

**CODE of  
ADVERTISING  
STANDARDS  
for IRELAND**

**(5th Edition)**

**CODE of  
SALES PROMOTION  
PRACTICE**

**(3rd Edition)**



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# *Preface*

by

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Chairman of ASAI

In this the Authority's 20th year, it is an honour for me to present the Fifth Edition of the Code of Advertising Standards for Ireland and the Third Edition of the Code of Sales Promotion Practice. The Codes are presented in a new manual format which I believe will find favour with the industry and with consumers.

The new Editions of the two Codes have resulted from a very comprehensive review involving consultation with over seventy organisations representing commercial and business interests, consumer bodies, professional and trade organisations, regulatory agencies and Government Departments.

The new Codes, like their predecessors, are based on the principles established in the Codes of the International Chamber of Commerce that all advertisements should be 'legal, decent, honest and truthful'. They draw on the best standards in European self-regulatory practice.

The Code of Advertising Standards contains a set of general rules which apply to all advertisements with supplementary rules applicable to particular sectors. It requires that an advertisement should not mislead or cause grave or widespread offence. It draws together provisions on Taste and Decency, Sex and Stereotyping and Vulnerable Persons into a new Decency and Propriety section which reflects the recent Equality Legislation. The rules on Alcoholic Drink, Environmental Claims and Advertising and Children have been strengthened. It has also been made clear that the Codes apply to advertising and promotions on the Internet.

The Code of Sales Promotion Practice contains a set of standards applicable to those marketing techniques which involve the provision of direct or indirect additional benefits, usually on a temporary basis, designed to make goods or services more attractive to purchasers.

The Codes are administered primarily in the interests of consumers. We therefore value very highly the excellent working relationship between ASAI and the Director of Consumer Affairs. We appreciate the advice and assistance which she has extended to us in the preparation and operation of the Codes. The participation of four nominees of the Director of Consumer Affairs in the Complaints Committee of ASAI enhances public confidence in the system.

As Chairman of ASAI since its establishment in 1981, I have observed with great satisfaction the growing recognition of self-regulation as the established means of regulating advertising and promoting the highest standards. I believe that the advertising industry has shown a high level of responsibility in adopting standards to govern their advertisements and promotions, in accepting ASAI adjudications and in funding the system.

Public interest in standards of advertising and sales promotion practice is stimulated and sustained through the periodic publication of ASAI Case Reports. In addition, the Secretariat promotes understanding of the self-regulatory system and the benefits it confers on the community through presentations to public bodies, consumer groups and marketing/communications students. ASAI also undertakes advertising campaigns to emphasise the industry's commitment to high standards and to publicise the services provided by the Authority. Valuable space and time for such campaigns is provided free of charge by media members.

The European Advertising Standards Alliance, of which ASAI is a founder member, has been working to promote and strengthen self-regulation in Europe and implements procedures for the handling of cross-border complaints. By updating its Codes and maintaining a high level of enforcement, ASAI is playing its part in demonstrating the effectiveness of self-regulation at European level.

The strength of the self-regulatory system lies in the support and commitment of all sectors of the advertising industry - advertisers and promoters, advertising agencies, direct marketing interests, sales promotion consultants, media independents and the various media - print, radio and television, cinema, outdoor and Internet. Everybody in advertising shares an interest in seeing that advertisements and promotions are welcomed and trusted by those to whom they are addressed. Unless the commercial message is accepted and believed it cannot be successful. An advertisement or promotion which misleads or offends brings discredit on everyone involved and on the advertising industry as a whole.

All advertising interests see the freedom to advertise as part of the basic freedom of expression. They believe that the best way to safeguard this freedom is to ensure that it is exercised in a responsible manner. I am confident that the publication of the new Code Editions will ensure that self-regulation continues to operate effectively in Ireland to the benefit of the industry and the consumer.

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# Chapter One: Advertising Self-Regulation

- 1) Advertising self-regulation means the strict adherence by the advertising industry to standards drawn up by and on behalf of all advertising interests. It involves the enforcement of those standards through the commitment and cooperation of advertisers, agencies and media.
- 2) The Advertising Standards Authority for Ireland (ASAI) is the independent self-regulatory body set up and financed by the advertising industry and committed to promoting the highest standards of advertising and sales promotion in the public interest.
- 3) Commercial advertisements in the media and sales promotions must be legal, decent, honest and truthful. The rules to ensure this are set out in the Code of Advertising Standards and the Code of Sales Promotion Practice, drawn up by the Board of ASAI following detailed consultation with all relevant interests including consumer representatives and Government Departments.
- 4) Primary responsibility for observing the Codes rests with advertisers and promoters. Others involved in the preparation and publication of advertisements and in the design and execution of mail order operations and sales promotions also have an obligation to adhere to the Codes. It is a condition of membership of ASAI that a Member will not publish an advertisement or undertake a promotion that does not comply with Code requirements.
- 5) The role of the media is of particular importance in checking and deciding on the acceptability of advertisements under the Codes. The fact that an advertisement conforms to the Codes is not, however, a guarantee that it will be accepted. While the media will refuse to publish an advertisement which contravenes the Codes, they are under no obligation to publish every advertisement offered.
- 6) The ASAI is concerned with the content of commercial advertisements in the media and with the design and execution of sales promotions. The Codes are not concerned with whether an

## Advertising Self-Regulation

advertisement or promotion is good or effective. The ASAI does not presume to judge whether an offer is worth buying or worth the price asked, nor is it involved in the regulation of terms of business.

- 7) The ASAI has no mandate to act as a censor or as arbiter of public morals. In assessing complaints involving considerations of decency and propriety, it is guided by the standards that are observed generally throughout Irish society.
- 8) The Codes are administered primarily in the interests of consumers.

### **Pre-Publication Vetting Service**

- 9) Advertisers, agencies, media and promoters can obtain advice from the ASAI on whether a proposed advertisement or sales promotion conforms with the Codes. This advice is confidential and non-binding and is given free of charge. It is given on behalf of the Secretariat and does not bind the ASAI Complaints Committee.

## Chapter Two: Self-Regulation and the Law

- 1) There is a large body of law governing advertising. The Consumer Information Act, 1978, makes it an offence to publish any advertisement that is likely to mislead and thereby cause loss, damage or injury to members of the public to a material degree. There are also statutory requirements affecting the advertising of certain products and services, including tobacco, medical preparations, credit services and employment agencies. The provisions of the Gaming and Lotteries Act, 1956, are relevant to sales promotions involving prizes. These Regulations provide a valuable statutory back-up to ASAI. (A list of Statutes, Statutory Instruments and other Codes affecting advertisements and promotions is contained in the Appendix on pages 69-74).
- 2) Under the European Communities (Misleading Advertising) Regulations, 1988, it is open to any person to apply to the High Court for an Order prohibiting the publication of misleading advertising.
- 3) The ASAI is not a law enforcement body and does not provide legal advice. The self-regulatory system is subordinate to and complements legislative controls on advertising and sales promotions and provides an alternative, low-cost and easily accessible means of resolving disputes. It encourages acceptance of standards of practice which in a number of areas go beyond that which is required by law while not constraining reasonable expressions of freedom of speech. It provides a flexible and sensitive means of dealing with matters of taste and decency that are difficult to judge in law but which can fundamentally affect consumer confidence in advertising. It does not prejudice consumers' or advertisers' rights under law.
- 4) The procedures and the adjudications of the ASAI do not prejudice any party's protection under the law. ASAI does not duplicate the work of other regulatory bodies and complaints are not pursued if they are matters that should be resolved in the Courts or if any of the parties has initiated or is contemplating legal action. A decision of the ASAI does not deprive a consumer or an advertiser of the right to take further action or prejudice any rights under the law.

## Chapter Three: Scope and Coverage

- 1) The two Codes administered by ASAI - the Code of Advertising Standards and the Code of Sales Promotion Practice - are based on the principles established by the International Chamber of Commerce. These require that all advertisements and promotions
  - should be legal, decent, honest and truthful
  - should be prepared with a sense of responsibility to consumers and to society
  - should respect the principles of fair competition generally accepted in business.
- 2) The Codes apply to most commercial advertisements in the media and to sales promotions that promote the sales of goods or services. Classified private advertisements and non-commercial advertisements are among those not covered by the Codes. See Sections 1 and 12 of the Codes for full details.
- 3) The Codes cover paid-for advertising and sales promotions in Irish-based media e.g. newspapers, magazines, direct mailings, radio, television, cinema, the Internet, posters and outdoor advertising.
- 4) It is characteristic of a commercial advertisement subject to the Codes that the advertiser pays or compensates a third party to communicate the commercial message. Advertising that has 'paid-for' space in the media, including the Internet, is covered. It should be noted that, as with traditional media, the editorial or self-advertising content of websites is not covered. Thus the Codes do not generally cover the content of websites other than advertisements in 'paid-for' space within the website.
- 5) The Code of Advertising Standards contains a set of General Rules and these are supplemented by additional requirements for particular products or sectors. The rules are designed to ensure that advertisements do not mislead or cause general offence.

## Scope and Coverage

- 6) The same principles apply to sales promotions such as special offers involving vouchers, coupons or samples, reduced price or free offers, prize promotions and competitions. The detailed rules for such schemes are set out in the Code of Sales Promotion Practice.
- 7) The Codes are applied in the spirit as well as in the letter.
- 8) The Codes are in Chapter 7 and also may be viewed in full on the ASAI website [www.asai.ie](http://www.asai.ie)

# Chapter Four: Complaints Procedure

## **How to make a complaint**

- 1) The ASAI accepts complaints from any person or body who considers that an advertisement or sales promotion may be in breach of the Codes. Issues identified through monitoring may also be investigated. A complaint should be in writing and should state briefly the grounds of the complaint. To assist in the speedy resolution of complaints it is essential to:-
  - Write to ASAI (or email at info@asai.ie) with full name and postal address, stating briefly the grounds for the complaint;
  - Include a copy of the advertisement if possible or the particulars of the advertisement;
  - Give the name of the product and the promoter and copies of any labels, leaflets or entry forms involved in the case of a sales promotion.
  
- 2) Complaints are investigated free of charge. The identity of an individual consumer complainant remains confidential unless a commercial or other interest is involved in making a complaint. Complainants may be asked to confirm that they have no such interest.

## **Complaints by Competitors**

- 3) ASAI is not an arbitration service for disputes between commercially interested parties. These disputes are best resolved by direct discussions between the parties or through their appropriate trade associations. The option of applying to the Courts for an injunction under the European Communities (Misleading Advertising) Regulations, 1988, is always available.
  
- 4) An intra-industry complaint may be investigated by ASAI where the interests of consumers are involved. In such cases complainants may be required to substantiate their complaints. The identity of the complainants is revealed to the advertiser or promoter and both

## Complaints Procedure

parties are named in the published Case Report. The Authority has the option of issuing a statement rather than a formal decision where this is appropriate.

### **How complaints are resolved by ASAI**

- 5) The complaint is evaluated initially by the ASAI Secretariat to determine whether it comes within the terms of reference of ASAI and whether there is a case for investigation.
- 6) Where a complaint falls outside the terms of reference of ASAI, e.g. because it does not relate to advertisement content or where there is no apparent case to answer, the complaint will not be pursued and the reason will be explained to the complainant. Where possible ASAI will help the complainant to contact the most appropriate source of assistance.
- 7) Complaints will normally not be pursued if the matter is already the subject of simultaneous legal action or where legal action is contemplated. Similarly the ASAI does not duplicate the work of other regulatory bodies. Where it may be more appropriate for a complaint to be investigated by other bodies, the ASAI will provide relevant information or will direct the complainant to the most appropriate body.
- 8) Where the Secretariat determines that there is a case for investigation, the advertiser or promoter (or the advertising/promotions agency involved) is informed of the complaint and invited to comment on it in relation to the Codes. They are required to respond and to submit substantiation where necessary, within such period as the Secretariat may request, normally within ten days.
- 9) On receiving the response, the Secretariat, where it considers that circumstances warrant it, prepares a summary of the case in the form

## Complaints Procedure

of a draft Case Report. This will include any fact-finding activities or advice that the Secretariat has gathered. It will include a recommendation to the Complaints Committee as to whether or not the complaint should be upheld.

- 10) The complainant and the advertiser/promoter or agency is provided with a copy of the Secretariat's draft Case Report and is given an opportunity to express any further views in the matter at that stage within a period which the Secretariat may specify.
- 11) The complaint is considered by the independent Complaints Committee which decides whether or not the Code rules have been contravened.
- 12) Advertisers/promoters may be found to have contravened the Code if they do not respond to or unreasonably delay their response to ASAI.
- 13) Details of the case including the name of the advertiser/promoter and agency and the Complaints Committee's conclusion, but not the name of a consumer complainant, are set out in a Case Report which normally is released to media for publication and posted on the ASAI's website, at the discretion of the Committee.
- 14) An advertisement which has contravened the rules of the Code is required to be amended or withdrawn. In the case of a sales promotion, the promoter may be requested to make the necessary changes to the way the promotion is advertised or conducted and, where appropriate, may also be asked to recompense any consumers who have been adversely affected.
- 15) Notwithstanding the above, the investigation procedure and the consideration by the Complaints Committee may be accelerated where circumstances warrant and if a case is particularly grave the Secretariat may request interim action by the advertiser/promoter or

## Complaints Procedure

agency including the immediate amendment or withdrawal of an advertisement or promotion pending completion of the investigation.

### **Enforcement and Sanctions**

- 16) Publication of Case Reports, including names of advertisers and agencies involved, is an important element of the self-regulatory system. An advertisement or sales promotion which breaks the rules must be withdrawn or amended and the media will refuse to publish an advertisement which fails to conform with Code requirements.
  
- 17) A Member who does not accept ASAI decisions may be disciplined by the Board and may be subject to penalties including fines and/or suspension of membership.

## Chapter Five: ASAI - Structure, Function and Funding

- 1) ASAI is incorporated under the Companies Acts as a Company Limited by Guarantee and not having a Share Capital. There are three categories of membership - Advertiser Members, Media Members and Agency Members, plus an independent Chairman appointed by the Board.
- 2) The Board of ASAI consists of thirteen members - the Chairman and four Advertiser members, four Agency members and four Media members. The Board is responsible for managing the business of the Authority and for drawing up and implementing the Codes and reviewing and amending them from time to time. The Board is also empowered to exercise a disciplinary function over Members of ASAI.
- 3) The Complaints Committee of the ASAI has the following functions:
  - a) To consider and adjudicate on complaints submitted by the public, by a Member, by a Government Department or by any other person or body of persons, in the light of the Codes;
  - b) To initiate corrective action where necessary and to issue appropriate directives;
  - c) Where corrective action or a directive issued pursuant to (b) above is not complied with or is ignored, the Complaints Committee shall notify the Board in writing.
- 4) The Complaints Committee is appointed by the Board and comprises persons with a background in advertising and others including members nominated by the Director of Consumer Affairs. The Committee at present comprises the Chairman and eleven members. The composition of the Complaints Committee and the participation of nominees of the Director of Consumer Affairs and other independent members ensures the objectivity of the complaint investigation procedure and provides assurance that the system is operated with special regard for the interests of consumers. The members of the Complaints Committee, each acting in an individual

## Structure, Function and Funding

capacity, consider each case on its merits taking account of the particular product advertised, the characteristics of the audience addressed, the nature of the medium used, the location and context in which the advertisement is displayed and the nature and level of public reaction.

- 5) The Chief Executive/Secretary implements the policies and decisions of the Authority, acts as Secretary to both the Board and the Complaints Committee and administers the pre-publication vetting service and the monitoring of advertisements.
- 6) The Board is empowered to exercise a disciplinary function over a Member of ASAI in the event that a report is made by the Complaints Committee or on receipt of notice of any allegation made against or circumstance involving a Member. The Board performs its disciplinary function at a special meeting of the Board called for that purpose. Having heard the parties to the complaint the Board makes a ruling and may in its discretion, (a) fine a Member such sum as it considers proper, (b) suspend the Member from all or any of the privileges of membership or (c) expel the Member from the Authority.

### **Funding**

- 7) ASAI does not receive funds directly or indirectly from any Government source. The system is financed entirely by the advertising industry by way of membership subscriptions. The main income source is an annual subscription from advertiser members collected and remitted by their advertising agencies or media buying companies by means of a levy of 0.2% (€2 per €1000) of media spend. The distribution of the cost across the industry ensures that all sectors of advertising participate in the support of the system but that none exercises any special influence over its operations. This independent status of ASAI is a key factor in maintaining public and consumer confidence in the advertising self-regulatory system.

## Structure, Function and Funding

- 8) Audited accounts of ASAI are published with the Annual Report, copies of which are available on request and on the ASAI website - [www.asai.ie](http://www.asai.ie).

## Chapter Six: European Dimension

### **European Advertising Standards Alliance**

- 1) ASAI is a founder member of the European Advertising Standards Alliance (EASA) which brings together national advertising self-regulation organisations and organisations representing the advertising industry in Europe, whose common aim is to promote high ethical standards in commercial communications by means of effective self-regulation.
- 2) The objectives of the Alliance are to be, on behalf of the advertising industry, the single authoritative voice on advertising self-regulatory issues, and to promote the principles of efficient self-regulation of advertising, while being mindful of national differences of culture, legality and of commercial practice.
- 3) The Alliance Secretariat and its members participate in a wide range of seminars on advertising issues as well as local conferences on self-regulation throughout Europe. It also organises workshops among its members to promote best practice.

### **Cross Border Complaints**

- 4) The Alliance supervises the operation of the Cross-Border Complaints System. Under this system a complaint received by ASAI or other national advertising self-regulatory body about an advertisement that was published in another member country is referred to the appropriate national regulatory body for consideration under their Code. This ensures that a consumer can have redress against misleading or offensive advertising originating anywhere in Europe.
- 5) The Alliance website [www.easa-alliance.org](http://www.easa-alliance.org) has comprehensive information on EASA, its publications and self-regulation generally. It may be contacted at 10a Rue de la Pépinière, B-1000, Belgium. Tel. (+322) 5137806. Fax. (+322) 5132861. E-mail. [library@easa-alliance.org](mailto:library@easa-alliance.org)

The  
Codes  
of  
the  
ASAI

# Chapter Seven: The Codes of the ASAI

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# 1. Scope and Application of the Code of Advertising Standards

1.1 The primary objective of the Code is the regulation of commercial advertisements in the consumer interest.

1.2 For the purposes of the Code

- (a) an *advertisement* is defined as a paid-for commercial communication addressed to the public or a section of it, the purpose being to influence the behaviour of those to whom it is addressed. It is characteristic of an advertisement that an advertiser pays or rewards a third party for communicating a message;
- (b) a *product* can encompass goods, services, facilities, opportunities, fund raising, prizes and gifts;
- (c) a *consumer* is anyone who is likely to see or hear a particular advertisement or promotion;
- (d) a *claim* can be direct or implied, written, spoken or visual;
- (e) references to advertisers should be interpreted as including promoters unless the context indicates otherwise;
- (f) where for the sake of clarity and brevity the singular form of a word is used this should be construed as including legal persons and groups as appropriate;
- (g) every word importing the masculine gender should be construed as if it also imported the feminine gender unless the contrary intention appears. Every word importing the feminine gender should be construed as if it also imported the masculine gender unless the contrary intention appears.

1.3 The Code applies to:

- (a) advertisements in newspapers, magazines and other printed publications, including 'free sheets',

## Scope and Application of the Code of Advertising Standards

- (b) posters and other promotional media in public places,
- (c) brochures, leaflets, circulars, mailings and fax transmissions,
- (d) commercials broadcast on television or radio or screened in cinemas,
- (e) advertisements carried on audiotapes, videotapes, viewdata services, the Internet and all other electronic and computer systems,
- (f) sales promotion material,
- (g) advertisement features and promotions.

### 1.4 The Code does not apply to:

- (a) statutory, public, garda and other official notices,
- (b) material published as a matter of record only,
- (c) flyposting,
- (d) packages, wrappers, labels and tickets unless they advertise another product or a sales promotion or are recognisable in an advertisement,
- (e) point-of-sale displays, except those covered by the Code of Sales Promotion Practice or when part of a wider advertising campaign,
- (f) advertisements whose principal purpose is to express the advertiser's position on a political, religious, industrial relations, social or aesthetic matter or on an issue of public interest or concern,
- (g) classified private advertisements,
- (h) press releases and other public relations material,

## Scope and Application of the Code of Advertising Standards

- (i) the content of books and editorial material in media,
- (j) private correspondence,
- (k) oral communications, including telephone calls,
- (l) works of art,
- (m) specialised advertisements addressed to the medical and allied professions,
- (n) advertising for premium rate telephone calls,
- (o) advertisements in foreign media.

1.5 The Code is applied in accordance with the following criteria:

- (a) An invitation from the Authority to comment on a complaint does not mean that the Authority accepts the complainant's view. Each case is considered on its merits.
- (b) The Code rules are indivisible; advertisers must conform, where appropriate, with all rules.
- (c) Conformity with the Code is assessed in the light of an advertisement's probable effect when taken as a whole and in context. Particular attention is paid to:
  - the characteristics of the likely audience,
  - the media by means of which the advertisement is communicated,
  - the location and context of the advertisement,
  - the nature of the advertised product and the nature, content and form of any associated material made available or action recommended to consumers.

## Scope and Application of the Code of Advertising Standard

- (d) The Code does not deal with contractual relationships between advertisers and consumers. It does not presume to judge whether a product represents value for money nor does it seek to regulate terms of business.
- (e) ASAI does not act as an arbitrator between conflicting ideologies.
- (f) No legal advice can be given or should be presumed in communications from the Authority (Board, Complaints Committee or Secretariat).
- (g) The judgement of the Advertising Standards Authority for Ireland on any matter of interpretation of the Code is final.

## 2. GENERAL RULES

### Principles

- 2.1 All advertisements should be legal, decent, honest and truthful.
- 2.2 All advertisements should be prepared with a sense of responsibility to consumers and to society.
- 2.3 All advertisements should respect the principles of fair competition generally accepted in business.
- 2.4 The Code is applied in the spirit as well as in the letter.
- 2.5 An advertisement should not bring advertising into disrepute.
- 2.6 Primary responsibility for observing the Code rests with advertisers. Others involved in the preparation and publication of advertisements such as agencies and media also accept an obligation to abide by the Code.
- 2.7 Any unreasonable delay in responding to ASAI's enquiries may be considered a breach of the Code.
- 2.8 The Authority will observe requests to treat any confidential material supplied in strict confidence unless the Courts or an official agency acting within its statutory powers compel its disclosure.

### Substantiation

- 2.9 Before offering an advertisement for publication, advertisers should be able to provide documentary evidence to substantiate all claims, whether direct or implied, that are capable of objective assessment. Relevant evidence should be sent without delay if requested by the Authority and should be adequate to support both detailed claims and the overall impression created by the advertisement.
- 2.10 If there is a significant division of informed opinion about any claim made in an advertisement it should not be portrayed as universally accepted.
- 2.11 Advertisements should not exaggerate the value, accuracy or usefulness of claims contained in books, tapes, videos and the like that have not been independently substantiated.

## General Rules

### **Legality**

- 2.12 Advertisers have primary responsibility for ensuring that their advertisements are legal. An advertisement should not contain anything that breaks the law or incites anyone to break it, nor omit anything that the law requires.

### **Decency and Propriety**

- 2.13 An advertisement should contain nothing that is likely to cause grave or widespread offence.
- 2.14 Advertisements should respect the dignity of all persons and should avoid causing offence on grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the traveller community.
- 2.15 Advertisements should respect the principle of the equality of men and women. They should avoid sex stereotyping and any exploitation or demeaning of men and women. Where appropriate, advertisements should use generic terms that include both the masculine and feminine gender; for example, the term ‘business executive’ covers both men and women.
- 2.16 To avoid causing offence, advertisements should be responsive to the diversity in Irish society and advertisements which portray or refer to people within the groups mentioned in 2.14 should:
- (a) respect the principle of equality in any depiction of these groups;
  - (b) fully respect their dignity and not subject them to ridicule or offensive humour;
  - (c) avoid stereotyping and negative or hurtful images;
  - (d) not exploit them for unrelated commercial purposes;
  - (e) not ridicule or exploit religious beliefs, symbols, rites or practices.

## General Rules

- 2.17 Advertisers should take account of public sensitivities in the preparation and publication of advertisements and avoid the exploitation of sexuality and the use of coarseness and undesirable innuendo. They should not use offensive or provocative copy or images merely to attract attention.
- 2.18 The fact that a product is offensive to some people is not in itself sufficient basis for objecting to an advertisement for the product. Advertisers should nevertheless avoid causing offence in such advertisements.
- 2.19 Compliance with the Code is assessed on the basis of the standards of taste, decency and propriety generally accepted in Ireland, taking account of the product involved, the media used, the location and context in which the advertisement is placed and the characteristics of the audience addressed.

### **Honesty**

- 2.20 Advertisers should not exploit the credulity, inexperience or lack of knowledge of consumers.
- 2.21 The design and presentation of advertisements should allow them to be easily and clearly understood. Where footnotes are used they should be of sufficient size and prominence and easily legible; where appropriate they should be linked to the relevant part of the main copy.

### **Truthfulness**

- 2.22 An advertisement should not mislead by inaccuracy, ambiguity, exaggeration, omission or otherwise.
- 2.23 Obvious untruths or deliberate hyperbole that are unlikely to mislead, incidental minor inaccuracies and unorthodox spellings are not necessarily in conflict with the Code provided they do not affect the accuracy or perception of the advertisement in any material way.
- 2.24 Claims such as 'Up to' and 'From' should not exaggerate the value or the range of benefits likely to be achieved in practice by consumers.

## General Rules

### **Matters of Opinion**

- 2.25 Advertisers may state an opinion about the quality or desirability of a product provided it is clear that what they are expressing is their own opinion rather than a matter of fact and that there is no likelihood of consumers being misled about any matter that is capable of objective assessment. Assertions or comparisons that go beyond subjective opinions are subject to substantiation.

### **Fear and Distress**

- 2.26 An advertisement should not cause fear or distress without good reason such as the encouragement of prudent behaviour or the discouragement of dangerous or ill-advised actions. In such cases the fear aroused should not be disproportionate to the risk.

### **Safety**

- 2.27 An advertisement should not encourage dangerous behaviour or show unsafe practices except in the context of promoting safety. Particular care should be taken with advertisements directed at or depicting children.

### **Violence and Anti-Social Behaviour**

- 2.28 An advertisement should contain nothing that condones or is likely to provoke violence or anti-social behaviour.

### **Protection of Privacy**

- 2.29 Subject to the exceptions referred to in 2.30 below, advertisers should have written permission in advance from anyone portrayed or referred to in an advertisement. Permission is also required before anyone's house or other possessions can be featured in a manner which identifies the owner to the public.
- 2.30 Exceptions include the use of crowd scenes or property depicted in general outdoor locations or where the purpose of the advertisement is to promote a product such as a book or film of which the person concerned is a subject.

## General Rules

- 2.31 Advertisements should not exploit the public reputation of persons in a manner which is humiliating or offensive. Advertisements should not claim or imply an endorsement where none exists. Advertisers are reminded that persons who do not wish to be associated with the advertised product may take legal action against them.
- 2.32 References to deceased persons should be handled with particular care to avoid causing offence or distress.

### **Testimonials and Endorsements**

- 2.33 Advertisers who use testimonials should be able to provide relevant supporting documentation to ASAI and they should hold signed and dated proof for any testimonials they use. Testimonials by persons named or depicted in an advertisement may be used only with the prior permission of those persons.
- 2.34 Testimonials may be misleading if the formulation of the product or its market environment changes significantly. They should therefore relate to the product as currently offered.
- 2.35 Testimonials do not constitute substantiation and the opinions expressed in them should be supported, where necessary, with independent evidence of their accuracy. Claims based on a testimonial should conform with the Code.
- 2.36 Endorsements by fictitious or historical characters should not be presented as though they were genuine testimonials.
- 2.37 References to tests, trials, professional endorsements, research facilities and professional journals should be used only with the permission of those concerned. All such tests, trials and endorsements should be signed and dated. Any establishment referred to should be under appropriate professional supervision.

### **Prices**

- 2.38 If a price is stated in an advertisement, it should relate to the product depicted or specified in the advertisement. Care should be taken to ensure that prices and illustrated products match.

## General Rules

- 2.39 Except in advertisements addressed exclusively to the trade, prices quoted should normally include VAT and other taxes, duties or inescapable costs to the consumer. Where applicable, the amounts of any other charges such as those arising from the method of purchase or payment should be stated.
- 2.40 If the price of one product is dependent on the purchase of another, the extent of any commitment required of consumers should be made clear.

### **Free Offers**

- 2.41 An offer should be described as free only if consumers pay no more than:
- (a) the current public rate of postage;
  - (b) the actual cost of freight or delivery;
  - (c) the cost, including incidental expenses, of any travel involved if consumers collect the offer.

In all cases consumers' liability for such costs should be made clear and there should be no additional charges for packaging or handling.

- 2.42 Advertisers should not attempt to recover their costs by reducing the quality or composition, by imposing additional charges or inflating incidental expenses or by increasing the price of any other product that must be purchased as a pre-condition of obtaining a free item.

### **Availability of Products**

- 2.43 Advertisers should be in a position to meet any reasonable demand created by their advertising. If a product proves to be available in insufficient quantity, advertisers should take immediate action to ensure that any further advertisements are amended or withdrawn.
- 2.44 Where there is limited availability on some or all of the products advertised, apart from indicating that there may be other terms and conditions which apply, advertisers

## General Rules

- (a) should not exaggerate the availability of any of those products;
- (b) should be able to demonstrate that there is a reasonable supply or proportion of each of the various products available.

2.45 Products should not be advertised as a way of gauging possible demand unless the advertisement makes this clear.

2.46 Advertisers should not use the technique of switch selling, where sales staff criticise the advertised product or suggest that it is not available and recommend purchase of a more expensive alternative. Advertisers should not place obstacles in the way of purchasing the product or delivering it promptly.

### **Comparisons**

2.47 Comparisons are permitted in the interests of public information and vigorous competition. They can be explicit or implied and can relate to advertisers' own products or those of their competitors.

2.48 Comparisons should be fair and should be so designed that there is no likelihood of a consumer being misled. The basis of selection should be clear and the elements of comparison should not be unfairly selected in a way that gives the advertisers an artificial advantage.

2.49 A claim that any product is superior to others should only be made where there is clear evidence to support the claim. Wording which implies superior or superlative status such as "number one", "leading", "largest" and the like should be capable of substantiation with market share data or similar proof.

2.50 Advertisers should not unfairly attack or discredit other businesses or their products.

### **Guarantees**

2.51 Where an advertisement refers to a guarantee, the full terms of the guarantee should be available for consumers to inspect before they are committed to purchase. Any substantial limitations (e.g. one

## General Rules

year; parts only) should be clearly indicated in the advertisement.

- 2.52 'Guarantee' when used in a colloquial sense should not cause confusion about consumers' statutory rights.

### **Exploitation of Goodwill**

- 2.53 Advertisers should not exploit or make unfair use of the goodwill attached to the name, trademark, brand, slogan or advertising campaign of any other person.

### **Imitation**

- 2.54 An advertisement should not so closely resemble another as to be likely to mislead or cause confusion.

### **Recognisability**

- 2.55 An advertisement should be designed and presented in such a way that it is immediately apparent that it is an advertisement.
- 2.56 An advertisement feature, announcement or promotion published in exchange for a payment or other reciprocal arrangement where the content is controlled by the advertiser should comply with the Code. It should also be clearly identified and distinguished from editorial matter.

# SECTORAL RULES

The Sectoral Rules which follow are additional to the General Rules of the Code.

The Code rules are indivisible; advertisers should conform where appropriate with all rules.

## 3. Health And Beauty

- 3.1 Claims about health and beauty products and treatments should be backed by substantiation including the results of practical trials on human subjects of sufficient rigor, design and execution as to warrant general acceptance of the results.
- 3.2 No reference should be made to tests, trials or endorsements by any college, hospital, clinic, laboratory or similar establishment unless there exists a bona fide establishment corresponding to the description used and it is under the effective supervision of a registered medical practitioner or other appropriate professional. Reference to such establishment should be made only with the permission of the appropriate authorities.
- 3.3 An advertisement should not offer any product or treatment for serious or prolonged ailments or for conditions requiring the attention of a registered medical or other qualified practitioner.
- 3.4 An advertisement for a health or beauty product or treatment:
  - (a) should not contain any offer to diagnose, advise, prescribe or treat by correspondence;
  - (b) should not encourage indiscriminate, unnecessary or excessive use of the product or treatment;
  - (c) should not suggest that the product or treatment is safe or effective merely because it is 'natural' nor should it refer to the omission of any ingredient in a way that suggests that the ingredient is unsafe or harmful;
  - (d) should not employ words, phrases or illustrations that claim or imply the cure of any ailment, disability, illness or disease, as distinct from the alleviation or relief of symptoms;
  - (e) should not contain any claim to provide rejuvenation, that is to prevent, retard or reverse the changes brought about by or associated with increasing age;
  - (f) should not cause unwarranted anxiety or suggest that any product or treatment is necessary for the maintenance of health;

## Health And Beauty

- (g) should not suggest that a product or treatment will achieve success in every case or that the outcome can be other than dependent on the particular circumstances of the individual person;
  - (h) should not use unfamiliar scientific terms for common conditions.
- 3.5 Advertisers offering individual treatments, particularly those that are physically invasive, may be asked to provide prior to publication full details of the treatments together with information about those who would supervise and administer them. Consumers should be encouraged to take independent medical advice before committing themselves to significant treatments.
- 3.6 Advertisements for any products offering to deter the habit of smoking should make it clear that they offer only assistance, are not cures and that any success will necessarily be dependent on the willpower of the user.
- 3.7 An advertisement for a medicinal product should not contain an offer to refund money to dissatisfied customers.
- 3.8 Claims about the effect that a cosmetic has on or in the skin should distinguish between the composition of the product and any effects caused by the mode of application, such as massage.

### **Vitamins, Minerals and Food Supplements**

- 3.9 An advertisement should not suggest or imply that a well balanced diet needs to be augmented by vitamins or minerals on a regular basis. Advertisers may offer supplements as a safeguard and may refer to the vitamin and mineral content of a particular product but should not suggest that there is a widespread vitamin and mineral deficiency. Advertisements should not imply that supplements will guard against dietary deficiency, elevate mood or enhance performance and supplements should not be promoted as a substitute for a healthy diet. Advertisements should not claim that a food supplement is capable of preventing, treating or curing disease.

## Health And Beauty

- 3.10 An advertisement may promote vitamin and mineral supplementation to certain categories of people e.g. those who eat nutritionally inadequate meals, the elderly, children and adolescents, convalescents, athletes in training, those who pursue physically very active occupations or recreations, women of child-bearing age and dieters.
- 3.11 Although there may be some depletion of vitamin stores during illness, an advertisement should not suggest that the replacement of such vitamins will influence the speed or extent of recovery. The prescribing of vitamins and minerals in such cases is a matter for a doctor and self-medication should not be encouraged.

### **Hair and Scalp**

- 3.12 An advertisement should not claim that a particular product or treatment can prevent baldness or slow it down, arrest or reverse hair loss, stimulate or improve hair growth, nourish hair roots, strengthen the hair or improve its health (as distinct from its appearance) unless the claim can be substantiated in accordance with the requirements of paragraph 3.1 above.
- 3.13 Hair transplantation and re-positioning should both be regarded as physically invasive treatments - see paragraph 3.5 above.

### **Alternative and Complementary Medicine**

- 3.14 Advertisements for alternative and complementary products and services including those for natural, herbal and traditional remedies are subject to the requirements of the Code.

### **Other Requirements**

- 3.15 The advertising of medical preparations and cosmetic products is governed by a number of other codes and Statutory Regulations, some of which are quoted in the Appendix.

# **MEDICAL PREPARATIONS (ADVERTISING) REGULATIONS, 1993 - 1996**

## **Schedule 2**

### **Requirements in the advertising of a medical preparation to the general public**

1. Format of the advertisement:

The advertisement must be set out in such a way that it is clear that the message conveyed is an advertisement.

2. The advertisement shall contain:

- (a) A clear identification by name that the product being advertised is a medical preparation, as well as by the common name if the product contains only one active ingredient;
- (b) The information necessary for the correct use of the medical preparation;
- (c) A warning to read carefully the instructions on the package leaflet or on the outer packaging, as the case may be.

3. The advertisement shall not contain any material which:

- (a) gives the impression that a medical consultation or surgical operation is unnecessary, in particular by offering a diagnosis or by suggesting treatment by mail;
- (b) suggests that the effects of taking the medicine are guaranteed, are unaccompanied by side effects or are better than, or equivalent to, those of another treatment or medical preparation;
- (c) suggests that the health of the subject can be enhanced by taking the medicine;
- (d) suggests that the health of the subject could be affected by not taking the medicine; this prohibition shall not apply to

## Medical Preparations (Advertising) Regulations, 1993 - 1996

vaccination campaigns;

- (e) is directed exclusively or principally at children;
- (f) refers to a recommendation by scientists, health professionals or persons who are neither of the foregoing but who, because of their celebrity, could encourage the consumption of medical preparations;
- (g) suggests that the medical preparation is a foodstuff, cosmetic or other consumer product;
- (h) suggests that the safety or efficacy of the medical preparation is due to the fact that it is natural;
- (i) could, by a description or detailed representation of a case history, lead to erroneous self diagnosis;
- (j) refers, in improper, alarming or misleading terms, to claims of recovery;
- (k) uses, in improper, alarming or misleading terms, pictorial representations of changes in the human body caused by disease or injury, or of the action of a medical preparation on the human body or parts thereof;
- (l) mentions that the medical preparation has been granted a marketing authorisation.

## 4. Slimming

- 4.1 A programme in which the intake of energy is lower than its output is the main self-treatment for achieving weight loss. Any claims made for the effectiveness of a slimming plan, method or product should be backed by rigorous practical trials on human subjects. Testimonials do not constitute substantiation and the opinions expressed in them should be supported where necessary by independent evidence.
- 4.2 Claims that long-term slimming, weight loss or inch loss can be achieved either generally or from specific areas of the body by any means other than dieting (e.g. by expelling water, speeding up the metabolism, using mechanical devices, wearing garments or applying substances to the skin) should not be made unless they can be substantiated. Slimming claims in respect of an unproven weight loss method cannot be justified merely by offering a diet or exercise scheme with it.
- 4.3 Advertisers should be able to show that their diet plans are nutritionally well balanced. These will be assessed in relation to the subjects who would be using them. Vitamins and minerals do not contribute to weight loss, but can be offered to slimmers as a safeguard against any shortfall when dieting.
- 4.4 An advertisement should not suggest that persons of normal weight need to slim. “Crash diets” should not be advertised because of the danger that such diets can pose to the health of dieters not under medical supervision. An advertisement should not offer treatment for conditions that require medical treatment, such as obesity and anorexia.
- 4.5 Advertisements for diet aids such as low-calorie foods, food substitutes, appetite depressants and meal replacements should make it clear that they can be effective only as part of a calorie controlled diet. Prominence should be given to the role of the diet, and advertisements should not give the impression that particular methods cannot fail or that dieters can eat as much as they like and still lose weight.
- 4.6 Advertisers should not make general claims that specific amounts of weight can be lost within a stated period. Claims that individuals have lost specific amounts of weight should be compatible with good

## Slimming

medical and nutritional practice, should give details of the time period and should not be based on unrepresentative experiences.

- 4.7 Both physical and passive exercise operate slowly to improve muscle tone and this can have an effect on body shape. An improvement in posture may also benefit the figure. Advertisers should be able to substantiate any claims that such methods used alone or in conjunction with a diet plan can lead to weight or inch loss. Advertisements for intensive exercise programmes should encourage users to check with a doctor before starting.

## 5. Advertising and Children

*Advertisements addressed to children should comply with the rules in this Section in addition to all other rules in the Code. There are rules relating to children and safety in Section 2, paragraph 2.27, to children and vitamins in Section 3, paragraph 3.10, to young people and advertising for alcoholic drinks in Section 6, paragraph 6.4, to children and Distance Selling in Section 8, paragraph 8.10, and rules relating to children and sales promotions in the Code of Sales Promotion Practice at paragraphs 12.27 and 12.28 and 12.59(h).*

- 5.1 Children lack adults' knowledge, experience and maturity of judgement. Advertisements addressed directly or indirectly to children and advertisements likely to be seen or heard by them should have regard to the special characteristics of children and the ways in which they perceive and react to advertisements.
- 5.2 An advertisement should contain nothing that is likely to result in physical, mental or moral harm to children or that is likely to frighten or disturb them. For example,
- (a) Children should not be portrayed in a manner that offends against accepted standards of good taste and decency.
  - (b) They should not be encouraged to enter into unsafe situations or strange places or talk to strangers, e.g. for the purpose of making collections or accumulating labels, wrappers or coupons.
  - (c) They should not be shown in morally or physically dangerous situations or behaving dangerously in the home or outside except to promote safety. Children should not be shown unattended in street scenes unless they are old enough to take responsibility for their own safety.
  - (d) They should not be encouraged to engage in, or be portrayed engaging in anti-social behaviour; where they appear as pedestrians or cyclists they should be seen to observe the Rules of the Road. Special attention should be paid where relevant, to the wearing of car seat-belts and safety helmets.
  - (e) They should not be shown using or in close proximity to

## Advertising And Children

dangerous substances or equipment without direct adult supervision. Examples include matches, petrol, gas, medicines, certain household substances as well as certain electrical appliances and machinery, including agricultural equipment.

- (f) An open fire in a domestic scene should always have a fireguard clearly visible when a child is included in the scene.

5.3 An advertisement should not exploit the loyalty, credulity, vulnerability or lack of experience of children. For example,

- (a) They should not be made to feel inferior or unpopular for not buying an advertised product.
- (b) They should not be made to feel that they are lacking in courage, duty or loyalty if they do not buy or do not encourage others to buy a particular product.
- (c) Advertisements should not undermine the authority, responsibility or judgement of parents or guardians. Advertisements should not include any appeal to children to persuade their parents or other adults to buy advertised products for them.
- (d) A product that is part of a series should be clearly indicated as such and should include the method of acquiring the series.

5.4 An advertisement addressed to children:

- (a) should not feature products that are unsuitable for children;
- (b) should make it easy for them to judge the actual size, characteristics and performance of any product advertised;
- (c) should not exaggerate what is attainable by an ordinary child using the product;
- (d) should not encourage an unhealthy lifestyle or unhealthy eating or drinking habits; advertisements representing mealtime should clearly and adequately depict the role of the product within the

## Advertising And Children

- framework of a balanced diet; snack foods should be clearly represented as such, and not as substitutes for meals;
- (e) should not ask them to disclose personal information about themselves or their families without having first obtained permission from their parents or guardians;
  - (f) should not minimise the price of products by the use of such words as “only” or “just”.

## 6. Alcoholic Drinks

- 6.1 Advertisements for alcoholic drinks (i.e. those that exceed 1.2% alcohol by volume) should be socially responsible and should not exploit the young or the immature. They should neither encourage excessive drinking nor present abstinence or moderation in a negative way. Under broadcasting regulatory requirements, advertising of spirit based alcohol drinks (i.e. whiskey, gin, vodka, brandy, etc.) is not permitted on radio or television broadcasting services.

### **Social Dimension**

- 6.2 An advertisement may refer to the social dimension or refreshing attributes of a drink but
- (a) should not imply that it can improve physical performance,
  - (b) should not imply that drinking can contribute to social or business success or distinction or that those who do not drink are less likely to be acceptable or successful than those who do,
  - (c) should not suggest that any drink can contribute towards sexual success or make the drinker more attractive to the opposite sex by word or allusion,
  - (d) should not portray drinking as a challenge nor should it be suggested that those who drink are brave or daring,
  - (e) should not link in any way the consumption of alcohol to aggressive or anti-social behaviour.
- 6.3 Advertisements should not suggest that a product can mask the effects of alcohol in tests on drivers; advertisements for breath testing devices should include a prominent warning on the dangers of drinking and driving.

### **Young People**

- 6.4 Advertisements should not be directed at minors (those under 18 years of age) or in any way encourage them to start drinking. Accordingly:

## Alcoholic Drinks

- (a) Anyone depicted in an alcohol advertisement should be over twenty-five and should appear to be over twenty-five.
- (b) Treatments that are likely to appeal to minors should not be used. Advertisements should not feature characters (real or fictitious), motifs, colours or styles that are likely to appeal particularly to minors in a way that would encourage them to drink.
- (c) Alcohol advertising should not be placed in media primarily intended for minors. Advertisers should take account of the age profile so that advertisements are communicated, so far as is possible, to adults.

### **Health and Safety**

6.5 In the interests of health and safety:

- (a) Advertisements should not encourage immoderate drinking or regular solitary drinking and abstinence or moderation should not be presented in a negative light. Buying of large rounds should not be depicted or implied.
- (b) Advertisements should not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflict.
- (c) Advertisers should ensure that low alcohol drinks (i.e. those that contain 1.2% alcohol by volume or less) are not promoted in a way that encourages inappropriate consumption.
- (d) Advertisements should not depict any association with activities or locations where drinking alcohol would be unsafe or unwise. In particular, advertisements should not associate the consumption of alcohol with operating machinery, driving, any activity relating to water or heights, or any other occupation that requires concentration in order to be done safely.
- (e) Factual information can be given about the alcoholic strength

## Alcoholic Drinks

of a particular drink but it should not be the principal theme of any advertisement. Drinks should not be promoted as being more or less intoxicating or presented as preferable because of their higher or lower alcohol content.

## 7. Financial Services and Products

- 7.1 Advertisements for financial services and products should be prepared with care and with the conscious aim of ensuring that members of the public fully grasp the nature of any commitment into which they may enter as a result of responding to an advertisement. Advertisers should not take advantage of people's inexperience or gullibility.
- 7.2 Advertisements which invite a response by mail should contain the full address of the advertiser separate from any response coupon.
- 7.3 Advertisements should indicate the nature of the contract being offered and provide information on any limitations on eligibility, any charges, expenses or penalties attached and the terms on which withdrawal may be arranged. Alternatively, where an advertisement is short or is general in its content, free explanatory material giving full details of the offer should be made available before a binding contract is entered into.
- 7.4 When an advertisement contains any forecast or projection, it should make clear the basis on which the forecast or projection is made explaining, for example
- whether reinvestment of income is assumed
  - whether account has been taken of any applicable taxes
  - whether any penalties or deductions will arise on premature realisation or otherwise.
- 7.5 Advertisements should make it clear that the value of investments is variable and, unless guaranteed, can go down as well as up. If the value of the investment is guaranteed details should be included in the advertisement.
- 7.6 Advertisements should specify that past performance or experience does not necessarily give a guide for the future. Any examples used should not be unrepresentative.

## Financial Services and Products

### **Statutory and Other Regulatory Requirements**

- 7.7 Advertisements for financial products and services, including investment opportunities, deposits and credit facilities, are subject to a number of statutory and Central Bank requirements, some of which are quoted in the Appendix.

## 8. Distance Selling

### (Mail Order and Direct Response)

8.1 This Section sets out the rules governing transactions for goods or services in which the buyer and the seller, having been brought into communication through an advertisement, conduct their business without meeting face-to-face.

8.2 Mail order and direct response advertisements are not acceptable unless

(a) the name and full address of the advertiser is stated in the advertisement (in the case of a print advertisement this should be separate from any response coupon),

or

(b) arrangements have been made for enquirers to be informed by media of the name and full address.

A separate address for orders may also be given. This need not be a full address but may be a Freepost or Box Number.

8.3 Orders should be fulfilled within 28 days except:

(a) where security is provided for purchasers' money through an independent scheme;

(b) for goods such as plants and made-to-measure products where the estimated time of delivery should be made clear;

(c) where the advertisers make clear that they do not intend to begin production unless a sufficient response is received;

(d) where a series of goods is to be dispatched in sequence; in such cases only the first delivery need be made within 28 days but the period within which subsequent deliveries will be made should be stated.

8.4 Goods supplied should conform to any relevant and accepted standard and to the description given in the advertisement.

## Distance selling

8.5 Advertisers should refund all money promptly when:

- (a) consumers have not received their goods or services; alternatively advertisers may, if asked, provide a replacement;
- (b) goods are returned because they are damaged or faulty or are not as described, in which case the advertisers should bear the cost of their return;
- (c) unwanted goods are returned undamaged within fourteen working days of being received by the consumer; consumers should assume that they can try out goods unless the advertisement says otherwise;
- (d) an unconditional money-back guarantee is given and the goods are returned within a reasonable period;
- (e) goods that have been returned are not received back, provided consumers can produce proof of posting.

8.6 Advertisers do not have to provide a full refund on:

- (a) perishable, personalised or made-to-measure goods provided all contractual and statutory obligations to the consumer are met;
- (b) goods that can be copied, unless they fall under 8.5(a), (b) or (c).

8.7 When an advertiser offers to supply goods on approval, the consumer will be expected (subject to 8.5 (b) above) to bear the cost of return of unwanted goods unless the advertiser has undertaken to refund such costs.

8.8 Advertisers should be in a position to meet any reasonable demand created by their advertising. If a product proves to be available in insufficient quantity, advertisers should take immediate action to ensure that any further advertisements are amended or withdrawn.

8.9 If advertisers intend to call on respondents personally this should be made clear in the advertisement or in a follow-up letter. Advertisers

## Distance selling

should provide a reply-paid postcard or telephone contact to allow consumers an adequate opportunity to refuse a home visit.

- 8.10 Advertisers when using youth media should not promote products that are unsuitable for children. They should take particular care when packaging products that may fall into the hands of children.

### **Media Requirements**

- 8.11 Advertisers should be aware that media may, in respect of cash with order advertisements, require special undertakings over and above the requirements set out in this Section. Media may also require undertakings that advertisers have adequate arrangements to handle all orders efficiently.

### **Data Protection**

- 8.12 Attention is drawn to the requirements of the Data Protection Act, 1988, in regard to the collection, processing, keeping, use and disclosure of personal data.

### **Other Regulatory Requirements**

- 8.13 Attention is also drawn to the requirements of the European Communities (Protection of Consumers in Respect of Contracts Made by Means of Distance Communications) Regulations, 2001 (S.I. No. 207 of 2001).

## 9. Employment And Business Opportunities

- 9.1 Advertisers and media should distinguish clearly between offers of employment, business opportunities and training courses.

### **Employment**

- 9.2 Employment advertisements should correspond to genuine vacancies and should not require interested respondents to send money for further details. Terms and conditions should not be misrepresented and any earnings forecast should be realistic. If income is earned from a basic salary and commission, or commission only, this should be made clear.

### **Business Opportunities**

- 9.3 Advertisements for business opportunities should not mislead participants as to
- (a) the nature of the work involved,
  - (b) the amount of support available,
  - (c) the extent of any financial investment required,
  - (d) the potential earnings.

Where an advertisement does not contain the name and address of the advertiser, it is the responsibility of media to be satisfied as to the advertiser's identity and bona fides.

### **Homework Schemes**

- 9.4 Advertisements for homework schemes in which respondents make articles, perform services or offer facilities at or from home should contain a clear description of the work and should make clear whether the homeworker will be an employee of the company or will be self-employed. Any forecast of earnings should be based on the experience of current homeworkers. If it is a new scheme, no realistic forecast of earnings can be made and none should be given in the advertisement. Where an advertisement does not contain the name and address of the advertiser, it is the responsibility of media

## Employment And Business Opportunities

to be satisfied as to the advertiser's identity and bona fides.

- 9.5 Details of charges imposed by the advertiser for machines, components or raw materials should be available to respondents before they are committed to any scheme.
- 9.6 If the advertiser intends to buy back the goods produced by the homemaker, all relevant information should be supplied before any binding obligation or investment is made by the respondent. Homemakers should know if there are any limitations that might affect their decision to accept the advertiser's offer before being committed to participate.

### **Training Courses**

- 9.7 Advertisements for training and instruction courses should make no promise of employment unless a job is guaranteed. The duration of the course and the level of attainment needed to embark on it should be made clear.

### **Directories**

- 9.8 Advertisements for directories giving details of employment or business opportunities should indicate plainly the nature of what is being offered.

## 10. Occasional Trading

- 10.1 Advertisements by persons engaged in occasional trading, including one-day sales, should contain the advertiser's name and full verifiable permanent address (not a Box Number or an accommodation address).
- 10.2 Descriptions such as 'liquidation sale', 'closing down sale', 'emergency sale' should be capable of substantiation.
- 10.3 An advertiser should not misrepresent the nature or status of an event through the use of headlines such as "Public Announcement" or the inclusion of references to Customs or other official authorities.
- 10.4 It is the responsibility of media to be satisfied about the advertiser's true identity and bona fides.

# 11. Environmental Claims

- 11.1 Environmental claims should not be used without qualification unless advertisers can provide convincing evidence that their product will cause no environmental damage.
- 11.2 Qualified claims and comparisons may be acceptable if advertisers can demonstrate that their product provides an improvement in environmental terms either against their competitor's or their own previous products.
- 11.3 The basis of any claim should be explained clearly and should be qualified where necessary. Unqualified claims may mislead if they omit significant information.
- 11.4 Where there is a significant division of scientific opinion or where evidence is inconclusive this should be reflected in any statements made in the advertisement. Advertisers should not suggest that their claims command universal acceptance if this is not the case.
- 11.5 If a product has never had a demonstrably adverse effect on the environment, advertisements should not imply that the formulation has been changed to make it safe. It is legitimate, however, to make claims about a product whose composition has been changed or has always been designed in a way that omits chemicals known to cause damage to the environment.
- 11.6 The use of extravagant language should be avoided, as should bogus and confusing pseudo-scientific terms. If it is necessary to use a scientific expression, its meaning should be clear.
- 11.7 Symbols may imply environmental claims in themselves. They should be simple and used in such a way that they do not convey false impressions about the characteristics of goods or services.

## 12. Code of Sales Promotion Practice

### **Scope and Application**

- 12.1 The Code of Sales Promotion Practice regulates the nature and administration of those marketing techniques which involve the provision of direct or indirect additional benefits, usually on a temporary basis, designed to make goods or services more attractive to purchasers. The Code covers, amongst others, such forms of promotions as:
- premium offers,  
reduced price and free offers,  
the distribution of vouchers, coupons and samples,  
personality promotions,  
charity-linked promotions,  
prize promotions.
- 12.2 The Code is designed primarily to protect the public but it also applies to trade promotions and incentive schemes and to the promotional elements of sponsorship.
- 12.3 The Code should be read, where appropriate, in conjunction with the Code of Advertising Standards.
- 12.4 For the purposes of the Code:
- (a) a *product* can encompass goods, services, facilities, opportunities, fund raising, prizes and gifts;
  - (b) a *promoter* is any person or body by whom a sales promotion is initiated or commissioned;
  - (c) an *intermediary* is any person or body, other than the promoter, responsible for the implementation of any form of sales promotional activity;
  - (d) a *consumer* is any person who is likely to see a particular advertisement or promotion;
  - (e) a *claim* can be direct or implied, written, spoken or visual;
  - (f) references to promoters should be interpreted as including

## Code of Sales Promotion Practice

intermediaries and agencies unless the context indicates otherwise;

- (g) where for the sake of clarity and brevity the singular form of a word is used this should be construed as including legal persons and groups as appropriate;
- (h) every word importing the masculine gender should be construed as if it also imported the feminine gender unless the contrary intention appears. Every word importing the feminine gender should be construed as if it also imported the masculine gender unless the contrary intention appears.

12.5 The Code is applied in accordance with the following criteria:

- (a) An invitation from the Authority to comment on a complaint does not mean that the Authority accepts the complainant's view. Each case is considered on its merits.
- (b) The Code does not deal with contractual relationships between promoters and consumers. It does not presume to judge whether a product represents value for money nor does it seek to regulate terms of business.
- (c) ASAI does not act as an arbitrator between conflicting ideologies.
- (d) No legal advice can be given or should be presumed in communications from the Authority (Board, Complaints Committee or Secretariat).
- (e) The judgement of the Advertising Standards Authority for Ireland on any matter of interpretation is final.

### **Principles**

12.6 All sales promotions should be legal, decent, honest and truthful.

12.7 All sales promotions should be prepared with a sense of responsibility to consumers and to society; they should be conducted

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equitably, promptly and efficiently and should be seen to deal fairly and honourably with consumers. Promoters should avoid causing unnecessary disappointment.

- 12.8 All sales promotions should respect the principles of fair competition generally accepted in business.
- 12.9 A promoter or intermediary should not bring sales promotion into disrepute.
- 12.10 Primary responsibility for observing the Code rests with promoters. Others involved in the design and conduct of promotions such as intermediaries and agents also accept an obligation to abide by the Code.
- 12.11 Failure to respond or unreasonable delay in responding to ASAI's enquiries may be considered a breach of the Code.
- 12.12 The Authority will observe requests to treat any confidential material supplied in strict confidence unless the Courts or an official agency acting within its statutory powers compel its disclosure.
- 12.13 The Code is applied in the spirit as well as in the letter.

### **Public Interest**

- 12.14 Sales promotions should not be designed or conducted in a way that conflicts with the public interest. They should contain nothing that condones or is likely to provoke violent or anti-social behaviour, nuisance, personal injury or damage to property.

### **Substantiation**

- 12.15 Promoters should be able to provide documentary evidence to demonstrate that they have complied with the Code as regards any detailed claims, the way in which the sales promotion is administered and the overall impression created by the promotion.

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### **Legality**

- 12.16 Promoters have primary responsibility for ensuring that sales promotions are legal. A sales promotion should not contain anything that breaks the law or incites anyone to break it, nor omit anything that the law requires.

### **Honesty**

- 12.17 Promoters should not abuse the trust of consumers or exploit their credulity, inexperience or lack of knowledge.

### **Truthfulness**

- 12.18 A sales promotion should not mislead by inaccuracy, ambiguity, exaggeration, omission or otherwise.

### **Protection of Consumers**

- 12.19 Promoters should have proper regard for normal safety precautions. Promotional products and samples should be distributed in such a way as to avoid the risk of harm to consumers. Special care should be taken when sales promotions are addressed to children or where products intended for adults may fall into the hands of children. Literature accompanying promotional items should contain any necessary safety warnings.
- 12.20 Sales promotions should be designed and conducted in a way that respects the right of consumers to a reasonable degree of privacy and freedom from annoyance.
- 12.21 Consumers should be told before entry if participants may be required to become involved in any of the promoters' publicity or advertising, whether it is connected with the sales promotion or not. Prizewinners' interests should not be compromised by the publication of excessively detailed information.

### **Suitability**

- 12.22 Promoters should not offer promotional products which are of a nature likely to cause offence or products which, in the context of the

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promotion, may reasonably be considered to be socially undesirable.

### **Availability**

- 12.23 Promoters should be able to demonstrate that they have made a reasonable estimate of the likely response and that they are capable of meeting that response. This applies in all cases except prize promotions, where the number of prizes to be awarded should be made clear to participants.
- 12.24 Phrases such as ‘subject to availability’ do not relieve promoters of the obligation to take all reasonable steps to avoid disappointing participants.
- 12.25 If promoters are unable to meet demand for a promotional offer because of an unexpectedly high response or some other unanticipated factor outside their control, products of a similar or greater quality and value or a cash payment should normally be substituted.

### **Quality**

- 12.26 Promoters should ensure that promotional products meet satisfactory standards of safety, durability and performance in use. Where appropriate, such matters as guarantees and aftersales service should be clearly explained.

### **Sales Promotions and Children**

*All supporting advertising material used in the presentation of sales promotions must conform with the Code of Advertising Standards which contain specific rules relating to advertising directed at children at Section 5.*

- 12.27 Sales promotions addressed to or likely to attract children:
- (a) should be designed and conducted in a way that will not cause physical, mental or moral harm to children;
  - (b) should not offer promotional products that are unsuitable for distribution to children;

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- c) should not encourage children to enter into unsafe situations or strange places or talk to strangers e.g. for the purpose of making collections or accumulating labels, wrappers or coupons;
- (d) should make it clear that parental permission is required if prizes and incentives might cause conflict between children and their parents; examples include animals, bicycles, outings, concerts and holidays.

12.28 A sales promotion should not exploit the loyalty, credulity, vulnerability or lack of experience of children:

- (a) they should not be made to feel inferior or unpopular for not buying a particular product;
- (b) they should not be made to feel that they are lacking in courage, duty or loyalty if they do not buy or do not encourage others to buy the product;
- (c) they should not be asked to disclose personal information about themselves or their families without having first obtained permission from their parents or guardians;
- (d) promotions should not undermine the authority, responsibility or judgement of parents and guardians. Promotions should not include any appeal to children to persuade their parents or other adults to buy advertised products for them;
- (e) a product that is part of a series should be clearly indicated as such and should include the method of acquiring the series.

### **Presentation**

12.29 The presentation of sales promotions and the associated publicity should not mislead consumers.

12.30 All supporting advertising material should conform both to the law and to the Code of Advertising Standards. In particular, descriptions of promotional products should not overstate their

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quality, availability, uses or value.

- 12.31 The fact that promotional products may be acquired free of charge does not dispense with the need for a full and correct description.

### **Terms of the Promotion**

- 12.32 The terms in which a promotion is presented should be clear, complete and easy for the consumer to understand. The following points should be clearly explained:

- (a) how to participate, including any conditions and costs;
- (b) the promoters' full name and business address in a form that can be retained by consumers;
- (c) the closing date prominently displayed; where the final date for purchase of the promoted product differs from the closing date for the submission of claims or entries, this should be made clear to participants;
- (d) any proof-of-purchase requirements; this information should be emphasised for example by using bold type, separating it from other text or using a different colour. A requirement to purchase more than one unit of a product to participate in a promotion ideally should be stated on the front of any label or material carrying details of the promotion;
- (e) any geographical or personal restrictions;
- (f) any necessary permissions (e.g. those of parents or guardians);
- (g) any limit on the number of applications permitted;
- (h) any limit on the number of promotional products or prizes that an individual consumer or household may claim or win;
- (i) any other factor likely to influence consumers' decisions or understanding about the promotion.

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- 12.33 Any terms or conditions, the effect of which is either:
- to exclude some consumers from the opportunity to participate
  - or
  - to impose requirements that are likely to affect a consumer's decision whether or not to participate

should be clearly and prominently stated so as to be clear to the consumer before any commitment is made.

### **Administration**

- 12.34 Sales promotions should be conducted under proper supervision and with adequate resources. Promoters and intermediaries should not give consumers any justifiable grounds for complaint.
- 12.35 Promoters should allow ample time for each phase of the promotion: notifying the trade, distributing the goods, issuing rules where appropriate, collecting the wrappers and the like, judging and announcing the results.
- 12.36 Promoters should fulfil applications within 28 days unless:
- (a) participants have been told in advance that it is impractical to do so;
  - (b) participants are informed promptly of unforeseen delays and are offered another delivery date or an opportunity to recover any money paid for the offer.
- 12.37 When damaged or faulty goods are received by a consumer, promoters should ensure that they are either replaced without delay or that a refund is sent immediately. The promoters are entitled to seek the return of the faulty goods and, if possible, the original packaging, at their expense. The full cost of replacing damaged or faulty goods should fall on promoters. If any applicant does not receive goods, promoters should normally replace them free of charge.

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### **Free Offers**

- 12.38 An offer should be described as free only if consumers pay no more than
- (a) the current public rate of postage;
  - (b) the actual cost of freight or delivery;
  - (c) the cost, including incidental expenses, of any travel involved if consumers collect the offer.

In all cases consumers' liability for such costs should be made clear and there should be no additional charges for packaging or handling.

- 12.39 Promoters should not attempt to recover their costs by reducing the quality or composition, by inflating incidental expenses or by increasing the price of any product that must be purchased as a pre-condition of obtaining a free item.
- 12.40 A trial should not be described as free if the consumer is expected to pay the cost of returning any goods, unless this requirement is made clear to the consumer when the offer is made.
- 12.41 Where an offer appears on a product, and when benefiting from that offer requires several purchases of the product, the need to make additional purchases should be clearly indicated.
- 12.42 Where an offer covers two or more items, of which only one is free, it should be made clear to the consumer what is offered free and what they must pay for.
- 12.43 Where unsolicited samples or gifts are distributed through a promotion, it should be made clear that the consumer is under no obligation to buy or return the items.

### **Promotions with Prizes**

- 12.44 Promotions involving prizes are subject to legal requirements and promoters are strongly advised to seek expert legal advice.

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- 12.45 Entry conditions should be clearly worded and should set out the following details:
- (a) the closing date;
  - (b) any age, eligibility or geographical restrictions;
  - (c) any restrictions on the number of entries or prizes;
  - (d) any requirements for proof-of-purchase;
  - (e) any permissions required (e.g. from parent or employer);
  - (f) the criteria for judging entries;
  - (g) a full and accurate description of the prizes;
  - (h) any limitations imposed on acceptance of the prizes and any duties or obligations on the part of the winners (e.g. in regard to post-event publicity);
  - (i) whether a cash alternative can be substituted for any prize;
  - (j) how and when winners will be notified of results;
  - (k) how and when results will be published (see 12.49);
  - (l) where appropriate, who owns the copyright of the entries;
  - (m) whether and how entries will be returned.
- 12.46 Complex rules should be avoided and promoters should not need to supplement conditions of entry with additional rules. If further rules cannot be avoided participants should be informed how to obtain them; the rules should contain nothing that would have influenced a consumer against making a purchase or participating. Participants should always be able to retain entry instructions and rules.
- 12.47 The closing date should be clearly stated in each advertisement, on each entry form and on the outer surface of any relevant pack,

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wrapper or label. This date should not be changed unless circumstances outside the reasonable control of the promoters make it unavoidable.

- 12.48 A poor response or an inferior quality of entries is not an acceptable basis for extending the duration of a promotion or withholding prizes unless the promoters have explicitly reserved their right to do so at the outset.
- 12.49 Promoters should either publish or make available on request details of the name and county of major prizewinners. Promoters should bear in mind the risk of theft or harrassment that may arise if the details given are sufficient to allow the address of a winner of a prize of substantial value to be pinpointed.
- 12.50 Unless otherwise stated in advance, prizewinners should receive their prizes no more than six weeks after the promotion has ended.
- 12.51 If the selection of winning entries is open to subjective interpretation an independent judge, or a panel including one member who is independent of the competition's promoters and intermediaries, should be appointed. Those appointed to act as judges should be competent to judge the subject matter of the competition. The identity of judges should be made available on request.
- 12.52 Where a prize promotion involves any form of draw, promoters should ensure that tokens, tickets or numbers are allocated on a fair and random basis. An independent observer should supervise the draw to ensure that individual entries enjoy equal chances.
- 12.53 When prize promotions are widely advertised, promoters should ensure that entry forms and any goods needed to establish proof of purchase are widely available.
- 12.54 The distinction between a prize and a gift should always be clear to consumers. Gifts offered to all or most participants in a promotion should not be described as prizes. If promoters offer a gift to all entrants in addition to giving a prize to those who win, particular care is needed to avoid confusing the two.

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12.55 Promoters should not exaggerate the likelihood of consumers winning a prize.

### **Advertisement Promotions**

12.56 Advertisement promotions should be designed and presented in such a way that they can easily be distinguished from editorial material.

12.57 Features, announcements or promotions that are published in exchange for a payment or other reciprocal arrangement where their content is controlled by the promoter should comply with the Code.

12.58 Publishers announcing reader promotions on the front page or cover should ensure that consumers know whether they will be expected to buy subsequent editions of the publication. Major qualifications that may significantly influence consumers in their decision to purchase the publication should appear on the front page or cover.

### **Charity-linked Promotions**

12.59 Promotions claiming that participation will benefit a charity or good cause should:

- (a) name the charity or good cause that will benefit, and be able to demonstrate that those benefiting consent to the advertising or promotion;
- (b) define the nature and objectives of the charity or cause unless that information is already widely available;
- (c) specify the extent and the nature of the advantage to be gained by the charity or cause;
- (d) state if the promoters have imposed any limitations on the contribution they will make;
- (e) not limit consumers' contributions; any extra money collected should be given to the named charity or cause on the same basis as contributions below that level;

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- (f) not exaggerate the benefit to the charity or cause derived from individual purchases of the promoted product;
- (g) make available on request a current or final total of contributions made;
- (h) take particular care with charity-linked promotions which may involve children and young people (see paragraphs 12.27 and 12.28).

### **Promotions and the Trade**

- 12.60 Promotions and incentive schemes should be designed and implemented to take account of the interests of everyone involved and should not conflict with the duty of employees to their employer or their obligation to give honest advice to consumers.
- 12.61 Promoters should secure the prior agreement of employers or of the manager responsible if they intend to ask for assistance from, or offer incentives to, any other company's employees. Promoters should observe any procedures established by companies for their employees, including any rules for participating in promotions. In the case of a trade incentive scheme that has been advertised rather than individually targeted, employees should be advised to obtain their employer's permission before participating.
- 12.62 It should be made clear to those benefiting from an incentive scheme that they may be liable for tax.

### **Data Protection**

- 12.63 Attention is drawn to the requirements of the Data Protection Act, 1988, in regard to the collection, processing, keeping, use and disclosure of personal data.

# Appendix

## **Statutes, Statutory Instruments and Other Codes listed by sponsoring Departments or organisations affecting Advertising and Sales Promotions.**

The following list is not exhaustive and is for guidance only.

### **Department of Agriculture, Food and Rural Development**

Irish Whiskey Act, 1980 - S.I. No. 33 of 1980

European Communities (Definition, Description and Presentation of Spirit Drinks) Regulation, 1995 - S.I. No. 300 of 1995

European Communities (Definition, Description and Presentation of Aromatised Wines, Aromatised Wine-based Drinks and Aromatised Wine-Product Cocktails) Regulations, 1998 - S.I. No 254 of 1998

European Communities (Protection of Geographical Indication and Designations of Origin for Agricultural Products and Foodstuffs) Regulations, 1995 - S.I. No. 148 of 1995

European Communities (Certificates of Specific Character for Agricultural Products and Foodstuffs) Regulations, 1995 - S.I. No. 149 of 1995

European Communities (Protection of Geographical Indication and Designations of Origin for Agricultural Products and Foodstuffs) (Amendment) Regulations, 1999 - S.I. No. 275 of 1999

European Communities (Supply of Information on the Origin Identification and Destination of Bovine Animals) Regulations, 1999 - S. I. No. 258 of 1999

Council Regulation (EC) No. 2200/96 on the common organisation of the market in fruit and vegetables

EC (Pesticides Residues) (Fruit and Vegetables) Regulations, 1989 - 1998

EC (Pesticides Residues) (Foodstuffs of Animal Origins) Regulations, 1999

EC (Pesticides Residues) (Products of Plant Origin, including Fruit and Vegetables) Regulations, 1999

EC (Pesticides Residues) (Feedingstuffs) Regulations, 1992

EC (Pesticides Residues) (Cereals) Regulations, 1999

EC (Classification, Packaging and Labelling of Pesticides) Regulations, 1994

EC (Export and Import of Certain Dangerous Chemicals) (Pesticides) (Enforcement) Regulations, 1995 - 1998

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EC (Authorisation, Placing on the Market, Use and Control of Plant Protection Products) Regulations, 1994 - 1999

EC (Prohibition of Certain Active Substances in Plant Protection Products) Regulations, 1981 - 1990

Poisons (Prohibition of the Use of Certain Substances for Agricultural Purposes) Regulations, 1991

EC (Seed of Fodder Plants) Regulations, 1981 - 1999

EC (Seed of Oil Plants and Fibre Plants) Regulations, 1981 - 1997

EC (Beet Seed) Regulations, 1981 - 1997

EC (Vegetable Seeds) Regulations, 1981 - 1997

EC (Seeds) Regulations, 1974 - 1975

EC (Cereal Seed) Regulations, 1981 - 1983

Animal Remedies Act, 1993

Animal Remedies (Control of Sale) Regulations, 1985

Dairy Produce Act, 1924

Milk and Dairies Act, 1935

Milk and Dairies (Special Designation) Regulations, 1938 and 1955

Poisons (Control of Residues in Foods of Animal Origin) Regulations, 1985

### **Department of Arts, Heritage, Gaeltacht and the Islands**

Broadcasting Act, 1990

Broadcasting Act, 2001

Broadcasting Authority Acts, 1960 - 1993

Radio and Television Act, 1998

Regulation No. 313 of 1999 implementing EU Directive 89/552/EEC as amended by EU Council Directive 97/36/EC (Television without Frontiers)

### **Department of Defence**

Defence Act, 1954

Red Cross Acts, 1938 and 1954

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### **Department of Enterprise, Trade and Employment**

Casual Trading Act, 1980

Charges (Hairdressing) Display Order, 1976

Companies Acts, 1963 - 1999

Consumer Credit Act, 1995

Consumer Credit Act, 1995 (Section 28) Regulations, 1996

Consumer Information Act, 1978

Consumer Information (Advertisement for Concert or Theatre Performances)  
Order, 1997

Consumer Information (Advertisements) (Disclosure of Business Interest) Order, 1984

Consumer Information (Advertisement for Airfares) Order, 2000

Consumer Information (Diesel and Petrol) (Reduction in Retail Price) Order, 1997

Consumer Information (Miscellaneous Goods) (Marking) Order, 1984

Copyright Act, 1963

Employment Agency Act, 1971

Employment Agency Regulations, 1972 - 1993

European Communities (Labelling, Presentation and Advertising of Foodstuffs)  
Regulations, 2000

European Communities (Misleading Advertising) Regulations, 1988

European Communities (Names and Labelling of Textile Products) Regulations, 1998

European Communities (Life Assurance) Framework Regulations, 1994

European Communities (Non-Life Insurance) Framework Regulations, 1994

European Communities (Quantitative Analysis of Binary and Ternary Fibre  
Mixture) Regulations, 1990

EU Council Directive on Comparative Advertising

European Communities (Protection of Consumers in Respect of Contracts Made  
by Means of Distance Communications) Regulations 2001

Hallmarking Act, 1981

Merchandise Mark Acts, 1887 - 1970

Merchandise Marks (Prepackaged Goods) (Marking and Quantities) Order, 1973  
(as amended)

Metrology Act, 1996

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Occasional Trading Act, 1979  
Packaged Goods (Quantity Control) Act, 1980  
Patents Act, 1964  
Prices Acts, 1958 - 1980  
Prices and Charges (Tax-inclusive Statements) Order, 1973  
Pyramid Selling Act, 1972  
Registration of Business Names Act, 1963  
Retail Price (Beverages in Licensed Premises) Display Order, 1999  
Retail Price (Diesel and Petrol) Display Order, 1997  
Retail Price (Food in Catering Establishments) Display Order, 1984  
Sale of Goods and Supply of Services Act, 1980

### **Department of the Environment**

Local Government (Planning and Development) Acts, 1963 - 1993  
Local Government (Planning and Development) Regulations, 1994

### **Department of Finance**

Building Societies Act, 1989  
Central Bank Acts, 1942 - 1989  
Copyright Act, 1963  
Forgeries Act, 1913  
Investment Intermediaries Act, 1995  
Investment Compensation Act, 1998  
Trustee Savings Banks Act, 1989

### **Department of Health and Children**

Adoption Acts, 1952 - 1976  
European Communities (Cosmetic Products) Regulations, 1997 - 2000  
Health (Foods for Particular Nutritional Uses) Regulations, 1992  
Medicinal Products (Licensing and Sale) Regulations, 1998  
Medical Preparations (Advertising) Regulations, 1993 - 1996  
Medical Preparations (Labelling and Package Leaflets) Regulations, 1993 - 1999

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Medicinal Products (Prescription and Control of Supply) Regulations, 1996 - 2000  
Opticians Act, 1956  
Opticians Act, 1956, Rules 1977 (Amendment) Rules, 1993  
Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion) Act, 1978  
Tobacco Products (Control of Advertising, Sponsorship and Sales Promotion)  
Regulations, 1991 - 2000

### **Department of Justice, Equality and Law Reform**

Betting Act, 1931  
Censorship of Films Acts, 1923 - 1970  
Censorship of Publications Acts, 1929 - 1965  
Children Act, 1934  
Data Protection Act, 1988  
Employment Equality Act, 1998  
Equal Status Act, 2000  
Gaming and Lotteries Act, 1956 (under review)  
Intoxicating Liquor Act, 1988  
Intoxicating Liquor Act, 1988 (Age Card) Regulations, 1999  
Moneylenders Act, 1933  
Solicitors (Advertising) Regulations, 1996  
Solicitors Amendment Act, 1994

### **Department of the Marine**

Merchant Shipping Acts, 1894 - 1992  
Merchant Shipping (Safety Convention) Act, 1952  
Merchant Shipping (Certification of Seamen) Act, 1979  
Dumping at Sea Act, 1981  
Oil Pollution of the Sea (Civil Liability and Compensation) Act, 1988  
Sea Pollution Act, 1991

### **Department of Public Enterprise**

Transport (Tour Operator and Travel Agents) Act, 1982 and the regulations made under it

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Package Holidays and Travel Trade Act, 1995 and the regulations made under it

### **Department of Tourism, Sport and Recreation**

Tourist Traffic Acts, 1939 - 1987

#### **OTHER CODES**

**Animal and Plant Health Association** - Code of Practice for the Animal Health Industry with guidelines for TV and Radio advertising

**Central Bank of Ireland** - Advertising Requirements applicable to Credit Institutions

**Drinks Industry Group** - Code of Practice (Naming, packaging and merchandising of single-serve alcohol beverages in the Republic of Ireland)

**Irish Association of Investment Managers** - Code of Advertising Practice

**Irish Brokers Association** - Code of Conduct for Insurance Intermediaries

**Irish Direct Marketing Association** - Code of Practice on Direct Marketing

**Irish Direct Marketing Association** - Code of Practice for Data Protection

**Irish Direct Marketing Association** - Code of Practice on Telemarketing

**Irish Insurance Federation** - Code of Practice on Advertising and Sales Material

**Irish Mail Order Association** - Code of Practice on Catalogue Mail Order Trading

**Irish Pharmaceutical Healthcare Association** - Code of Standards of Advertising Practice for the Consumer Healthcare Industry

**Minister for Arts, Heritage, Gaeltacht and the Islands** - Code of Standards, Practice and Prohibitions in Advertising, Sponsorship and Other forms of Commercial Promotion in Broadcasting Services (and Codes made thereunder by RTE and IRTC)

**Regulator of Premium Rate Telecommunications Services** - REGTEL Code of Practice

**The Dental Council** - Guidelines on Public Relations and Communications

**The Medical Council** - Guide to Ethical Conduct (Advertising and the Media)

**The Opticians Board** - Rules relating to Advertising

**NOTE:** Advertisers and promoters should also comply with any relevant Codes of Practice approved from time to time by the Director of Consumer Affairs.

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