

**THE CODE OF  
ADVERTISING  
PRACTICE**

# **CONTENTS**

## **1. OVERVIEW**

## **2. SCOPE OF THE CODE**

## **3. ADVERTISING STANDARDS**

3.1. LEGALITY

3.2. HONESTY AND TRUTHFULNESS

3.3. DECENCY

3.4. DENIGRATION

3.5. SAFETY

3.6. IMITATION

3.7. COMPARATIVE ADVERTISING

3.8. TESTIMONIALS

3.9. ADVERTISING TO CHILDREN

## **4. ADVERTISING DISPUTES**

4.1. THE DISPUTES COMMITTEE

4.2. COMPLAINTS FILING PROCESS

4.3. HEARING PROCESS

4.4. APPEALING A COMMITTEE DECISION

4.5. COMMITTEE SANCTIONS

4.6. NON-REVIEWABLE COMPLAINTS

## **1. OVERVIEW**

The Advertising Business Group (“ABG”) is a not for profit association organized to promote ethical advertising and fair competitive advertising practices among members, their respective industries, and regional advertisers.

It is in the spirit of ethical advertising and fair competition that the ABG has adopted the role of self-regulator to its members by introducing this Code Of Advertising Practice (“Code”), implementing principled advertising standards, and a forum for the escalation of advertising disputes between members and non-members if they so wish. The Code is not intended to replace the many laws and guidelines designed to regulate advertising in the territory.

## **2. SCOPE OF THE CODE**

The advertising mediums covered by the Code are:

- Cinema
- Direct mail
- Internet
- Magazines
- Outdoor advertising
- Press
- Radio
- Television
- In-store communication

## **3. ADVERTISING STANDARDS**

3.1. Legality:

Advertisers have a primary responsibility of ensuring that their advertisements comply with relevant laws and regulations. Advertisements should contain nothing that breaks the law or incites anyone to break it, and should omit nothing that the law requires.

### 3.2. Honesty and truthfulness:

The concern is not with the intent of the Advertiser or precise legality of the advertisement. Rather the focus is on the message, claim or representation as received or perceived by the general public, i.e. the general impression conveyed by the advertisement.

- (a) Advertisements must not contain, or imply, inaccurate, deceptive or otherwise misleading claims, statements, illustrations or representations.
- (b) Advertisements must not omit relevant information if the omission results in an advertisement that is deceptive or misleading.
- (c) All relevant details related to the content of the advertisement must be clearly and able to be readily understood by the general public.
- (d) Disclaimers and asterisked or footnoted information must not contradict more prominent aspects of the message and should be located and presented in such a manner as to be clearly legible and/or audible.
- (e) All advertising claims and representations must be able to be supported by competent, independent and reliable evidence.

### 3.3. Decency:

Advertisements should contain nothing that is likely to cause serious or widespread offence, having regard to the social mores

of the territory. Particular care should be taken to avoid causing offence or display themes inconsistent with the moral, ethical or legal standards of the territory.

#### 3.4. Denigration:

Advertisements must not unfairly denigrate, disparage, attack or discredit other products, advertisers, or advertisement directly or by implication.

#### 3.5. Safety:

Advertisements must not, without reason justifiable on educational or social grounds, display a disregard for safety by depicting situations that might reasonably be interpreted as encouraging unsafe or dangerous practices or acts.

#### 3.6. Imitation:

No advertiser shall imitate the copy, slogans or illustrations of another advertiser in such a manner as to mislead the consumer.

#### 3.7. Comparative Advertising:

Advertisements must not unfairly compare products, services, advertisements, companies or entities to other products, services, advertisements, companies or entities, or exaggerate the nature or importance of competitive differences.

#### 3.8. Testimonials:

Testimonials, endorsements or other representations of opinion or preference, when they are permitted by law, must reflect the genuine, reasonably current opinion of the individual(s), group or organization making such representations, must be based upon adequate information about or experience with the identified product or service and must not otherwise be deceptive.

### 3.9. Advertising to Children:

Advertising that is directed to children must not exploit their credulity, lack of experience or their sense of loyalty, and must not present information or illustrations that might result in their physical, emotional or moral harm.

## **4. ADVERTISING DISPUTES**

### 4.1. The Disputes Committee:

The Disputes Committee (“Committee”) will be formed to address a specific dispute. The Committee will consist of 5 individuals selected from the jury pool of non-government representatives, pan industry professionals, media professionals and academics (collectively, the “Pool”), to administer the advertising review process upon a complaint being lodged with the ABG. The intention will be to have as wide a representation across the sub-segments in the Pool. The ABG can appoint any people that it deems appropriate to the Pool and is also able to and dismiss people from the Pool at any time and without providing reason for that dismissal, however the ABG must not publicise any such dismissal beyond the membership of the ABG of any reason. The secretary of the ABG will be responsible for the selection and notification of the Committee. The Committee will be responsible for administration of the hearing process, and to decide on applicable sanctions, if any.

The Committee will be required to adhere to such standards of confidentiality as the ABG may have reasonably have determined that it requires from the Committee from time to time, and each member of the Committee will sign any documents that give effect to that confidentiality as the ABG may reasonably request. Failure

by any member of the Committee to sign such a document may result in them being dismissed from that Committee.

#### 4.2 Complaints Filing Process:

Members are to send their complaints directly to the advertiser responsible for the alleged breach of the Advertising Standards, with the ABG ([complaints@abg-me.com](mailto:complaints@abg-me.com)) on copy. Entities that are not members of the ABG cannot file complaints under this Code.

From the time of receiving a complaint, the advertiser will have seven (7) calendar days (excluding public holidays) to respond to the complaint. A failure to respond will result in the ABG sending the advertiser a reminder, requiring a response within seven (7) calendar days (excluding public holidays). If the advertiser fails to respond to the ABG notice, then the Committee will proceed with the hearing process in absence of the advertiser.

#### 4.3. Hearing Process:

At the initial hearing, the materials available for the Committee review include, at a minimum, the complaint letter, the advertiser's written response (if any) and a copy of the advertising in question. Both the advertiser and the complainant will be requested to make only written submissions to the Committee.

The Committee's decisions are by majority vote. Any member of the Committee may abstain from voting on any matter. If the Committee concludes an advertisement violates the Code, the advertiser, with a copy to the complainant, will be notified of the decision in writing and requested to appropriately amend the advertising in question or withdraw it, in either case without unreasonable delay.

If, at the initial hearing by the Committee, the complaint is not upheld, both the complainant and the advertiser will be notified in writing with an explanation of the Committee's decision.

#### 4.4. Appealing a Committee Decision:

Both the complainant and the advertiser are entitled to request an appeal from a decision of the Committee by filing a Request for Appeal addressed to the ABG within seven (7) working days after the decision is sent to the parties. It must provide the appellant's reasons for believing the decision was in error.

A five-person Appeal Committee will be selected from the Pool who did not serve at the original Committee hearing. Both the advertiser and the complainant will be requested to make only written submissions to the Appeal Committee. The submissions must be brief, confined strictly to the matters under appeal and received by the ABG within the requested timeframe. Decisions of Appeal will be by majority vote and will be sent to both parties following the appeal hearing. Decisions by the Appeal Committee will be binding and final.

#### 4.5 Committee Sanctions:

The Committee may, if it determines that the advertisement in question breaches this Code:

- notify the advertiser that the advertising contravenes the Code and should not be shown to the general public in future'
- request that the advertiser discontinue the use of the advertisement if it is fully non-compliant; or
- request that the advertiser amend the advertisement in a particular manner, where amendment is considered



possible to make the advertisement compliant with this Code.

If an advertiser fails to voluntarily comply with a decision and requested action of the Committee, ABG may:

- (a) advise media agencies of the advertiser's failure to cooperate and comply, and request media's support in no longer exhibiting the advertising in question;
- (b) declare, in such manner as the Committee deems appropriate, that the advertising in question has been found to contravene the Code, and identify the advertiser of such advertising.

#### 4.6. Non-Reviewable Complaints:

Consumer complaints are not in scope of the Code.