>suggest that solitary gambling is preferable to social gambling.</p>
	<p><u>Rules for lottery advertisements</u></p> <p><u>18.3</u></p> <p>Advertisements for lotteries that can be participated in only by entering gambling premises must make that condition clear</p>
	<p>18.4</p> <p>Advertisements for lotteries must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of under 18s or other vulnerable persons</p>
	<p>18.5</p> <p>Advertisements for lotteries must not be likely to be of particular appeal to under 18s, especially by reflecting or being associated with youth culture. Please refer to Section 32 for scheduling restrictions</p>
	<p>18.6</p> <p>Advertisements for lotteries may include under 18s. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role</p>
	<p>18.7</p> <p>Advertisements that exclusively feature the good</p>

	causes that benefit from a lottery and include no explicit encouragement to buy a lottery product may include under 18s in a significant role
	18.8 Advertisements for lotteries must not exploit cultural beliefs or traditions about gambling or luck
	18.9 Advertisements for lotteries must not condone or encourage criminal or anti-social behaviour.

PRESENT CODE	PROPOSED CODE
Section Three – Rules for Specific Categories	
1 Financial Products and Services	
<p>Central copy clearance is required.</p> <p>These Rules regulate financial advertisements and not financial products and services, which are regulated by the financial services regulators, including the Financial Services Authority (FSA) and the Office of Fair Trading (OFT). Financial advertisements must comply with all relevant legislation, in particular the Financial Services and Markets Act 2000 (FSMA) and the Consumer Credit (Advertisements) Regulations 2004.</p>	<p>14.1 – Radio central copy clearance</p> <p>Radio broadcasters must ensure advertisements for consumer credit, investment and complex financial products and services are centrally cleared.</p> <p>Principle</p> <p>The rules in this Section largely draw attention to statutory regulation with which all advertisements must comply. Selecting the most relevant financial products or services normally requires consumers to consider many factors; short-form television and radio advertisements are not well-suited to communicating large amounts of detail. They are not, therefore, suitable formats for advertising especially high-risk or specialist investments or any financial products or services that are not regulated or permitted in the UK under the Financial Services and Markets Act 2000 (FSMA).</p> <p>Definitions</p> <p>Unsecured lending, other forms of secured lending and some other credit activities continue to be regulated by the Consumer Credit Act 1974 (as amended) and the Consumer Credit (Advertisements) Regulations 2004 (as amended).</p>
In this Rule, 'investment activity', 'regulated activity', 'financial promotion' and 'authorised person' have the same meanings as in the FSMA and the	Definitions

Financial Services and Markets Act (Financial Promotion) Order 2005 (FPO). Under the FSMA, a financial promotion is “an invitation or inducement to engage in investment activity.” This broad definition captures all promotional activity – including traditional advertising, telephone sales and face to face conversations – in relation to all products and services regulated by the FSA. It is important to remember that investment activity' under the FSMA does not cover only what are conventionally thought of as investments, but also includes deposits and all insurance, including some advertisements by insurance intermediaries – see the Insurance Conduct of Business (ICOB) Chapter 3.1.2G in the FSA Handbook.

The ASA and BCAP Executive may seek advice from other regulators when investigating possible breaches of this Rule following a complaint or monitoring.

In this Section, unless otherwise stated, the terms “financial promotion”, “authorised person”, “qualifying credit” and “regulated activity” have the same meanings as in FSMA and the Financial Services and Markets Act (Financial Promotion) Order 2005 (FPO) (as amended). The FSMA definition of a financial promotion is broad and includes, for example, advertisements for deposits and insurance products.

Under FSMA, a financial promotion is “an invitation or inducement to engage in investment activity that is made in the course of business and is capable of having an effect in the UK.” That broad definition captures all promotional activity, including traditional advertising, telephone sales and face-to-face conversations, in relation to all products and services regulated by the FSA. Under FSMA, “investment activity” does not cover only conventional investments; it includes deposits, home finance transactions (regulated mortgages, home purchase plans and home reversion plans), other forms of secured credit and most insurance, including some advertisements by insurance intermediaries (see the New Insurance Conduct of Business sourcebook - ICOBS).

Principle

The ASA and BCAP Executive may seek advice from other regulators when investigating possible breaches of the BCAP Code. They will apply their usual standards to prevent misleading advertising (see Section 3) and require significant exceptions and qualifications to be made clear (see rule **3.10**). The Financial Services Authority (FSA) Handbook requires financial promotions to be “fair, clear and not misleading”.

<p>1.1 Legal Responsibility</p> <p>Advertisers are responsible for ensuring that their advertisements comply with all the relevant legal and regulatory requirements.</p>	<p>14.2</p> <p>Broadcasters are responsible for ensuring that advertisements carried by them comply with all the relevant legal and regulatory requirements. Broadcasters might need to seek legal advice if an advertiser claims an advertisement should be considered:</p> <p>14.2.1</p> <p>not to be a financial promotion or</p> <p>14.2.2</p> <p>to be a financial promotion that is not required to be communicated or approved by an authorised person (because it is subject to an exemption under the FPO).</p> <p>Advice, or general advice from the FSA, might be required on compliance with the FSA Handbook. The FSA does not pre-vet or advise on the compliance of proposed financial promotions with FSMA. For more information, visit the financial promotions pages of the FSA website (www.fsa.gov.uk) and see the FSA Handbook, especially the Conduct of Business sourcebook (COBS) Chapter 4, MCOB Chapter 3, ICOBS Chapter 2.2 and the Perimeter Guidance Manual (PERG) chapter 8.</p>
<p>1.2 Misleadingness</p> <p>Advertisements must present the financial offer or service in terms that do not mislead, whether by exaggeration, omission or otherwise.</p>	<p>Principle</p> <p>The ASA and BCAP Executive may seek advice from other regulators when investigating possible breaches of the BCAP Code. They will apply their usual standards to prevent misleading advertising (see Section 3) and require significant exceptions and qualifications to be made clear (see rule 3.10). The Financial Services Authority (FSA) Handbook requires financial promotions to be “fair, clear and not misleading”.</p>
<p>1.3 Financial Promotions in Advertising</p>	
<p>These financial promotions, regulated by the FSA, may be broadcast in advertisements:</p>	<p>14.4</p> <p>Financial promotions or other advertisements for regulated activity may be broadcast if:</p>
<p>i those communicated by an authorised person, or those of which the contents have been approved by an authorised person;</p>	<p>14.4.1</p> <p>communicated by an authorised person</p>

	<p>14.4.2</p> <p>approved or issued by an authorised person or an appointed representative of an authorised person who, to the broadcaster's satisfaction, has confirmed that the final recorded version of the advertisement complies with the FSA's financial promotion rules or</p>
<p>ii those that by virtue of the FPO are not required to be approved by an authorised person (ie. exempt promotions).</p>	<p>14.4.3</p> <p>exempt under the FPO. An advertisement by a general insurance intermediary need not be approved by an authorised person if it is a generic promotion and exempted by the FPO. (That is usually if the advertisement does not identify an insurer, insurance intermediary or product; so it will usually apply if the financial promotion refers generally to product types.)</p>
<p>Licensees may need to seek legal advice if an advertiser claims an advertisement should be considered:</p> <p>i not to be a financial promotion or</p> <p>ii to be a financial promotion that is not required to be communicated by or approved by an authorised person (i.e. because it is subject to an exemption under the FPO).</p>	<p>14.2</p> <p>Broadcasters are responsible for ensuring that advertisements carried by them comply with all the relevant legal and regulatory requirements. Broadcasters might need to seek legal advice if an advertiser claims an advertisement should be considered:</p> <p>14.2.1</p> <p>not to be a financial promotion or</p> <p>14.2.2</p> <p>to be a financial promotion that is not required to be communicated or approved by an authorised person (because it is subject to an exemption under the FPO).</p> <p>Advice, or general advice from the FSA, might be required on compliance with the FSA Handbook. The FSA does not pre-vet or advise on the compliance of proposed financial promotions with FSMA. For more information, visit the financial promotions pages of the FSA website (www.fsa.gov.uk) and see the FSA Handbook, especially the Conduct of Business sourcebook (COBS) Chapter 4, MCOB Chapter 3, ICOBS Chapter 2.2 and the Perimeter Guidance Manual (PERG) chapter 8.</p>

1.4 Approval of Financial Promotions in Advertising	
Before accepting financial promotions to which Section 21 of the FSMA applies and that are not subject to an exemption under the FPO, licensees must be satisfied that:	14.4 Financial promotions or other advertisements for regulated activity may be broadcast if:
i the authorised person issuing or approving the proposed advertisement, has confirmed that the final recorded version of the advertisement is in accordance with the Rules of the FSA;	14.4.2 approved or issued by an authorised person or an appointed representative of an authorised person who, to the broadcaster's satisfaction, has confirmed that the final recorded version of the advertisement complies with the FSA's financial promotion rules or
ii a financial promotion or other advertisement in respect of regulated activity proposed by an appointed representative has been approved by the authorised person to whom that person is responsible.	14.4.2 approved or issued by an authorised person or an appointed representative of an authorised person who, to the broadcaster's satisfaction, has confirmed that the final recorded version of the advertisement complies with the FSA's financial promotion rules or
Legal advice, or general advice from the FSA, may be required concerning compliance with FSMA requirements. Please note that the FSA does not prevet or advise on the compliance of proposed financial promotions with the FSMA requirements. For more information visit the financial promotions pages of the FSA website (www.fsa.gov.uk) and see the FSA Handbook, in particular Conduct of Business Chapter 3 (COB3), Mortgage Conduct of Business Chapter 3 (MCOB3) and ICOB Chapter 3.	<p>14.2</p> <p>Broadcasters are responsible for ensuring that advertisements carried by them comply with all the relevant legal and regulatory requirements. Broadcasters might need to seek legal advice if an advertiser claims an advertisement should be considered:</p> <p>14.2.1</p> <p>not to be a financial promotion or</p> <p>14.2.2</p> <p>to be a financial promotion that is not required to be communicated or approved by an authorised person (because it is subject to an exemption under the FPO).</p> <p>Advice, or general advice from the FSA, might be required on compliance with the FSA Handbook. The FSA does not pre-vet or advise on the compliance of proposed financial promotions with FSMA. For more information, visit the financial promotions pages of the FSA website (www.fsa.gov.uk) and see the FSA Handbook, especially the Conduct of Business sourcebook (COBS) Chapter 4, MCOB Chapter 3, ICOBS Chapter 2.2 and the Perimeter Guidance Manual (PERG) chapter 8.</p>

1.5 Interest on Savings	
References to interest payable on savings are acceptable, subject to the following:	14.7 References to interest payable on savings are acceptable, subject to these conditions:
a) they must be stated clearly and be factually correct at the time of broadcast;	14.7.1 they must be factually accurate at the time of broadcast and the advertisement must be modified immediately if the rate changes
b) all advertisements quoting a rate must use the Annual Equivalent Rate (AER) as set out in the British Bankers' Association Code of Advertising of Interest Bearing Accounts;	14.7.2 advertisements quoting a rate must use the Annual Equivalent Rate (AER) and the contractual rate as set out in the British Bankers' Association and Building Societies Association Code of Conduct for the Advertising of Interest Bearing Accounts and advertisements should comply with all the provisions of that code
c) if conditions apply to calculations of interest and might affect the sum received, the advertisement must refer to the fact that conditions apply and how they can be accessed;	14.7.3 if conditions apply to calculations of interest and might affect the sum received, the advertisement must refer to the conditions and how they can be accessed
d) it must be made clear whether the interest is gross or net of tax;	14.7.4 advertisements quoting a rate must make clear whether it is gross or net of tax, or tax-free, but do not need to explain those expressions
e) interest rates relating to variables (e.g. a bank's base rate) must be so described.	14.7.5 if interest rates are calculated by reference to an external index or rate that fact must be stated clearly
Attention is drawn to the code on the conduct of the advertising of interest-bearing accounts adopted and implemented by the British Bankers' Association and the Building Societies Association.	14.7.2 advertisements quoting a rate must use the Annual Equivalent Rate (AER) and the contractual rate as set out in the British Bankers' Association and Building Societies Association Code of Conduct for the Advertising of Interest Bearing Accounts and advertisements should comply with all the provisions of that code

1.6 Insurance Premiums and Cover	
Subject to any applicable legal requirement:	14.8 Subject to legal requirements, reference to specific sums assured in life insurance advertisements must be accompanied by all relevant qualifying conditions, for example age and gender of the assured at the outset of the policy, period of policy

	and amount and number of premiums payable.
a) references to rates and conditions in connection with insurance must be accurate and must not mislead;	
b) when specifying rates of premium cover, there must be no misleading omission of conditions;	
c) in life insurance advertisements, reference to specific sums assured must be accompanied by all relevant qualifying conditions, eg. age and sex of the assured at the outset of the policy, period of policy and amount and number of premiums payable.	

1.8 Lending and Credit Advertisements	
a) Permitted Categories	
The advertising of mortgage, other lending facilities and credit services is acceptable from:	<p><u>Lending and Credit</u></p> <p>14.9</p> <p>The advertising of consumer credit or hire services is acceptable only if the advertiser complies with the Consumer Credit (Advertisements) Regulations 2004 (as amended) and the Consumer Credit Act 1974 (as amended). Credit advertisements that are not qualifying credit promotions must comply with Section 46 of the Consumer Credit Act and Regulations made under it. If the applicability or interpretation of those Regulations is in doubt, advertisers must be encouraged to seek guidance from their Local Trading Standards department. Such advertisements that involve distance marketing must also comply with the Financial Services (Distance Marketing) Regulations 2004. Other distance-marketing financial advertisements are covered by the FSA Handbook. Similarly, qualifying credit promotions must comply with the requirements imposed by FSMA and MCOB. The advertising of home finance transactions (regulated mortgages, home purchase plans and home reversion plans) regulated by the FSA is acceptable only if the advertiser complies with the FSMA and the FSA Handbook.</p>
i Government and local government agencies;	
ii building societies authorised under the FSMA;	
iii insurance companies authorised under the FSMA;	

iv Friendly Societies authorised under the FSMA;	
v persons authorised under the FSMA, with permission to accept deposits;	
vi those persons and bodies granted a licence under the Consumer Credit Act 1974.	
Advertisements offering unsecured credit and some secured loans must comply with all relevant requirements of the Consumer Credit (Advertisements) Regulations 2004. If the applicability or interpretation of these Regulations is in doubt, advertisers must be encouraged to seek guidance from their Local Trading Standards department. Similarly, qualifying credit promotions must comply with the requirements imposed under FSMA and MCOB.	

b) Mortgages and Re-Mortgages	
i Advertisements for mortgages and re-mortgages will normally be financial promotions under FSMA and will need to comply with the requirements imposed by FSMA and MCOB 3. Advertisements for most loans secured by a second charge will be credit advertisements and the requirements of the Consumer Credit (Advertisements) Regulations 2004 therefore apply. Particular note should be taken of the requirements in these Regulations for secured loans;	<p>14.10</p> <p>Advertisements for mortgages and re-mortgages are normally financial promotions under FSMA and must comply with the requirements imposed by FSMA and MCOB</p> <p>14.10.1</p> <p>Advertisements for most loans secured by a second charge are credit advertisements and the requirements of the Consumer Credit (Advertisements) Regulations 2004 (as amended) therefore apply. Special note should be taken of the requirements in those Regulations for secured loans;</p>
ii Advertisements for some mortgages might also have to comply with the provisions of the COB (e.g. if an investment product is being sold alongside a mortgage).	<p>14.10.2</p> <p>Advertisements for some mortgages might also have to comply with the provisions of COBS (for example if an investment product is being sold alongside a mortgage).</p>

1.9Tax Benefits	14.12
References to income tax and other tax benefits must be properly qualified, clarifying what they mean in practice and making it clear, where appropriate, that the full advantage may only be received by those paying income tax at the	References to income tax and other tax benefits must be properly qualified, clarifying their meaning and making clear, if relevant, that the tax treatment depends on the individual circumstances of each person and could be subject to change in future.

standard rate.	
1.10 Direct Remittance Advertisements are unacceptable if they directly or indirectly invite the remittance of money direct to the advertiser or any other person without offering an opportunity to receive further details.	<u>Direct Remittance</u> 14.13 Advertisements on television or radio are unacceptable if they directly or indirectly invite the remittance of money direct to the advertiser or any other person without offering an opportunity to receive more information; an intermediate stage at which more information is supplied is mandatory.
1.11 Debt Management Services	
Except with specific approval of the ASA, advertising for debt management services is acceptable only from bodies that:	14.11 Advertising for debt management services is acceptable only from bodies that:
i are licensed under the Consumer Credit Act 1974; and	14.11.1 are licensed under the Consumer Credit Act 1974 (as amended) and
ii undertake to comply with the Guidance for Debt Management Companies published by the Office of Fair Trading.	14.11.2 undertake to comply with the Debt Management Guidance published by the Office of Fair Trading.

1.12 Financial Publications Advertisements for paper or electronic publications (e.g. periodicals, books, text services etc) must make no recommendation on any specific investment offer.	14.16 Advertisements for paper or electronic publications (for example periodicals, books and text services) must not recommend a specific investment offer.
1.13 Spread Betting Advertisements Spread betting may be advertised as an investment activity under the Financial Services and Markets Act (FSMA) 2000, the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 and other FSA rules and guidance. Spread betting may be advertised on specialised financial stations or in specialised financial programming only. Spread betting advertisements must comply with the gambling rules (see Section 3, Rule 21).	14.5 These categories of advertisement may be broadcast on specialised financial channels or stations or programming only: 14.5.2 advertisements for spread betting, as an investment only. Spread betting advertisements may be advertised on interactive or additional TV services (including text services). They must comply with the gambling rules (see Section 17). The advertised products or services should be available only to clients who have demonstrated through a pre-vetting procedure compliant with the FSA's appropriateness test that they have relevant financial trading experience;

	<p>14.5.3</p> <p>advertisements for Contracts for Differences (except Spread Betting), provided the products are available only to clients who have demonstrated through appropriate pre-vetting procedure that they have relevant financial trading experience.</p>
<p>A "Spread Bet" is a contract for differences that is a gaming contract, as defined in the glossary to the FSA Handbook.</p> <p>For this purpose, a "specialised financial station" is an Ofcom licensed station whose programmes, with few exceptions, are likely to be of particular interest only to business people or finance professionals. "Specialised financial programming" is programming that is likely to be of particular interest only to business people or finance professionals.</p>	<p>A "specialised financial channel or station" is an Ofcom-licensed channel or station whose programmes, with few exceptions, are likely to be of particular interest only to business people or finance professionals.</p> <p>In this Code, "spread betting" and "contract for differences" have the same meanings as in the glossary to the FSA Handbook.</p>

PRESENT CODE	PROPOSED CODE
2 Charity Advertising	
<p>Central copy clearance is required. These Rules regulate charity advertising and not the charities themselves, which are regulated by the Charity Commission (England and Wales); Inland Revenue (Scotland) or Department of Finance and Personnel (Northern Ireland). Advertisements must comply with the terms of the Charities Act 1992 (as amended).</p> <p>Advertisements soliciting donations or promoting the needs and objects of UK bodies whose activities are financed wholly or mainly from donations may only be accepted from registered charities or those able to produce satisfactory evidence that their charitable status has been officially recognised. Charities based outside the UK may also be accepted for advertising if satisfactory bona fides can be established. Section 3, Rule 3 Religion, Faith and Related Systems of Belief may also apply to charities with religious affiliations.</p>	<p>16.1</p> <p>Radio broadcasters must ensure advertisements subject to this Section are centrally cleared.</p> <p>Definitions</p> <p>Rules in this Section regulate charity advertisements and not the charities themselves, which are regulated by the Charity Commission (England and Wales) www.charitycommission.gov.uk, The Department for Social Development (Northern Ireland) www.dsdni.gov.uk, and the Office of the Scottish Charity Regulator (Scotland) www.oscr.org.uk.</p> <p>The rules apply to advertisements for charities (which include charitable bodies) and advertisements for other products and services that promote the needs or objectives of charities.</p> <p>16.2</p> <p>Advertising is acceptable only from:</p>

	<p>16.2.1</p> <p>bodies registered with the relevant UK authorities as having charitable status or bodies that have had their charitable status otherwise officially recognised, for example by the Institute of Fundraising (www.institute-of-fundraising.org.uk).</p> <p>16.2.2</p> <p>bodies based outside the UK that supply to broadcasters confirmation that they comply with all relevant legislation in their home countries and evidence of their good faith, which might include audited accounts and a list of members of their governing body.</p>
2.1 Qualifications	
<p>a) Licensees must satisfy themselves either that an organisation is registered as a charity with the Charity Commission (England and Wales), Inland Revenue (Scotland) or Department of Finance and Personnel (Northern Ireland) or that its charitable status has otherwise been officially recognised.</p>	<p>16.2</p> <p>Advertising is acceptable only from:</p> <p>16.2.1</p> <p>bodies registered with the relevant UK authorities as having charitable status or bodies that have had their charitable status otherwise officially recognised, for example by the Institute of Fundraising (www.institute-of-fundraising.org.uk).</p>
<p>b) Advertisers activities and status must not conflict with the requirements of Section 2, Rule 15 Political, Industrial and Public Controversy, Section 2, Rule 5 Environmental Claims and Section 3, Rule 3 Religion, Faith and Related Systems of Belief.</p>	<p>If it is relevant, broadcasters should take care to comply with Section 7: Political and Controversial Matters, section 5: Children, section 15: Faith, Religion and Equivalent Systems of Belief, Religion and Equivalent Systems of Belief, section 9: Environment Claims and section 32: Scheduling.</p> <p>Advertisements must comply with the requirements of the Charities Act 1993 (Substitution of Sums) Order 1995 and all relevant data protection legislation. For information on the Data Protection Act 1998 go to: www.ico.gov.uk</p>

<p>c) Advertisers must be prepared to submit full details of their constitution, aims and objects, membership of governing body, recent and current activities and any additional information that may be appropriate. This may include, for example, details of audited accounts in order to establish that a charity is not misrepresenting its activities in any way.</p>	<p>16.3</p> <p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p> <p>16.3.1</p> <p>misrepresent the body, its activities or the benefits of donated funds or exaggerate the scale or nature of the cause it claims to support</p>
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<p>2.2Non-UK bodies</p>	
<p>Charity law differs considerably from country to country and there is no legal requirement for charities based outside the UK to register with the Charity Commission if they wish to promote their activities in the UK. Such organisations may not, therefore, be in a position to comply with the requirement in 2.1a) above. Before accepting advertising for such organisations, licensees must:</p>	<p>16.2.2</p> <p>bodies based outside the UK that supply to broadcasters confirmation that they comply with all relevant legislation in their home countries and evidence of their good faith, which might include audited accounts and a list of members of their governing body.</p>
<p>a) obtain a written assurance that the organisation complies with all relevant legislation in the country in which it is based;</p>	
<p>b) conduct a full investigation of the matters referred to in 2.1b) and seek the assurances listed in 2.3.</p>	

<p>2.3Assurances</p>	
<p>Advertisers must be required to give the following assurances:</p>	
<p>a) that they do not involve themselves in transactions in which members of their governing body or staff have a financial interest;</p>	
<p>b) that the response to their proposed advertising, whether in cash or kind or services, will be applied solely to the purposes specified or implied in the advertising;</p>	<p>16.3</p> <p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p> <p>16.3.1</p> <p>misrepresent the body, its activities or the</p>

	benefits of donated funds or exaggerate the scale or nature of the cause it claims to support
c) that they will not publish or otherwise disclose the names of contributors without their prior permission and that they otherwise comply with the requirements of current Data Protection Legislation.	Principle ... Advertisements must comply with the requirements of the Charities Act 1993 (as amended) and all relevant data protection legislation. For information on the Data Protection Act 1998 go to: www.ico.gov.uk
Licensees may need to seek assurances on other matters where appropriate and should reserve the right to reconsider the acceptability of advertising where it doubts the validity of any information provided.	Appendix 1 8(c) discrimination between advertisers who seek to have advertisements included in television and radio services. NB: Subject to that, broadcasters, like publishers and other media, are generally entitled to refuse an advertisements they do not want to carry;

2.4References to Charities in Advertisements by Commercial Advertisers	SECTION 16 CHARITIES
Advertisements by commercial advertisers which promote, either as a main or incidental purpose, the needs and objects of organisations who would be acceptable in their own right under Section 2, Rule 15 Political, Section 3, Rule 4 Medical and Section 2, Rule 5 Environmental Claims are also acceptable, subject to the following conditions:	16.4 Advertisements by non-charity advertisers which promote the needs or objects of charitable bodies, or offer to assist them, are only acceptable if the bodies would be acceptable advertisers in their own right under 16.2 If it is relevant, broadcasters should take care to comply with Section 7: Political and Controversial Matters, section 5: Children, section 15: Faith, Religion and Equivalent Systems of Belief, section 9: Environment Claims and section 32: Scheduling.
a) evidence must be provided that the organisation concerned has given its consent to the proposed advertising;	16.6 Broadcasters must hold evidence that each charity has agreed to the proposed advertisement.
b) where advertisements include an offer to donate part of the proceeds of sales to charity:	16.5 Advertisements that include an offer to donate money to charity must:

i each advertisement must specify which individual charity or group of charities will benefit and clarify how the donations will be calculated;	<p>16.5.2</p> <p>identify the charity that will benefit and explain the basis on which the amount to be donated will be calculated, for example “£1 per sale” or “10% of the purchase price”. If several organisations will benefit, a generic identification may be given but the advertisement should make clear where the audience can obtain a list of the charities that will benefit</p>
ii the advertisement must specify what proportion of the consideration paid for the goods or services will be received by the charity for each sale made (eg. ‘£1 per sale’ or ‘10% of the purchase price’) and must not simply refer to ‘x% of the profits’ or ‘all profits to Charity X’;	<p>16.5.2</p> <p>identify the charity that will benefit and explain the basis on which the amount to be donated will be calculated, for example “£1 per sale” or “10% of the purchase price”. If several organisations will benefit, a generic identification may be given but the advertisement should make clear where the audience can obtain a list of the charities that will benefit</p>
iii such offers must not depend on sales reaching a given level, or be subject to any similar condition;	<p>16.5.1</p> <p>not depend on sales reaching a given level or be subject to a similar condition. If a target total or an amount for each purchase is stated, any extra money given to the charity must be donated on the same basis as contributions below that level</p>
iv offers of this kind in connection with advertisements for medicinal products are unacceptable;	<p>16.7</p> <p>Advertisements for medicinal products may offer to donate money to charity but must not be likely to encourage indiscriminate, unnecessary or excessive purchases of medicinal products. Advertisements must state the basis on which the contribution will be calculated.</p> <p>Cross reference: See also Section 11 Medicines, Medical Devices, Treatments and Health</p>
c) if the advertisement states that payment may be made by credit or debit card, full details must be given of the donor’s right to have any payment so made of £50 or more refunded.	

2.5 Tone and Style of Advertisements	
Advertisements for charities must:	
a) handle with care and discretion matters likely to arouse strong emotions in the audience;	<p>Principle</p> <p>These rules are intended to prevent the abuse of people's charitable impulses. Charity advertisements or advertisements that feature charities should treat with care and discretion any subjects likely to arouse strong emotions. Although audiences are generally more tolerant of potentially distressing treatments when the objectives of an advertisement are charitable, sensitivity is nevertheless required especially in relation to younger audiences.</p> <p>If it is relevant, broadcasters should take care to comply with Section 7: Political and Controversial Matters, section 5: Children, section 15: Faith, Religion and Equivalent Systems of Belief, section 9: Environment Claims and section 32: Scheduling.</p>
b) not suggest that anyone will lack proper feeling or fail in any responsibility through not supporting a charity;	<p>16.3</p> <p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p> <p>16.3.2</p> <p>suggest that anyone will lack proper feeling or fail in a responsibility by not supporting a charity</p>
c) respect the dignity of those on whose behalf an appeal is being made;	<p>16.3</p> <p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p> <p>16.3.3</p> <p>disrespect the dignity of those on whose behalf an appeal is being made.</p>
d) not address any fundraising message	16.3

specifically to children;	<p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p> <p>16.3.4</p> <p>address fund-raising messages to children or likely to be of particular interest to them.</p>
e) not contain comparisons with other charities;	
f) avoid presenting an exaggerated impression of the scale or nature of the social problem to which the work of the charity is addressed, eg. by illustrating the message with non-typical extreme examples;	<p>16.3</p> <p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p> <p>16.3.1</p> <p>misrepresent the body, its activities or the benefits of donated funds or exaggerate the scale or nature of the cause it claims to support</p>
g) not misrepresent or mislead in any way about the charity, its field of activity or the use to which donations will be put.	<p>16.3</p> <p>Advertisements seeking donations for, or promoting the needs or objectives of a charitable body must not:</p> <p>16.3.1</p> <p>misrepresent the body, its activities or the benefits of donated funds or exaggerate the scale or nature of the cause it claims to support</p> <p>3.1</p> <p>Advertisements must not materially mislead.</p>

PRESENT CODE	PROPOSED CODE
3 Religion, Faith and Related Systems of Belief	Section 15: Faith, Religion and Equivalent Systems of Belief

Central copy clearance is required.	15.1 Radio broadcasters must ensure advertisements subject to this Section are centrally cleared.
<p>These Rules apply to advertising submitted by, or on behalf of, any body with objects wholly or mainly of a religious nature or which is directed towards any religious end. They also apply to advertising which is related to systems of belief or philosophies of life which do not involve recognition of a deity but which can reasonably be regarded as equivalent or alternative to those which do. The term religious should also be interpreted as referring to this wider category.</p> <p>All advertising subject to this Rule must also comply with the general requirements of the Code, particularly Section 2, Rule 15 which prohibits advertising of a political character, and in the case of religious charities, Section 3, Rule 2 Charity Advertising.</p>	Definitions The rules in this Section apply to: <ul style="list-style-type: none"> d. advertisements, about any matter, by or on behalf of bodies that are wholly or mainly concerned with religion, faith or other systems of belief that can reasonably be regarded as equivalent to those that involve recognition of a deity, including belief in the non-existence of deities e. advertisements, by any body, that wholly or mainly concern matters of religion, faith or equivalent systems of belief f. advertisements, by any body, for products or services related to such matters. <p>Cross reference: Some advertisements subject to this Section are also subject to Section 5 (Political and Controversial Matters) or Section 16 (Charities).</p>
3.1 Refusal to Broadcast Religious Advertising	
Licensees who do not wish to carry religious advertising at all are free not to do so, subject to the provisions of the Human Rights Act 1998, provided this does not involve unreasonable discrimination either against, or in favour of, any particular advertiser.	Appendix 1 8(c) discrimination between advertisers who seek to have advertisements included in television and radio services. NB: Subject to that, broadcasters, like publishers and other media, are generally entitled to refuse an advertisements they do not want to carry;
3.2 Unacceptable Advertisers No advertising is acceptable from bodies:	15.2 Broadcasters must not accept advertisements from or on behalf of bodies:
i who practise or advocate illegal behaviour;	15.2.1 that practise or advocate illegal behaviour or

ii whose rites or other forms of collective observance are not normally directly accessible to the general public.	15.2.2 whose rites or other forms of collective observance are not normally directly accessible to the general public or
	15.2.3 that apply unreasonable pressure on people to join or participate or not to opt-out.
	15.3 Broadcasters must be satisfied that no representative will contact respondents without their consent.
See also Section 2 Rule 10 Harm.	
3.3 Identification and Transparency The name and group faith of the religious advertiser must be clearly identified in the advertisement concerned. A generic identification can be used where a number of religious groups advertise within a single advertisement, provided that the faith/creed which they share in common is made clear. Where religious advertisers include several faiths, the name of the generic plus 'inter-denominational' or 'multi-faith' may be sufficient under the requirements of this Rule	15.6 Advertisements must identify the advertiser and its faith, if that is not obvious from the context.

<p>3.4 Denigration and the Use of Fear</p> <p>Advertising must not denigrate religious faiths, beliefs or philosophies of life. Claims to the effect that a particular religion is the ‘only’ or ‘true’ faith are also unacceptable. Advertising must not play on fear; references, both explicit or implicit, to the alleged consequences of not being religious or not subscribing to a particular faith or belief are unacceptable.</p>	<p>15.10</p> <p>Advertisements must not denigrate the beliefs of others.</p> <p>15.9</p> <p>Advertisements must not refer to the alleged consequences of faith or lack of faith. They must not present the advertiser’s beliefs as the “one” or “true” faith.</p> <p>15.12</p> <p>Advertisements must not exploit the hopes or fears of the vulnerable. The elderly, the sick and the bereaved should be regarded as especially vulnerable.</p>
<p>3.5 Harm and Exploitation</p> <p>Advertising must not harm listeners nor exploit, either personally or financially, their vulnerability. See also Section 2 Rule 10 Harm.</p> <p>In particular, the elderly and the bereaved may be at risk from exploitation.</p>	<p>15.12</p> <p>Advertisements must not exploit the hopes or fears of the vulnerable. The elderly, the sick and the bereaved should be regarded as especially vulnerable.</p>
<p>3.6 Doctrinal References and Exhortations</p>	
<p>a) Matters of doctrine or belief should not be expressed as unqualified fact and can only be stated in ways which make it clear to listeners that they represent the views of the advertiser;</p>	<p>15.7</p> <p>[...]</p> <p>Radio advertisements may expound doctrines or beliefs if they are presented as the advertiser’s opinion.</p>

<p>b) Listeners must not be exhorted to change their beliefs or religious behaviour.</p>	<p>15.8</p> <p>Advertisements must not exhort audience members to change their beliefs or behaviour.</p>
<p>3.7Benefit Claims, Faith Healing, Miracles and Counselling</p>	
<p>a) Advertising must not make claims for the efficacy of faith healing, miracle working or counselling;</p>	<p>15.13</p> <p>Advertisements must not claim that faith healing, miracle working or faith-based counselling can treat, cure or alleviate physical or mental health problems; they may, however, make restrained and proportionate claims that such services can benefit emotional or spiritual well-being.</p>
<p>b) References (individual or otherwise) to the benefits of religion for personal well-being should be restrained in manner, and capable of substantiation.</p>	<p>15.13</p> <p>Advertisements must not claim that faith healing, miracle working or faith-based counselling can treat, cure or alleviate physical or mental health problems; they may, however, make restrained and proportionate claims that such services can benefit emotional or spiritual well-being.</p>
<p>3.8Children and Young People</p>	
<p>a) Only advertising for suitable public events, such as religious services or festivals, and responsible, commercially available merchandise based on religious themes and designed for children or young people may be directed at those aged below 18 years, provided the marketing of the events/products concerned is not ancillary to recruitment or fundraising;</p>	<p>15.14</p> <p>Advertisements must not appeal particularly to people under 18 and must not be broadcast during or adjacent to programmes that appeal or are likely to appeal particularly to those under 18.</p> <p>This rule does not apply to advertisements for public events, including services and festivals, that children are likely to participate in or to advertisements for publications or similar merchandise that are designed for children, provided that neither the advertisement nor the advertised product or service is linked to recruitment or fund-raising. It does not apply to advertisements on channels or stations whose editorial content is dedicated to matters of religion, faith or equivalent systems of belief.</p>

b) Child voiceovers should usually not be used in religious advertisements, with the exception of those which only promote recognised seasonal events, such as carol services or Diwali, in which children are particularly likely to take part. They should not be used to promote doctrine or beliefs.	15.15 Advertisements must not feature children as presenters, unless the advertisement is for an event, such as Christmas carol services or Diwali celebrations, that children are especially likely to take part in.
3.9 Appeals for Donations Religious organisations/charities may advertise for funds or the donation of products/services for charitable purposes provided that they comply with all relevant Rules in this Code on Charity advertising. Appeals for donations may not state or imply that such donations are in exchange for prayers or other spiritual benefits.	15.11 Advertisements must not appeal for funds, except for charitable purposes. If the charitable purpose includes or will be accompanied by recruitment or evangelism, the advertisement must make that clear. Before broadcasting an advertisement that includes a charitable appeal, broadcasters must seek be satisfied that the funds raised will be used solely for the benefit of specified groups of disadvantaged third parties. Advertisements must not imply that respondents will receive spiritual benefits in return for a donation to the advertised cause.
In order that listeners may be fully informed and not misled, particular transparency is required in this area, and advertisers should give details of fund raising activities to the RACC prior to clearance.	15.11 [...] Before broadcasting an advertisement that includes a charitable appeal, broadcasters must seek assurances that the funds raised will be used solely for the benefit of specified groups of disadvantaged third parties.

3.10 Sacred or Religious Music Caution should be exercised when religious music, such as hymns and including Christmas carols, is used in advertisements.	
Tasteful use may be acceptable if the subject matter is relevant, for example, in an advertisement for a concert performance. It would be inappropriate, however, for religious music to be re-worked to	

advertise an unrelated product.	
3.11 Acts of Worship Treatments which involve acts of worship or prayer must not denigrate and must be acceptable in context.	15.10 Advertisements must not denigrate the beliefs of others.
3.12 Divination and the Supernatural Astrological services, along with products and services of a psychic nature, such as clairvoyance, divination, mediumship and psychic exhibitions or fairs, may be advertised but no claims of efficacy can be made or implied. Advertising must conform to the Rules in this Code on Harm, and scheduling restrictions may apply.	15.4 Television and television text advertisements must not promote psychic practices or practices related to the occult, except those permitted by rule 15.5. Radio advertisements may promote psychic and occult practices but must not make efficacy claims. Psychic and occult-related practices include astrology, personalised horoscopes, palmistry, fortune-telling, tarot, attempts to contact the dead, divination, clairvoyance, clairsaudience, the invocation of spirits or demons and exorcism.
	Principle These rules seek to strike a balance between freedom of speech and the prevention of advertising that could be harmful. BCAP intends them to: <ul style="list-style-type: none"> e. reduce the social harm that can result from damage to inter-faith relations f. protect the young and allow parents to exercise choice in their children's moral and philosophical education g. protect those who are vulnerable because, for example, of sickness or bereavement h. prevent potentially harmful advertisements from exploiting their audience.

PRESENT CODE	PROPOSED CODE
4 Medicines, Treatments and Health	
Central copy clearance is required. These Rules regulate the advertising and not the medicines, treatments (including veterinary products and services), and health claims	11.1 - Radio Central Copy Clearance Radio broadcasters must ensure advertisements

<p>themselves, which are regulated by the health regulators, such as the Medicines and Healthcare products Regulatory Agency (MHRA), the Department of Health and Local Health Authorities.</p>	<p>subject to this Section are centrally cleared.</p> <p>Background</p> <p>The general principles governing the advertising of medicines, treatments, medical devices and health claims are set out below; they apply also to advertisements for veterinary products and services. Directive 2001/82/EC on the Community code relating to veterinary medicinal products (as amended by Directive 2004/28/EC), which has been implemented in the UK via The Veterinary Medicines Regulations, contains provisions relating to the advertising of such products. The Veterinary Medicines Regulations are revoked and remade annually.</p> <p>For more information on medicinal products and treatments, go to: www.mhra.gov.uk.</p> <p>Principle</p> <p>The rules in this Section are designed to ensure that advertisements that include health claims (please see Section 13 for health claims made on foods) and advertisements for medicines, medical devices and treatments receive the necessary high level of scrutiny. Health claims may, for example, relate to the therapeutic or prophylactic effects of products, including toiletries and cosmetics.</p> <p>The rules apply to advertisements and not the products or services, which are regulated by health regulators such as the Medicines and Healthcare products Regulatory Agency (MHRA), the European Medicines Agency (EMA) and the Department of Health. Advertisements for those products or services must comply with the rules and professional codes of conduct of relevant professional bodies.</p>
<p>Because of the introduction of new or changed products, the diverse licensing requirements of the Medicines Act 1968 and changes in medical opinion on particular issues, this Rule cannot provide a complete conspectus of required standards in relation to health claims or the advertising of particular products or classes of medicines and treatments. The general principles governing the advertising of medicines, treatments and health claims (including veterinary products</p>	<p>Background</p> <p>With the introduction of new or changed products, the diverse licensing requirements of the Medicines Act 1968 and changes in medical opinion, this Code cannot provide a complete guide to all requirements for health claims or the advertising of products or classes of medicines and treatments.</p>

and services) are set out below.

4.1 Legal Responsibility Advertisements for products subject to licensing under the Medicines Act 1968 must comply with the requirements of the Act, Regulations made under it and any conditions contained in the current marketing authorisation.	11.19 Medicines must have a licence from the MHRA before they are advertised. Advertisements for medicinal products must conform with the licence. Advertisements must not suggest that a product is “special” or “different” because it has been granted a licence from the MHRA.
4.2 Advertisers, Treatments, Products, Services and Claims Advertisers in this category, and/or the treatments, products and services they offer and all claims made for them, require very close scrutiny. Whenever a proper assessment of such claims can only be made by an appropriate independent qualified expert, whether medical or other health specialist, such advice must be sought before seeking clearance.	11.2 If they are necessary for the assessment of claims, broadcasters must, before the advertisement is broadcast, obtain generally accepted scientific evidence and independent expert advice. Principle The rules in this Section are designed to ensure that advertisements that include health claims (please see Section 13 for health claims made on foods) and advertisements for medicines, medical devices and treatments receive the necessary high level of scrutiny. Health claims may, for example, relate to the therapeutic or prophylactic effects of products, including toiletries and cosmetics. The rules apply to advertisements and not the products or services, which are regulated by health regulators such as the Medicines and Healthcare products Regulatory Agency (MHRA), the European Medicines Agency (EMA) and the Department of Health. Advertisements for those products or services must comply with the rules and professional codes of conduct of relevant professional bodies.
4.3 EC Council Directive 92/28/EEC The Directive concerns ‘The Advertising of Medicinal Products for Human Use’ and has been implemented in the UK by The Medicines (Advertising) Regulations 1994 and The Medicines (Monitoring of Advertising) Regulations 1994. The ASA is obliged to consider complaints about alleged breaches of Regulation 9 of The Medicines (Advertising) Regulations 1994 and take appropriate action if	Background Advertisements for products subject to licensing under the Medicines Act 1968 must comply with the requirements of the Act. That includes regulations made under the Act and any conditions contained in the marketing authorisation, certificate, licence or traditional herbal registration for the advertised product.

<p>necessary. The BCAP Executive may raise and investigate challenges regarding breaches identified through monitoring. The requirements of Regulation 9 are incorporated in this part of the Code. Directive 2001/82/EC as amended deals with veterinary medicinal products and its provisions have been implemented in the Veterinary Medicines Regulations 2005, which contain requirements for the advertising of such products.</p>	<p>Title VIII of European Directive 2001/83/EC as amended by Directive 2004/27/EC concerns “The Advertising of Medicinal Products for Human Use” and has been implemented in the UK by The Medicines (Advertising) Regulations 1994 and The Medicines (Monitoring of Advertising) Regulations 1994 (both as amended). The ASA and BCAP are obliged to consider complaints about breaches of Regulation 9 of the Advertising Regulations, which has been incorporated in these rules.</p>
<p>4.4 Prescription Only Medicines (POMs)</p> <p>Advertisements for medicinal products or treatments available only on prescription are not acceptable.</p>	<p>11.21</p> <p>Advertisements for these are not acceptable:</p> <p>11.21.1</p> <p>medicinal products or medical treatments available only on prescription</p>
<p>4.5 Products Without a Marketing Authorisation</p> <p>Advertisements for products which do not hold a marketing authorisation under the Medicines Act 1968 must not include medical claims.</p> <p>(Registered homeopathic products are dealt with separately, at 4.13 below).</p>	<p>11.4</p> <p>Medicinal claims may be made for a medicinal product that is licensed by the MHRA or EMEA, or a medical device that contains medicinal substances that act on the body in a manner ancillary to the device only. A medicinal claim is a claim that a substance or combination of substances can be used with a view to making a medical diagnosis or can treat or prevent disease, including an injury, ailment or adverse condition, whether of body or mind, in humans beings by restoring, correcting or modifying physiological functions by exertion of a pharmacological, immunological or metabolic action.</p>

4.6 Mandatory Information	11.20
Advertisements for medicinal products must include the following information:	Advertisements for medicinal products must include this information:
a) the name of the product and an indication of what it is for;	<p>11.20.1</p> <p>the name of the product</p> <p>11.20.4</p> <p>the indication (what the product is for).</p>

b) the name of the active ingredient, if it contains only one;	11.20.2 the name of the active ingredient, if it contains only one
c) where necessary, the information needed for the correct use of the product;	
d) wording such as ‘always read the label’ or ‘always read the leaflet’, as appropriate.	11.20.3 relevant wording such as “always read the label” or “always read the leaflet”

4.7 Unacceptable References	
Advertisements must not suggest that a product is special or different because it has been granted a marketing authorisation or contain any reference to the European Commission or the MHRA (unless the MHRA requires such a reference).	11.19 Medicines must have a licence from the MHRA before they are advertised. Advertisements for medicinal products must conform with the licence. Advertisements must not suggest that a product is “special” or “different” because it has been granted a licence from the MHRA.
No advertisement for a medicinal product may suggest that health can be enhanced by taking the medicinal product, or suggest that health could be affected by not taking the medicinal product.	11.25.1 Advertisements must not falsely suggest that a product is necessary for the maintenance of physical or mental health or that health could be enhanced by taking the product or affected by not taking it.
4.8 Medicines and Children Advertisements for medicinal products and treatments must not be directed exclusively or principally at children (for this purpose, those aged below 16 years).	11.24 No advertisement for a medicinal product or treatment may be directed at people under the age of 16. See also section 9: Children and section 32: Scheduling.
4.9 Conditions Requiring Medical Advice Advertisements must not offer any product or service for conditions for which qualified medical advice should be sought, or give the impression that a medical consultation or surgical operation is unnecessary (this	11.3 Advertisements must not discourage essential treatment for conditions for which medical supervision should be sought. For example, they must not offer specific advice on, diagnosis of or treatment for such conditions unless that advice, diagnosis or treatment is conducted under the supervision of a suitably qualified health professional. (See 11.9) That does

<p>excludes advertisements for spectacles, contact lenses and hearing aids), in particular by offering a diagnosis or by suggesting treatment by post, fax, telephone or email.</p>	<p>not prevent advertising for spectacles, contact lenses or hearing aids.</p> <p>11.9</p> <p>Advertisements are acceptable only if the advertiser can provide suitable credentials, for example, evidence of: relevant professional expertise or qualifications; systems for regular review of members' skills and competencies and suitable professional indemnity insurance covering all services provided; accreditation by a professional or regulatory body that has systems for dealing with complaints and taking disciplinary action and has registration based on minimum standards for training and qualifications.</p> <p>11.13.1</p> <p>Advertisements must not contain offers to prescribe or treat remotely (including by phone, post, e-mail or fax). That does not preclude advertisements containing offers to distribute general information on health-related matters, such as leaflets or information packs.</p>
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<p>4.10 Services or Clinics Offering Advice and/or Treatments in Medical or Personal Welfare or other Health Matters</p> <p>Advertisers will only be acceptable if they can provide suitable bona fides, such as evidence of relevant professional expertise or qualifications, or accreditation to a recognised professional body. Advertising must also comply with the rules of relevant professional bodies. Advertisers may be asked to show that clinics are registered with the Local Health Authority, and/or may be referred to the RACC's medical consultant, or other advisors as required by the ASA or the BCAP Executive as a result of monitoring.</p>	<p>11.9</p> <p>Advertisements are acceptable only if the advertiser can provide suitable credentials, for example, evidence of: relevant professional expertise or qualifications; systems for regular review of members' skills and competencies and suitable professional indemnity insurance covering all services provided; accreditation by a professional or regulatory body that has systems for dealing with complaints and taking disciplinary action and has registration based on minimum standards for training and qualifications.</p>
<p>Advertisers must show that they have meaningful bona fides, for example that they belong to a body which has systems for dealing with complaints and for taking disciplinary action; that registration is based on minimum standards for training and qualifications, that there are systems in place for regular review of members skills and competencies, and that they have suitable professional indemnity insurance covering all services provided.</p>	<p>11.9</p> <p>Advertisements are acceptable only if the advertiser can provide suitable credentials, for example, evidence of: relevant professional expertise or qualifications; systems for regular review of members' skills and competencies and suitable professional indemnity insurance covering all services provided; accreditation by a professional or regulatory body that has systems for dealing with</p>

	complaints and taking disciplinary action and has registration based on minimum standards for training and qualifications.
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4.11 Advice by Correspondence	
Advertising for services offering one-to-one advice by correspondence (including telephone, post, email and fax) on medical/health matters will only be acceptable where:	11.13 Broadcasters may accept advertisements for services offering remote personalised advice on medical or health matters only if all staff providing that advice are suitably qualified and subject to regulation by a statutory or recognised medical or health professional body and the advice given is in accordance with its relevant professional codes of conduct (see 11.9).
i such advice is given by suitably qualified health professionals acting in accordance with their relevant professional Codes of conduct; and	11.13 Broadcasters may accept advertisements for services offering remote personalised advice on medical or health matters only if all staff providing that advice are suitably qualified and subject to regulation by a statutory or recognised medical or health professional body and the advice given is in accordance with its relevant professional codes of conduct (see 11.9).
ii those professional Codes are recognised by the ASA and BCAP.	

No advertisement may contain any offer to prescribe or treat by correspondence.	11.13.1 Advertisements must not contain offers to prescribe or treat remotely (including by phone, post, e-mail or fax). That does not preclude advertisements containing offers to distribute general information on health-related matters, such as leaflets or information packs.
This Rule does not preclude advertising containing offers to distribute general information on health-related matters, such as leaflets or information packs	

4.12 Unacceptable Impressions of Professional Support and Advice	11.5
The following are not acceptable:	These are not acceptable in advertisements for medicinal products:
a) presentations by doctors, nurses, midwives, dentists, pharmaceutical chemists, veterinary surgeons, etc. which give the impression of	11.5.1 Presentations, by doctors, dentists,

professional advice or recommendation;	veterinary surgeons, pharmaceutical chemists, nurses, midwives and the like that imply professional advice or recommendation;
b) statements which give the impression of professional advice or recommendation by people who feature in the advertisements and who are presented as being qualified to do so;	11.5.2 statements that imply professional advice or recommendation by people who are presented, whether directly or by implication, as being qualified to give that advice or recommendation;
c) references to approval of, or preference for, a product or its ingredients or their use by the professions listed at (a).	11.5.3 references to approval of, or preference for, any relevant product, its ingredients or their use by the professions covered by 11.5.1.
	11.6 Advertisements other than those for medicinal products may feature or refer to health professionals covered by 11.5.1, if those professionals are suitably qualified in the relevant subject.
	11.7 Unless it is obvious from the context, advertisements that include a health professional must make clear if he or she has a direct financial interest, or equivalent reciprocal interest, in the sale of the advertised product or service.
	11.8 Testimonials or endorsements by health professionals must be genuine and supported by documentary evidence. Fictitious testimonials must not be presented as genuine. Any statement in a testimonial that is likely to be interpreted as a factual claim must be substantiated.

4.13 Homeopathic Medicinal Products	
Advertisements for homeopathic medicines are	

acceptable, subject to all relevant requirements of EC Council Directive 2001/83/EC (as amended by 2004/27/EC) on medicinal products for human use implemented in the UK by the Medicines (Advertising) Regulations 1994 (as amended).	
In particular:	
a) advertisements are only acceptable for products which have been registered in the UK;	<p>11.33</p> <p>Only homeopathic medicinal products that are registered in the UK may be advertised. Mandatory information for homeopathic advertisements can be found in the MHRA Blue Guide at www.mhra.gov.uk.</p>
b) product information must be confined to that which appears in Schedule 5 of the Medicines (Advertising) Regulations 1994. Advertisements may not, therefore, include medicinal or therapeutic claims or refer to a particular ailment;	<p>11.33</p> <p>Only homeopathic medicinal products that are registered in the UK may be advertised. Mandatory information for homeopathic advertisements can be found in the MHRA Blue Guide at www.mhra.gov.uk.</p> <p>Advertisements for traditional herbal medicinal products and homeopathic medicinal products must include mandatory information, which can be found in the MHRA Blue Guide at www.mhra.gov.uk.</p>
c) advertisements must include wording such as 'always read the label' or 'always read the leaflet' as appropriate.	<p>11.20.3</p> <p>relevant wording such as "always read the label" or "always read the leaflet"</p> <p>Advertisements for traditional herbal medicinal products and homeopathic medicinal products must include mandatory information, which can be found in the MHRA Blue Guide at www.mhra.gov.uk.</p>

<p>4.14 Celebrities</p> <p>Advertisements for medicines and medical products which require legal marketing authorisation must not be presented by, or include testimonials from, persons well known in public life, sport, entertainment, etc. The Medicines (Advertising) Regulations 1994 prohibits "recommendations by persons who because of their celebrity, could encourage the consumption of medicinal products." This includes persons corporate as well as singular, and would prohibit, for example, recommendations by medical charities, patient</p>	<p>11.27</p> <p>No advertisement for a medicinal product or treatment may include a testimonial by a person well-known in public life, sport, entertainment or similar or be presented by such a person. That includes persons corporate as well as singular and would prohibit, for example, recommendations by medical charities, patient groups and health or sport organisations.</p>
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groups and health/sport organisations.	
4.15 Cure Unless otherwise allowed by its marketing authorisation, words or phrases that claim or imply the cure of any ailment, illness, disease or addiction, as distinct from the relief of its symptoms, are unacceptable. (Words such as 'help' or 'relieve' should be used).	11.15 Unless allowed by a product licence, words, phrases or illustrations that claim or imply the cure of an ailment, illness, disease or addiction, as distinct from the relief of its symptoms, are unacceptable.
4.16 Tonic Unless otherwise allowed by its marketing authorisation, the word 'tonic' is not acceptable in advertisements for products making health claims.	11.16 Unless authorised by the relevant product licence, the word "tonic" is not acceptable in advertisements that make health claims. Claims must not suggest that a product has tonic properties. That does not prevent the use of the word "tonic" in the description "Indian tonic water" or "quinine tonic water".
4.17 Unacceptable Descriptions Advertisements must not suggest that any medicinal product is a foodstuff, cosmetic or other consumer product.	11.22 No advertisement may suggest that a medicinal product is a foodstuff, cosmetic or other consumer product.
4.18 Self-Diagnosis Advertisements for medicinal products must not contain any material which could, by description or detailed representation of a case history, lead to erroneous self-diagnosis.	11.29 Advertisements for medicinal products must not contain material that could, for example by description or detailed representation of a case history, lead to a wrong self-diagnosis.
4.19 Guarantee of Efficacy Advertisements for medicinal products must not claim or imply that the effects of taking the product are guaranteed.	11.23 No advertisement for a medicinal product may claim its effects are guaranteed. That does not prevent the offering of refunds, if the advertisement does not suggest that efficacy is guaranteed.
4.20 Side Effects Advertisements for medicinal products must not suggest that the effects of taking the product are unaccompanied by side effects. (It is acceptable to highlight the usual absence of a specific side effect, eg. 'no drowsiness').	11.30 Although it may refer to the likely absence of a specific side effect, for example "unlikely to cause drowsiness", no advertisement for a medicinal product may suggest that a product has no side effects.
4.21 'Natural' Products	11.32

Advertisements for medicinal products must not suggest that the safety or efficacy of the product is due to the fact that it is natural.	No advertisement for a medicinal product may suggest that the safety or efficacy of the product is due to it being “natural”.
4.22 Claims of Recovery Advertisements for medicinal products must not refer to claims of recovery in improper, alarming or misleading terms.	11.28 No advertisement for a medicinal product may refer in improper, alarming or misleading terms to claims of recovery.

4.23 Appeals to Fear or Exploitation of Credulity	11.25
a) No advertisement may cause those who hear it unwarranted anxiety if they are suffering or may suffer (if they do not respond to the advertiser’s offer) from any disease or condition of ill health.	Advertisements must not, without good reason, make viewers anxious that they are or might be suffering from disease or ill-health or might do so if they do not respond to the advertisement.
b) Advertisements must not falsely suggest that any product is necessary for the maintenance of health or the retention of physical or mental capacities (whether by people in general or by particular groups) or that health could be affected by not taking the product.	11.25.1 Advertisements must not falsely suggest that a product is necessary for the maintenance of physical or mental health or that health could be enhanced by taking the product or affected by not taking it.

4.24 Encouragement of Excess Advertisements must not imply or encourage indiscriminate, unnecessary or excessive use of any medicinal product or treatment.	11.14 No advertisement may encourage indiscriminate, unnecessary or excessive use of products or services covered by this section.
4.25 Exaggeration Advertisements must not make any exaggerated claims, in particular through the selection of testimonials or other evidence unrepresentative of a product’s effectiveness, or by claiming that it possesses some special property or quality which cannot be substantiated.	3.1 Advertisements must not materially mislead. 3.2 Advertisements must not mislead consumers by omitting material information. They must not mislead by hiding material information or presenting it in an unclear, unintelligible, ambiguous or

	untimely manner.
4.26 Comparisons Advertisements for medicinal products or treatments must not suggest that the effects of taking the product are better than, or equivalent to, those of another identified or identifiable medicinal product or treatment.	11.31 No advertisement for a medicinal product or treatment may suggest that the effects are better than, or equivalent to, those of another identifiable medicinal product or treatment.
4.27 Analgesics A ‘tension headache’ is a recognised medical condition and analgesics may be advertised for the relief of pain associated with it. However, no simple or compound analgesic may be advertised for the direct relief of tension or stress. In such advertisements there must be no references to depression.	11.34 A tension headache is a recognised medical condition; analgesics may be advertised for the relief of pain associated with that condition but no advertisement for a simple or compound analgesic may claim the direct relief of tension or refer to depression.
4.28 Sales Promotions Advertising for medicinal products which need a marketing authorisation must not contain references to sales promotions (including competitions, premium offers and samples).	
4.29 Jingles Jingles may be used but must not incorporate any medical/health claim.	11.17 Jingles may be used but must not incorporate a medical or health claim.
	11.18 Advertisements for smoking deterrents: <div style="margin-left: 40px;"> 11.18.1 must make clear that the indispensable factor in giving up smoking is willpower </div> <div style="margin-left: 40px;"> 11.18.2 must not claim that smoking is safer while the habit is being reduced. </div>

	<p>16.7</p> <p>Advertisements for medicinal products may offer to donate money to charity but must not be likely to encourage indiscriminate, unnecessary or excessive purchases of medicinal products. Advertisements must state the basis on which the contribution will be calculated.</p> <p>Cross reference: See also Section 11 Medicines, Medical Devices, Treatments and Health</p>
	<p>11.10</p> <p>Advertisements for hypnosis-based procedures (including techniques commonly referred to as hypnotherapy), psychiatry, psychology, psychoanalysis or psychotherapy are acceptable subject to rule (11.9). Broadcasters must take particular care over advertisements for publications employing those techniques.</p>
	<p>11.11</p> <p>Advertisements for post-conception pregnancy advice services must make clear in the advertisement if the service does not refer women directly for abortion.</p> <p>Cross reference: See also rule 11.9 and section 15 Faith and section 16 Charities.</p>

PRESENT CODE	PROPOSED CODE
5 Sanitary Protection Products	
These include sanitary towels and tampons, and incontinence pads for both children and adults.	
a) Central copy clearance is required;	
b) Particular care must be taken over scheduling (see Section 2, Rule 8 Scheduling);	
c) Detailed descriptions of the product or its use or application must avoid anything which might offend or embarrass listeners (see also Section 2, Rule 9 Good Taste, Decency and Offence to Public Feeling);	<p>4.1</p> <p>Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.</p>
d) Particular discretion is required when communicating a product's suitability to specific listeners. Advertising treatments, including voiceover gender, must take account of the age	<p>4.1</p> <p>Advertisements must not cause serious or widespread offence against generally accepted</p>

and gender of those to whom advertisements are addressed (see also Section 2, Rule 9 Good Taste, Decency and Offence to Public Feeling);	moral, social or cultural standards.
e) Copy must not contain anything likely to embarrass or undermine a person's confidence in her/his own personal hygiene standards.	4.1 Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.
f) No implication of, or appeal to, sexual or social insecurity is acceptable;	4.1 Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.
g) References to sexual relationships should be avoided.	4.1 Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.

PRESENT CODE	PROPOSED CODE
6 Family Planning Services	
a) Central copy clearance is required;	11.1 - Radio Central Copy Clearance Radio broadcasters must ensure advertisements subject to this Section are centrally cleared. 11.9 Services including Clinics, Establishments and the like offering advice on, or Treatment in medical, personal or other health matters. Advertisements are acceptable only if the advertiser can provide suitable credentials, for example, evidence of: relevant professional expertise or qualifications; systems for regular review of members' skills and competencies and suitable professional indemnity insurance covering all services provided; accreditation by a professional or regulatory body that has systems for dealing with complaints and taking disciplinary action and has registration based on minimum standards for training and qualifications.
b) Particular care must be taken over scheduling (see Section 2, Rule 8 Scheduling);	32.17 Scheduling of Radio Advertisements (a) Special care is required for these categories: (v) family planning products (including contraceptives and pregnancy-testing)

	products);
c) Advertisements are acceptable only from family planning centres approved by a Local Health Authority, the Central Office of Information or other appropriate NHS body.	<p>11.11</p> <p>Advertisements for post-conception pregnancy advice services must make clear in the advertisement if the service does not refer women directly for abortion.</p> <p>Cross reference: See also rule 11.9 and section 15 Faith and section 16 Charities.</p>

PRESENT CODE	PROPOSED CODE
7 Pregnancy Testing Kits and Services	
a) Central copy clearance is required;	<p>11.1 - Radio Central Copy Clearance</p> <p>Radio broadcasters must ensure advertisements subject to this Section are centrally cleared.</p> <p>11.9 Services including Clinics, Establishments and the like offering advice on, or Treatment in medical, personal or other health matters.</p> <p>Advertisements are acceptable only if the advertiser can provide suitable credentials, for example, evidence of: relevant professional expertise or qualifications; systems for regular review of members' skills and competencies and suitable professional indemnity insurance covering all services provided; accreditation by a professional or regulatory body that has systems for dealing with complaints and taking disciplinary action and has registration based on minimum standards for training and qualifications.</p>
b) Particular care must be taken over scheduling (see Section 2, Rule 8 Scheduling).	<p>32.17 Scheduling of Radio Advertisements</p> <p>(a) Special care is required for these categories:</p> <p>(v) family planning products (including contraceptives and pregnancy-testing products);</p>

PRESENT CODE	PROPOSED CODE
8 Contraceptives	

a) Central copy clearance is required;	11.1 - Radio Central Copy Clearance Radio broadcasters must ensure advertisements subject to this Section are centrally cleared.
b) Particular care must be taken over scheduling (see Section 2, Rule 8 Scheduling);	32.17 Scheduling of Radio Advertisements (a) Special care is required for these categories: (v) family planning products (including contraceptives and pregnancy-testing products);
c) Treatments must not promote or condone promiscuity.	Harm and Offence Principle Advertisements must not be harmful or offensive. Advertisements must take account of generally accepted standards to minimise the risk of causing harm or serious or widespread offence. The context in which an advertisement is likely to be broadcast must be taken into account to avoid unsuitable scheduling (see Part 2: Scheduling). 4.1 Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.

9 Anti-AIDS and Anti-Drugs Messages	
a) Central copy clearance is required;	
b) Particular care must be taken over scheduling (see Section 2, Rule 8 Scheduling);	Scheduling of Radio Advertisements 32.17 Special care is required for these categories: 32.17.6 anti-AIDS or anti-drugs messages;

c) Advertisements are acceptable only from bodies approved by a Local Health Authority or the Central Office of Information.	
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PRESENT CODE	PROPOSED CODE
10 Tobacco Products	
<p>Advertisements for tobacco products (including cigarettes, cigarette tobacco and papers, cigars and pipe tobacco) are prohibited.</p> <p>Advertisements must not advertise a brand name that is the same as, likely to be mistaken for, or connected with a tobacco product, if the purpose or effect is to promote a tobacco product.</p>	<p>SECTION 10</p> <p>Prohibited Categories</p> <p>Principle</p> <p>Broadcast advertisements for some products or services are not permitted either because those products may not legally be advertised or because of a clear potential for harm or serious or widespread offence to the audience or to society.</p> <p>Rules</p> <p>10.1</p> <p>Advertisements for products or services coming within the recognised character of or specifically concerned with these are not acceptable:</p> <p>10.1.3</p> <p>all tobacco products. Also non-tobacco products or services that share a name, emblem or other feature with a tobacco product (as provided for by rule 10.3), rolling papers and filters</p> <p><u>Tobacco</u></p> <p>10.3</p> <p>Advertisements must not promote smoking or the use of tobacco products.</p>

	<p>10.4</p> <p>If it shares a name, emblem or other feature with a tobacco product, a non-tobacco product or service may be advertised only if the advertisement is obviously directly targeted at an adult audience, makes or implies no reference to smoking or to a tobacco product, does not promote tobacco or smoking and does not include a design, colour, imagery, logo style or the like that might be associated in the audience's mind with a tobacco product.</p> <p>10.5</p> <p>Advertisements that might be of particular interest to children or teenagers must not refer to tobacco or smoking, unless that reference obviously forms part of an anti-smoking or anti-drugs message.</p>
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PRESENT CODE	PROPOSED CODE
11 Alcoholic Drinks	
On 1 July 2007, a new and important regulation governing nutrition and health claims for foods (including alcoholic drinks) came into force. The regulation is complex and mandatory. BCAP encourages broadcasters to take advice on the effect of the regulation and to consult the Food Standards Agency's Guidance to Compliance with Regulation (EC) 1924/2006 on Nutrition and Health Claims on Foods, which is available at http://www.food.gov.uk	
Central copy clearance is required. Alcoholic drink advertisements must comply with the minimum standards set out here. These Rules also apply to low alcoholic drinks, except where otherwise stated.	<p><u>Radio</u></p> <p>19.1 – Radio Central Copy Clearance</p> <p>Radio broadcasters must ensure advertisements for alcoholic drinks are centrally cleared.</p>
These Rules apply principally to advertisements for alcoholic drinks and low alcoholic drinks. However, incidental portrayals of alcohol consumption in advertisements for other products and services must always be carefully considered to ensure that they do not contradict the spirit of these Rules.	<p>Principle</p> <p>The spirit as well as the letter of the rules in this Section applies.</p>

	<p>Definitions</p> <p>The rules in this Section apply to advertisements for alcoholic drinks and advertisements that feature or refer to alcoholic drinks. Alcoholic drinks are defined as those containing at least 1.2% alcohol; low-alcohol drinks are defined as drinks containing between 0.5% and 1.2% alcohol.</p> <p>Where stated, exceptions are made for low-alcohol drinks. But, if an advertisement for a low-alcohol drink could be considered to promote a stronger alcoholic drink or if the low-alcohol content of a drink is not stated clearly in the advertisement, all the rules in this Section apply.</p> <p>If a soft drink is promoted as a mixer, the rules in this Section apply in full.</p>
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<p>11.1 Scheduling of Advertisements for Alcohol</p> <p>Advertisements for alcoholic drinks must not be broadcast in or around religious programming or programming aimed particularly at those aged below 18 years (see also Rule 11.2, below).</p>	<p>Principle</p> <p>Broadcasters must take special care when scheduling advertisements that might be unsuitable for children or young persons or the audience of religious programmes or for broadcast around sensitive programming or news items.</p> <p>Scheduling of Television and Radio Advertisements</p> <p><u>Under 18s</u></p> <p>32.2 The following may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:</p> <p>32.2.1 alcoholic drinks containing 1.2% alcohol or more by volume; (See also 32.4.7);</p>
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	<p>Scheduling of Radio Advertisements</p> <p>32.18 Violent or sexually explicit material must not be advertised in or adjacent to programmes targeted particularly at audiences below the age of 18.</p>
11.2 Protection of Younger Listeners	
<p>a) Alcoholic drink advertising must not be aimed at those aged below 18 years or use treatments likely to be of particular appeal to them;</p>	<p>19.16 – Radio only</p> <p>Alcohol advertisements must not:</p> <p>19.16.1</p> <p>be targeted at those under 18 years or use a treatment likely to be of particular appeal to them.</p> <p>19.16.2</p> <p>include a person or character whose example is likely to be followed by those aged under 18 years or who has a particular appeal to those aged under 18.</p>
<p>b) Advertisements for alcoholic drinks must not include any personality whose example is likely to be followed by those aged below 18 years, or who has a particular appeal to those aged below 18 years;</p>	<p>19.16 – Radio only</p> <p>Alcohol advertisements must not:</p> <p>19.16.1</p> <p>be targeted at those under 18 years or use a treatment likely to be of particular appeal to them.</p> <p>19.16.2</p> <p>Alcohol advertisements must not include a person or character whose example is likely to be followed by those aged under 18 years or who has a particular appeal to those aged under 18.</p>

<p>c) Advertisements for alcoholic drinks must only use voiceovers of those who are, and sound as if they are, at least 25 years of age;</p>	<p>19.17</p> <p>Alcohol advertisements must not feature in a significant role anyone who is, or seems to be, under 25 and must not feature children.</p> <p>An exception is made for advertisements that feature families socialising responsibly. Here, children may be included but they should have an incidental role only and anyone who seems to be under the age of 25 must be obviously not drinking alcohol.</p>
<p>d) Advertisements for drinks containing less than 1.2% alcohol by volume must only use voiceovers of those who are, and sound as if they are, at least 18 years of age;</p>	<p>19.17</p> <p>Alcohol advertisements must not feature in a significant role anyone who is, or seems to be, under 25 and must not feature children.</p> <p>An exception is made for advertisements that feature families socialising responsibly. Here, children may be included but they should have an incidental role only and anyone who seems to be under the age of 25 must be obviously not drinking alcohol.</p>
<p>e) Children's voices must not be heard in advertisements for alcoholic drinks.</p>	<p>19.17</p> <p>Alcohol advertisements must not feature in a significant role anyone who is, or seems to be, under 25 and must not feature children.</p> <p>An exception is made for advertisements that feature families socialising responsibly. Here, children may be included but they should have an incidental role only and anyone who seems to be under the age of 25 must be obviously not drinking alcohol.</p>

<p>11.3 Unacceptable Treatments</p>	
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<p>a) Advertisements must not imply that drinking is essential to social success or acceptance, or that refusal is a sign of weakness. Nor must they imply that the successful outcome of a social occasion is dependent on the consumption of alcohol;</p>	<p>19.4</p> <p>Advertisements must not imply that drinking alcohol is a key component of social success or acceptance or that refusal is a sign of weakness. Advertisements must not imply that the success of a social occasion depends on the presence or consumption of alcohol.</p> <p>19.3</p> <p>Advertisements must neither imply that alcohol can contribute to an individual's popularity or confidence nor imply that alcohol can enhance personal qualities</p>
<p>b) Advertisements must neither claim nor suggest that any drink can contribute towards sexual success or that drinking can enhance sexual attractiveness;</p>	<p>19.6</p> <p>Advertisements must not link alcohol with sexual activity, sexual success or seduction or imply that alcohol can enhance attractiveness. That does not preclude linking alcohol with romance or flirtation.</p>
<p>c) Advertisements must not suggest that regular solitary drinking is acceptable or that drinking is a means of resolving personal problems. Nor must they imply that drinking is an essential part of daily routine or can bring about a change in mood;</p>	<p>19.7</p> <p>Advertisements must not portray alcohol as indispensable or as taking priority in life. Advertisements must not imply that drinking can overcome problems or that regular solitary drinking is acceptable.</p> <p>19.8</p> <p>Advertisements must not imply that alcohol has therapeutic qualities. Alcohol must not be portrayed as capable of changing mood, physical condition or behaviour or as a source of nourishment. Although they may refer to refreshment, advertisements must not imply that alcohol can improve any type of performance.</p>
<p>d) Advertisements must not suggest or imply that drinking is an essential attribute of gender. References to daring, toughness or bravado in association with drinking are not acceptable;</p>	<p>19.5</p> <p>Advertisements must not link alcohol with daring, toughness, aggression or unruly, irresponsible or</p>

	anti-social behaviour.
e) Alcoholic drinks must not be advertised in a context of aggressive, dangerous, anti-social or irresponsible behaviour;	<p>19.5</p> <p>Advertisements must not link alcohol with daring, toughness, aggression or unruly, irresponsible or anti-social behaviour.</p>
f) Advertisements must not foster, depict or imply immoderate or irresponsible drinking or drinking at speed. References to buying rounds of drinks are unacceptable;	<p>19.2</p> <p>Advertisements must not feature, imply, condone or encourage irresponsible or immoderate drinking. That applies to both the amount of drink and the way drinking is portrayed.</p> <p>References to, or suggestions of, buying repeat rounds of alcoholic drinks are not acceptable. That does not prevent, for example, someone buying a drink for each member of a group. It does, however, prevent any suggestion that other members of the group will buy a round.</p> <p>19.12</p> <p>Advertisements must not feature alcohol being handled or served irresponsibly</p>
g) Advertisements must not offer alcohol as therapeutic, or as a stimulant, sedative, tranquilliser or source of nourishment/goodness, or link the product to illicit drugs. While advertisements may refer to refreshment after physical performance, they must not give any impression that performance can be improved by drink;	<p>19.8</p> <p>Advertisements must not imply that alcohol has therapeutic qualities. Alcohol must not be portrayed as capable of changing mood, physical condition or behaviour or as a source of nourishment. Although they may refer to refreshment, advertisements must not imply that alcohol can improve any type of performance.</p> <p>19.9</p> <p>Advertisements must not link alcohol to illicit drugs.</p>
h) Advertisements must not suggest that a drink is preferable because of its higher alcohol content or intoxicating effect and must not place undue	19.10

emphasis on alcoholic strength.	Advertisements may give factual information about the alcoholic strength of a drink or make a factual strength comparison with another product but, except for low-alcohol drinks, which may be presented as preferable because of their low alcoholic strength, must not otherwise imply that a drink may be preferred because of its alcohol content or intoxicating effect.
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11.3.1 Health, Diet and Nutritional Claims (See the BCAP Help Note on Health, Diet and Nutritional Claims in Radio Alcohol Advertisements) Advertisements for alcoholic drinks may contain factual statements about product contents, including comparisons, but must not make any other type of health, fitness or weight control claim.	19.18 Advertisements for alcoholic drinks may give factual statements about product contents, including comparisons, but must not make any health claims, which include fitness or weight-control claims. The only permitted nutrition claims are “low alcohol”, “reduced alcohol” and “reduced energy”.
11.4 Safety	
a) Nothing may link drinking with driving or with the use of potentially dangerous machinery, except in drunk driving messages (see also Section 3, Rule 18 Motor Vehicles);	19.13 Advertisements must not link alcohol with the use of potentially dangerous machinery or driving. Advertisements may feature sporting and other physical activities (subject to other rules in this Section) but must not imply that those activities have been undertaken after the consumption of alcohol. Definitions The rules are not intended to inhibit responsible advertisements that are intended to counter problem drinking or tell consumers about alcohol-related health or safety themes. Those advertisements should not be likely to promote an alcohol product or brand.
b) Nothing may link alcohol with a work or other unsuitable environment.	19.14 Advertisements must not normally show alcohol

	being drunk by anyone in their working environment.
11.5 Sales Promotions Advertisements for alcoholic drinks must not publicise sales promotions (including competitions) that appear to encourage excessive consumption.	19.11 Advertisements may include alcohol sales promotions but must not imply, condone or encourage immoderate drinking.
11.6 Cut price Offers References to ‘cut-price/happy hour drinks’, ‘buy two and get one free’, ‘money-off coupons’ and the like must be considered with caution. References which encourage excessive or immoderate consumption are unacceptable. However, off-licences and alcoholic drink retailers may advertise price reductions for their stock.	19.11 Advertisements may include alcohol sales promotions but must not imply, condone or encourage immoderate drinking.
11.7 Low Alcohol Drinks Provided they comply generally with the Code and reflect responsible consumption and behaviour, advertisements for drinks containing less than 1.2% alcohol by volume will not normally be subject to Rules 11.3f), 11.4b) and 11.5. However, if a significant purpose of an advertisement for a low alcoholic drink could be considered to promote a brand of stronger alcoholic drink, or if the drink’s low alcohol content is not stated in the advertisement, all the above Rules are applicable.	Definitions The rules in this Section apply to advertisements for alcoholic drinks and advertisements that feature or refer to alcoholic drinks. Alcoholic drinks are defined as those containing at least 1.2% alcohol; low-alcohol drinks are defined as drinks containing between 0.5% and 1.2% alcohol. Where stated, exceptions are made for low-alcohol drinks. But, if an advertisement for a low-alcohol drink could be considered to promote a stronger alcoholic drink or if the low-alcohol content of a drink is not stated clearly in the advertisement, all the rules in this Section apply. 19.10 Advertisements may give factual information about the alcoholic strength of a drink or make a factual strength comparison with another product but, except for low-alcohol drinks, which may be presented as preferable because of their low alcoholic strength, must not otherwise imply that a drink may be preferred because of its alcohol content or intoxicating effect.

PRESENT CODE	PROPOSED CODE
12 Food and Beverages	
<p><i>On 1 July 2007, a new and important regulation governing nutrition and health claims for foods came into force. The regulation is complex and mandatory. BCAP encourages broadcasters to take advice on the effect of the regulation and to consult the Food Standards Agency's Guidance to Compliance with Regulation (EC) 1924/2006 on Nutrition and Health Claims on Foods, which is available at http://www.food.gov.uk</i></p>	<p>Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods is complex and mandatory and seeks to protect consumers from misleading or false claims. Transitional periods apply and broadcasters are advised to take advice on the effect of the Regulation. Advertising industry stakeholders might find the Guidance to Compliance with European Regulation (EC) No 1924 on Nutrition and Health Claims Made on Foods published by the Food Standards Agency useful: www.food.gov.uk.</p>
<p>Advertisers must ensure that their advertisements comply with all relevant legislation, in particular The Food Labelling Regulations 1996 and The Food Safety Act 1990. Advertisers should also meet the criteria of the Food Advisory Committee's guidelines.</p>	<p>Background</p> <p>These rules must be read in conjunction with the relevant legislation including the Food Safety Act 1990, the Food Labelling Regulations 1996 (as amended), especially Schedule 6 and Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods. They apply to all broadcast advertisements for food products.</p> <p>Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods is complex and mandatory and seeks to protect consumers from misleading or false claims. Transitional periods apply and broadcasters are advised to take advice on the effect of the Regulation. Advertising industry stakeholders might find the Guidance to Compliance with European Regulation (EC) No 1924 on Nutrition and Health Claims Made on Foods published by the Food Standards Agency useful: www.food.gov.uk.</p> <p>References to food apply also to soft drinks.</p>
	<p>13.1</p> <p>Radio broadcasters must ensure advertisements subject to this Section are centrally cleared.</p>

12.1 Diet and Lifestyle	
<p>Advertisements must not disparage good dietary practice and must avoid anything likely</p>	<p>13.2</p> <p>Advertisements must avoid anything likely to condone or encourage poor nutritional habits or an</p>

<p>to encourage poor nutritional habits or an unhealthy lifestyle, especially in children. Advertisements must not discourage selection of foods, such as fresh fruit and vegetables, that generally accepted dietary opinion recommends should form a greater part of the average diet.</p>	<p>unhealthy lifestyle, especially in children.</p> <p>13.5</p> <p>Comparisons between foods must not discourage the selection of options such as fresh fruit and fresh vegetables, which generally accepted dietary opinion recommends should form a greater part of the average diet. Advertisements must not disparage good dietary practice. No advertisement should suggest that a balanced and varied diet cannot provide adequate nutrients in general.</p>
<p>This rule does not preclude responsible advertising for any products including those that should be eaten only in moderation. Claims of nutritional or health benefits should be considered in the context of a balanced diet or lifestyle or both.</p>	<p>13.2</p> <p>Advertisements must avoid anything likely to condone or encourage poor nutritional habits or an unhealthy lifestyle, especially in children.</p> <p>13.4.3</p> <p>The fact that a food product is a good source of certain nutrients does not justify generalised claims of a wider nutritional benefit and should be considered in the context of a balanced diet or lifestyle or both. Claims for the presence, absence or reduced content of a nutrient in a product must be able to show a beneficial nutritional or physiological effect as accepted by generally accepted scientific evidence.</p>
<p>Nutrition or health claims must be supported by sound scientific evidence. No nutrition or health claim may be used in food or soft drink product advertisements targeted directly at pre-school or primary school children; that prohibition does not apply to advertisements for fresh fruit or fresh vegetables. Generalised claims such as ‘goodness’ or ‘wholesome’ must not exaggerate the nutritional or health benefit of a food product or an ingredient. Reference to the properties of an ingredient must not give a misleading impression of the properties of the whole product. The scientific meaning of the word “energy”, calorific value, must not be confused with its colloquial meaning of physical vigour.</p>	<p>13.4</p> <p>Only Permitted Nutrition Claims listed in the Annex of EC Regulation 1924/2006 Nutrition and Health Claims made on Foods are permitted in advertisements.</p> <p>Authorised health claims in the Community Register may be used in advertisements. [Web link to Community Register]</p> <p>Transitional periods apply, including those for certain health claims in use before 19 January 2007 for which an application for authorisation has been submitted and nutrition claims in use in the EU before 1 January 2006. BCAP advises advertising industry stakeholders to take advice on the effect of the Regulation.</p> <p>Advertisements that feature health claims filed with the relevant Home Authority and awaiting authorisation, may be used with particular care. They must comply with all relevant rules.</p>

13.4.1

These Permitted Nutrition Claims or claims that would have the same meaning for the audience, must comply with the criteria in the annex of EC Regulation 1924/2006 Nutrition and Health Claims made on Foods:

Low energy, energy-reduced, energy-free, low fat, fat-free, low saturated fat, saturated fat-free, low sugars, sugars-free, with no added sugars, low sodium, low salt, very low sodium, very low salt, sodium-free, salt-free, source of fibre, high fibre, source of protein, high protein, source of [name of vitamin], high in [name of vitamin], contains [name of vitamin], source of [name of mineral], high in [name of mineral] contains [name of mineral], increased [name of nutrient], reduced [name of nutrient], light, lite, naturally and natural. More nutrition claims may be added to the list at a later date.

The Annex provisions can be found at [\[link to BCAP help note\]](#):

13.4.2

Nutrition or health claims must be supported by documentary evidence. Advertisements must not give a misleading impression of the nutrition or health benefits of the product as a whole and factual nutrition statements should not imply a nutrition or health claim that cannot be supported. Claims must be presented clearly and without exaggeration. References to energy should not confuse its scientific meaning, calorific value, with its colloquial meaning, physical vigour.

13.4.3

The fact that a food product is a good source of certain nutrients does not justify generalised claims of a wider nutritional benefit and should be considered in the context of a balanced diet or lifestyle or both. Claims for the presence, absence or reduced content of a nutrient in a product must be able to show a beneficial nutritional or physiological effect as accepted by generally accepted scientific evidence.

	<p>13.4.4</p> <p>Claims of a nutrition or health benefit that gives rise to doubt the safety or nutritional adequacy of another product are unacceptable.</p> <p>13.15</p> <p>Claims referring to children's development or health are acceptable in radio food or soft drink product advertisements if those claims are authorised by the European Commission.</p>
Advertisements must not encourage or condone excessive consumption of any food.	<p>13.3</p> <p>Advertisements must not condone or encourage excessive consumption of any food.</p>
Particular attention should be paid to the requirements of the Food Labelling Regulations 1996, especially the prohibited and restricted claims set out in Schedule 6. Guidelines that offer best-practice advice for nutritional claims and healthy eating are available. For example, The Food Standard Agency's Guidelines for the Use of Certain Nutrition Claims in Food Labelling and Advertising include a recommendation to avoid "% fat free" claims (issued November 1999).	Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods is complex and mandatory and seeks to protect consumers from misleading or false claims. Transitional periods apply and broadcasters are advised to take advice on the effect of the Regulation. Advertising industry stakeholders might find the Guidance to Compliance with European Regulation (EC) No 1924 on Nutrition and Health Claims Made on Foods published by the Food Standards Agency useful: www.food.gov.uk .

12.2 Dietary Supplements	<p><u>Dietary Supplements</u></p> <p>BCAP advises advertising industry stakeholders to ensure that claims made for food supplements and other vitamins and minerals are in line with the requirements of Regulation (EC) No 1924/2006 on Nutrition and Health Claims made on Foods.</p>
a) Advertisements must not state or imply that dietary supplements, including vitamins or minerals, are necessary to avoid dietary deficiency or can enhance normal good health;	<p>13.7</p> <p>Advertisements must not suggest that it is necessary for the average person to augment the diet or, unless the claim is authorised by the European Commission, that a dietary supplement can enhance normal good physical or mental condition. Claims about a higher vitamin or mineral intake for a specific function are permitted if authorised by the European Commission. Individuals must not be encouraged to swap a</p>

	healthy diet for supplementation.
<p>b) Advertisements for dietary supplements must establish clearly those groups of people likely to benefit from the advertised supplement. Groups that might benefit include: people on a restricted dietary regimen; those eating unsupplemented, low food-energy diets; women who are planning to become pregnant or are pregnant or lactating; growing children and some people over 50.</p>	<p>13.7.1</p> <p>Advertisements may offer vitamin and mineral supplements to certain groups as a safeguard to help maintain good health. If a claim is made for a vitamin or mineral relevant only to a group who is at risk of inadequate intake the advertisement must state clearly the group's likely to benefit from the supplement.</p> <p>Only certain groups are likely to benefit from a vitamin or mineral supplement. They might include:</p> <ul style="list-style-type: none"> • people on a restricted dietary regimen • those eating unsupplemented, low-energy diets • women of child-bearing age (especially if they are planning to have a baby, are pregnant or lactating) • growing children • people who eat nutritionally inadequate meals • convalescents, • athletes in training or others who are physically very active, • people who smoke, • people with Asian ancestry from the Indian subcontinent • some individuals over 50 • people who are housebound
	<p><u>Infant and Follow-on Formula</u></p> <p>These rules must be read in conjunction with the relevant legislation including the Infant Formula and Follow-on Formula Regulations 2007 and the European Regulation (EC) No 1924/2006 on Nutrition and Health claims made on foods.</p> <p>13.8</p> <p>Advertisements for infant formula are prohibited.</p> <p>13.8.1</p> <p>Advertisements must not confuse between</p>

	<p>infant formula and follow-on formula.</p>
	<p>13.6</p> <p>These are not acceptable in advertisements for products subject to this Section:</p> <p>13.6.1</p> <p>Claims that state or imply health could be affected by not consuming a food</p> <p>13.6.2</p> <p>Claims that state or imply a food prevents, treats or cures human disease. Reduction-of-disease-risk claims are acceptable if authorised by the European Commission</p> <p>13.6.3</p> <p>Health claims that refer to the recommendation of an individual health professional. Health claims that refer to the recommendation of an association are acceptable only if that association is a health-related charity or a national representative body of medicine, nutrition or dietetics</p> <p>13.6.4</p> <p>References to changes in bodily functions that could give rise to or exploit fear in the audience</p> <p>13.6.5</p> <p>Health claims that refer to a rate or amount of weight loss</p>
	<p>13.5</p> <p>Comparisons between foods must not discourage the selection of options such as fresh fruit and fresh vegetables, which generally accepted dietary opinion recommends should form a greater part of the average diet. Advertisements must not disparage good dietary practice. No advertisement</p>

	<p>should suggest that a balanced and varied diet cannot provide adequate nutrients in general.</p> <p>13.5.1</p> <p>Comparative nutrition claims must show any differences between a product bearing a Permitted Nutrition Claim and foods of the same category.</p> <p>13.5.2</p> <p>An advertisement may use one product as the sole reference for comparison only if that product is representative of the products in its category.</p> <p>13.5.3</p> <p>The difference in the quantity of a nutrient or energy value must be stated in the advertisement and must relate to the same quantity of food.</p> <p>The European Commission has produced guidance on food categories that advertising industry stakeholders might find useful:</p> <p>http://ec.europa.eu/food/food/labellingnutrition/claims/guidance_claim_14-12-07.pdf</p>
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PRESENT CODE	PROPOSED CODE
SECTION 3:13 SLIMMING PRODUCTS, TREATMENTS AND ESTABLISHMENTS	
<p><i>On 1 July 2007, a new and important regulation governing nutrition and health claims for foods came into force. The regulation is complex and mandatory. BCAP encourages broadcasters to take advice on the effect of the regulation and to consult the Food Standards Agency's Guidance to Compliance with Regulation (EC) 1924/2006 on Nutrition and Health Claims on Foods, which is available at http://www.food.gov.uk</i></p>	
<p>a) Advertisements for slimming products, treatments and establishments must be submitted for central copy clearance. They must comply where applicable with Section 3, Rule 4 Medicines, Treatments and Health and Rule 12 Food and Beverages above, and with criteria set down by the Proprietary Association of Great Britain (PAGB) and the</p>	<p>12.1 - Radio Central Copy Clearance</p> <p>Radio broadcasters must ensure advertisements subject to this Section are centrally cleared</p>

<p>Association of British Pharmaceutical Industries (ABPI);</p>	<p>Definitions</p> <p>This Section applies to advertisements for weight-control and slimming foodstuffs, aids (including exercise products that make weight-loss or slimming claims), clinics and other establishments, diets, medicines, treatments and the like. If applicable, they must comply with Section 10 Medicines, Medical Devices, Treatments and Health or Section 11 Food Dietary Supplements and Associated Health or Nutrition Claims. Broadcasters should be aware that the Proprietary Association of Great Britain (PAGB) lays down criteria for advertisements that fall within this Section.</p>
<p>b) Advertisements for establishments offering slimming treatments are acceptable only if such treatments are based on dietary control. Licensees must have obtained acceptable independent medical advice that the treatments are likely to be effective and will not lead to harm and satisfied themselves that any claims can be substantiated. Any financial and other contractual conditions must be made available in writing to customers prior to commitment;</p>	<p>12.15</p> <p>Advertisements for establishments offering weight-control or slimming treatments are acceptable only if they make clear that dietary control is necessary to achieve weight loss. An exception is made for clinics and other establishments that provide immediate weight loss surgery under suitably qualified medical supervision and are run in accordance with rule 11.9. Those clinics and other establishments must not refer to the amount of weight that can be lost.</p> <p>12.6</p> <p>Broadcasters must obtain suitably qualified independent medical or other health specialist advice on the safety and efficacy of weight control and slimming products or services before broadcast. In particular, the advice must satisfy broadcasters that:</p> <p>12.6.1</p> <p>the slimming product or service is likely to be effective and will not lead to harm;</p>
<p>c) Licensees must obtain suitably qualified independent medical advice on the safety and efficacy of the slimming aid being offered. Specifically, licensees must be satisfied that:</p>	<p>12.6</p> <p>Broadcasters must obtain suitably qualified independent medical or other health specialist advice on the safety and efficacy of weight control and slimming products or services before broadcast. In particular, the advice must satisfy broadcasters that:</p>

	<p>12.6.1</p> <p>the slimming product or service is likely to be effective and will not lead to harm;</p>
<p>i) there is reputable scientific evidence for any claims;</p>	<p>12.2</p> <p>If they are necessary for the assessment of claims, broadcasters must, before the advertisement is broadcast, obtain generally accepted scientific evidence and independent expert advice.</p>
<p>ii) clinics and other establishments or services offering medically supervised treatment are run in accordance with the General Medical Council guidelines on Good Medical Practice;</p>	<p>12.6</p> <p>Broadcasters must obtain suitably qualified independent medical or other health specialist advice on the safety and efficacy of weight control and slimming products or services before broadcast. In particular, the advice must satisfy broadcasters that:</p> <p>12.6.2</p> <p>clinics and other establishments offering medically supervised treatments are run in accordance with the National Minimum Standards Regulations issued by the Department of Health or, if they operate abroad, broadly equivalent requirements.</p>

<p>d) Promises or predictions of specific weight loss are not acceptable for any slimming aid. Where specific amounts of weight are claimed to have been lost by individuals the period over which the loss was achieved must be stated. The amount of weight lost and the period over which it was lost should be compatible with generally accepted good medical and dietary practice and not unrepresentative of the capabilities of the product or service offered;</p>	<p>12.7</p> <p>Promises or predictions of specific weight loss are not acceptable for any slimming product.</p> <p>12.9</p> <p>Claims that refer to specific amounts of weight that have been lost by an individual must state the period over which that loss was achieved and should not be based on unrepresentative experiences of the slimming or weight-control product. The amount of weight lost and the period over which it was lost must be compatible with generally accepted good medical and dietary practice. For those who are normally overweight, a rate of weight loss greater than 2lbs (just under 1kg) a week is unlikely to be compatible with good medical and nutritional practice. For those who are obese, a rate of weight loss greater than 2lbs a week in the early stages of dieting could be compatible with good medical and</p>
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	nutritional practice.
e) Advertisements for low-calorie foods and drinks, if presented as, or as part of, slimming regimes or if using a slimming or weight control theme, must make it clear that the product only assists weight loss as part of a calorie/energy controlled diet;	12.10 Low-calorie foods and drinks, if advertised as, or as part of, a slimming regime or if advertised using a slimming or weight-control theme, must make clear in the advertisement that the product merely helps weight loss as part of a calorie-controlled or energy-controlled diet.

f) Advertisements for specially formulated products intended for use in energy restricted diets which, when used as instructed by the manufacturer, replace the whole of the total daily diet or one or more meals of the daily diet, must comply with the ‘Foods Intended for Use in Energy Restricted Diets For Weight Reduction Regulations 1997’, specifically:	12.13 Advertisements for specially formulated products intended for use in energy-restricted diets that, when used as instructed by the manufacturer, replace the whole of the total daily diet or one or more meals of the daily diet must comply with the Foods Intended for Use in Energy Restricted Diets For Weight Reduction Regulations 1997 (as amended), specifically:
i) such foods may not be offered under any name other than ‘total diet replacement for weight control’ or ‘meal replacement for weight control’;	12.13.1 advertisements for such foods may not be offered under any name except “total diet replacement for weight control” or “meal replacement for weight control”
ii) advertisements for such foods may not refer to the rate or amount of weight loss that may result from use of the product, or to a reduction in the sense of hunger or an increase in the sense of satiety.	12.13.2 advertisements for such foods may not refer to the rate or amount of weight loss that could result from use of the product or to a reduction in the sense of hunger or an increase in the sense of satiety.

g) For the purposes of this Rule, Very Low Calorie Diets (VLCDs) are those where daily kilo-calorie intake falls below 800. They must comply with existing provisions under the Food Safety Act 1990 and any relevant regulations made under it, including those on advertising. The following conditions apply to any advertisement for such products:	12.14 For the purposes of this rule, very low-calorie diets (VLCDs) are those with a daily intake of less than 800 kilo-calories. They must comply with the provisions of the Food Safety Act 1990 and relevant regulations made under it, including those on advertising. These conditions apply to advertisements for such products:
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i) the advertisement must include a clear injunction to consult your doctor before embarking on the diet;	12.14.1 the advertisement must include a clear injunction to consult your doctor before embarking on the diet
ii) the diet must be positioned as a short-term measure only;	12.14.2 the diet must be positioned as a short-term measure only
iii) testimonials or specific case histories may not be used;	12.14.3 testimonials or specific case histories must not be used
iv) independent medical advice must be sought on whether the proposed advertisement complies with the recommendations of the government COMA Report No. 31, The Use of Very Low Calorie Diets in Obesity.	12.14.4 independent medical advice must be sought on whether the proposed advertisement accords with the guidance on “Obesity: the prevention, identification, assessment and management of overweight and obesity in adults and children” (2006) published by the National Institute for Health and Clinical Excellence.

h) With the exception of clinics and other establishments/services offering treatment under medical supervision (see Section 3, Rule 4.10), advertisements for slimming aids must not be directed at the obese or use testimonials or case histories referring to subjects who were or appeared to be obese before using the product or service advertised.	12.11 Advertisements for weight control or slimming products or services must not be targeted directly at individuals with a Body Mass Index of 30 or above (obesity) or use testimonials or case histories referring to subjects who were or seemed to be obese before using the advertised product.
For the purpose of this Rule, ‘obese’ means a Body Mass Index of 30 or above. Body Mass Index is calculated by dividing weight in kilograms by the square of height in metres.	12.11.1 Advertisements for clinics or other establishments that offer treatment under suitably qualified medical supervision and advertisements for non-prescription medicines that are indicated for the treatment of obesity and that require the involvement of a pharmacist in the sale or supply of the medicine may nevertheless be targeted at those who are obese. Please see rule 11.9, “Services including Clinics, Establishments and the like Offering Advice on, or Treatment in, Medical, Personal or other Health Matters”.

<p>j) Advertisements for slimming aids of any kind must not suggest or imply that to be underweight is acceptable or desirable. Where testimonials or case histories are used, they must not refer to subjects who are or appear to be underweight.</p> <p>For the purpose of this Rule, 'underweight' means with a Body Mass Index below 20.</p>	<p>12.12</p> <p>Advertisements for weight-control or slimming products must not suggest or imply that to be underweight is acceptable or desirable. If they are used, testimonials or case histories must not refer to subjects who are or seem to be underweight. Underweight means a Body Mass Index below 20.</p>
<p>k) Advertisements for slimming aids of any kind must not be addressed to people under 18, use creative treatments likely to be of particular appeal to them or feature any personality whose example people under 18 are likely to follow or who has a particular appeal to people under 18. Such advertisements must not be broadcast in the breaks in or immediately adjacent to programming principally directed at, or likely to be of particular appeal to, listeners below the age of 18.</p> <p>This Rule does not apply to advertisements for calorie/energy-reduced foods and drinks, provided these are not presented as, or as part of, slimming regimes and provided the advertisements do not use the theme of slimming or weight control.</p>	<p>12.5</p> <p>Advertisements for slimming or weight control products or services must not be addressed to people under 18, use creative treatments likely to be of particular appeal to them, or, feature any person whose example people under 18 are likely to follow or who has a particular appeal to them. This rule does not apply to advertisements for calorie-reduced or energy-reduced foods and drinks, provided the product is not presented as part of a slimming regime and the advertisement does not use the theme of slimming or weight control.</p>
	<p>12.3</p> <p>Advertisements for services offering remote personalised advice on health matters related to weight control or slimming are acceptable only if all staff providing that advice are suitably qualified and subject to regulation by a statutory or recognised medical or health professional body and the advice given is in accordance with its relevant professional code of conduct (see 11.9). That does not prevent advertisements that offer general information on health matters related to slimming or weight control.</p>
	<p>12.4</p> <p>Advertisements must not encourage indiscriminate or excessive use of a weight-control or slimming product or service.</p>

PRESENT CODE	PROPOSED CODE
14 Dating, Escort, Introduction or Marriage Agencies/Services	SECTION 22.5 INTRODUCTION AND DATING AGENCIES
<p>Central copy clearance is required. Advertisements are acceptable, subject to Rule 16 below and the following conditions:</p>	<p>27.1</p> <p>Radio broadcasters must ensure advertisements for an introduction or dating agency are centrally cleared.</p> <p>Principle</p> <p>Advertisements are acceptable, subject to Rule 10.1.5 (Prostitution and Sexual Massage), Section 10 (Prohibited categories) Rule 10.2 (Indirect Promotion). Services operating through premium-rate telephone and text services are subject to Section 22 (Premium-rate Section) and the PhonePayPlus code.</p>
<p>a) before accepting advertisements, licensees must establish that those wishing to advertise conduct their business responsibly and can provide a level of service commensurate with the claims in their advertising;</p>	<p>27.2</p> <p>Advertisements must not imply a greater degree of matching of individual clients according to suitability than is achieved.</p>
<p>b) where business is conducted from premises where clients, actual or potential, can visit, the full postal address, or telephone number as published elsewhere, for that location should be included. In the case of telephone dating services, the conditions of Section 2, Rule 22 Premium Rate Telephone Services apply;</p>	
<p>c) licensees must obtain an assurance that the advertiser will not disclose data to a third party without the client's consent, and that the clients name will be promptly deleted on request;</p>	<p>Cross reference:</p> <p>For more information on the PhonepayPlus code go to: www.phonepayplus.org.uk</p> <p>For information on the Data Protection Act 1998 go to: www.ico.gov.uk</p>
<p>d) any quoted price must be the price at which the full service described in the advertisement is actually available and any qualification or supplementary charge must be made clear;</p>	<p>3.1</p> <p>Advertisements must not materially mislead.</p>

	<p>3.2</p> <p>Advertisements must not mislead consumers by omitting material information. They must not mislead by hiding material information or presenting it in an unclear, unintelligible, ambiguous or untimely manner.</p> <p>Material information is information that consumers need to make informed decisions about whether or how to buy a product or service. Whether the omission or presentation of material information is likely to mislead consumers depends on the context, the medium and, if the medium of the advertisement is constrained by time or space, the measures that the advertiser takes to make that information available to consumers by other means.</p>
e) advertisements must not:	
<p>i exploit emotional vulnerability by dwelling excessively on loneliness, or suggest that those without a partner are in some way inadequate or unfulfilled;</p>	<p>27.3</p> <p>Advertisements must not dwell excessively on loneliness or suggest that people without a partner are inadequate</p>
<p>ii contain material which could be taken to encourage or endorse promiscuity.</p> <p>Agencies with computerised records must provide an assurance that they comply with the requirements of current Data Protection legislation.</p>	<p>4.1</p> <p>Advertisements must not cause serious or widespread offence against generally accepted moral, social or cultural standards.</p> <p>4.2</p> <p>Advertisements must not include material that is likely to condone or encourage behaviour that prejudices health or safety.</p> <p>Cross reference:</p> <p>For more information on the PhonepayPlus code go to: www.phonepayplus.org.uk</p> <p>For information on the Data Protection Act 1998 go to: www.ico.gov.uk</p>
	<p>27.4</p> <p>Broadcasters must satisfy themselves that advertisers give customers clear advice on precautions to take when meeting people through an advertisement for an introduction or dating agency.</p>

	<p>27.5</p> <p>Advertisements for an introduction or dating agency must not have particular appeal to people under 18. (See also section 32: scheduling)</p>

PRESENT CODE	PROPOSED CODE
15 Sex Shops, Stripograms etc	
<p>Central copy clearance is required. Sex shops, strippergrams and the like may be advertised, subject to Rule 16 below and the Rules in this Code on good taste, decency and offence, as well as appropriate scheduling restrictions, but scripts must be restrained and must not state or imply that prostitution or other sexual services are available.</p>	<p>Scheduling of Radio Advertisements</p> <p>32.17 Special care is required for these categories:</p> <p>32.17.3 sexual material, sex shops, stripograms or similar;</p> <p>-----</p> <p>----</p> <p>In addition to categories of radio advertisements specified in Sections of this Code, these products and services require central copy clearance:</p> <p>31.1 .1 adult shops, 31.1.2 stripograms, 31.1.3 escort agencies,</p> <p>-----</p> <p>-----</p> <p>10.1</p> <p>Advertisements for products or services coming within the recognised character of or specifically concerned with these are not acceptable:</p> <p>10.1.5</p> <p>prostitution and sexual massage services</p>
All licensed establishments should provide a copy of their licence to RACC or, if requested, to the ASA and BCAP.	

16.1	16 Prostitution, Sexual Services and Obscene and Restricted Material	
16.2	Prostitution, Sexual Services and Obscene and Restricted Material	10.1
<p>Advertisers who offer sexual services, such as prostitution or sexual massage, are not acceptable. Advertising which includes the sale or distribution of obscene or restricted material is not acceptable.</p>		<p>Advertisements for products or services coming within the recognised character of or specifically concerned with these are not acceptable:</p> <p>10.1.5</p> <p>prostitution and sexual massage services</p> <p>10.1.6</p> <p>obscene material. "Obscene material" is material that may not be freely offered for sale or distribution to persons over the age of 18 years without offending against the Obscene Publications Act 1959 (as amended)</p>
<p>What is obscene or restricted will be determined by whether or not the material may be freely offered for sale or distribution to those over the age of 18 years without offending against the Obscene Publications Act 1959. Advertisements for material which is only permitted limited distribution by the relevant authorities (such as distribution only through licensed sex shops) will not be acceptable.</p>		<p>10.1.6</p> <p>obscene material. "Obscene material" is material that may not be freely offered for sale or distribution to persons over the age of 18 years without offending against the Obscene Publications Act 1959 (as amended)</p>

16.2 Firearms and Weaponry	10.1
<p>No advertisement may promote the supply of firearms or other weaponry.</p>	<p>Advertisements for products or services coming within the recognised character of or specifically concerned with these are not acceptable:</p> <p>10.1.4</p> <p>guns (including replica guns), gun clubs and offensive weapons. "Offensive weapons" are items made or adapted to cause injury. References to clay pigeon shoots are permitted only as part of a wider range of outdoor pursuits</p>
	<p>10.1</p> <p>Advertisements for products or services coming within the recognised character of or specifically concerned with these are not acceptable:</p>

pigeon shoots are permitted only as part of a wider range of outdoor pursuits.

10.1.4

guns (including replica guns), gun clubs and offensive weapons. "Offensive weapons" are items made or adapted to cause injury. References to clay pigeon shoots are permitted only as part of a wider range of outdoor pursuits

<p>16.3 Pyramid schemes</p> <p>Advertisements must not promote pyramid promotional schemes.</p> <p>Pyramid schemes are those under which consumers pay or give other consideration for the opportunity to receive compensation that is derived primarily from the introduction of other consumers into the scheme, not the sale or consumption of products.</p>	<p>10.1</p> <p>Advertisements for products or services coming within the recognised character of or specifically concerned with these are not acceptable:</p> <p>10.1.8</p> <p>pyramid promotional schemes. "Pyramid promotional schemes" are those in which consumers pay or give other consideration for the opportunity to</p>
	<p>10.1</p> <p>Advertisements for products or services coming within the recognised character of or specifically concerned with these are not acceptable:</p> <p>10.1.1</p> <p>breath-testing devices and products that are intended to mask the effects of alcohol</p> <p>10.1.2</p> <p>betting systems and products that are intended to facilitate winning games of chance</p> <p>10.1.7</p> <p>products for the treatment of alcohol and illegal-substance dependence</p> <p>Cross reference: Information about other unacceptable and restricted categories of advertising can be found in these Sections: Political and Controversial Matters (Section 5); Children (section 9); Medicines, Medical Devices, Treatments and Health (Section 10); Financial Products, Services and Investments (Section 13); Faith (Section 14); Homeworking Schemes (Section 22.2); Instructional Courses (Section 22.3) and Pornography (Section 22.10).</p>

PRESENT CODE	PROPOSED CODE
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18 Motor Vehicles	
<p>a) Advertisements must not encourage or condone illegal, dangerous, inconsiderate or competitive driving practices or breaches of the Highway Code;</p>	<p>Motoring</p> <p>Principle</p> <p>Advertisements should not contribute to a culture of dangerous, irresponsible or inconsiderate driving or motorcycling, especially among young drivers.</p> <p>Definition</p> <p>“Motoring advertisements” are broadcast advertisements for vehicles or other automotive products, for example tyres, fuel or car accessories. These rules do not apply to public service advertisements about road safety.</p> <p><u>Rules for all broadcast advertisements:</u></p> <p>20.1</p> <p>Advertisements must not condone or encourage dangerous, competitive, inconsiderate or irresponsible driving or motorcycling. Advertisements must not suggest that driving or motorcycling safely is staid or boring.</p> <p>20.2</p> <p>Advertisements must not condone or encourage a breach of the legal requirements of the Highway Code.</p>
<p>b) References to the power or acceleration of motor vehicles or automotive products must not imply that it is acceptable for speed limits to be exceeded, and there should be no accompanying suggestion of excitement or aggression.</p>	<p><u>Rules for motoring advertisements:</u></p> <p>20.3</p> <p>Motoring advertisements must not demonstrate</p>

	<p>power, acceleration or handling characteristics except in a clear context of safety. Reference to those characteristics must not suggest excitement, aggression or competitiveness.</p> <p>20.4</p> <p>Motoring advertisements must not refer to speed in a way that might condone or encourage dangerous, competitive, inconsiderate or irresponsible driving or motorcycling. Factual statements about a vehicle's speed or acceleration are permissible but must not be presented as a reason for preferring the advertised vehicle. Speed or acceleration claims must not be the main selling message of an advertisement.</p>
<p>Treatments that are clearly fantasy (those which it would not be physically possible for drivers to emulate in real life), do not normally cause difficulties. Where, however, an advertisement features, however fancifully, driving behaviour which could be copied, or which might encourage other forms of illegal, unsafe or discourteous driving, the above Rules apply. Car chases etc. are not acceptable in automotive advertising.</p>	

<p>c) Safety claims should not exaggerate the benefit to consumers. Advertisers must not make claims about safety unless they hold evidence to support them.</p>	<p>20.5</p> <p>Motoring advertisements must not exaggerate the benefit of safety features to consumers or suggest that a vehicle's features enable it to be driven or ridden faster or in complete safety.</p>
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PRESENT CODE	PROPOSED CODE
19 Advertising by Solicitors	
<p>Advertisements by or on behalf of solicitors should comply with the Solicitors' Practice Rules and the Solicitors' Publicity Code where this applies.</p>	
<p>Advertisements for conditional fee arrangements which claim 'no win, no fee' must not mislead listeners into believing that they will not incur any costs at all. Such claims should be suitably qualified if the client is (or may be) required to pay any costs or fees (including those of the other party), such as insurance premiums or disbursements.</p>	

20 Services offering Advice on Consumer Problems	SECTION 22.4 COMMERCIAL SERVICES OFFERING CONSUMER ADVICE
Central copy clearance is required. Services offering advice on consumer problems may only be advertised if those giving the advice can provide evidence of suitable and relevant bona fides.	<p>26.1</p> <p>Radio broadcasters must ensure that advertisements for services offering individual advice on consumer or personal problems are centrally cleared.</p>
Advertisers must show that they have meaningful bona fides, for example that they belong to a body which has systems for dealing with complaints and for taking disciplinary action; that registration is based on minimum standards for training and qualifications, that there are systems in place for regular review of members' skills and competencies, and that they have suitable professional indemnity insurance covering services provided.	<p>26.2</p> <p>Services offering individual advice on consumer or personal problems may be advertised only if those advertisers have given the broadcaster evidence of suitable and relevant credentials: for example, affiliation to a body that has systems for dealing with complaints and for taking disciplinary action; systems in place for regular review of members' skills and competencies; registration based on minimum standards for training and qualifications; and suitable professional indemnity insurance covering the services provided.</p>

21 Gambling	
Central copy clearance is required. Gambling advertisements must comply with the minimum standards set out here, as well as the appropriate scheduling restrictions (see Section 2, Rule 8).	<p>17.1 – Radio Central Copy Clearance</p> <p>Radio broadcasters must ensure that advertisements for gambling are centrally cleared.</p>
These Rules apply principally to advertisements for gambling products. However, incidental portrayals of gambling in advertisements for other products and services must always be carefully considered to ensure that they do not contradict the spirit of these Rules.	<p>Principle</p> <p>The rules in this Section are designed to ensure that gambling advertisements are socially responsible, with particular regard to the need to protect under 18s and other vulnerable persons from being harmed or exploited by advertising that features or promotes gambling.</p> <p>Definitions</p> <p>The rules in this Section apply to advertisements for “play for money” gambling products and advertisements for “play for free” gambling products that offer the chance to win a prize or that explicitly</p>

	or implicitly direct the consumer to a “play for money” gambling product, whether on-shore or off-shore.
The term “gambling” means gaming, betting, and participating in a lottery, as defined in the Gambling Act 2005, and spread betting. This section does not apply to the UK National Lottery (see Section 2 Rule 26).	Definitions The term “gambling” means gaming and betting, as defined in the Gambling Act 2005, and spread betting. For rules on lottery advertisements, see Section 18.
The Gambling Act does not apply outside Great Britain. Licensees should ensure that specialist legal advice is sought when considering advertising any gambling products in Northern Ireland or the Channel Islands.	Principle The Gambling Act 2005 does not apply outside Great Britain. Licensees should ensure that specialist legal advice is sought when considering advertising any gambling product or service in Northern Ireland or the Channel Islands.
Spread Betting may be advertised as an investment activity under the Financial Services and Markets Act (FSMA) 2000, the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 and other FSA rules and guidance. Spread betting may be advertised on specialised financial stations or in specialised financial programming only (see Section 1 Rule 1.3). A “Spread Bet” is a contract for differences that is a gaming contract, as defined in the glossary to the FSA Handbook.	Spread betting may be advertised as an investment activity under the Financial Services and Markets Act (FSMA) 2000, the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (as amended) and in accordance with the FSA Handbook. Spread betting may be advertised on specialised financial stations or channels, in specialised financial programming or on interactive or additional television services (including text services) only (see 14.5.4). A “spread bet” is a contract for differences that is a gaming contract, as defined in the glossary to the FSA Handbook.
These Rules apply to advertisements for “play for money” gambling products and advertisements for “play for free” gambling products that offer the chance to win a prize or that explicitly or implicitly direct the consumer to a “play for money” gambling product, whether on-shore or off-shore.	The rules in this Section apply to advertisements for “play for money” gambling products and advertisements for “play for free” gambling products that offer the chance to win a prize or that explicitly or implicitly direct the consumer to a “play for money” gambling product, whether on-shore or off-shore.
Unless they portray or refer to gambling, these Rules do not apply to advertisements for non-gambling leisure events or facilities, for example hotels, cinemas, bowling alleys or ice rinks, that are in the same complex as but separate from gambling events or facilities.	Definitions Unless they portray or refer to gambling, this Section does not apply to advertisements for non-gambling leisure events or facilities, for example hotels, cinemas, bowling alleys or ice rinks, that are in the same complex as, but separate from, gambling events or facilities.
These Rules are not intended to inhibit advertisements to counter problem gambling that are responsible and unlikely to promote a brand or type of gambling.	Principle These Rules are not intended to inhibit advertisements to counter problem gambling that are responsible and unlikely to promote a brand or type of gambling.

For the purposes of these Rules, “children” are people of 15 and under and “young persons” are people of 16 or 17.	
21.1 Protection of Children and Young Persons	
a) Advertisements for gambling must not be likely to be of particular appeal to children or young persons, especially by reflecting or being associated with youth culture.	17.4 Advertisements for gambling must not: 17.4.5 be likely to be of particular appeal to under 18s, especially by reflecting or being associated with youth culture
b) No child or young person may be included in a gambling advertisement. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role. No-one may behave in an adolescent, juvenile or loutish way.	17.4.6 feature anyone who is, or seems to be, under 25 years old gambling or playing a significant role. No-one may behave in an adolescent, juvenile or loutish way.
c) Advertisements for family entertainment centres, travelling fairs, horse racecourses and dog race tracks, and for non-gambling leisure facilities that incidentally refer to separate gambling facilities e.g. as part of a list of facilities on a cruise ship, may include children or young persons provided they are accompanied by an adult and are socialising responsibly in areas that the Gambling Act 2005 does not restrict by age. Advertisements for a lottery product may include children or young persons. No-one who is, or seems to be, under 25 years old may be featured gambling or playing a significant role.	17.5 Advertisements for family entertainment centres, travelling fairs, horse racecourses and dog racetracks, and for non-gambling leisure facilities that incidentally refer to separate gambling facilities as part of a list of facilities on, for example a cruise ship, may include under 18s provided they are accompanied by an adult and are socialising responsibly in areas that the Gambling Act 2005 does not restrict by age.
d) Advertisements that exclusively feature the good causes that benefit from a lottery and include no explicit encouragement to buy a lottery product may include children or young persons and they may be featured playing a significant role.	18.7 Advertisements that exclusively feature the good causes that benefit from a lottery and include no explicit encouragement to buy a lottery product may include under 18s in a significant role

21.2 Unacceptable Treatments	
a) Advertisements for gambling must not portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm.	<u>Rules for all advertisements</u> 17.3 Advertisements must not:

	<p>17.3.1</p> <p>portray, condone or encourage gambling behaviour that is socially irresponsible or could lead to financial, social or emotional harm</p>
<p>b) Advertisements for gambling must not exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children, young persons or other vulnerable persons.</p>	<p>17.4</p> <p>Advertisements for gambling must not:</p> <p>17.4.4</p> <p>exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of under 18s or other vulnerable persons</p>
<p>c) Advertisements for gambling must not suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression.</p>	<p><u>Rules for all advertisements</u></p> <p>17.3</p> <p>Advertisements must not:</p> <p>17.3.2</p> <p>suggest that gambling can provide an escape from personal, professional or educational problems such as loneliness or depression</p>
<p>d) Advertisements for gambling must not suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security.</p>	<p>17.3.3</p> <p>suggest that gambling can be a solution to financial concerns, an alternative to employment or a way to achieve financial security</p>
<p>e) Advertisements for gambling must not portray gambling as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments.</p>	<p>17.3.4</p> <p>portray gambling as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments</p>
<p>f) Advertisements for gambling must not suggest that gambling can enhance personal qualities, for example that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration.</p>	<p>17.3.6</p> <p>suggest that gambling can enhance personal qualities, for example that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration</p>
<p>g) Advertisements for gambling must neither suggest peer pressure to gamble nor disparage abstention.</p>	<p>17.3.5</p> <p>suggest peer pressure to gamble or disparage abstention</p>
<p>h) Advertisements for gambling must not link gambling to seduction, sexual success or enhanced attractiveness.</p>	<p>17.3.7</p> <p>link gambling to seduction, sexual success or</p>

	enhanced attractiveness
i) Advertisements for gambling must not portray gambling in a context of toughness or link it to resilience or recklessness.	17.3.8 portray gambling in a context of toughness or link it to resilience or recklessness
j) Advertisements for gambling must not suggest gambling is a rite of passage.	17.3.9 suggest gambling is a rite of passage
k) Advertisements must not suggest that solitary gambling is preferable to social gambling.	17.3.10 suggest that solitary gambling is preferable to social gambling.
l) Advertisements for gambling products must not exploit cultural beliefs or traditions about gambling or luck.	<u>Rules for gambling advertisements</u> 17.4 Advertisements for gambling must not: 17.4.1 exploit cultural beliefs or traditions about gambling or luck
m) Advertisements for events or facilities that can be accessed only by entering gambling premises must make that condition clear.	17.2 Advertisements for events or facilities that can be accessed only by entering gambling premises must make that condition clear.
n) Advertisements for gambling products must not condone or encourage criminal or anti-social behaviour.	17.4 Advertisements for gambling must not: 17.4.2 condone or encourage criminal or anti-social behaviour
o) Advertisements for gambling products must not condone or feature gambling in a working environment. An exception exists for licensed gambling premises.	17.4.3 condone or feature gambling in a working environment (an exception exists for licensed gambling premises)
p) Advertisements must not claim that products or services can facilitate winning in games of chance.	10.1 Advertisements for products or services coming within the recognised character of or specifically concerned with these are not acceptable:

	<p>10.1.2</p> <p>betting systems and products that are intended to facilitate winning games of chance</p> <p>3.15</p> <p>Advertisements must not claim that a product or service is able to facilitate winning in games of chance.</p>
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PRESENT CODE	PROPOSED CODE
	Betting Tipsters
	<p>Betting Tipsters</p> <p>Principle</p> <p>Advertisements for betting tipster services should not be likely to mislead the audience.</p> <p>Definition</p> <p>Proofing means provably lodging and securely recording a betting tip with an independent and suitably qualified third party, such as a solicitor, before the start of the event to which the tip relates.</p> <p>Rules</p> <p>21.1 – Radio Central Copy Clearance</p> <p>Radio advertisements for betting tipsters must be centrally cleared.</p> <p>21.2</p> <p>Advertisements for betting tipsters must not be likely to be of particular appeal to under 18s.</p>

	<p>21.3</p> <p>Advertisements for betting tipster services must not make money-back guarantees.</p> <p>21.4</p> <p>Advertisements for betting tipster update-line services are acceptable only if the broadcaster is satisfied that the recorded messages are brief and the lines are a valid and necessary complement to the main-line service</p> <p>21.5</p> <p>Before broadcasting an advertisement for a betting tipster service, a broadcaster must hold the tipster's name (not merely his or her business name) and his or her full, permanent business address.</p> <p>21.6</p> <p>Advertisements for a betting tipster service operating on a premium-rate phone line must include the service provider or information provider's usual trading name and contact details (see Section 22.1: Premium-rate Services section).</p> <p>21.7</p> <p>Advertisements for betting tipsters who run, or are associated with, another betting tipster service must make that link clear.</p> <p>21.8</p> <p>Advertisements may include claims about a betting tipster's previous successful tips only if those claims are supported, before the relevant race, by proofing of all tips offered on his or her service on the day or during the period in question.</p> <p>21.9</p> <p>Advertisements for betting tipsters must not include claims about notional profits. Claims about previous profits must be proportionate and representative.</p>
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	<p>21.10</p> <p>Advertisements for betting tipsters must not state or imply that success is guaranteed or that players could forge a long-term income by following the advertiser's tips.</p> <p>21.11</p> <p>Advertisements for betting tipsters may include claims about previous successful double, treble or other combination bets only if those claims are supported by proofing that the winners were clearly and specially tipped as a combination.</p> <p>21.12</p> <p>Profit, success or individual-win claims must not refer to odds.</p> <p>21.13</p> <p>If a change in circumstance would render it misleading, for example if a race meeting were cancelled, an advertisement for a betting tipster must be not be repeated in its original form.</p> <p>21.14</p> <p>Advertisements for betting tipsters must not refer to a tip as a maximum bet or similar unless it is the only tip offered for that race. Claims about the success of a maximum tip are acceptable only if they are supported by advance proofing.</p>
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PRESENT CODE	PROPOSED CODE
	Private Investigation Agencies
	<p>SECTION 29</p> <p>Private Investigation Agencies</p> <p>Rules</p>

	<p>29.1 - Radio central copy clearance</p> <p>Radio advertisements for private investigation agencies must be centrally cleared.</p> <p>29.2</p> <p>Private investigation agencies may be advertised only if they have given the broadcaster evidence of suitable and relevant credentials: for example, affiliation to a body that has systems for dealing with complaints and for taking disciplinary action; registration based on minimum standards for training and qualifications, systems in place for regular review of members; skills and competencies and suitable professional indemnity insurance covering provided services.</p>
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	Homeworking Schemes and Instructional Courses
	<p>SECTION 24</p> <p>Homeworking Schemes</p> <p>Principle</p> <p>Homeworking scheme advertisements must neither mislead the audience nor exploit the susceptibilities or credulity of those seeking work.</p> <p>Definition</p> <p>Homeworking schemes are employment opportunities requiring participants to make articles, perform services or offer facilities at or from home. Participants can be self-employed or employed by a business.</p> <p>Rules</p>

	<p>24.1</p> <p>Advertisements must not give a misleading impression of how homeworking schemes work or of the likely remuneration. Advertisements must make clear conditions, obligations or limitations that could reasonably be expected to influence a decision to participate in the scheme.</p> <p>24.2</p> <p>No homeworking scheme may be advertised:</p> <p>24.2.1</p> <p>if a charge or deposit is required to obtain information about the scheme</p> <p>SECTION 25</p> <p>Instructional Courses</p> <p>Principle</p> <p>Instructional course advertisements must neither mislead the audience nor exploit the susceptibilities or credulity of those seeking work.</p> <p>Definition</p> <p>Instructional courses are training or educational opportunities that typically offer instruction in a trade.</p> <p>Rules</p> <p>25.1</p> <p>Advertisements offering a qualification, a course of instruction in a skill or a course that leads to a</p>
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	<p>professional or technical examination must not exaggerate the resulting opportunities for work or remuneration.</p> <p>25.2</p> <p>Advertisements for a correspondence school or college may be broadcast only if the advertiser has given the broadcaster evidence of suitable and relevant credentials: for example, affiliation to a body that has systems for dealing with complaints and for taking disciplinary action; systems in place for regular review of members' skills and competencies and registration based on minimum standards for training and qualifications.</p>
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