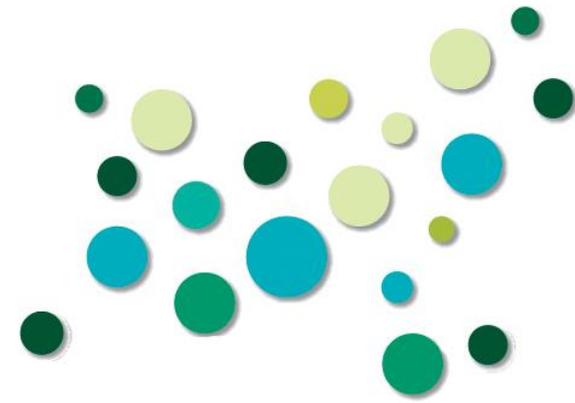


***ASAI Code of Standards for Advertising and Marketing Communications In
Ireland (7th Edition)***

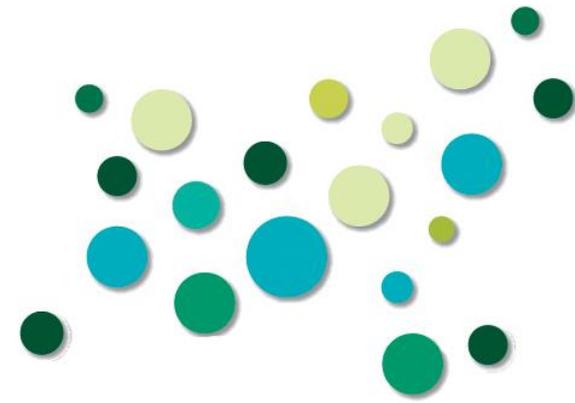
**Presentation to IAB Ireland Members
20th January 2016**





Today's Presentation

1. Remit of the Code
2. Structure of the Code
3. New and Revised Rules
4. Questions and Answers



Remit of the Code

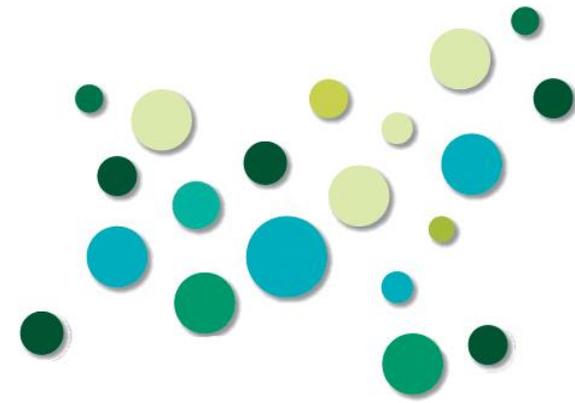
Section 2: Scope and Application

- All commercial marketing communications
- In all media

Radio, television, print, outdoor, cinema, brochures, leaflet, and online - paid for advertising AND advertisers' own websites, their social media pages, paid for reviews, online behavioural advertising

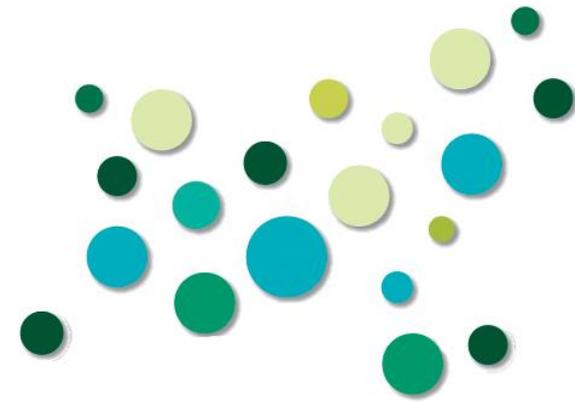


Structure of the Code



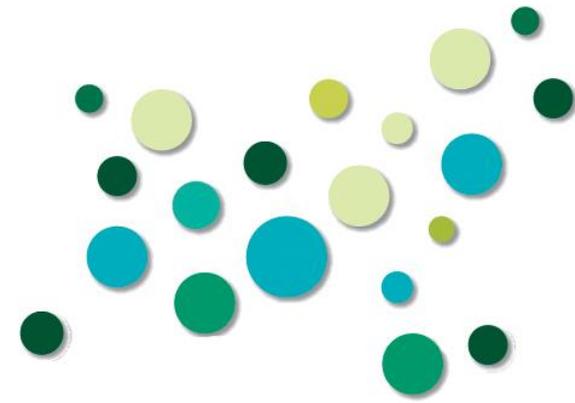
Three distinct parts

- Introduction
- The Code
- Appendices



The Code

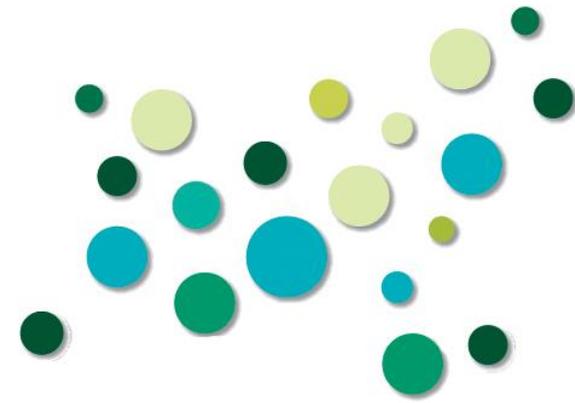
- New section - Definitions
- General Rules split
 - General Rules
 - Misleading



1. Definitions

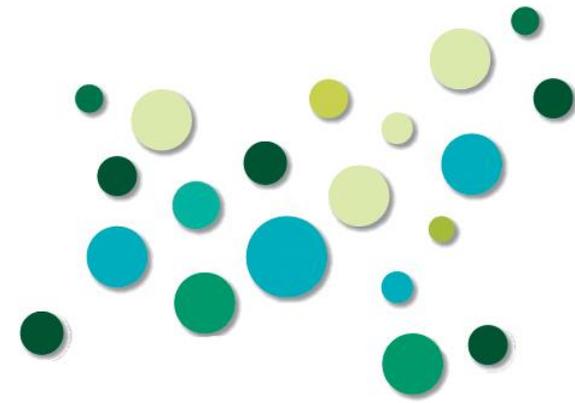
A claim can be direct or implied, written, verbal or visual. The name of a product can constitute a claim. (1.1h)

Every word importing a reference to a gender should be construed as if it also imported any other gender, unless the contrary intention appears. This includes people who have a gender identity different to the gender assigned at birth and those people who wish to portray their gender identity in a different way to the gender assigned at birth. (1.2c)



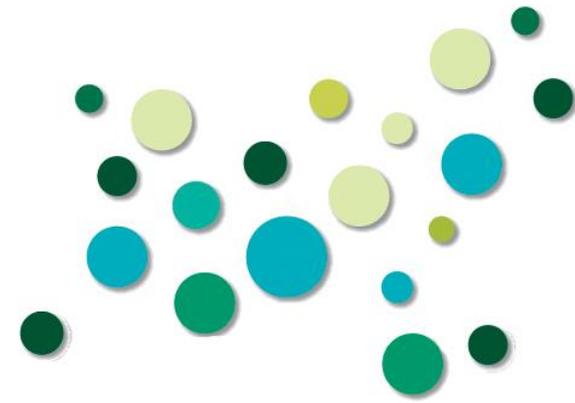
2. Scope and Application

- ...ensuring, so far as possible, that all marketing communications are prepared with a sense of responsibility both to the consumer and to society (2.1)
- Marketing communications in non-paid-for space online, under the control of the advertiser or their agent, including but not limited to advertisers' own websites, ...that are directly connected with the supply or transfer of goods, services, facilities, opportunities, prizes and gifts or which consist of direct solicitations for donations (2.2h)



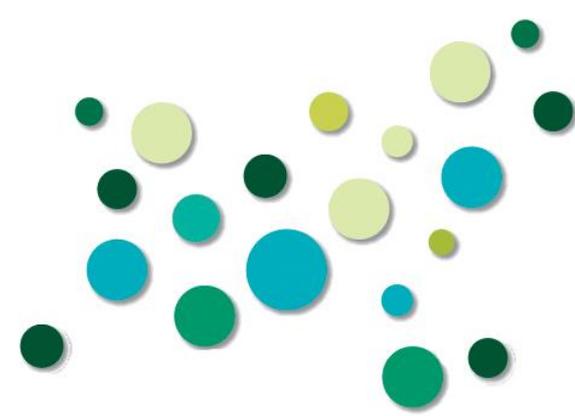
3. General Rules

- Advertisers cannot disclaim responsibility where they have caused, directly or indirectly, advertising to be created by direct agents or other third parties on their behalf. (3.1 part)
- The ASAI will take into account the impression created by marketing communications as well as specific claims. It will adjudicate on the basis of the likely effect on consumers, when taken as a whole or in context, not the advertiser's intention. (3.5)



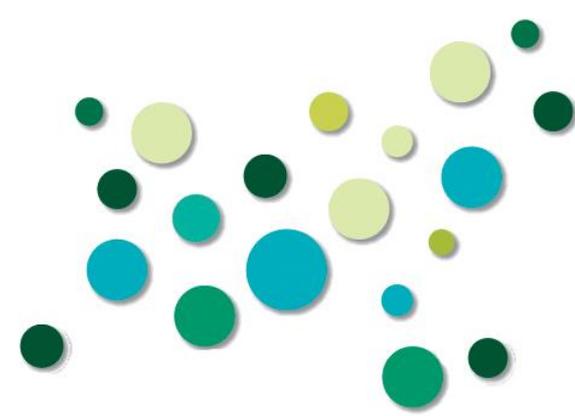
3. General Rules

- Decency and Propriety
 - Humour and satire are natural and accepted features of the relationship between individuals and groups within society. Humorous and satirical treatment of people and groups of people is acceptable, provided that, taking into account generally prevailing societal standards, the portrayal is not likely to cause grave or widespread offence, or to cause hostility, contempt, abuse or ridicule. (3.16)



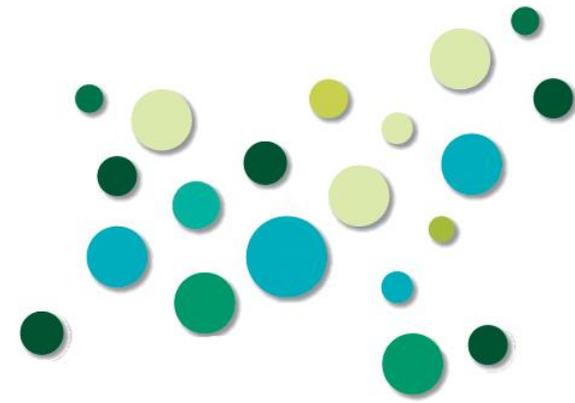
3. General Rules

- Decency and Propriety
 - To avoid causing offence, marketing communications should be responsive to the diversity in Irish society and marketing communications which portray or refer to minority groups or vulnerable people should (3.19)
 - (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 marketing purposes.
 - (e) Not ridicule or exploit religious beliefs, symbols, rites or practices.



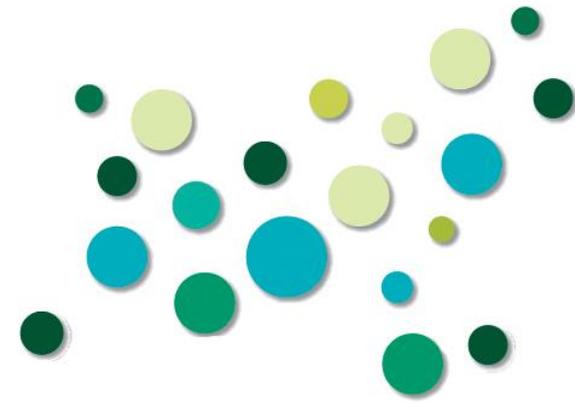
3. General Rules

- Recognisability
 - A marketing communication should be designed and presented in such a way that it is clear that it is a marketing communication.
 - Marketing communications should not misrepresent their true purpose. Marketing communications should not be presented as, for example, market research, consumer surveys, user-generated content, private blogs, or independent reviews if their purpose is marketing, i.e. the promotion of a product. (3.32)
 - Advertorials should be clearly identified, should be distinguished from editorial matter and should comply with the Code. (3.33) (rephrasing)



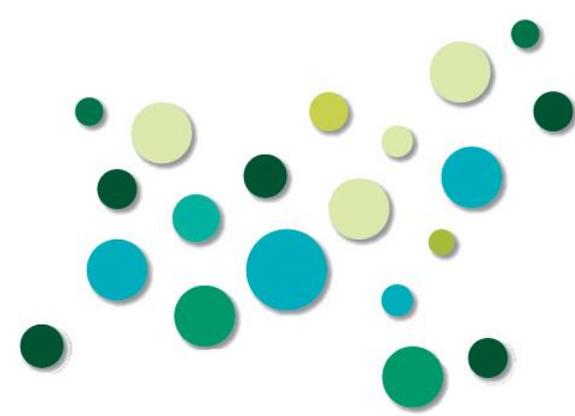
4. Misleading Advertising

- Honesty
 - Disclaimers, asterisked, footnoted or “small print” information should not contradict more prominent aspects of the message. Such information should be of sufficient size and/or prominence and be located and presented in such a manner as to be clearly and easily legible and/or audible; where appropriate such information should be linked to the relevant part of the main copy. (4.6)



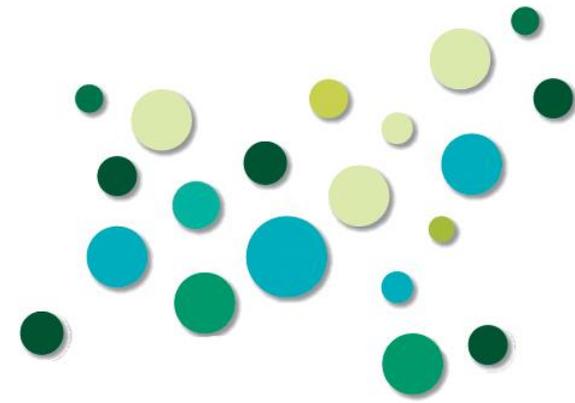
4. Misleading Advertising

- Honesty
 - Whether the presentation of information is insufficient or likely to mislead depends on the context, the medium and, if the medium of the marketing communication is constrained by time or space, the measures that the advertiser takes to make that information available to the consumer by other reasonably accessible means. (4.7)



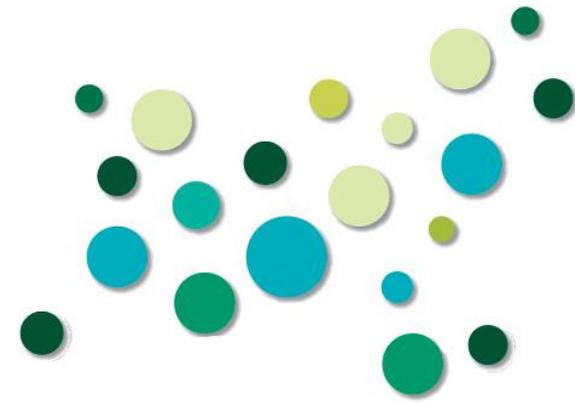
4. Misleading Advertising

- Substantiation
 - A marketing communication should not contain claims - whether direct or indirect, expressed or implied - which a consumer would be likely to regard as being objectively true unless the objective truth of the claims can be substantiated.(4.9)
 - Before offering a marketing communication for publication advertisers should satisfy themselves that they will be able to provide documentary evidence to substantiate all claims that consumers are likely to regard as objective. Relevant evidence should be sent without delay if requested by the ASAI and should be adequate to support both detailed claims and the overall impression created by the marketing communication. (4.10)



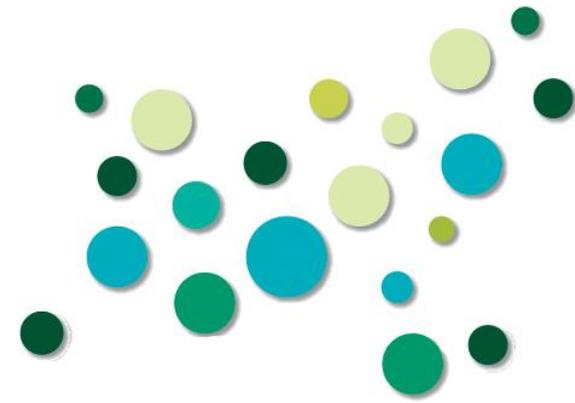
4. Misleading Advertising

- Prices
 - If a marketing communication involves a claim or creates an impression that a product was previously offered at a different price or at a particular price, it should be the case that the product was in fact previously offered at the specified price openly and in good faith and for a reasonable period of time. (4.26)



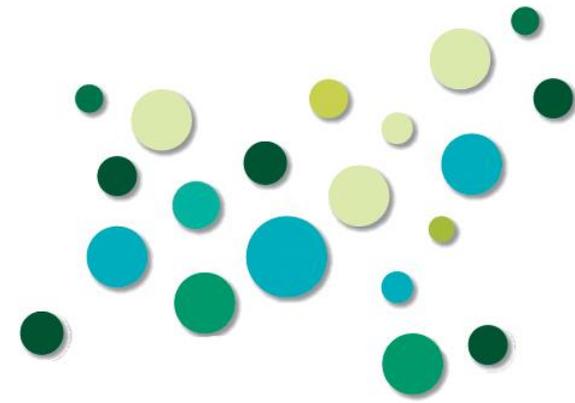
4. Misleading Advertising

- Availability of Products
 - Advertisers should be in a position to meet any reasonable demand created by their advertising. If a product proves to be unavailable for any reason, or only available in insufficient quantity to meet demand, advertisers should take immediate action to ensure that any further marketing communications are amended or withdrawn. (4.27)



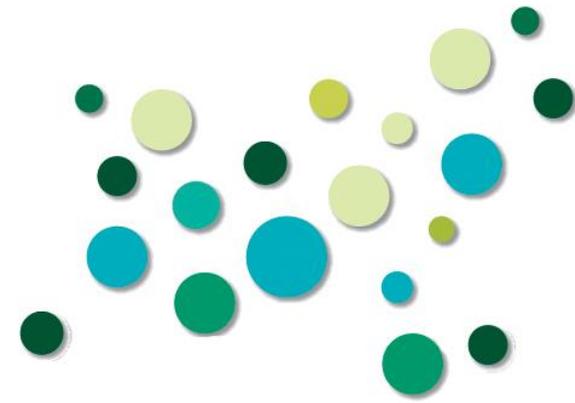
4. Misleading Advertising

- Comparisons
 - 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. Marketing communications that do not identify a specific competitor can still be considered to contain an implicit comparative claim as a comparison could be made with all competition within an industry, for example, unqualified superlative claims. (4.31)



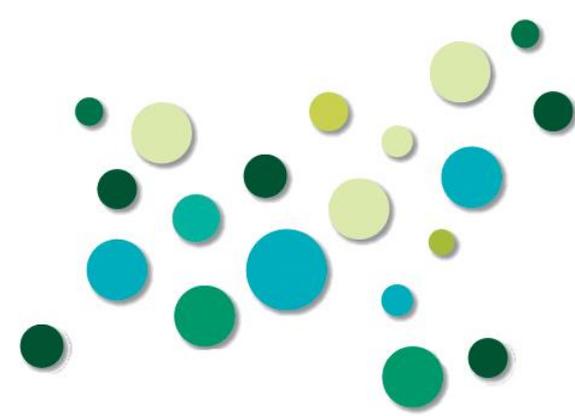
4. Misleading Advertising

- Comparisons
 - Comparisons should be fair and should not give rise to a likelihood of a consumer being misled. In any marketing communication that uses comparisons, 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. (4.31)



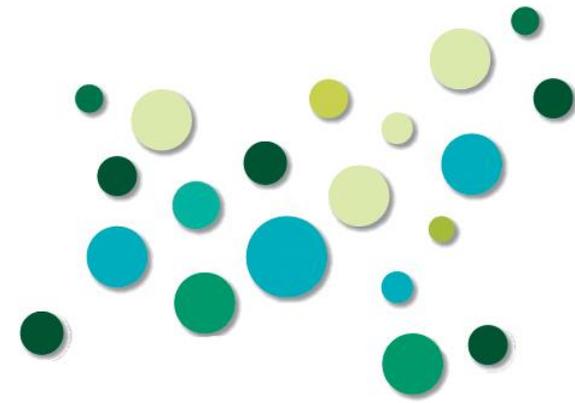
4. Misleading Advertising

- Denigrate / Exploitation of Goodwill
 - Marketing communications should not unfairly attack, discredit or denigrate other businesses or their products, trademarks, trade names or other distinguishing marks. (4.34)
 - Marketing communications should not exploit or make unfair use of the goodwill attached to the name, trademark, trade name, other distinguishing mark, brand, slogan or marketing communications campaign of any other entity or person. (4.35)



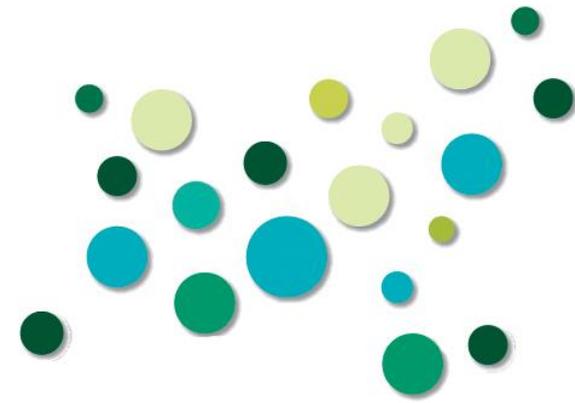
5. Promotional Marketing Practices

- Responsibility
 - Promoters are responsible for all aspects and all stages of their promotions. (5.3)
- Availability
 - 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 type and similar or greater quality and value, or a cash payment, should normally be substituted. (5.13)



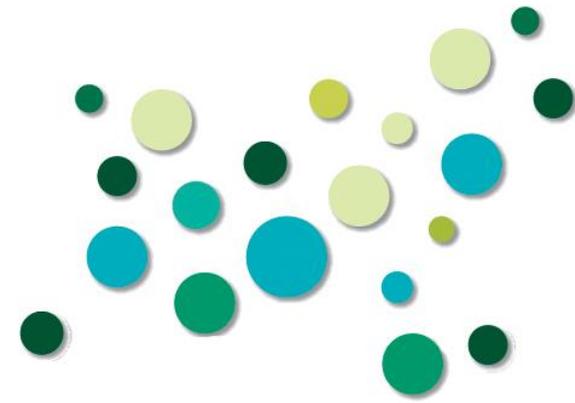
5. Promotional Marketing Practices

- Terms
 - The terms and conditions in which a promotion is presented should be clear, complete and easy for the consumer to understand. The following points should be clearly explained
 - (b) The promoter's full name and business address in a form that can be retained or continually accessed by consumers.



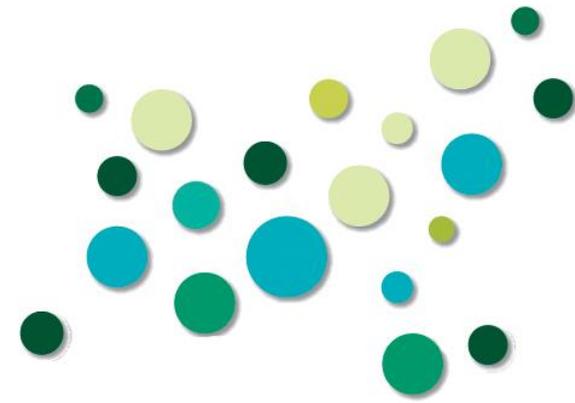
5. Promotional Marketing Practices

- Terms
 - Marketing communications that include a promotion and are significantly limited by time or space should include as much information about significant terms and conditions as practicable and should direct consumers clearly to an easily accessible alternative source where all terms and conditions of the promotion are prominently stated. Participants should be able to retain this information or easily access it throughout the promotion



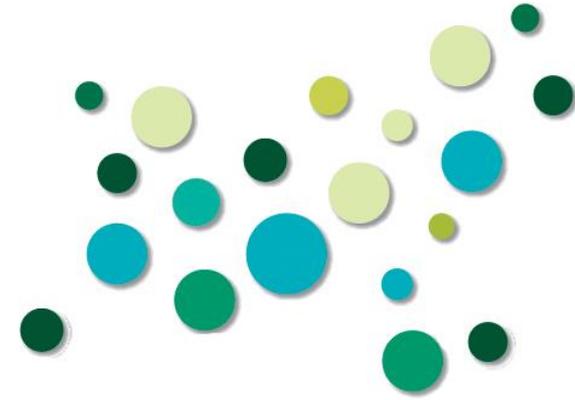
5. Promotional Marketing Practices

- Promotions with Prizes
 - Entry conditions should be clearly worded and should set out the following details:
 - (h) any limit on the number of prizes that an individual consumer or household may claim or win, any limitations imposed on acceptance of the prizes and any duties or obligations on the part of the winners (such as, for example, in regard to post-event publicity); (5.30h)



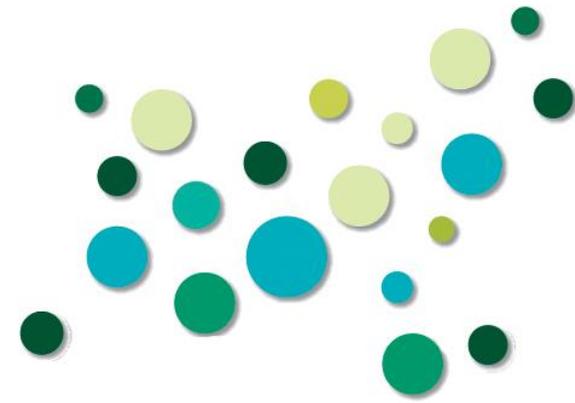
5. Promotional Marketing Practices

- Promotions with Prizes
 - 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. An individual who has been given a gift should not be included in a list comprising prize-winners. (5.39)



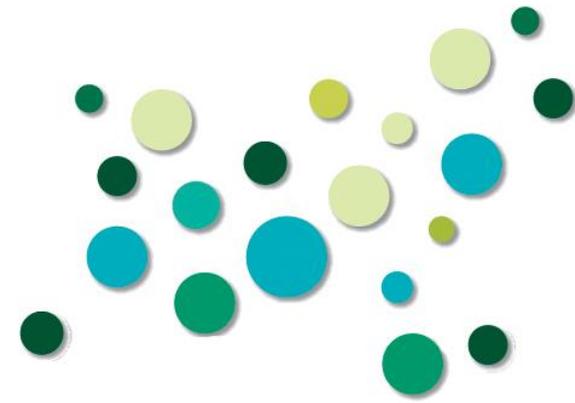
5. Promotional Marketing Practices

- Promotions with Prizes
 - Promoters should not claim or imply that consumers are more lucky, fortunate or successful than they are. In particular, promoters should not use terms such as “finalist” or “final stage” in a way that implies that consumers have progressed, by chance or skill, to an advanced stage of a promotion if they have not.



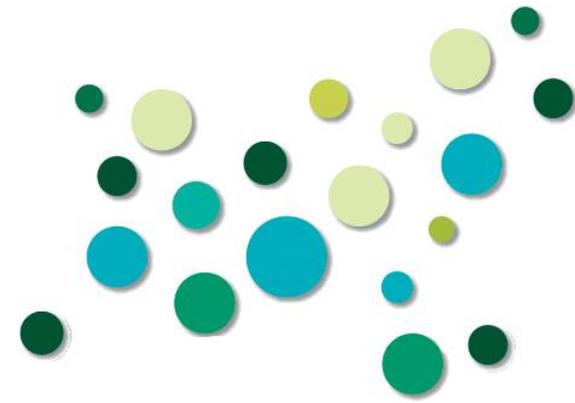
6. Distance Selling

- Advertisers should refund all money promptly (and at the latest within 30 days of notice of cancellation being given) when:
 - Consumers have not received their goods or services. If they prefer to wait, consumers should be given a firm dispatch date or fortnightly progress reports. Alternatively, advertisers may, if asked, provide a replacement. (6.5a)



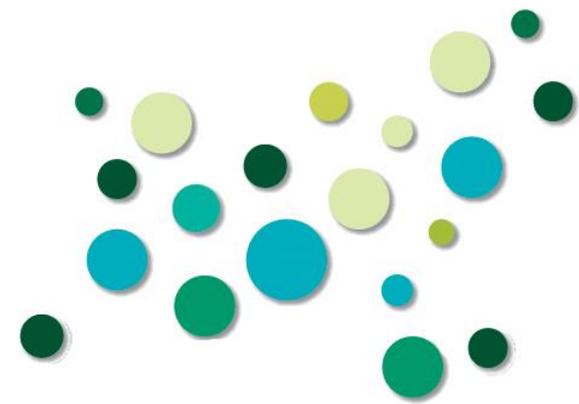
6. Distance Selling

- Advertisers should not imply that consumers have already ordered the marketed product when they have not done so and in particular, they should not include in marketing material an invoice or similar document that seeks payment. (6.14)
- Advertisers should not ask consumers to pay for, or return, unsolicited products, except for substitute products. (6.15)



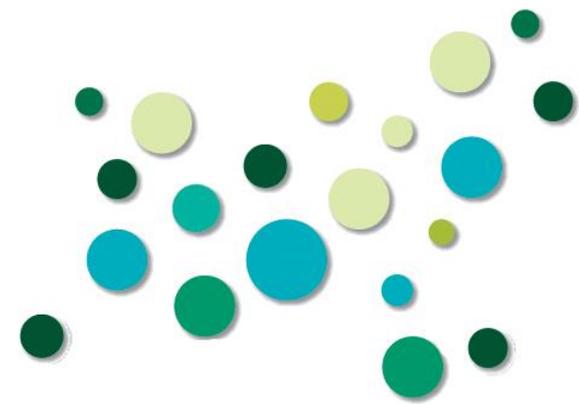
7. Children

- Given that children may imitate what they see in marketing communications, they should not be encouraged, whether directly or indirectly, to copy any practice that might be unsafe. (7.4h)
- Should make it clear if extra items are needed to use the product (for example, batteries) or to produce the result shown or described (for example, paint, dolls clothes). (7.6a)
- Should make it clear that parental permission is required if expensive and/or inappropriate prizes and incentives might cause conflict between children and their parents. (7.7c)



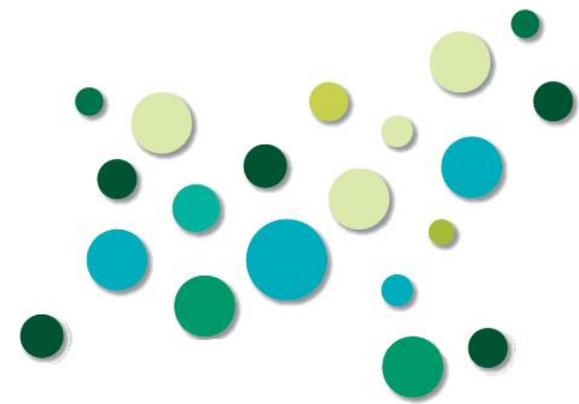
8. Food and Non-Alcoholic Beverages

- Includes definitions of
 - Nutrition Claim
 - Health Claim
 - Reduction of risk claim



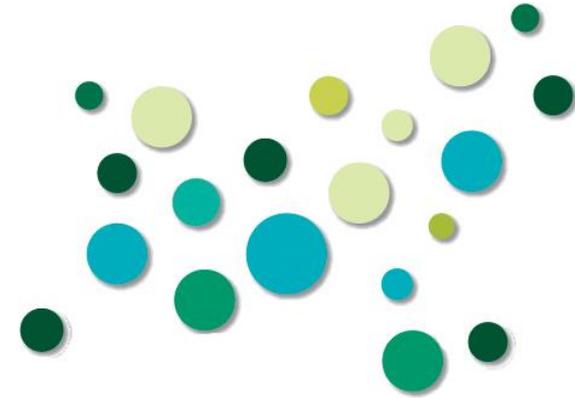
8. Food and Non-Alcoholic Beverages

- Marketing communications for food should not make reference to consumer taste or preference tests in any way that might imply statistical validity if there is no such validity, and should not use scientific terms to ascribe validity to an advertising claim which is not valid. (8.3)



8. Food and Non-Alcoholic Beverages

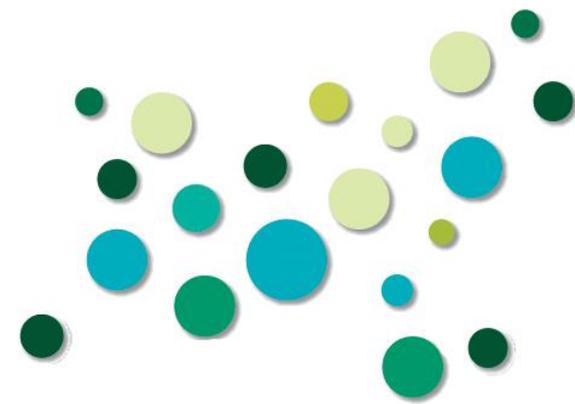
- Diet and Lifestyle
 - Marketing communications for food should not disparage good dietary practice or the selection of options that accepted dietary opinion recommends should form part of the average diet. (8.6)
- Nutrition and Health Claims
 - Marketing communications that contain nutrition or health claims should be supported by documentary evidence substantiating that they meet the conditions of use associated with the relevant claim, as specified in the EU Register. (8.9)



8. Food and Non-Alcoholic Beverages

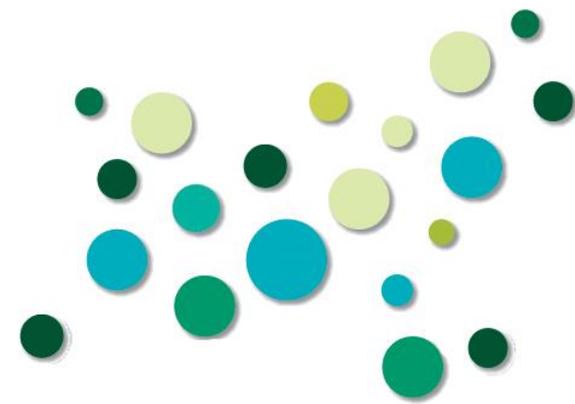
The following are not acceptable in marketing communications for food products: (8.14)

- (a) Claims that state or imply health could be affected by not consuming a food.
- (b) Claims that state or imply a food prevents treats or cures human disease. Reduction of disease risk claims are acceptable if authorised by the European Commission.
- (f) health claims that refer to a rate or amount of weight loss.



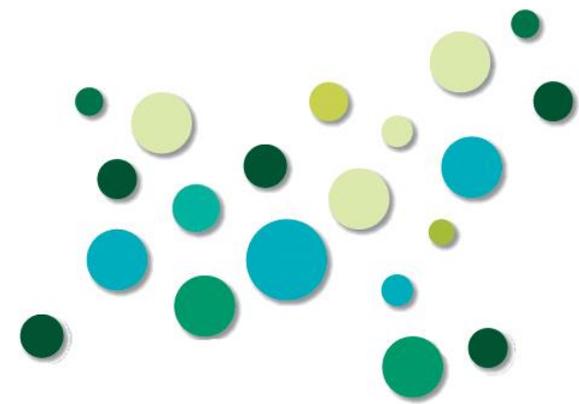
8. Food and Non-Alcoholic Beverages

- Children
 - Marketing communications for food products that are targeted through their content directly at pre-school or primary school children should not include a promotional offer, subject to the exceptions listed below:
 - (i) Marketing communications for fresh fruit and/or fresh vegetables;
 - (ii) Marketing communications carried in media subject to the BAI Children's Commercial Communications Code for products characterised by that code as being permitted to be advertised to children;
 - (iii) Point of sale displays, packages, wrappers, labels, tickets, timetables and menus.



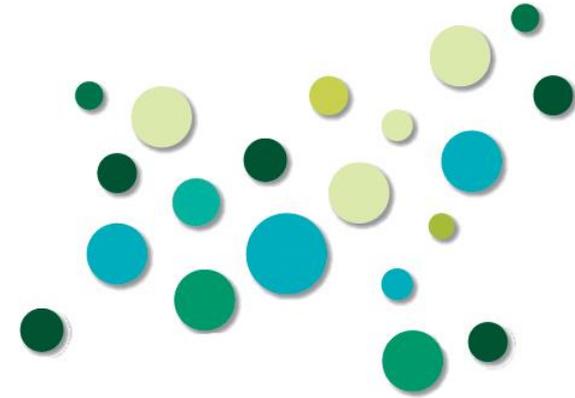
8. Food and Non-Alcoholic Beverages

- Additionally, for children under 16:
 - Except those for fresh fruit or fresh vegetables, marketing communications should not seem to encourage children to eat or drink a product only to take advantage of a promotional offer: the product should be offered on its merits, with the offer as an added incentive. (8.21a)



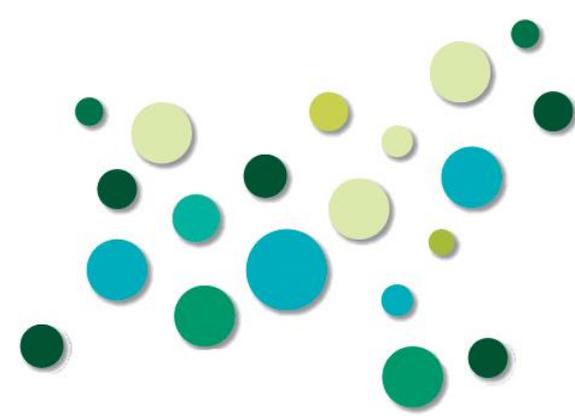
8. Food and Non-Alcoholic Beverages

- Children
 - Marketing communications for food products that are targeted through their content directly at pre-school or primary school children should not include licensed characters or celebrities popular with children (8.22b)



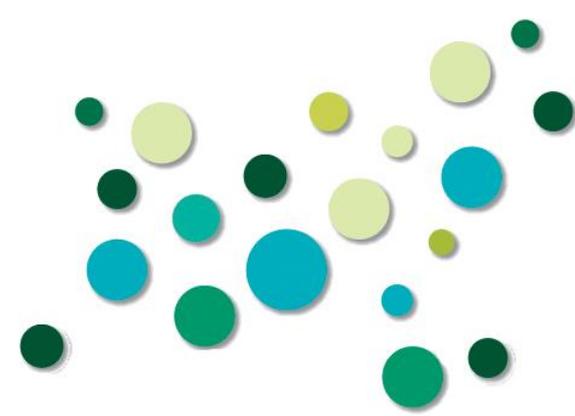
8. Food and Non-Alcoholic Beverages

- Infant and Follow on Formula
 - Marketing communications should not confuse between infant formula and follow-on formula. (8.32)
 - Marketing communications for follow on formula addressed to the general public should (8. 33)
 - (a) be designed to provide the necessary information about the appropriate use of the products so as not to discourage breast-feeding;
 - (b) not use the terms ‘humanised’, ‘maternalised’, ‘adapted’ or similar terms.



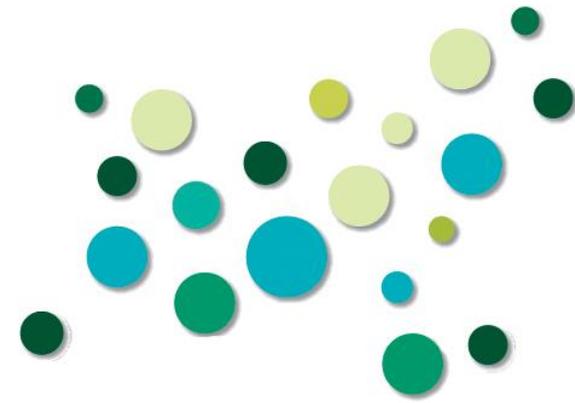
9. Alcohol Drinks

- Marketing communications which depict or refer to alcohol, or to a specific alcohol brand or company, may be considered under the rules of this Section, whether or not alcohol is the main product being marketed. (9.2)
- Marketing communications for alcohol should include a responsibility message to drink alcohol responsibly. (9.4)



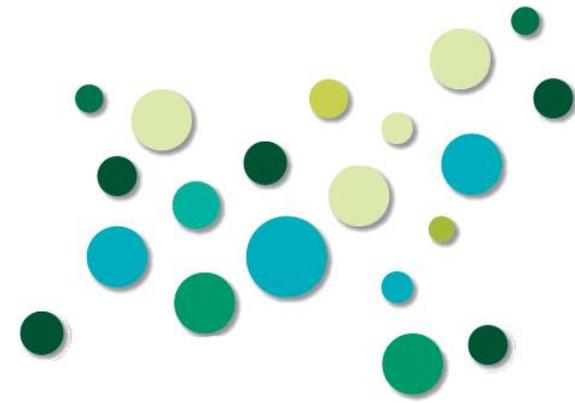
9. Alcohol Drinks

- Children
 - Anyone depicted in an alcohol marketing communication should be aged over 25 and should appear to be over 25.
 - (i) The preceding rule may not apply if the marketing communication shows an image of people attending an over 18s ticketed event which appears either on the advertiser's owned media (such as, for example, an advertiser's own website) or on an advertiser's social media page provided such media are accessed through a secure and appropriate Age Verification System and provided the person depicted:



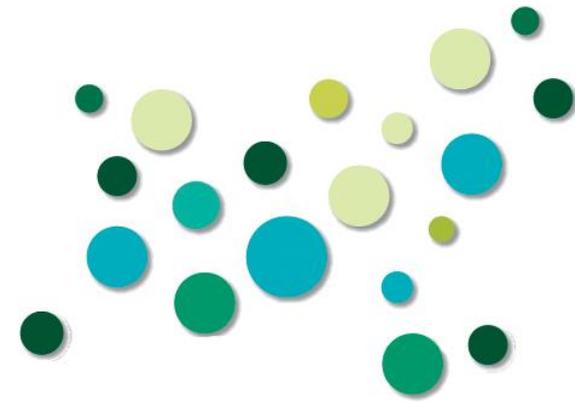
9. Alcohol Drinks

- Children
 - appears to be clearly over 18 years of age
 - not playing a significant role
 - cannot be seen consuming alcohol
 - does not appear to be under the influence of, or have consumed, alcohol prior to the events depicted in the marketing communication.



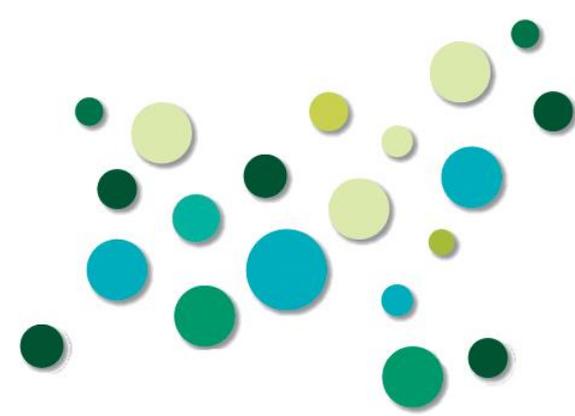
9. Alcohol Drinks

- Digital media, including apps, that primarily promote an alcohol brand should be age gated through a secure and appropriate Age Verification System. See Guidance Note on Alcohol Marketing Communications at www.asai.ie. (9.7f)



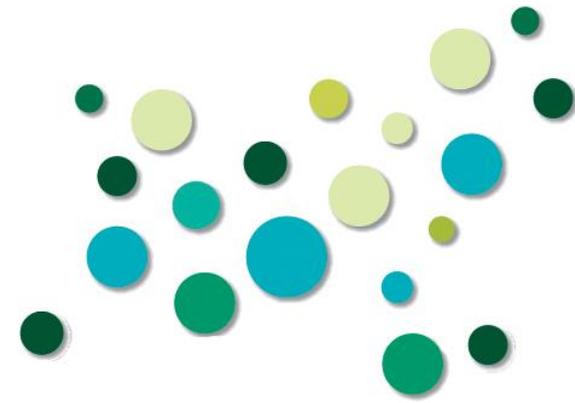
9. Alcohol Drinks

- Marketing communications should not claim that alcohol has therapeutic qualities or that it is a stimulant, a mood-changer or a sedative, or that it is or can be transformative of an individual or a situation or that it is a means of boosting confidence or resolving personal conflict.(9.8g)



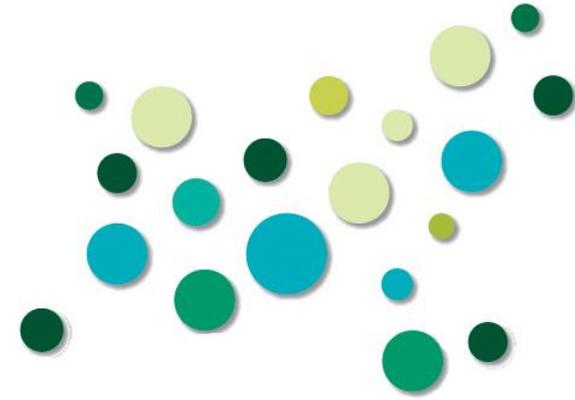
9. Alcohol Drinks

- Marketing communications should not depict any direct association with the consumption of alcoholic drinks and activities or locations where drinking alcohol would be unsafe, unwise or unacceptable. Where consumption is shown or implied it should not be represented as having taken place before or during engagement of the activity in question (9.8h)



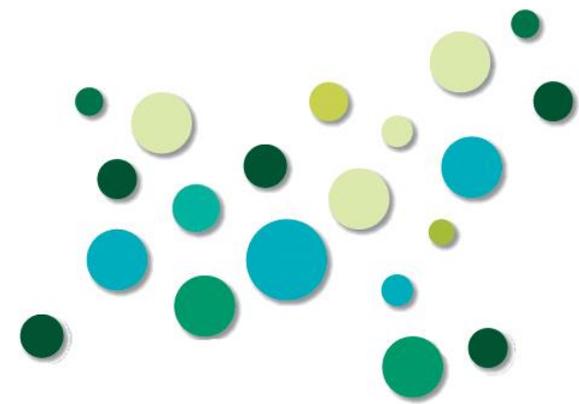
9. Alcohol Drinks

- Terms and Conditions for promotions involving alcohol should make it clear: (9.9)
 - (a) That entry is restricted to those 18 years of age and older.
 - (b) That prizes and/or gifts will only be awarded to those 18 years of age or older.
- Marketing communications or promotions should not combine alcohol with a gift that has particular appeal to under-18s. (9.10)



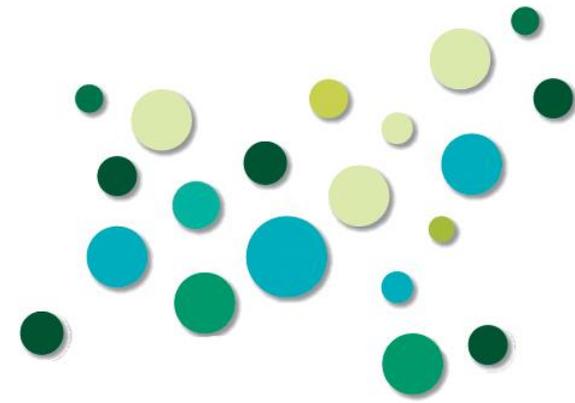
10. Gambling – NEW SECTION

- Responsibility
 - All marketing communications for gambling services or products shall contain a message to encourage responsible gambling and shall direct people to a source of information about gambling and gambling responsibly. (10.10)



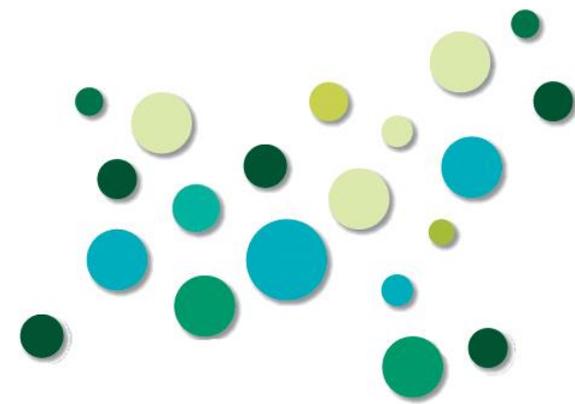
10. Gambling – NEW SECTION

- Marketing communications for gambling should not: (10.12)
 - (a) Portray, condone or encourage gambling behaviour could lead to financial, social or emotional harm.
 - (b) Suggest that gambling can provide an escape from problems such as loneliness or depression.
 - (c) State or suggest that gambling may be a way to solve financial or personal issues,
 -
 - (e) Suggest that gambling can enhance personal qualities



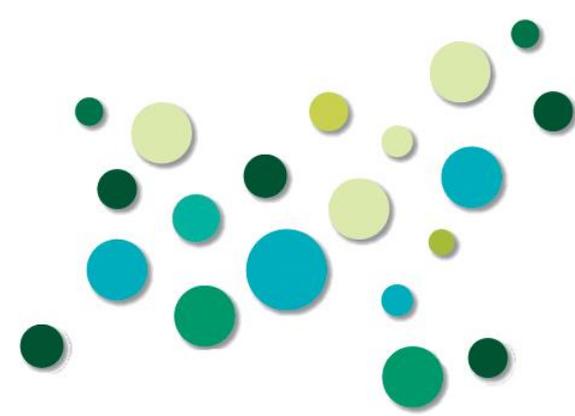
10. Gambling – NEW SECTION

- Marketing communications should not
- harm or exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of children. (10.16)
- Be likely to be of particular appeal to children, especially by reflecting or being associated with youth culture. (10.17a)



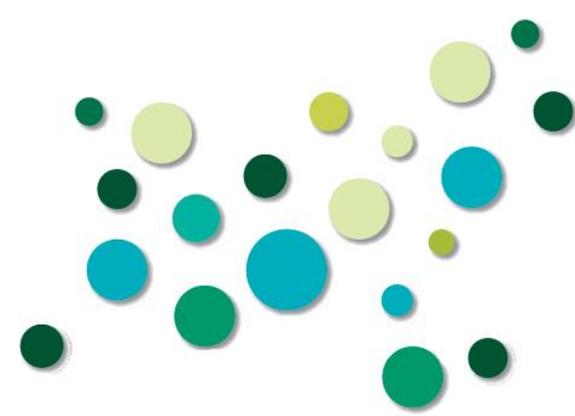
10. Gambling – NEW SECTION

- Marketing communications should not
- Contain endorsements by recognisable figures who would be regarded as heroes or heroines of the young. (10.17d)
- Be directed at those aged below 18 years through the selection of media or context in which they appear..... (10.17g)



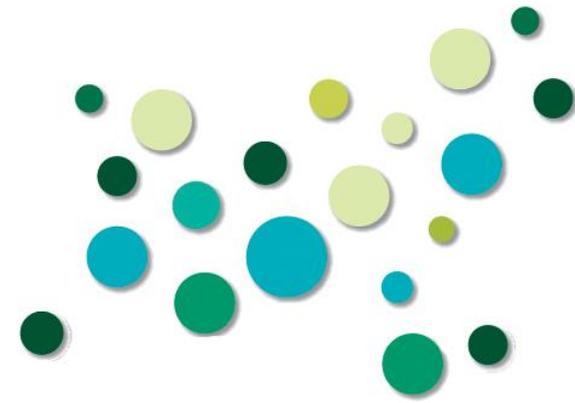
11. Health and Beauty

- Health Professionals
 - Advertisers should not discourage essential treatment for conditions for which medical supervision should be sought. For example, they should not offer specific advice on, diagnosis of or treatment for such conditions unless that advice, diagnosis or treatment is conducted under the supervision of a suitably qualified health professional. Accurate and responsible general information about such conditions may, however, be offered.
 - Health professionals are considered suitably qualified if they are regulated by a statutory body recognised by the Irish State. (11.5)



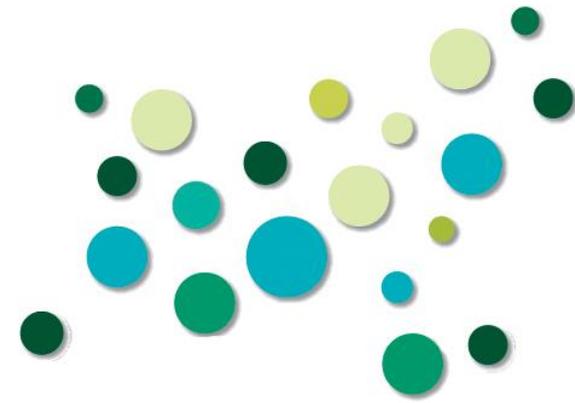
11. Health and Beauty

- Individual Treatments
 - Advertisers offering individual treatments, particularly those that are physically invasive, may be asked by the media and the ASAI at any time to provide full details of the treatments, together with information about those who would supervise and administer them. Practitioners should have relevant and recognised qualifications. Consumers should be encouraged to take independent medical advice before committing themselves to significant treatments, including those that are physically invasive. (11.7a)



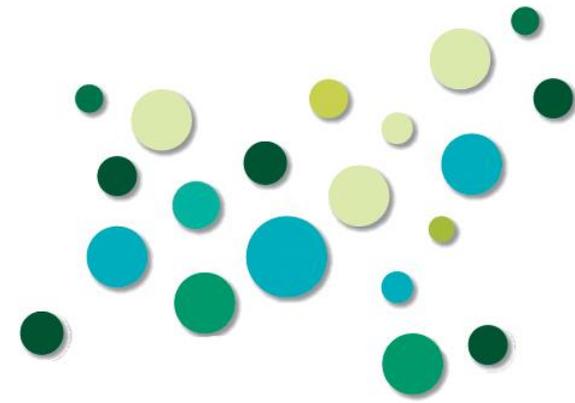
11. Health and Beauty

- Individual Treatments
 - Marketing communications for individual treatments should take care not to minimise, trivialise or create unrealistic expectations, in particular in the use of photographs. (11.7b)



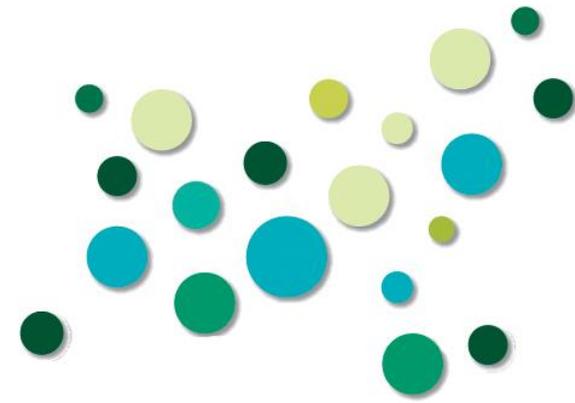
11. Health and Beauty

- Medicinal Products
 - Medicines should have an authorisation from the HPRA or under the auspices of the EMA before they are advertised. Marketing communications for medicines should conform with the authorisation the product's summary of product characteristics. (11.14)
 - Prescription-only medicines may not be advertised to the public. (11.16)
 - Marketing communications for medicines should not imply, directly or indirectly, that a medical consultation or surgical operation is unnecessary. (11.18)



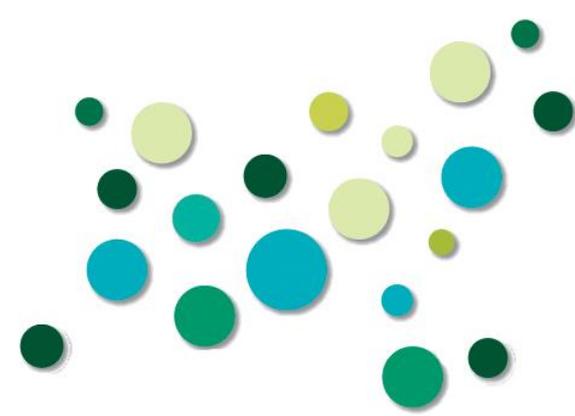
11. Health and Beauty

- Children
 - Marketing communications for a medicine should not be addressed to children. (11.24)
- Promotions
 - Consumer prize promotions for medicinal products should not encourage or require purchase of the products which would be greater than that associated with a rational use of the product and should not encourage the unnecessary purchase of the product. (11.32)



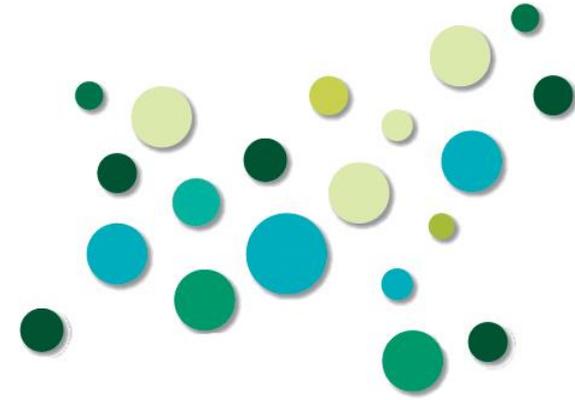
11. Health and Beauty

- Counselling Services
 - Marketing communications for counselling services for unplanned pregnancies should not mislead in any way as to the nature or scope of the counselling service being offered. (11.38)



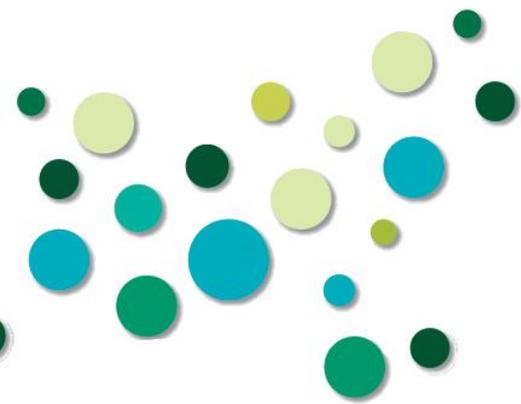
12. Slimming

- Marketing communications for surgical clinics, establishments and the like, that comply with rule 11.7, may claim that weight or fat can be lost from specific parts of the body. Such marketing communications should not refer to the amount of weight that can be lost. (12.4)
- Health claims in marketing communications for food products that refer to a rate or amount of weight loss are not permitted. (12.7)



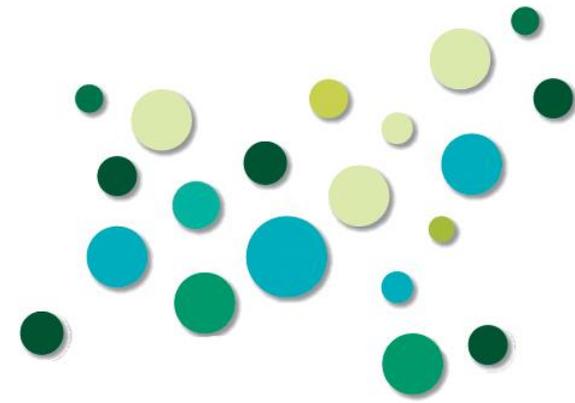
13. Financial Services and Products

- New Introduction
 - Finance marketing communications should make clear the advertiser's identity and geographic address and that information should be given in a form that can be retained by customers or continually accessed by them. (13.2)



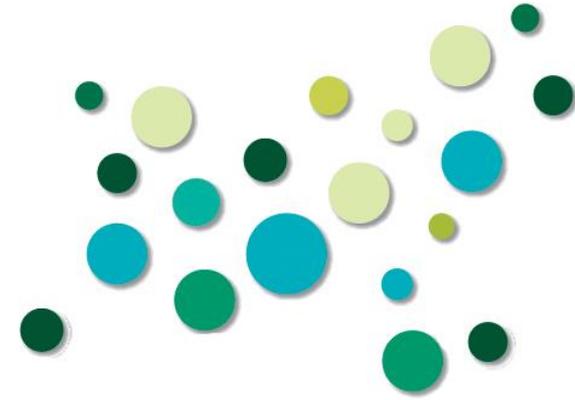
14. Employment and Business Opportunities

- Employment
 - Vacancies should be accurately described with sufficient detail to ensure that respondents are aware of the scope and duties likely to be involved, and whether the position is for temporary or permanent work. (14.3)



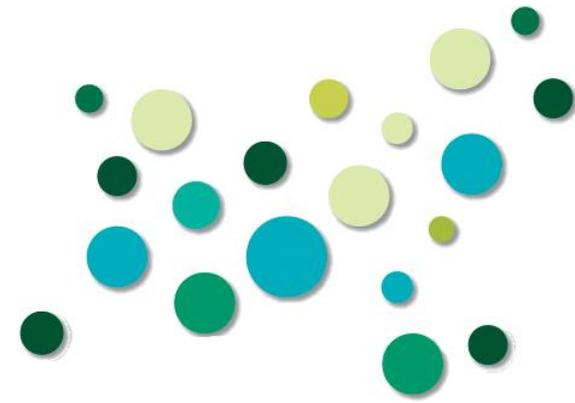
15. Environmental Claims

- New Definitions
- Claims
 - Environmental claims should not be used without qualification unless advertisers can provide substantiation that their product will cause no environmental damage. Absolute claims should be supported by a high level of substantiation. (15.2)



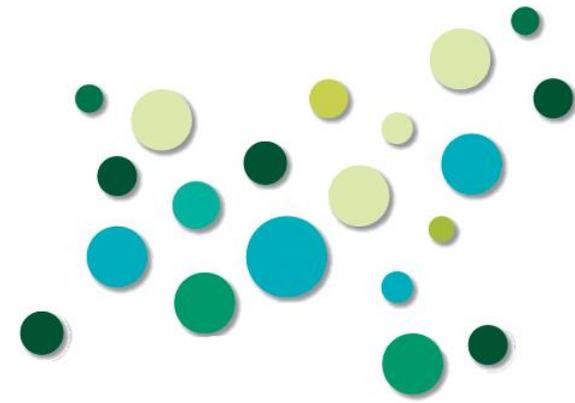
15. Environmental Claims

- Claims
 - Qualified claims and comparisons may be acceptable if advertisers can demonstrate that their product provides an improvement in environmental terms, either against their competitors or their own previous products. Qualified claims should also be capable of substantiation. (15.3)



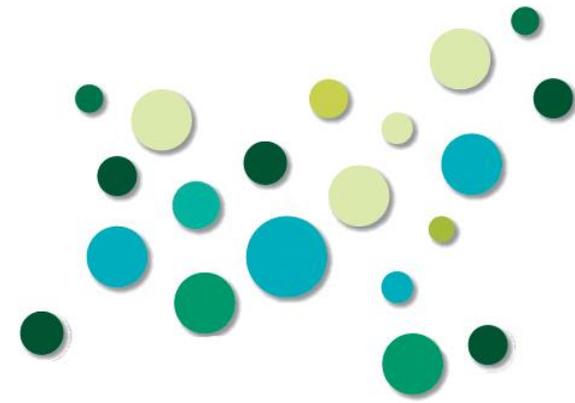
15. Environmental Claims

- Lifecycle
 - Advertisers should base environmental claims on the full lifecycle of the advertised product, unless the marketing communication states otherwise, and should make clear the limits of the lifecycle. If a general lifecycle claim cannot be justified, a more limited claim about specific aspects of a product might be justifiable. Advertisers should ensure claims that are based on only part of the advertised product's lifecycle do not mislead consumers about the product's total environmental impact. (15.16)



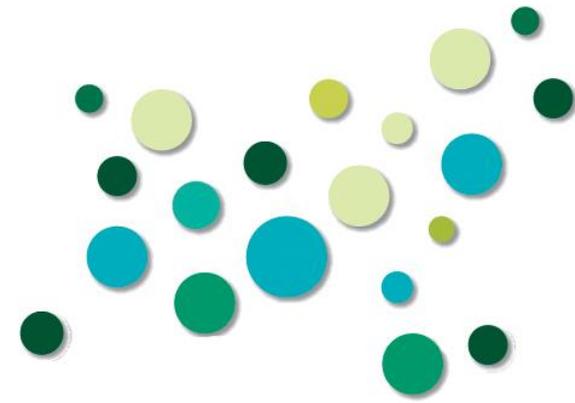
15. Environmental Claims

- Ingredients
 - Marketing communications should not mislead consumers about the environmental benefit that a product offers; for example, by highlighting the absence of an environmentally damaging ingredient if that ingredient is not usually found in competing products or by highlighting an environmental benefit that results from a legal obligation if competing products are subject to that legal obligation. (15.8)



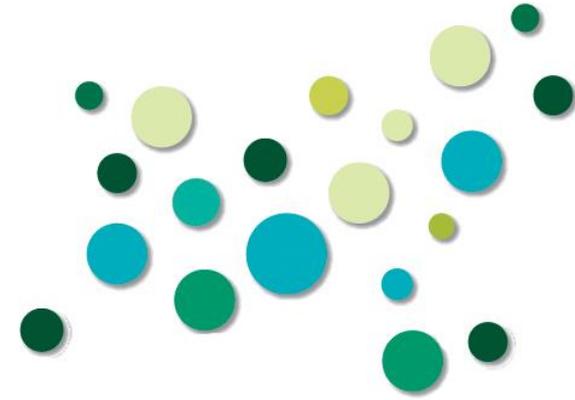
16. E-Cigarettes – NEW SECTION

- Not referencing tobacco
 - Marketing communications should not contain anything which promotes any design, imagery or logo style that might reasonably be associated in the audience's mind with a tobacco brand. (17.2)
 - Marketing communications should contain nothing which promotes the use of a tobacco product or shows the use of a tobacco product in a positive light. This rule is not intended to prevent cigarette-like products being shown. (17.3)



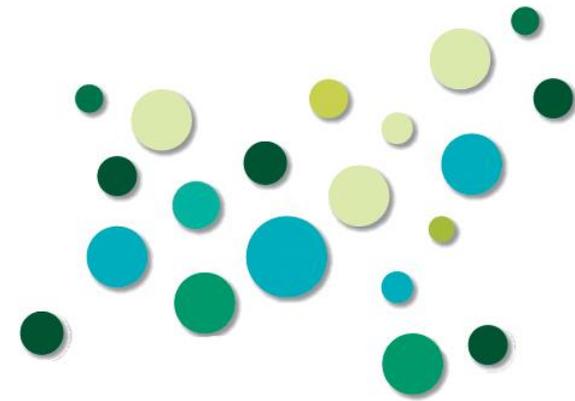
16. E-Cigarettes – NEW SECTION

- Endorsements
 - Advertisers should not use health professionals or celebrities to endorse electronic cigarettes. (17.6)
- Children
 - Marketing communications should not be likely to appeal particularly to people under 18, especially by reflecting or being associated with youth culture. They should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18. People shown using e-cigarettes or playing a significant role should not be shown behaving in an adolescent or juvenile manner. (17.9)



16. E-Cigarettes – NEW SECTION

- Children
 - People shown using e-cigarettes or playing a significant role should neither be, nor seem to be, under 25. People under 25 may be shown in an incidental role but should be obviously not using e-cigarettes. (17.10)



Thank You

*ASAI Code of Standards for Advertising and Marketing
Communications In Ireland (7th Edition)*