

The BCI General Advertising Code



Broadcasting Commission of Ireland
Coimisiún Craolacháin na hÉireann

BROADCASTING COMMISSION OF IRELAND
2 - 5 WARRINGTON PLACE, DUBLIN 2
TEL: + 353 1 644 1200 FAX: + 353 1 644 1299
EMAIL: INFO@BCI.IE WWW.BCI.IE

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Introduction

Legislative Basis

Section 19 (1)(b) of the Broadcasting Act, 2001, provides that:

The Commission shall, upon being directed by the Minister to do so and in accordance with the provisions of this section prepare -

(b) a code specifying standards to be complied with, and rules and practices to be observed, in respect of advertising, teleshopping material, sponsorship and other forms of commercial promotion employed in any broadcasting service or sound broadcasting service (other than advertising and other activities as aforesaid falling within paragraph (c) [Children's Advertising].

The *BCI General Advertising Code* has been developed by the Commission in accordance with its statutory obligation and following consultation with a wide range of individuals, industry, government and public bodies. This Code replaces the *Codes of standards, practice and prohibitions in advertising, sponsorship and other forms of commercial promotion in broadcasting services* as drawn up by the Minister for Arts, Culture and the Gaeltacht in the exercise of powers granted under section 4 of the *Broadcasting Act, 1990*.

Jurisdiction

The *BCI General Advertising Code* shall apply to broadcasters within the jurisdiction of the Republic of Ireland or those who make use of a frequency or satellite capacity or up-link situated in the Republic of Ireland. In practical terms, the Code shall apply to RTÉ radio and television services, TG4 and national, regional, local and community radio and television services

licensed further to the provisions of the *Radio and Television Act, 1988* and the *Broadcasting Act, 2001*, including temporary and institutional services (where appropriate). It shall not apply to other services commonly received in this country licensed in the United Kingdom or in other jurisdictions.

Compliance

Broadcasters should note that it is their obligation to comply with the provisions of this Code. Consequently, they should take steps to ensure that all relevant staff members are familiar with the provisions of this Code. The Commission will not provide broadcasters, advertisers and the general public with a copy clearance service for commercial communications. This service is provided by broadcasters, by *Central Copy Clearance Ireland* (a body established by the advertising industry) and by other bodies.

Compliance with this Code will be assessed with reference to the statutory provisions, the provisions of the Code and the procedures, practices and policies of the BCI. Complaints in respect of any alleged breach of this Code will be adjudicated upon by the Broadcasting Complaints Commission (BCC).

Guidance

When requested to do so, the BCI may provide general guidance concerning the provisions of the Code. Interested parties seeking guidance are asked to outline their query in writing, citing the relevant section(s) of the *BCI General Advertising Code*. Relevant documentation, such as the proposed script, should accompany the written query.

The BCI aims to provide a timely response to any query that it receives. However, the time required to process it may vary depending on the nature and complexity of the query. Please note that the guidance provided by the BCI is non-binding and is provided only to assist broadcasters and other parties to interpret and apply the Code. The BCI accepts no responsibility or liability in respect of any guidance that may be given and reserves the right to revise and review any guidance provided.

The effective date of this Code is 10th April 2007

1. Objectives of the BCI General Advertising Code

- To ensure that the public can be confident that commercial communications (i.e. advertising, sponsorship and teleshopping and other forms of commercial promotion) are legal, honest, truthful and decent.
- To ensure that commercial communications do not impinge on the editorial integrity of broadcasts.
- To provide clear guidance to broadcasters as to the standards to which commercial communications shall adhere to.
- To provide guidance to the general public on the standards they can expect from commercial communications on broadcasting services.
- To provide broadcasters with a simple, flexible and comprehensive code that does not impede in an unwarranted manner their right to communicate commercial messages.

2. Definitions

Commercial Communication

Any form of announcement on radio and television coming within the recognised character of advertising, sponsorship and teleshopping and any other form of commercial promotion.

Advertising

Any form of announcement broadcast in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking in connection with a trade, business, craft or profession in order to promote the supply of products or services, including immovable property, activities, rights and obligations, in return for payment.

Child/Children

For the purpose of this Code, the terms 'Child' and 'Children' refer to any person under 18 years of age.

Sponsorship

Any contribution made by a public or private undertaking not engaged in television and/or radio broadcasting activities or in the production of audio visual works, to the financing of television and/or radio programmes with a view to promoting its name, its trademark, its image, its activities, its products or its services.

Misleading advertising

Advertising which contains any element of spoken or visual presentation which misleads or is likely to mislead, either directly or by implication, by act or omission, with regard to the merits of the product or service advertised or its suitability for the purpose recommended and which, by reason of its misleading nature, is likely to prejudice the interests of individuals or a competitor.

Comparative advertising

Advertising that contains explicit or implicit identification of a competitor or products or services offered by a competitor.

Surreptitious advertising

The representation in words or pictures of products, services, the name, the trade mark or the activities of a producer of products or a provider of services in programmes when such representation is intended to serve advertising and might mislead the public as to its nature. Such representation is deemed to be intentional if it is done in return for payment or similar consideration.

Subliminal advertising

Advertising that includes any technical device, which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, members of an audience without their being aware or fully aware of what has been done.

Teleshopping

A direct offer broadcast to the public with a view to the sale, purchase, rental or supply of products or the provision of services, including immovable property, rights and obligations, in return for payment.

Product Placement

The inclusion of, or a reference to, a product or service within a programme in return for payment or similar consideration to the programme maker or broadcaster for the specific purpose of promoting that product or service.

Virtual advertising

An advertising technique which allows broadcasters to electronically insert virtual advertising messages or sponsorship announcements into a television programme by altering the broadcast signal itself.

Interactive advertising

An advertising technique which allows the viewer to interact with television by actively choosing the advertising content to which s/he wishes to be exposed for as long as s/he wants. Interactive advertising allows the viewer to provide information directly to the broadcaster/advertiser by means of a return path, and/or participate in an interactive environment which is separate from the broadcast content.

Split-screen advertising

An advertising technique which allows the simultaneous presentation of editorial content and commercial information on the same screen, divided into two or more parts.

Exclusions:

The following announcements shall not constitute advertising:

- Informational announcements about upcoming programmes on broadcast services, including the date and time of transmission of the named programme(s), and including 'trailer' excerpts and/or a brief description of programme content, once such announcements do not contain advertising content.
- Air-time given free of charge to any registered charity to make appeals.
- Public service announcements, including warnings about public safety and health, that are not broadcast in return for payment or for similar consideration.
- Information announcements of forthcoming concerts, recitals or performances, whether intended for broadcast or not, given by the National Symphony Orchestra, the RTÉ Concert Orchestra, and other RTÉ performing groups or of any other comparable groups which are employed by or under contract to RTÉ or employed by or under contract to a sound broadcasting

contractor or a television broadcasting contractor licensed in the State.

- Announcements of outside broadcasting events or of non-broadcast events organised in whole or in part by the broadcaster if the public are allowed entry free of charge.

The broadcaster may credit the sponsor providing facilities, for example the commercial outlet providing the facilities for the outside broadcast, at the beginning and/or the end of the programme and at prudent intervals during the programme on an informational basis.

In the case of non-broadcast events jointly sponsored by the broadcaster and one or more commercial concern, the broadcaster may credit the joint sponsor(s) in broadcast announcements.

In both of these cases, sponsorship acknowledgements shall comply with the sponsorship rules contained in this code.

3. General principles and rules applying to all commercial communications

Protecting the Individual and Society

- 3.1 All commercial communications shall be prepared with a sense of responsibility both to the individual and to society and shall not prejudice the interests of either. All commercial communications shall be legal, honest, decent and truthful.
- 3.1.1 All commercial communications shall comply with applicable Irish and European legislation. This includes, but is not restricted to, the *Broadcasting Authority Act, 1960*, the *Radio and Television Act, 1988*, the *Broadcasting Act, 2001* and the EU Directive 89/552/EEC as amended by EU Council Directive 97/36/EC (*Television Without Frontiers Directive*).
- 3.1.2 Commercial communications shall not contain any element of spoken or visual presentation which misleads or is likely to mislead, either directly or by implication, by act or omission, with regard to the merits of the product or service being promoted or its suitability for the purpose recommended.
- 3.1.3 Commercial communications shall not contain inaccurate or misleading claims, statements, illustrations or representations, either direct or implied.
- 3.1.4 Commercial communications shall not omit relevant information in a manner that, in the result, is misleading or is likely to mislead. This means that all pertinent details of an offer shall be stated in a clear and understandable manner.
- 3.1.5 Disclaimers and asterisked or footnoted information shall not contradict more prominent aspects of the message and shall be located and presented in such a manner as to be clearly visible and/or audible.
- 3.1.6 Commercial communications that are required to carry a tagline or on-screen message shall do so in a way that is clearly visible and/or audible.
- 3.1.7 Broadcasters shall be mindful of the potential for sound effects to distract and/or alarm viewers and listeners. Particular care shall be taken when including in commercial communications sound effects such as sirens, horns, ringing phones and screeching tyres. They shall not be included at the beginning of a commercial communication.
- 3.1.8 Commercial communications containing direct or implied comparisons with other products or services are permissible provided they objectively compare products or services meeting the same needs or intended for the same purpose. Points of comparison shall be based on facts that can be substantiated. The subject matter of a comparison shall not be chosen in such a way as to confer an artificial or unfair advantage to a promoter of a product or service.

Offence, Harm and Human Dignity

- 3.2 Commercial communications shall not prejudice human dignity, cause harm or serious or widespread offence.

- 3.2.1 Commercial communications shall not support or condone discrimination against any person or section of the community, in particular on the basis of age, gender, marital status, membership of the Traveller Community, family status, sexual orientation, disability, race or religion.
- 3.2.2 Commercial communications shall not be offensive to religious or political beliefs, or encourage behaviour prejudicial to the protection of the environment or to health or safety.
- 3.2.3 Commercial communications shall be appropriately scheduled with regard to the time of broadcast, type of programme, channel/service type, nature of the product or service being promoted and the likely composition of the audience.
- 3.2.4 Commercial communications shall not cause moral or physical detriment to children, and shall therefore comply with the following criteria for their protection:
- They shall not directly exhort children to buy a product or a service by exploiting their inexperience or credulity;
 - They shall not directly encourage children to persuade their parents or others to purchase the goods or services being advertised;
 - They shall not exploit the special trust children place in parents, teachers or other persons;
 - They shall not unreasonably show children in dangerous situations.

This rule shall apply to all commercial communications other than those governed by the *BCI Children's Advertising Code*.

- 3.2.5 Individual living persons shall not normally be portrayed or referred to in commercial communications without their permission. However, references to living persons may normally be made in commercial communications for books, films, radio or television programmes, newspapers, magazines etc., which feature the persons referred to in the communication, provided they are not offensive or inaccurate.
- 3.2.6 Commercial communications shall not be calculated to induce unwarranted fear on the part of the viewer or listener.

Transparency

- 3.3 Commercial communications shall operate on a principle of transparency. Any commercial arrangement within programming shall be identifiable as such and the listener/viewer shall be made aware of such an arrangement.
- 3.3.1 Presenters and other on-air personnel shall not advertise or endorse products or services during editorial content.
- 3.3.2 Advertisers or sponsors shall not exercise any editorial influence over the content of programmes.
- 3.3.3 Commercial communications shall not include the words 'guarantee' or 'guaranteed', 'warranty' or 'warranted' unless a legal guarantee/warranty is available to the broadcaster and the purchaser.

No commercial communication shall contain a direct or implied reference which purports to take away or diminish the statutory or common law rights of a purchaser.

- 3.3.4 Commercial communications may make use of testimonials. Such testimonials shall be genuine, relevant and contemporary and shall relate to the person giving the testimonial. Documentary evidence of testimonials shall be available to the broadcaster.
- 3.3.5 Commercial communications shall not describe products or services as ‘free’ unless the products or services are supplied at no cost or at no extra cost (other than actual postage or carriage) to the recipient.
- 3.3.6 Commercial communications shall not feature persons regularly presenting news programmes, except for commercial communications promoting appeals by registered charities or public service campaigns for safety, health, education, etc.
- 3.3.7 The practice known as product placement is prohibited.

Incidental references to products or services in a programme are legitimate where their inclusion within the programme is editorially justified. Broadcasters shall ensure their inclusion does not result in undue prominence being provided to the product or service during the programme.

For television, the inclusion of products or services in a programme acquired from outside the Republic of Ireland and films made for cinema are not considered product placement provided that no broadcaster regulated in the state and involved in the broadcast of that programme or film directly benefits from the arrangement.

Assessment

- 3.4 Commercial communications shall be assessed with reference to the principles and rules contained in this Code. The principles are indivisible, that is, all commercial communications shall conform to all of the principles.
- Broadcasters should be mindful of all the provisions of this Code, as a commercial communication may be required to comply with one or more applicable provision.
- 3.4.1 Commercial communications shall be assessed in whole and in context against the principles and rules contained in this Code. The following contextual factors shall apply:
- Time of broadcast
 - Type of programme
 - Channel/service type
 - Nature of the product or service
 - Likely composition of the audience listening to, or watching, the programme
- 3.4.2 The Code is intended to be applied in the spirit as well as in the letter.

4. General rules pertaining to all advertising

Broadcasters should be aware that the proportion of permitted time given over to advertising is subject to maximum limits and is regulated by legislative and other provisions.

- 4.1 Advertising shall operate on a principle of separation, whereby commercial content in advertising breaks between and within programmes shall be separate from programme content.
- 4.2. The insertion of advertising shall not affect the editorial integrity and value of programming. Advertising shall be inserted into programmes in such a way that takes into account the natural breaks in, and the duration and nature of, the programme, while ensuring that the rights of the rights holders are not prejudiced.
- 4.3 In the case of feature films and films made for television, provided their scheduled duration is more than 45 minutes, they may be interrupted once for each complete period of 45 minutes. A further interruption is allowed if their scheduled duration is at least 20 minutes longer than two or more complete periods of 45 minutes.
- 4.4 For television programmes other than those referenced in 4.3 above, a period of at least 20 minutes should elapse between each successive break within the programme.
- 4.5 Advertising shall not be inserted in any broadcast of a religious service.
- 4.6 Advertising shall not be inserted in any television broadcast of news and current

affairs programmes, documentaries or religious programmes when their scheduled duration is less than 30 minutes.

- 4.7 In television broadcasts, isolated advertising shall remain the exception.
- 4.8 Advertising breaks shall be signalled by visual or audio means. Such means shall not contain any commercial communication.
- 4.9 Each of the following is prohibited:
 - Surreptitious advertising
 - Subliminal advertising
 - Misleading advertising
- 4.10 Broadcasters shall take all reasonable measures to ensure that advertisements do not sound louder than adjacent programming. Broadcasters shall establish clear limits on the use of compression, limiting and equalisation as these apply to advertisements provided to broadcasters by third parties.

5. Rules pertaining to specific advertising techniques

5.1 Split-Screen Advertising

- 5.1.1 The general principles and rules applying to all commercial communications and, where relevant, the general rules pertaining to all advertising shall apply to split-screen advertising.
- 5.1.2 Split-screen advertising is permitted during natural breaks and during end credits. Split-screen advertising may also be inserted during long-form sports programmes which do not have a natural break e.g. Formula 1.

5.1.3 Split-screen advertising shall not exceed 50% of screen space and only one split-screen advertisement shall appear at any given time.

5.1.4 Split-screen advertising is not permitted in news or current affairs programmes, feature films or broadcasts of religious services.

5.2 Virtual Advertising

The general principles and rules applying to all commercial communications and, where relevant, the general rules pertaining to all advertising shall apply to virtual advertising.

5.3 Interactive Advertising

5.3.1 The general principles and rules applying to all commercial communications and, where relevant, the general rules pertaining to all advertising shall apply to interactive advertising.

5.3.2 Interactive advertising shall not bring the viewer immediately/directly to products or services that are advertised. Viewers shall be warned by appropriate optical and acoustic means that they are about to enter a commercial interactive environment not governed by the *BCI General Advertising Code*. This shall be done by means of an intermediate screen which appears at the first click, and the viewer shall be able to access the interactive content *only* after a second click.

5.3.3 Interactive advertising shall not bring the viewer immediately/directly to commercial communications for products or services which are prohibited under this Code.

6. Rules pertaining to teleshopping

Broadcasters should be aware that the proportion of permitted time given over to teleshopping is subject to maximum limits and is regulated by legislative and other provisions.

6.1 The general principles and rules applying to all commercial communications and, where relevant, the general rules pertaining to advertising shall apply to teleshopping.

6.2 Advertising segments devoted to teleshopping by a channel *not exclusively* devoted to teleshopping shall be of a minimum uninterrupted duration of 15 minutes. The maximum number of segments per day shall be eight. The segments shall be clearly identified as teleshopping segments by optical and acoustic means.

6.3 Chapters I, II, IV, V, VI, VIa and VII of the *Television Without Frontiers Directive* shall apply to channels *exclusively* devoted to teleshopping.

6.4 Teleshopping featuring medicines which require a Product Authorisation Licence and teleshopping for medical treatments, products and services and cosmetic treatments and services are prohibited.

6.5 Teleshopping shall not exhort children to contract for the sale or rental of products and services.

7. Rules pertaining to sponsorship

- 7.1 Sponsorship may occur through the provision of direct funding by the sponsor or through investment in kind through the provision of facilities or services from the sponsor (e.g. in outside broadcasts) or through the supply of products and services including prizes.
- 7.2 Sponsorship shall not constitute advertising as defined in this Code. Sponsorship announcements shall not make promotional references to the products and/or services of the sponsor which contain advertising copy, product descriptions, endorsements, attributes or a call to action. Generic branding slogans are permitted. Prices shall only be quoted when their inclusion is required by statute.
- 7.3 Programme material shall not be sponsored by a sponsor(s) involved in the manufacture, supply or provision of a product or service that is not permitted to be advertised under this Code.
- 7.4 Programmes shall not be sponsored by a sponsor(s) whose products or services are not permitted to appeal to the typical audience for that programme or during which it would not be permitted to advertise.
- 7.5 News, current affairs and religious programmes shall not be sponsored on television.
- 7.6 News programmes shall not be sponsored on radio.

Competitions

- 7.7 Unless otherwise indicated in this paragraph, competitions shall comply with the sponsorship rules in this section.

Competition announcements may contain short factual descriptions of prizes but shall not contain advertising copy, endorsements, attributes or a call to action.

The mechanism used to participate in the competition i.e. information concerning what the viewer or listener must do to enter and/or win the prize, shall not contain advertising content.

Where the prize is of a monetary nature e.g. a voucher, the value may be stated. However, prices shall only be quoted when their inclusion is required by statute.

8. Rules pertaining to specific products and services

8.1 Alcohol

- 8.1.1 Commercial communications for alcoholic drinks shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light.
- 8.1.2 Commercial communications for alcoholic drinks shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative, tranquilizer or a means of resolving personal conflicts.
- 8.1.3 Commercial communications for alcoholic drinks shall not place emphasis on high alcohol content as being a positive quality of the beverages.

- 8.1.4 Commercial communications for alcoholic drinks shall not create the impression that consumption of such beverages contributes towards sexual attraction and success or social success.
- 8.1.5 Commercial communications for alcoholic drinks shall not link the consumption of alcohol to enhanced physical performance or to driving.
- 8.1.6 Commercial communications for drinks which contain alcohol content of 25% AbV and above are not permitted e.g. vodka, whiskey, tequila, rum, gin, brandy, etc.
- 8.1.7 Commercial communications for alcoholic drinks shall not be aimed specifically at children or, in particular, depict children consuming these beverages.
- 8.1.8 Commercial communications for alcoholic drinks shall not encourage children or other non-drinkers to begin drinking – it shall be cast towards brand selling and identification only.
- 8.1.9 Broadcasters shall ensure that commercial communications for alcoholic drinks are not transmitted in or around programmes primarily intended for children and shall take account of the age profile of the viewers and/or listeners to ensure they are communicated, so far as it is possible, to adults.
- 8.1.10 Commercial communications for Ready-to-Drink Products (RTDs) such as alcopops, and products of a similar nature, are not permitted.
- 8.1.11 All commercial communications for alcoholic drinks shall comply with the relevant voluntary codes of practice for alcohol radio and television advertising and sponsorship recognised by the *Department of Health and Children*.
- 8.2 Medicines, Medical Treatments, Products and Services and Cosmetic Treatments and Services.**
- General Rules**
- 8.2.1 Commercial communications coming within the scope of this section of the Code shall comply with all relevant Irish and European legislation.
- 8.2.2 Commercial communications shall not contain recommendations by health professionals or recommendations by persons who, because of their celebrity, could encourage the use of medicines, medical treatments, products and services and/or cosmetic treatments and services.
- Commercial communications shall not contain statements which give the impression of professional advice or recommendation made by persons who appear in the commercial communication and who are presented, whether actually or by implication, as being qualified to give such advice or recommendation.
- 8.2.3 Commercial communications shall not make reference to a hospital, clinic, college, institute, laboratory or other similar body unless a bona fide establishment corresponding to the description used does in fact exist. No reference shall be made to doctors unless such reference can be used with propriety in the context of the commercial communication.

8.2.4 Commercial communications shall not contain the unwarranted and indiscriminate use of words such as “safe”, “without risk”, “harmless”, or terms of similar meaning. In addition, exaggerated claims are not permitted, in particular, through the selection of testimonials or other evidence unrepresentative of the effectiveness of medicines, medical treatments, products and services and cosmetic treatments and services.

8.2.5 Commercial communications for medicines, medical treatments, products and services and cosmetic treatments and services intended to treat any serious complaint, condition, symptom or disease, which should rightly receive the attention of a registered medical practitioner, are not permitted.

8.2.6 Commercial communications containing offers to diagnose, or treat by correspondence, any serious complaint, condition, symptom or disease are not permitted.

8.2.7 No commercial communication shall be calculated to induce fear on the part of the viewer or listener that s/he may, without treatment, suffer, or suffer more severely, from any serious complaint, condition, symptom, or disease.

8.2.8 No commercial communication shall falsely claim or suggest that a medicine, medical treatment, product or service, or a cosmetic treatment or service being promoted is in the form in which it occurs in nature or that its value lies in its being “natural”.

8.2.9 The unnecessary, indiscriminate, irrational and/or excessive use of medicines, medical treatments, products and services and cosmetic treatments and services shall not be encouraged either directly or indirectly.

8.2.10 References to a prize, competition or similar scheme are not permitted in commercial communications for medicines, medical treatments, products and services and cosmetic treatments and services.

Medicines

8.2.11 Commercial communications for medicines shall comply with the general rules pertaining to commercial communications for medicines, medical treatments, products and services and cosmetic treatments and services. They shall also comply with the terms of any Product Authorisation Licence, including the Summary of Product Characteristics, as issued by the *Irish Medicines Board* or the *EU Commission*. Commercial communications shall comply with any other relevant rules and regulations issued by the *Irish Medicines Board* or the *EU Commission* and with Irish and European legislation.

Cosmetic Treatments and Services (surgical and non-surgical)

8.2.12 Commercial communications for surgical and non-surgical cosmetic treatments and services shall comply with the general rules pertaining to commercial communications for medicines, medical treatments, products and services and cosmetic treatments and services.

8.2.13 Commercial communications for surgical cosmetic treatments and services may contain the address of the service provider and factual descriptions of services available but shall not contain anything which could be deemed an encouragement to use the surgical treatment or service. Information detailing special offers, discounts, references to credit facilities available or any other promotional offers intended to encourage the use of cosmetic treatments or services of this nature are not permitted.

Hypnosis, Hypnotherapy, Psychology, Psychoanalysis or Psychiatry

8.2.14 Commercial communications for hypnosis, hypnotherapy, psychology, psychoanalysis or psychiatry shall comply with the general rules pertaining to commercial communications for medicines, medical treatments, products and services and cosmetic treatments and services.

8.2.15 Commercial communications of this nature may contain the address of the service provider and factual descriptions of services available but shall not contain anything which could be deemed an encouragement to use the product or service. Information detailing special offers, discounts or any other promotional offers intended to encourage the use of treatments, products or services of this nature are not permitted.

8.3 Smoking Aids

Commercial communications for products or services purporting to assist people to quit smoking shall indicate clearly that the smoking aid is only effective in conjunction with the positive application of the consumer's will power.

8.4 Foods (including beverages)

8.4.1 Commercial communications containing health and nutritional claims made for foods shall comply with all relevant Irish and European legislation and with rules, regulations and codes of practice issued from time to time by the competent authorities responsible for the implementation of this legislation, in particular the *Food Safety Authority of Ireland*.

8.4.2 Commercial communications for 'follow-on' infant formula shall not suggest, either directly or by implication, the superiority of this product to breastfeeding and shall clearly indicate the unsuitability of this product for infants under six-months.

8.5 Cosmetic Products

Commercial communications for cosmetic products shall comply with all relevant Irish and European legislation.

8.6 Slimming Treatments, Products and Services

8.6.1 Commercial communications shall not contain any offer of a treatment, product or service for slimming (i.e. weight reduction, limitation or control) which:

- (a) is in itself likely to lead to harmful effects, and
- (b) is not directly associated with the following of a properly designed diet, and
- (c) does not clearly state the manner in which slimming will be achieved.

8.7 Financial Services and Products

- 8.7.1 Commercial communications for financial services and products shall be presented in terms which do not mislead, whether by exaggeration, omission or in any other way.
- 8.7.2 Commercial communications for financial services and products shall comply with relevant Irish and European legislation and with the rules, regulations and codes of practice issued from time to time by the competent authorities responsible for the implementation of this legislation, in particular the *Irish Financial Services Regulatory Authority* and the *Office of the Director of Consumer Affairs*.

8.8 Betting Services

- 8.8.1 Commercial communications that seek to promote services to those who want to bet are acceptable.
- 8.8.2 Commercial communications of this nature may contain the address of the service provider and factual descriptions of services available but shall not contain anything which could be deemed to be an encouragement to bet. Information detailing special offers, discounts, inducements to visit any betting establishment (including on-line), references to betting odds available or any promotional offer intended to encourage the use of services of this nature are not permitted.

8.9 Premium-rate Telecommunication Services

- 8.9.1 Commercial communications for premium-rate telecommunication services shall state clearly all charges for accessing these services in terms which do not mislead, whether by exaggeration, omission or in any other way.
- 8.9.2 All commercial communications shall comply with the Code of Practice issued by the Regulator of Premium Rate Telecommunication Services (Regtel) as set down from time to time.

8.10 Fortune Tellers, Psychic Services etc.

- 8.10.1 Commercial communications for fortune tellers, psychic services etc., are acceptable where the service is evidently for entertainment purposes only and this is made clear in the communication.
- 8.10.2 Claims that future events may be predicted, other than as a matter of opinion, are not permitted.
- 8.10.3 Claims to make contact with deceased persons are not permitted.
- 8.10.4 Claims pertaining to matters of health, cures, curing and/or healing are not permitted.

9. Prohibited Communications

In addition to other classes of commercial communications, those coming within the recognised character of, or specifically concerned with, the following are not acceptable:

- Products, treatments or services which are only available on medical prescription.
- Cigarettes and tobacco.
- Infant formula.
- Advertisements directed towards a political end or which have any relation to an industrial dispute.
- Advertisements directed towards a religious end. This shall not be construed as preventing the broadcasting of a notice of the fact-
 - i) that a particular religious newspaper, magazine or periodical is available for sale or supply, or
 - ii) that any event or ceremony associated with any particular religion will take place

if the contents of the notice do not address the issue of the merits or otherwise of adhering to any religious faith or belief or of becoming a member of any religion or religious organisation.

Broadcasters should be aware that other classes of commercial communication are prohibited, limited or otherwise restricted by legislative or regulatory provisions. A non-exhaustive list of these provisions is contained in the Appendix to this Code.

10. Appendix

The following is a non-exhaustive list of the principal legislation which may restrict, control or otherwise affect advertising in Ireland. This list is for guidance only and it is entirely a matter for each person to ascertain any relevant legislative provisions that may apply in each case.

Broadcasting Legislation

Broadcasting Act 1990.
Broadcasting Act 2001.
Broadcasting Authority Act 1960.
Broadcasting Authority (Amendment) Act 1966.
Broadcasting Authority (Amendment) Act 1976.
Broadcasting Authority (Amendment) Act 1979.
Broadcasting Authority (Amendment) Act 1993.
Broadcasting and Wireless Telegraphy Act 1988.
Radio and Television Act 1988.

Other National Legislation

Adoption Act 1952.
Animal Remedies Act 1993.
Animal Remedies (Control of Sale) Regulations 1985-1991 (S.I. 258/1985, S.I. 244/1991).
Betting Act 1931.
Building Societies Act 1989 as amended by 2006 Act.
Central Bank and Financial Services Authority of Ireland Act, 2003.
Central Bank Acts 1942-1998.
Censorship of Films Acts, 1923-1992.
Censorship of Publications Acts, 1929-1965.
Censorship of Publications Regulations 1980 (S.I. 292/1980).
Child Trafficking and Pornography Act, 1998.

Child Trafficking and Pornography (Amendment) Act, 2004.

Companies Acts 1963-2004.

Consumer Credit Act 1995.

Consumer Credit Act 1995 (Section 28) Regulations, 1996 (S.I. 245/1996).

Consumer Information Act 1978.

Consumer Information (Advertisement for Concert or Theatre Performances) Order 1997 (S.I. 103/1997).

Consumer Information (Advertisements) (Disclosure of Business Interest) Order 1984 (S.I. 168/1984).

Consumer Information (Advertisement for Airfares) Order, 2000 (S.I. 468/2000).

Consumer Information (Miscellaneous Goods) (Marking) Order, 1984 (S.I. 178/1984).

Copyright Act 1963.

Copyright and Related Rights Act 2000, as amended.

Credit Union Act 1997.

Criminal Justice (Theft and Fraud Offences) Act 2001.

Data Protection Act 1988.

Dairy Produce Act 1924.

Defamation Act 1961.

Defence Act 1954.

Employment Agency Act 1971.

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