

Communications Commission

The Code of Advertising and Sponsorship

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Foreword

- (a) Under the Broadcasting Act 1993 the Communications Commission may draw up and enforce a code governing standards and practice in advertising and the sponsoring of programmes. This is the Code that the Commission has adopted for this purpose.
- (c) This Code applies to all programme services licensed by the Commission under the Broadcasting Act 1993.
- (e) Holders of relevant Commission licences are required to ensure that any advertising they transmit complies with this Code and to satisfy the Commission that they have adequate procedures to fulfil this requirement. The Commission itself draws up and revises the rules, advises broadcasters on interpretation, monitors compliance and investigates complaints. It has the power to require advertising that does not comply to be withdrawn.
- (f) The Broadcasting Act 1993 expressly reserves the right of the Commission to impose requirements that go beyond those in this Code. The methods of control open to the Commission include powers to give directions to exclude not only classes and descriptions of advertisements or of sponsorship but individual advertisements or sponsorship arrangements – either in general or in particular circumstances.
- (g) Like publishers in other media, television and radio companies are entitled not to accept advertising or sponsorship they do not wish to carry or provide access to. This discretion is limited by the requirement that there shall be no

unreasonable discrimination either against or in favour of any particular advertiser or sponsor.

- (h) The Commission is not prepared to make rulings on the acceptability in relation to this Code of particular advertisements or sponsorship treatments in advance of their broadcast. This includes cases where the Code requires prior consultation by licensees with the Commission about the acceptability in principle of a product or service. Requests for approval or guidance on the likely acceptability of particular proposals should be directed to the television or radio company or, if appropriate, to (for television) the Broadcast Advertising Clearance Centre, 200 Grays Inn Road, London WC1X 8HF; tel: 020 7843 8265; fax: 020 7843 8154; or (for radio) the Radio Advertising Clearance Centre, 77 Shaftesbury Avenue, London W1D 5DU; tel: 020 7306 2620; fax: 020 7306 2645; email: adclear@racc.co.uk. **The Commission, which for this purpose includes the Commission Members and the Commission's staff, servants and agents, accepts no responsibility or liability for any reliance placed on any advice given by the Commission in connection with copy clearance and is not liable for any loss or damage claimed to arise as a result of any such reliance. Any such advice by Commission staff is without prejudice to the exercise by the Commission of its regulatory responsibilities and is given on the strict understanding that it cannot be regarded as fettering the Commission's discretion in respect of the advertising in question.**

Advertising

General Principles

- 1 Broadcast advertising should be legal, decent, honest and truthful.
- 2 (a) Advertisements must comply in every respect with the law, common or statute, and licensees must make it a condition of acceptance that advertisements do so comply.

(b) The detailed rules set out below are to be applied in the spirit as well as the letter.
- 3 Advertisements must not be broadcast within coverage of a religious service, a formal Royal ceremony or occasion or a programme designed for reception in schools, unless the programme is over 30 minutes in length.
- 4 The standards in this Code apply to any item of publicity inserted in programmes, whether in return for payment or not, including publicity by licensees themselves, and the term "advertisement" is to be so construed for the purposes of this Code.

Standards

5 Identification of Advertisements and Programmes

NOTE:

The main purpose of this rule is to ensure that viewers or listeners are clearly aware when they are being sold to.

- (a) Advertisements must be clearly distinguishable as such.
- (b) Situations, performances and styles reminiscent of programmes must not be used in such a way as to risk confusing viewers or listeners as to whether they are watching or listening to an advertisement. In marginal cases the acceptability of such an advertisement may depend on positive indication that it is an advertisement.
- (c) Extracts of recordings from broadcasts of Tynwald or Local Authority proceedings are not acceptable.
- (d) Expressions such as "News Flash" are reserved for important news and public service announcements; their use in advertisements is not acceptable.
- (e) Advertisements for alcoholic drinks, sensational newspapers/magazines or their content, and violent or sexually explicit material must not be broadcast in or around religious programmes or programmes directed particularly at children (see also Appendix 1 for detailed guidance on restrictions with respect to children).

6 Persons Appearing in Advertisements and in Programmes

- (a) Station presenters may voice, or read to camera, advertisements provided that they do not:
- (i) endorse, recommend, identify themselves with or personally testify about an advertiser's products or services (however, presenters may refer to their own appearance(s) at an event run by an advertiser provided that the words used do not endorse or recommend the product or service which the event is designed to promote);
 - (ii) make references to any specific advertisement when in their presenter role;
 - (iii) feature in any advertisement for a medicine or treatment without the written permission of the Commission in each case.
- (b) Station presenters (excluding those involved in news and current affairs) may voice, or read to camera, advertisements within their own programmes provided that:
- (i) a proper distinction and clear separation is maintained between the programming material they deliver and the advertisements they read;
 - (ii) the form of words and style of delivery do not imply that the presenter is endorsing the product or service advertised.

7 "Subliminal" Advertising

No advertisement may include any technique which, by using images or sounds 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.

8 Television Captions and Superimposed Text

When information is included in the form of captions, either standing alone or superimposed onto other images, the text must be clearly legible and held long enough for the full message to be read by the average viewer on a standard domestic television set.

9 Noise and Stridency

- (a) Advertisements must not be excessively noisy or strident.
- (b) Studio transmission power must not be increased from normal levels during advertising.

10 Politics, Industrial and Public Controversy

No advertisement may be placed by or on behalf of any body whose objects are wholly or mainly of a political nature, and no advertisement may be directed towards any political end. No advertisement may have any relation to any industrial dispute. No advertisement may be partial as respects matters of political or industrial controversy or relating to current public policy.

NOTES:

- (i) *The term "political" here is used in a wider sense than "party political". The prohibition precludes, for example, issue campaigning for the purposes of*

influencing legislation or executive action by government or by local authorities. Where there is a risk that advertising could breach this prohibition prospective advertisers are strongly advised to seek advance guidance from licensees before developing specific proposals.

(ii) The Broadcasting Act 1993 specifically exempts advertisements of a public service nature inserted by, or on behalf of, the Council of Ministers, a Government Department or Statutory Board from the prohibition of advertisements having "any relation to any industrial dispute".

11 Religion

Subject to the generality of the Code, religious advertising is governed by the rules set out in Appendix 5.

12 Charities

Advertisements soliciting donations for or promoting the needs or objects of Isle of Man bodies whose activities are financed wholly or mainly from donations may be accepted only from those able to produce satisfactory evidence that their charitable status has been officially recognised. Such advertisements must comply with the provisions of Appendix 4. Appendix 4 also specifies the circumstances in which advertisements of the kind referred to above may be accepted where they are submitted on behalf of bodies based outside the Isle of Man. In the case of charities with religious affiliations, Rule 11 and Appendix 5 may also be applicable.

13 Taste and Offence

No advertisement may offend against good taste or decency or be offensive to public feeling and no advertisement should prejudice respect for human dignity.

NOTES:

(i) On matters of taste, where individual reactions can differ considerably, the Commission expects its licensees to exercise responsible judgments and to take account of the sensitivities of all sections of their audience when deciding on the acceptability or scheduling of advertisements. Particular care should be taken to avoid treatments which, through the unthinking use of stereotypes, could be hurtful to certain sections of the audience, e.g. people with disabilities.

(ii) An advertisement does not necessarily become unacceptable simply because a given number of complaints is received. The Commission will take into account all relevant considerations in making determinations under this rule.

14 Discrimination

Advertisements must comply with all relevant aspects of Isle of Man legislation relating to discrimination, whether sexual, racial or otherwise.

15 Protection of Privacy and Exploitation of the Individual

Individual living persons must not be portrayed or referred to in advertisements without their permission except in circumstances approved by the Commission. A general exception is in advertisements for books, films, and particular

editions of radio or television programmes, newspapers, magazines, etc, which feature the person referred to in the advertisement, provided the reference or portrayal is neither offensive nor defamatory. In the case of generic advertising for news media, licensees may also waive the requirement for prior permission if it seems to them reasonable to expect that the individual concerned would not have reason to object. Such generic advertising must, however, be withdrawn immediately if individuals portrayed without their permission do object.

16 Appeals to Fear

Advertisements must not without justifiable reason play on fear.

17 Superstition

No advertisement may exploit the superstitious.

18 Unacceptable Products or Services

(a) Advertisements for products or services coming within the recognised character of, or specifically concerned with, the following are not acceptable:

- (i) breath-testing devices and products which purport to mask the effects of alcohol;
- (ii) the occult (excluding publications of general interest such as newspaper or magazine horoscopes);
- (iii) betting tips;
- (iv) tobacco products;
- (v) commercial services offering advice on personal or consumer problems (this does not preclude advertising by advocates and by those offering other professional services operating with the approval of the appropriate professional body);

NOTE:

The prohibition in Rule 18(a)(v) does not apply to advertisements for financial advice which meet the requirements of Appendix 2 of the Code.

- (vi) pornography

NOTE:

For the purposes of this Code the prohibition in Rule 18(a)(vi) extends to publications of the kind commonly referred to as "top shelf" publications.

- (vii) escort agencies and the like.

(b) An advertisement for an acceptable product or service may be unacceptable should it seem to the Commission that a significant effect would be to publicise indirectly the unacceptable product or service. For the purpose of this rule an unacceptable product or service is not limited to those categories listed in 18(a) above but includes prohibitions in any part of this code.

19 Lotteries, Pools and Bingo

Advertising for lotteries, football pools and bingo may be accepted subject to the following:

- (a) No advertisement may be directed at people under the age of 16 or use treatments likely to be of particular appeal to them.

NOTE:

Rule 19(a) extends to the scheduling as well as the content of advertisements. Such advertisements must not be broadcast in or immediately adjacent to children's programmes or those commissioned for, primarily directed at or likely to be of particular appeal to audiences below the relevant age.

- (b) No advertisement may feature any personality whose example people under 16 are likely to follow or who has particular appeal to people under 16.
- (c) No advertisement may feature or encourage excessive or reckless playing.
- (d) Advertisements must not present lotteries, football pools or bingo as an alternative to work or a way out of financial difficulties.

20 Health and Safety

- (a) No advertisement may encourage or condone behaviour 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.
- (b) Advertisements that employ techniques that may be the direct cause of harm to viewers or listeners are not acceptable.

21 Motor Cars and Driving

- (a) No advertisement may encourage or condone dangerous, or inconsiderate driving practices.
- (b) References to power or acceleration in advertisements for motor cars or automotive products must not imply that speed limits may be exceeded and there must be no accompanying suggestion of excitement or aggression.
- (c) Radio advertisements must not include sounds likely to create a safety hazard to drivers.

22 Protection of the Environment

No advertisement may encourage or condone behaviour prejudicial to the protection of the environment. This does not preclude responsible advertisements for products and services which may have some adverse environmental impact in normal use, e.g. motor cars.

23 Animals

Licensees must satisfy themselves that no animal is caused pain or distress in the course of making any commercial and no advertisement may contain anything that might reasonably be thought to encourage or condone cruelty or irresponsible behaviour towards animals.

NOTE:

Licensees should draw advertisers attention to the Guidelines for the Use of Animals in Advertising issued by the RSPCA which contain detailed guidance on acceptable standards for the use of animals in film making.

24 Misleadingness

- (a) No advertisement may contain any descriptions, claims or illustrations which expressly or by implication mislead about the product or service advertised or about its suitability for the purpose recommended.

In particular:

- (i) no advertisement may misleadingly claim or imply that the product advertised, or an ingredient, has some special property or quality which is incapable of being established;
 - (ii) scientific terms, statistics, quotations from technical literature and the like must be used with a proper sense of responsibility to the ordinary viewer. Irrelevant data and scientific jargon must not be used to make claims appear to have a scientific basis they do not possess. Statistics of limited validity must not be presented in such a way as to make it appear that they are universally true. Advertisements must not seek to exploit public ignorance or to perpetuate popular misconceptions.
- (b) Advertisements must make clear any important limitations or qualifications without which a misleading impression of a product or service might be given.
- (c) Before accepting advertisements licensees must satisfy themselves that the advertiser has adequately substantiated any descriptions, claims or illustrations.

25 Prices and Price Claims

- (a) Advertisements indicating price, price comparisons or price reductions must comply with all relevant statutory requirements, in particular the Consumer Protection Act 1991 and Regulations made under it, including the *Code of Practice for Traders on Price Indications*. Visual and verbal presentations of actual and comparative prices and cost must be accurate at the time of broadcast and incapable of misleading by omission, undue emphasis or distortion.
- (b) In the case of goods obtainable by instalment payment the total aggregate price of the goods must be given in the same manner as the instalment costs, and shall be afforded no less prominence than the latter. Should the frequency of instalment payments be anything other than monthly, the frequency must be indicated in the advertisement.
- (c) Claims of 'lowest prices' must be supported by evidence from the retailer that his prices are lower than his competitors. Claims of 'unbeatable prices' or 'you can't buy cheaper' must be supported by evidence from the retailer that his prices are as low as his competitors.
- (d) All prices should include VAT except for business-to-business and professional services where it must be made clear whether prices are exclusive or inclusive of VAT.

26 Comparisons

Advertisements containing comparisons with other advertisers, or other products or services, are permissible in the interest of vigorous competition and public information provided they comply with the terms of this Rule and Rule 27.

- (a) All comparative advertisements must respect the principles of fair competition and must be so designed that there is no likelihood of the consumer being misled as a result of the comparison, either about the product or service advertised or that with which it is compared.
- (b) The subject matter of a comparison must not be chosen in such a way as to confer an artificial advantage upon the advertiser.
- (c) Points of comparison must be based on facts that can be substantiated and must not be unfairly selected. In particular:
 - (i) the basis of comparison must be the same for all the products or services being compared and must be clearly established in the advertisement so that it can be understood that like is being compared with like;
 - (ii) generalised superiority claims must not be made on the basis of selective comparisons.

27 Denigration

Advertisements must not unfairly attack or discredit other products or services, advertisers or advertisements expressly or by implication.

28 Reproduction Techniques on Television

It is accepted that on television the technical limitations of photography can lead to difficulties in securing a faithful portrayal of a subject, and that the use of special techniques or substitute materials may be necessary to overcome these difficulties. These techniques must not be abused; no advertisement in which they have been used will be acceptable unless the resultant picture presents a fair and reasonable impression of the product or its effects and is not such as to mislead. Unacceptable devices include, for example, the use of glass or plastic sheeting to simulate the effects of floor or furniture polishes.

29 Testimonials

- (a) Testimonials must be genuine and must not be used in a manner likely to mislead. Licensees must seek and obtain satisfactory documentary evidence in support of any testimonial and any claims therein before accepting advertisements.
- (b) Celebrities must not personally testify about a medicine or treatment. They may testify about products and services they use but must not present, endorse, recommend or personally testify about any medicine or treatment. They may, however, perform in an advertisement for a medicine or treatment if they are merely playing a role or speaking commentary.
- (c) Children must not testify about any product or service

NOTES:

- (i) *An expression of view or statement of experience of a real person in an*

advertisement is regarded as a testimonial.

(ii) A person's professional status may be used to lend authority to their opinions, eg, 'I'm Miss X, actress and model, and I use Y soap because I think it's the creamiest'.

(iii) Station presenters may not testify on their own station about any products or services they use.

(iv) Fictional playlets (ie where characters express, in dramatized form, the claims of an advertiser) are acceptable, provided it is clear that the situation and people depicted are not real.

30 Guarantees

No advertisement may contain the words "guarantee", "guaranteed", "warranty" or "warranted", or words having the same meaning, unless the full terms of the guarantee are available for inspection by the licensee and are clearly set out in the advertisement or are made available to the purchaser in writing at the point of sale or with the goods or services. In all cases, the terms must include details of the remedial action open to the purchaser. No advertisement may contain a direct or implied reference to a guarantee that purports to take away or diminish the statutory or common law rights of a purchaser. This does not preclude the colloquial use of the word "guarantee" in contexts where there is no likelihood of its meaning being construed as part of an offer by the advertiser.

31 Inertia Selling

No advertisement may be accepted from advertisers who send the goods advertised, or additional goods, without authority from the recipient.

32 Use of the Word "Free"

Advertisements must not describe goods services or samples as "free" unless the goods, services or samples are supplied at no cost or no extra cost to the recipient other than actual postage or carriage or incidental travel undertaken by the customer in collecting the offer. No additional charge for packing and handling may be made. A trial may be described as "free" although the customer is expected to pay the cost of returning the goods, provided that the advertisement makes clear the customer's obligation to do so.

33 Competitions

Advertisements inviting the public to take part in competitions may be accepted only if arrangements have been made for prospective entrants to obtain printed details of the conditions governing the competition, the announcement of results and the distribution of prizes. Any special conditions governing entry to the competition must be given in the advertisement.

34 Homework Schemes

- (a) Homework schemes are those in which participants, whether employees or not, undertake work at or from home on behalf of someone else, for example, addressing envelopes or making up garments or toys.
- (b) Advertisements are not acceptable for schemes that involve making a charge

for the raw materials or components and/or where the advertiser offers to buy goods made by the home-worker, or where a charge or deposit is levied in order to obtain details of the scheme.

- (c) Full particulars of any scheme must be obtained and licensees must satisfy themselves in particular that:
- (i) no misleading impression is given of how the scheme will work (for example, any obligation for the home-worker to collect or deliver materials must be disclosed);
 - (ii) the advertisement does not convey a misleading impression of the likely remuneration.

35 Instructional Courses

- (a) Advertisements offering courses of instruction in trades or subjects leading up to professional or technical examinations must not imply the promise of employment or exaggerate the opportunity of employment or remuneration alleged to be open to those taking such courses; neither should they offer unrecognised "degrees" or qualifications.
- (b) Advertisements by correspondence schools and colleges, other than those granted accreditation by the Council for the Accreditation of Correspondence Colleges, are unacceptable except in circumstances approved by the Commission.

36 Mail Order and Direct Response Advertising

Advertisements for goods offered by mail order or by other forms of direct contact between the respondent and the advertiser (e.g. telephone orders by credit card) are unacceptable unless:

- (a) Arrangements are made for enquirers to be informed by the licensee concerned of the name and full address of the advertiser if this is not given in the advertisement.

NOTE:

The address given to enquirers under Rule 36(a) must be a full postal address that enables them to locate the premises.

- (b) The licensee is satisfied that:
- (i) adequate arrangements exist at that address for enquiries to be handled by a responsible person available on the premises during normal business hours;
 - (ii) samples of goods advertised are made available there for public inspection;
 - (iii) the goods despatched are at all times and in all material respects the same as those shown in the advertisement;
 - (iv) the advertiser is able to meet any reasonably foreseeable demand created by the advertising;
 - (v) the advertiser is able to fulfil orders within 28 days from receipt unless the licensee (or, as the case may be, the Commission) is satisfied that there are particular circumstances where it would be reasonable for the advertiser to state in the advertisement a period in excess of 28 days;

- (vi) fulfilment arrangements are in operation whereby monies sent by consumers are only released to the advertiser on receipt of evidence of despatch (unless the licensee is satisfied that adequate alternative safeguards exist);
 - (vii) an undertaking has been received from the advertiser that money will be refunded promptly and in full to buyers who can show justifiable cause for dissatisfaction with their purchases or with delay in delivery.
- (c) Advertisers who offer goods by mail order or other forms of direct response are prepared to demonstrate, or where practicable to supply samples of, the goods advertised, to the licensees to whom their advertisements are submitted, for the purposes of assessing advertising claims.
- (d) Where it is the intention of the advertiser to send a representative to call on persons responding to the advertisement, this fact is apparent from the advertisement or from the particulars subsequently supplied and the respondent is given an adequate opportunity of refusing any call. In the case of such advertising:
- (i) advertisers must give adequate assurances that sales representatives when calling upon persons responding to the advertisement will demonstrate and make available for sale the articles advertised;
 - (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 representatives disparage or belittle any cheaper article advertised or report unreasonable delays in obtaining delivery or otherwise put difficulties in the way of its purchase.
- (e) Licensees obtain assurances that advertisers comply with the requirements of Man data protection legislation or, where advertisers are not subject to Isle of Man data protection legislation but who are or who would be subject to equivalent measures in their home (non-Isle of Man) jurisdictions, they conform in full with the applicable legislation and the rules laid down by the relevant regulatory body or bodies (including broadcasting regulatory bodies as well as data protection regulatory bodies) in the relevant jurisdiction as if the advertisement were being broadcast from within that jurisdiction.

GENERAL NOTES TO RULE 36:

- (i) *Appendix 1, rule 8 prohibits advertisements which invite children to purchase products by mail or telephone.*
- (ii) *This Rule should be read in conjunction with Rule 25(b), which details the requirements for goods payable by instalments.*

37 Teleshopping/Homeshopping Features

Features of programme length in which goods and services are described or demonstrated and offered for sale, purchase or hire to viewers or listeners are regarded by the Commission as advertisements and must comply with all requirements of this Code.

38 Premium Rate Telephone Services

Advertisements for live conversation services or recorded message services must comply with the ICSTIS (Independent Committee for Supervision of Standards of Telephone Information Services) Code of Practice. In addition:

- (a) in the case of services (excluding live conversation) which normally involve a call in excess of four minutes duration, a warning to the effect that use of the service might involve a long call must be given in the advertisement;
- (b) the cost of the call must be given in the form of a price-per-minute at both peak and off-peak rates;
- (c) advertisements should not encourage people under the age of 18 to call live conversation services;
- (d) licensees must keep on file the name and address of the provider of the information.

GENERAL NOTE:

The ICSTIS Code has a number of additional requirements relating to advertisements for services operating through premium-rate telephone numbers.

39 Introduction and Dating Services

- (a) Advertisements for introduction and dating services must not:
 - (i) suggest that persons without a partner are in some way inadequate or unfulfilled;
 - (ii) contain material that could be taken to encourage or condone promiscuity;
 - (iii) be directed at people under 18;
 - (iv) imply a greater degree of matching of individual clients according to suitability than is in fact the case.
- (b) Licensees must obtain an assurance that the advertiser will give clear advice on sensible precautions to be taken when meeting people through dating or introduction services.
- (c) Licensees must obtain an assurance that the advertiser will not disclose any data about a client to a third party without the client's consent and that clients' names will be promptly deleted from agencies' records on request. Agencies must provide an assurance that they comply with the requirements of current Isle of Man data protection legislation.
- (d) Arrangements must be made for enquirers to be informed on request by the licensee concerned of the name and full address of the advertiser if this is not given in the advertisement. The advertiser must conduct business from premises which clients, actual or potential, can visit.

40 Alcoholic Drink

- (a) Advertising for alcoholic drinks must not be directed at people under 18 or use treatments likely to be of particular appeal to them. Children must not be seen or heard in an advertisement for alcoholic drink. In advertisements for drinks containing 1.2% alcohol by volume or less, anyone associated with drinking must be, and appear to be, at least 18 years old. In all other advertisements for alcoholic drinks they must be, and appear to be, at least 25 years old.
- (b) No advertisement for alcoholic drink may feature any personality whose

- example people under 18 are likely to follow or who has a particular appeal to people under 18.
- (c) Advertisements must not imply that drinking is essential to social success or acceptance or that refusal is a sign of weakness. Nor may it be implied that the successful outcome of a social occasion is dependent on the consumption of alcohol.
 - (d) Advertisements must not claim that alcohol has therapeutic qualities nor offer it as a stimulant, sedative or tranquilliser. While advertisements may refer to refreshment after physical performance they must not give any impression that performance can be improved by drink.
 - (e) Advertisements must not suggest that a drink is to be preferred because of higher alcohol content or intoxicating effect and must not place undue emphasis on alcoholic strength.
 - (f) Nothing in an advertisement may link drinking with driving or with the use of potentially dangerous machinery.
 - (g) Advertisements must neither claim nor suggest that any drink can contribute towards sexual success or that drinking can enhance sexual attractiveness.
 - (h) Advertisements must not suggest that regular solitary drinking is acceptable or that drinking is a means of resolving personal problems.
 - (i) No advertisement may suggest that drinking is an essential attribute of masculinity. Treatments featuring daring, toughness or bravado in association with drinking must not be used, and alcoholic drinks must not be advertised in a context of aggressive or antisocial behaviour.
 - (j) Alcoholic drinks must not appear to be consumed in a working environment unless it is clearly established that the working day has ended.
 - (k) Advertisements for alcoholic drinks must not publicise sales promotions entailing multiple purchase which appear to encourage excessive consumption.
 - (l) Advertisements must not foster, depict or imply immoderate drinking. This applies to the quantity of drink consumed and to the act of drinking portrayed. References to buying rounds of drinks are not acceptable.
 - (m) Advertisements may employ humour but not so as to circumvent the intention of these rules.

GENERAL NOTES:

(i) These rules apply principally to advertisements for alcoholic drinks but the incidental portrayal of alcohol consumption in other advertisements must always be carefully considered to ensure that it does not contradict the spirit of these rules.

(ii) Provided they comply with the generality of the Code and reflect responsible consumption or behaviour, advertisements for drinks containing 1.2% alcohol by volume or less will not normally be subject to rules (k), (l) or (m) above. However, where it appears to the Commission that a significant purpose of the advertising for them is to promote a brand of higher alcoholic strength or where their low alcohol content is not apparent from the copy, this exemption will not apply. Licensees are strongly advised to consult the Commission in advance where there is any doubt about the applicability of this exemption.

- 41 Advertising and Children**
Particular care should be taken over advertising that is likely to be seen or heard by large numbers of children and advertisements in which children are to be employed. More detailed guidance is given in Appendix 1.
- 42 Financial Advertising**
Subject to the generality of the Code, financial advertisements must comply with all relevant legislation, in particular the Financial Supervision Act 1988, the Investment Business Act 1991, the Banking Act 1998 and the detailed Rules in Appendix 2.
- 43 Medicines, Treatments, Health Claims, Nutrition and Dietary Supplements**
Subject to the generality of the Code, health claims and the advertising of medicines, treatments and dietary supplements are subject to the detailed rules in Appendix 3.

Sponsorship

1 DEFINITIONS

- 1.1 A **Sponsored Programme** is a programme, other than an advertisement, that has had some or all of its **costs** met by a **sponsor**, or is broadcast in return for payment or other valuable consideration to a licensee, with a view to promoting the sponsor's or another's **name**, product or service.
- 1.2 **Costs** include any part of the costs connected to the production or transmission of the programme.
- 1.3 **Sponsor** is any organisation or person, other than the broadcaster or television producer, who is sponsoring the programme in question with a view to promoting its name, goods or services. This definition extends to those who are otherwise supplying or funding the programme.
- 1.4 **Name** includes trademark, image, activities, or any other direct or indirect commercial interests.

2 ACQUIRED PROGRAMMES

This Code applies also to acquired programmes, including those programmes acquired from outside the Isle of Man. Films made for the cinema, and relay of programmes from outside the Isle of Man, may deviate from the Code where this is unavoidable.

3 EDITORIAL CONTROL

- 3.1 Editorial control of sponsored programmes remains with the licensee. A sponsor must not influence the content or scheduling of a programme in such a way as to affect the editorial responsibility of the broadcaster. Under no circumstances may sponsorship influence the content or construction of news

programmes. A direct link between a sponsor's commercial interest and a programme's subject matter is however acceptable in sponsored programmes.

3.2 Sponsors may contribute to the editorial content of all sponsored programmes except:

- news features;
- news magazines;
- current affairs (save for the inclusion of commercial interviews from time to time with sponsors, which must be clearly distinguishable as such);
- business/financial news or comment;
- programmes/documentary items addressing matters of political or industrial controversy or relating to current public policy.

Without prejudice to the foregoing, however, it shall be permissible for a nominee of a sponsor to present or to contribute to programmes dealing with business, financial news or comment and discussion programmes on political and economic affairs provided the relationship between the presenter/contributor and the sponsor is made clear in the programme credits and the requirements of the Communications Commission Programme Code are observed.

4 PROHIBITED AND RESTRICTED SPONSORS

4.1 The following are not allowed to sponsor programmes:

- (a) **Political Bodies and Candidates for Election to the House of Keys.**
This includes any organisation whose aims are wholly or mainly of a political nature (*see Note to Advertising Rule 10 above*).
- (b) **Manufacturers of tobacco products.**
This includes any company whose name is chiefly known to the public through its tobacco business, even though it may sell other non-tobacco products and services.
- (c) **Those who cannot advertise on the licensed service.**

4.2 Other restrictions.

- (a) No advertiser may sponsor a programme during which they would not be permitted to advertise.
- (b) News bulletins may be sponsored only by respectable and well-established trading organisations, the objects whereof are neither wholly nor mainly concerned with public policy. The Commission must be notified in advance of the name and nature of business of any company sponsoring news bulletins.

5 SCHEDULING

Without the prior approval of the Commission, no sponsored programme may be broadcast at a time or in circumstances where the sponsor would be restricted from advertising.

6 SPONSOR CREDITS

No sponsor credit may breach the principles or spirit of the advertising rules above. The detailed advertising rules should be applied to sponsor credits when appropriate.

6.1 Transparency requirement

Any sponsorship must be clearly identified at the beginning and/or end of the programme. There may also be bumper credits (entering and/or leaving a commercial break). Credits may be oral and/or visual.

6.2 Content of credits

The principal purpose of sponsor credits is to create an association between the sponsor and the programme being sponsored. The link between the programme and sponsor must be reflected in the sponsor credits, either visually or orally or both. Any use of the sponsor's product within sponsor credits must help to reflect the link between the sponsor and the programme. All sponsored programmes and features must be clearly distinguishable as such. Sponsor credits must be brief, precise, substantiable and broadcast with the following frequency:

- (a) programmes/items of up to 15 minutes long must contain at least one sponsor credit, at the beginning or end of the programme/item;
- (b) longer programmes must contain at least one sponsor credit approximately at the beginning or end of the programme and, where there is a link between the sponsor's commercial activities and the programme's subject matter, at least one sponsor credit approximately every 15 minutes.

6.3 Sponsorship message

The front credit (or where there is none, the end credit) must identify the sponsor and explain the sponsor's connection with the programme. Expressions that suggest the sponsor has compromised the licensee's broadcasting responsibilities are not acceptable.

NOTE:

Sponsors may also buy advertising spots in and around the programme they sponsor. If the format and style of an advertisement sounds similar to the format and style of the programme, it must be separated by other material such as a jingle/station indent or by scheduling it in the middle of an advertising break.

Appendices

Appendix 1

Advertising and Children

1 The Child Audience

At times when large numbers of children are likely to be viewing or listening, no product or service may be advertised and no method of advertising may be used which might result in harm to them physically, mentally or morally, and no method of advertising may be employed which takes advantage of the natural credulity and sense of loyalty of children. For the purposes of this Code, unless otherwise stated, the Commission normally regards as children those aged 15 years and under.

2 Misleadingness

Children's ability to distinguish between fact and fantasy will vary according to their age and individual personality. With this in mind, no unreasonable expectation may be stimulated, for example, of the performance of toys and games by the excessive use of special effects or imaginary backgrounds.

3 Toys and games etc.

Advertisements for toys, games and other products of interest to children must not mislead, taking into account the child's immaturity of judgment and experience.

In particular:

- (a) On television the true size of the product must be made easy to judge, preferably by showing it in relation to some common object by which it can be judged. In any demonstration it must be made clear whether the toy can move independently or only through manual operation.
- (b) Treatments which reflect the toy or game depicted in action through the child's eyes or in which real life counterparts of the toy are depicted working must be used with due restraint. There must be no confusion as to the noise produced by the toy – e.g. a toy racing car and its real life counterpart.
- (c) Where advertisements depict results from a drawing, construction, craft or modelling toy or kit, the results must be reasonably attainable by the average child and ease of assembly must not be exaggerated.

4 Competitions

If there is to be a reference to a competition for children in an advertisement, the published rules must be submitted in advance to the licensee. The value of the prizes and the chances of winning one must not be exaggerated.

5 Direct Exhortation

Advertisements must not exhort children to purchase or to ask their parents or others to make enquiries or purchases.

6 Appeals to Loyalty

No advertisement may imply that unless children themselves buy or encourage other people to buy a product or service they will be failing in some duty or lacking in loyalty.

7 Inferiority

No advertisement may lead children to believe that if they do not have or use the product or service advertised they would be inferior in some way to other children or liable to be held in contempt or ridicule.

8 Direct Response

No advertisement may invite children to purchase products or services by mail, telephone or e-mail.

9 Restriction on Times of Transmission

- (a) Advertisements for the following must not be transmitted during children's programmes or immediately before or after them – alcoholic drinks, liqueur chocolates, matches, medicines, vitamins or other dietary supplements, slimming products, treatments and establishments, 15 and 18 rated film trailers, lotteries, pools or bingo.
- (b) Except in circumstances approved by the Commission, the following will be acceptable on television only after 9pm:
 - (i) advertisements in which children are depicted having any medicine, or vitamin or other dietary supplement administered to them;
 - (ii) advertisements for medicines, or 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.
- (c) Children must not be depicted self-administering medicines or vitamins or other dietary supplements unless the Commission gives prior permission.

NOTES TO RULES 9(a), (b) AND (c):

(i) For the purposes of rules 9(a), (b) and (c), "medicines" are classified as products which carry a product licence (See Appendix 3) and "dietary supplements" are classified as isolated or highly purified or concentrated products sold in forms resembling medicines, e.g. vitamins, minerals and amino acids.

(ii) In the case of a product which cannot easily be distinguished from a medicine, or where the advertising itself contributes to such a lack of distinguishability, particularly with regard to very young children (those five years old and under), rules 9(a), (b) and (c) should be applied.

(iii) Where an exemption is sought under 9(b) & (c) it is likely to be granted only in relation to products such as those for oral hygiene, skin preparations including acne treatments and externally-applied decongestants. The exemption will be granted only if the Commission is fully satisfied that harm is unlikely to arise as a result of very young children's responses to the advertisements.

- (d) Advertisements in which personalities or other characters (including puppets

etc) who appear regularly in any children's programme on any Isle of Man or United Kingdom television channel or radio station, present or positively endorse products or services of particular interest to children must not be transmitted before 9pm. This does not apply to public service advertisements or to characters specially created for advertisements.

NOTE:

Rule 9(d) does not apply to programmes which are not currently on air and have not been carried on any channel or station for a period of at least two years.

- (e) Advertisements for merchandise based on children's programmes must not be broadcast in any of the two hours preceding or succeeding transmission of the relevant programme or of episodes or editions of the relevant programme.
- (f) Advertisements which contain material which might frighten or cause distress to children 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. Trailers for 15 or 18 rated films must not be broadcast in or around children's programmes and, depending on content, may require more rigorous timing restrictions.

10 Prices

- (a) Advertisements for expensive toys, games and similar products must include an indication of their price.
- (b) Where a range of products is featured in a single advertisement only the most expensive item need be priced.
- (c) Where more than one item is priced, each price must clearly refer to a particular item.
- (d) When parts, accessories or batteries which a child might reasonably suppose to be part of a normal purchase are available only at extra cost, this must be made clear.
- (e) The cost must not be minimised by the use of words such as "only" or "just".

11 Safety

Any situations in which children are to be seen or heard in advertisements should be carefully considered from the point of view of safety and it should be borne in mind that, in some circumstances, bad examples set by adults might also encourage dangerous emulation.

In particular in television advertisements:

(a) **Road Safety**

- (i) children must not appear to be unattended in street scenes unless they are obviously old enough to be responsible for their own safety;
- (ii) children must not be shown playing in the road;
- (iii) children must not be shown stepping carelessly off the pavement or crossing the road without due care;
- (iv) in crossing busy streets, children must be seen to use pedestrian crossings;
- (v) children must behave in accordance with the Highway Code, whether as

pedestrians, cyclists or passengers.

(b) **General Safety**

- (i) children must not, for example, be seen leaning out of windows, climbing or tunnelling dangerously, or playing irresponsibly in or near water;
- (ii) small children must not be shown climbing up to high shelves or reaching up to take things from a table above their heads;
- (iii) medicines, disinfectants, antiseptics and caustic or poisonous substances must not be shown within reach of children without close parental supervision, nor may children be shown using these products in any way;
- (iv) children must not be shown using matches or any gas, petrol, paraffin, mechanical or mains-powered appliance which could lead to them suffering burns, electrical shock or other injury;
- (v) children must not be shown driving or riding on agricultural machines (including tractor-drawn carts or implements);
- (vi) an open fire in a domestic scene in an advertisement must always have a fireguard clearly visible if a child is included in the scene.

12 Danger

No advertisement may encourage children to enter strange places or to converse with strangers (for example, in an effort to collect coupons, wrappers, labels, etc). The details of any collecting scheme must be submitted to the licensee who must be satisfied that it contains no element of danger to children.

13 Exploitative Presentation

Advertisements must not portray children in a sexually provocative manner. Treatments in which children appear naked or in a state of partial undress require particular care and discretion.

14 Clubs

No advertisement dealing with the activities of a club may be accepted without the submission of satisfactory evidence to the licensee that the club is properly and responsibly supervised.

15 Good Manners and Behaviour

Children in advertisements should be reasonably well mannered and well behaved.

16 Children as Presenters

Children must not be used formally to present products or services which they could not be expected to buy themselves. This applies whether or not such products are of interest to them. Nor may they make in relation to any product or service, significant comments on characteristics of which they cannot be expected to have direct knowledge.

17 Testimonials

Children must not be used to give formalised personal testimony. This does not, however, preclude children giving spontaneous comments on matters in

which they would have an obvious natural interest.

Appendix 2

Financial Advertising

In this Appendix, 'investment', 'advertisement' and 'permitted person' have the same meanings as in the Investment Business Act, 1991.

1 Legal Responsibility

It is the responsibility of the advertiser to ensure that advertisements comply with all the relevant legal and regulatory requirements. Where an advertiser is a licenceholder of the Financial Supervision Commission, the Insurance and Pensions Authority or the Office of Fair Trading (moneylenders) or is not a licenceholder but is conducting licensable activity then all advertising must comply with the relevant current legislation and regulatory rules relating to such activities.

2 Misleadingness

As well as being accurate, advertisements must present the financial offer or service in terms which do not mislead whether by exaggeration, omission or otherwise.

3 Permitted Categories of Investment Advertisements

Advertisements may be broadcast:

- (a) on behalf of those persons who conduct investment business either in or from the Isle of Man, provided that such persons are 'permitted persons' or are excluded from the scope of the Investment Business Act, 1991 by virtue of Part II of Schedule 1 to the Investment Business Order, 1991 (GC 366/91);
- (b) on behalf of those who do not conduct investment business in or from the Isle of Man whose activities do not therefore fall within the scope of the Investment Business Act, 1991 (but see Rule 12 below).

NOTES:

- (i) *Licensees may need to contact the Financial Supervision Commission to ascertain whether the advertiser is a permitted person.*
- (ii) *Licensees may also need to take legal advice if:*
 - (a) *an advertiser claims an advertisement should be considered not to be an investment advertisement; or*
 - (b) *an advertiser claims, by virtue of Part II of Schedule 1 of the Investment Business Order, 1991, to be excluded from the scope of the Investment Business Act, 1991.*

- (iii) *Investment business advertisements issued by permitted persons indicated in Rule 3(a) above are subject to Regulatory Codes made under Section 6 of the Investment Business Act, 1991 and under Section 10 of the Banking Act, 1998 and Regulations made under Section 27 of the Financial Supervision Act, 1988. Permitted persons are normally required to disclose the name of their Regulator in all advertisements.*

4 Advertisements for Deposit and Savings Facilities

The following deposit and savings facilities may be advertised:

- (a) local government savings and deposit facilities in the Isle of Man, the Channel Islands and the Republic of Ireland;
- (b) such facilities provided in accordance with the Building Societies Act, 1986 by building societies authorized under that Act;
- (c) such facilities provided by the National Savings Bank, and banking institutions licensed under the Banking Act, 1998;
- (d) such facilities, guaranteed by the national government of an EC country, in currencies other than sterling, provided that a warning statement is included as to the effects of exchange rate fluctuations on the value of savings;
- (e) such facilities provided by Credit Unions registered under the Credit Unions Act, 1993.

NOTE:

Advertisements in connection with banking business are subject to any Regulatory Codes made under Section 10 of the Banking Act, 1998. Licensed banks and building societies are required to disclose the name of their Regulator in all advertisements, but this does not apply to sponsors' credits.

5 Interest on Savings

References to interest payable on savings are acceptable, subject to the following:

- (a) they must be stated clearly and be factually correct at the time of broadcast;
- (b) calculations of interest must not be based on unstated factors (eg minimum sum deposited, minimum deposit period, or minimum period of notice for withdrawal) which might affect the sum received by individuals or be capable of misunderstanding in any other way;
- (c) it must be made clear whether the interest rate is gross or after any deductions in respect of tax;
- (d) interest rates relating to variables (eg a bank's base rate) must be so described.

NOTE:

Attention is drawn to the Code on the conduct of the advertising of interest-bearing accounts adopted and implemented by the Building Societies

Association, the British Bankers' Association and the Finance Houses Association.

6 Insurance Advertisements

(a) LIFE ASSURANCE AND DISABILITY INSURANCE POLICIES

Except with the prior approval of the Commission, such policies (not constituting investments) may only be advertised by companies authorized to carry on long-term business under the Insurance Act, 1986;

(b) GENERAL INSURANCE COVER

Except with the prior approval of the Commission, such cover (e.g. for motor, household, fire and personal injury) may only be advertised by insurance companies who carry on business under the Insurance Act, 1986;

(c) INSURANCE BROKERAGE SERVICES

Except with the prior approval of the Commission, general insurance, sickness insurance and other forms of long term assurance which are not covered by the Insurance Act, 1986, may only be advertised by:

- (i) investment business licenceholders under the Investment Business Act, 1991;
- (ii) an intermediary who is a member (or a member's Appointed Agent or Sub-Agent) of the General Insurance Standards Council;
- (iii) building societies empowered to offer such services in accordance with the Building Societies Act, 1986.

7 Insurance Premiums and Cover

Subject to any applicable legal requirement:

- (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 advertising, reference to specific sums assured must be accompanied by all relevant qualifying conditions, e.g. age and sex of the assured at the outset of the policy, period of policy and amount and number of premiums payable.

8 Lending and Credit Advertisements

(a) PERMITTED CATEGORIES

The advertising of mortgage, other lending facilities and credit services is acceptable from:

- (i) Government and local government agencies;
- (ii) building societies authorised under the Building Societies Act, 1986;
- (iii) authorised insurance companies;
- (iv) registered Friendly Societies;
- (v) licensed institutions under the Banking Act, 1998;
- (vi) those persons and bodies granted a licence under the terms of

- the UK Consumer Credit Act, 1974;
- (vii) those persons and bodies registered as moneylenders by the Isle of Man Office of Fair Trading under the terms of the Moneylenders Act, 1991.

(b) MORTGAGES AND RE-MORTGAGES

Advertisements for mortgages may, in some circumstances, be considered as investment advertisements under the Investment Business Act, 1991 and particular note should therefore be taken of the Financial Supervision Commission (Advertising) Regulatory Code.

9 Tax Benefits

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 standard rate and, where relevant, in a particular jurisdiction. Where the benefit is different in one or more jurisdictions in the main or likely reception area of the programme service this must be made clear in the advertisement.

10 Direct Remittance

Investment business 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.

11 Financial Publications

- (a) advertisements for publications, including periodicals, books, teletext services and other forms of electronic publishing, on investments and other financial matters must make no recommendation on any specific investment offer.
- (b) advertisements for subscription services must be in general terms and make no reference to any specific investment offer.

12 United Kingdom and other non-Isle of Man financial advertisers

Advertisers who are not subject to the Isle of Man regulatory bodies referred to in Rule 1 above but who are advertising such business that would be licensable if undertaken in or from the Isle of Man, or who are or who would be subject to equivalent regulatory supervision in their home (non-Isle of Man) jurisdictions, may advertise products and services covered by this Appendix provided that:

- (a) they conform in full with the applicable legislation and the rules laid down by the relevant regulatory body or bodies (including broadcasting regulatory bodies as well as financial regulatory bodies) in the relevant jurisdiction as if the advertisement were being broadcast from within that jurisdiction; and
- (b) the advertiser is licensed or registered or the equivalent (as appropriate) with the relevant regulatory body or bodies in its home jurisdiction; and
- (c) where the product or service is not suitable for people or businesses in one or more particular jurisdictions in the main or likely reception area of the programme service this is made clear in the advertisement.

NOTE:

Advertisers in the category covered by this rule should take appropriate legal advice before any advertisements are broadcast which may be subject to additional regulatory requirements.

Appendix 3

Medicines, Treatments, Health Claims, Nutrition and Dietary Supplements

1 Introduction

Medicines require great care in their advertising, and health claims for any product require very close scrutiny. Whenever only a medically qualified expert can make a proper assessment of an advertisement, licensees must seek appropriate independent medical advice before acceptance. This includes claims relating to the nutritional, therapeutic or prophylactic effects of a product, including food or toilet products.

2 Additional Guidance.

With the introduction of new or changed products, the diverse statutory licensing requirements and changes in medical opinion on particular issues, this Code cannot provide a complete conspectus of required standards in relation to health claims or to the advertising of particular products or classes of medicines and treatments. Advertisements for products subject to licensing under the Medicines Act, 1976 must comply with the requirements of the Act and with The Medicines (Labelling and Advertising to the Public) Regulations, 1978 as they apply to the Isle of Man.

3 Veterinary products

The general principles set out below also apply, where relevant, to veterinary products and services.

4 Prescription Only Medicines

Advertisements for medicinal products or treatments for human use available only on prescription are not acceptable.

5 Products with a Product Licence

Advertisements must not refer to the fact that a medicinal product has been granted a product licence.

6 Products Without a Product Licence

Advertisements for products that do not hold a product licence must not include medicinal claims.

7 Products or Services where Particular Care is Required

Advertisements for products or services coming within the recognised character of, or specifically concerned with, the following must be scheduled sensitively and treated with particular care:

- (i) products for the treatment of alcoholism;
- (ii) clinics for the treatment of hair loss;
- (iii) pregnancy testing services;

- (iv) hypnosis, hypnotherapy, psychology, psychoanalysis or psychiatry;
- (v) sanitary protection products;
- (vi) contraceptives and family planning services.

8 Impressions of Professional Advice and Support

The following are not acceptable:

- (i) presentations of doctors, dentists, veterinary surgeons, pharmaceutical chemists, nurses, midwives, etc. which give the impression of professional advice or recommendations;
- (ii) statements giving the impression of professional advice or recommendation by persons who appear in the advertisements and who are presented, either directly or by implication, as being qualified to give such advice or recommendation. To avoid misunderstanding about the status of the presenter of a medicine or treatment, it may be necessary to establish positively in the course of an advertisement that the presenter is not a professionally qualified person;
- (iii) references to approval of, or preference for, the product or its ingredients or their use by the professions referred to in (i) above.

9 Obligatory Information

Advertisements for medicinal products must include the following information:

- (i) the name of the product;
- (ii) the name of the active ingredient, if it contains only one;
- (iii) the indication (i.e.: what the product is for);
- (iv) the text "always read the label" or "always read the leaflet", as appropriate.

10 Celebrity Testimonials and Presentations

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.

11 Medicines and Children

No advertisement for a medicinal product may be directed at people under the age of 16.

NOTE:

Please refer also to Rule 9 in Appendix 1 of this Code ("Advertising and Children") which includes a prohibition of advertisements for medicines, vitamins or other dietary supplements during children's programmes or in the advertising breaks immediately before or after them, together with a number of other restrictions connected with the content of advertisements for such products in relation to children.

12 Cure

No advertisement may employ any 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.

- 13 Guarantee of Efficacy**
No advertisement for a medicinal product may include a claim, implied or otherwise, that the effects of taking the product are guaranteed.
- 14 Diagnosis, Prescription or Treatment by Correspondence**
No advertisement may contain any offer to diagnose, advise, prescribe or treat by correspondence. (This includes, for example, post, telephone, fax or email).
- 15 Self-diagnosis**
No advertisement for a medicinal product may contain any material that could, by description or detailed representation of a case history, lead to erroneous self-diagnosis.
- 16 Appeals to Fear or Exploitation of Credulity**
No advertisement may cause those who see it unwarranted anxiety lest they are suffering or may suffer (if they do not respond to the advertiser's offer) from any disease or condition of ill health; or 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.
- 17 Conditions Requiring Medical Attention**
No advertisement may give the impression that a medical consultation or surgical operation is unnecessary in relation to conditions for which qualified medical attention or advice should be sought, either instead of self-treatment or prior to it. (This does not preclude advertisements for spectacles and contact lenses).
- 18 Side-effects**
No advertisement for a medicinal product may suggest that the effects of taking the product are unaccompanied by side effects.
It is acceptable to refer to the likely absence of a specific side effect, e.g. "unlikely to cause drowsiness".
- 19 Tonic**
Unless authorised by its product licence, the word "tonic" is not acceptable in advertisements for products making health claims.
- 20 "Natural" Products**
No advertisement for a medicinal product may suggest that the safety or efficacy of the medicinal product is due to the fact that it is "natural".
- 21 Encouragement of Excess**
No advertisement may directly or indirectly encourage indiscriminate, unnecessary or excessive use of products within the scope of this section of the Code.

- 22 Claims of Recovery**
No advertisement for a medicinal product may refer to claims of recovery in improper, alarming or misleading terms.
- 23 Pictorial Representations**
No televisual advertisement for a medicinal product may use pictorial representations of changes in the human body, caused by disease, injury, or the action of a medicinal product, in an improper, alarming or misleading way.
- 24 Exaggeration**
No advertisement may make 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 that is incapable of being established.
- 25 Misleading Descriptions of Medicinal Products**
No advertisement may contain anything to suggest that a medicinal product is a foodstuff, cosmetic or other consumer product.
- 26 Comparisons**
No advertisement for a medicinal product may suggest that the effects of taking the medicinal product are better than, or equivalent to, those of another identified or identifiable treatment or medicinal product.
- 27 Refund of Money**
No advertisement for a medicinal product or treatment within the scope of this Appendix may contain any offer to refund money to dissatisfied users of any product. This condition does not apply to appliances or therapeutic clothing.
- 28 Sales promotions**
No advertisement for a medicinal product or treatment may contain any reference to sales promotions (for example, competitions, premium offers, samples).
- 29 Analgesics**
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. In such advertisements there must be no references to depression.
- 30 Homoeopathic Medicinal Products**
Advertisements for homoeopathic medicinal products are only acceptable for products that are registered in the Isle of Man or the United Kingdom. Information included in an advertisement must be confined to that which is allowed to appear on product labelling.
- 31 Dietary Supplements**

- (a) A well-balanced diet provides the vitamins and minerals needed daily, in normal circumstances, by a healthy individual. Advertisements should not suggest that it is necessary or therapeutic for people in general to augment their diet or that such supplements can enhance normal good physical or mental function.
- (b) Only certain groups of people may benefit from particular vitamin or mineral supplements. Such groups might include people on restricted dietary regimens or those eating unsupplemented, low food-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 the age of 50.
- (c) Claims in this category must be substantiated with sound scientific evidence acceptable to the Commission and advertisements must establish clearly which groups are likely to benefit from a particular form of supplementation.

32 Slimming

- (a) This rule applies to advertisements for anything coming within the recognised character of, or directly concerned with, slimming aids of any kind, including clinics and other establishments, diets, medicines, etc.
- (b) 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:
 - i) there is reputable scientific evidence for any claims;
 - ii) clinics and other establishments offering medically supervised treatment are run in accordance with the General Medical Council guidelines on Good Medical Practice.
- (c) 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.
- (d) 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.
- (e) 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 children's programmes or those commissioned for, principally directed at or likely to be of particular appeal to audiences below the age of 18.

NOTE:

Rule 32(e) 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.

- (f) With the exception of clinics and other establishments offering treatment under medical supervision (see rule 32(b)(ii) above), 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.

NOTE:

For the purpose of rule 32(f), "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.

- (g) 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.

NOTE:

For the purpose of rule 32(g), "underweight" means with a Body Mass Index below 20.

33 Food Advertising

- (a) Advertisements must not encourage or condone excessive consumption of any food.

NOTE:

Rule 33(a) will be interpreted by reference to current generally accepted nutritional advice. It would clearly not be inconsistent with someone enjoying a chocolate bar; it would, however, preclude someone going on to open a second or a third or consuming a whole box of chocolates at one sitting. In some cases advertisements depicting purchase rather than consumption could breach this rule. While reference to supermarket multipacks would be acceptable, filling a supermarket trolley with very large quantities of confectionery would not unless it was clearly established that the purchase was not for individual use.

- (b) Advertisements must not disparage good dietary practice and any comparisons between foods must not discourage selection of foods such as fresh fruit and vegetables which current generally accepted dietary opinion recommends should form a greater part of average diet.
- (c) Advertisements, particularly those addressed to children, must pay regard to considerations of oral health. They must not encourage frequent consumption throughout the day (particularly of potentially cariogenic products such as those containing sugar) or depict situations where it could reasonably be assumed that teeth are unlikely to be cleaned overnight after consumption e.g. eating in bed after retiring for the night or children's "midnight feasts".
- (d) Specific 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 and must not give a misleading impression of the nutritional or health

benefits of the food as a whole. More generalised claims or descriptions that imply nutritional or health benefits (e.g. "wholesome") without stating the basis for them explicitly in the advertising are acceptable only if there is in fact a specific basis for them which is similarly supported by sound scientific evidence. Such claims will, where relevant, be assessed by reference to the concept of balanced diet.

Appendix 4

Charity Advertising

1 Introduction

The requirements below apply to advertising for which acceptance is sought under Rule 12 of the main Code and are to be read in conjunction with that rule. Their main purposes are to prevent misrepresentation, in particular by individuals or organisations seeking to exploit public generosity for private or undisclosed ends and, more generally, to ensure that the means of expression used in charity advertising reflect a broad sense of ethical responsibility.

2 Background Information

Licensees must satisfy themselves that an organisation's charitable status has been officially recognised. Advertisers must be prepared to submit full details of their constitution, aims and objects, membership of governing body and recent and current activities, and such additional information as may be appropriate, including, for example, audited accounts, for the purposes of establishing that a charity is not misrepresenting in any way its activities, or that its status does not conflict with the requirements of Rules 10 or 11 of the main Code.

3 Non-Isle of Man Bodies

Charity law differs considerably from country to country. Such organisations may not, therefore, be in a position to comply with the requirements in the first sentence of paragraph 2. Before accepting advertising for such organisations, licensees must:

- (i) obtain a written assurance that the organisation complies with all relevant legislation in the country in which it is based;
- (ii) conduct a full investigation of the other matters referred to in paragraph 2 and seek the assurances listed in paragraph 4.

Where the proceeds from any fund raising will only be applied in particular jurisdictions in the main or likely reception area of the programme service this must be made clear in the advertisement.

NOTE:

In case of doubt following investigations, licensees are strongly advised to consult the Commission before accepting advertising from such organisations. Appeals on behalf of the UK Disasters Emergency Committee (DEC) are acceptable.

4 Assurances

(a) Advertisers must be required to give the following assurances:

- (i) that they do not involve themselves in transactions in which members of their governing body or staff have a financial interest;
- (ii) 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;

- (iii) that they will not publish or otherwise disclose the names of contributors without their prior permission and that they comply with the requirements of current Isle of Man data protection legislation.
- (b) The Commission reserves the right to seek assurances on other matters where it considers this appropriate. The Commission also reserves the right to reconsider the acceptability of advertising where it has reason to doubt the validity of any assurances or other information provided.

5 References to Charities in Advertisements by Commercial Advertisers

Advertisements by commercial advertisers which promote, either as a main or incidental purpose, the needs or objects of organisations who would be acceptable in their own right under Rules 10-12 of the main Code are also acceptable subject to the following conditions:

- (a) Evidence must be provided that the organisation concerned has given its consent to the proposed advertising.
- (b) In the case of advertisements including an offer to donate part of the proceeds of sales to charity, each advertisement must specify the charity or charities which will benefit and make clear the basis on which the sums to be donated will be calculated. Offers of this kind should not depend on sales reaching a given level, or be subject to any similar condition.
- (c) Offers of this kind in connection with advertisements for medicinal products are not acceptable.

6 Content, Tone and Style

Advertisements for charities must:

- (i) handle with care and discretion matters likely to arouse strong emotions in the audience;
- (ii) not suggest that anyone will lack proper feeling or fail in any responsibility through not supporting a charity;
- (iii) respect the dignity of those on whose behalf an appeal is being made;
- (iv) not address any fund raising message specifically to children;
- (v) not contain comparisons with other charities;
- (vi) avoid presenting an exaggerated impression of the scale or nature of the social problem to which the work of the charity is addressed, for example, by illustrating the message with non-typical extreme cases;
- (vii) not mislead in any way as to the field of activity of the charity or the use to which donations will be put.

7 Distinction Between Advertisements and Programmes

Advertisements in this category may not be scheduled in immediate juxtaposition to programme appeals or community service announcements.

Appendix 5

Religious Advertising

Introduction

1 These rules apply to advertising that is 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 having a similar connection 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" where used below should be interpreted as also referring to this wider category. The terms "advertisement" and "advertising" here refer to all advertising subject to this Appendix.

2 All advertising subject to this Appendix must comply with the general requirements of the main Code as well as the detailed rules below. Attention is drawn particularly to Rule 10 of the main Code which prohibits advertising of a political character.

3 Acceptable Categories

(a) Advertising is acceptable for any of the following purposes:

- (i) publicising events such as services, meetings or religious festivals;
- (ii) describing an organisation's activities and how to contact it;
- (iii) offering publications or promoting the sale or rental of other merchandise.

(b) Advertising which, while ostensibly for one of these purposes, appears to the Commission to conflict with other requirements of these rules or the general Code is not acceptable.

4 Unacceptable Advertisers

No advertising is acceptable from bodies:

- (i) which practise or advocate illegal behaviour;
- (ii) whose rites or other forms of collective observance are not normally directly accessible to the general public.

5 Denigration

No advertisement may denigrate other religious faiths or philosophies of life.

6 Use of Fear

No advertisement may play on fear. References to the alleged consequences of not being religious or not subscribing to a particular faith are not acceptable.

7 Benefit Claims

Any incidental references to the benefits of religion for personal well-being should be restrained in manner.

8 Counselling

Without the prior agreement of the Commission, no advertisement may offer to provide spiritual, moral or emotional counselling.

NOTE:

Rule 8 mirrors the prohibition on commercial services offering advice on personal or consumer problems in 18 (v) of the main Advertising Code.

9 Children and Young People

- (a) No advertisement for the purposes of rule 3(a)(i) or 3(a)(ii) above may be designed to appeal particularly to people under 18 and no such advertisement may be broadcast in or immediately before or after programmes principally directed at audiences under 18, or likely to have particular appeal for such audiences.
- (b) Advertisements for responsible, commercially available publications and merchandise based on religious themes and designed for children or young people may be broadcast in or adjacent to programmes for such people, provided the marketing of the products concerned is not ancillary to a recruitment or fund raising purpose.

10 Vulnerable Categories of Viewer or Listener

No advertisement may seek to exploit the vulnerability of any particular category of viewer or listener (e.g. the elderly, the bereaved, or separated).

11 Follow up to Advertising

Advertisers must be required to give the following assurances:

- (i) that they will not publish or otherwise disclose names of respondents without their prior permission and that they comply with the requirements of current Isle of Man data protection legislation or, where advertisers are not subject to Isle of Man data protection legislation but who are or who would be subject to equivalent measures in their home (non-Isle of Man) jurisdictions, they conform in full with the applicable legislation and the rules laid down by the relevant regulatory body or bodies (including broadcasting regulatory bodies as well as data protection regulatory bodies) in the relevant jurisdiction as if the advertisement were being broadcast from within that jurisdiction;
- (ii) that they will not permit representatives to call on any respondent except by prior arrangement.

12 Acts of Worship

It is acceptable to broadcast brief extracts of acts of worship but not in such a way as to conflict with any other requirements of these rules.

13 Identification

All advertisements must clearly identify the advertiser or the religious organisation on whose behalf the advertisement is being broadcast.

14 Refusal to Broadcast Religious Advertising

Licensees who do not wish to carry religious advertising at all are free to adopt this policy. They may also impose such additional generally applicable requirements as they consider necessary in the interests of viewers or listeners provided these do not involve unreasonable discrimination either against or in favour of any particular advertiser.