



CIMC – 2007/06

Advertising Rule for Broadcasters

This Rule sets out the basic principles of advertising, teleshopping and sponsorship for radio and television programmes.

This Rule does not deal with the issues related to political advertising, which are regulated by relevant laws and regulations.

This rule regulates advertising content and ethics on the public service broadcaster and private broadcasters. This rule does not regulate the amount of advertisement on the public service broadcaster which will be regulated in a separate act.

1. Objectives

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

2. Definitions

Commercial Communication

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

Advertising

Any form of public announcement broadcast whether in return for payment or for similar compensation with self-promotional purposes, designated for promotion of sale, purchasing or renting any of products or service: to move forward any of ideas and issues: or to cause some intended effects by advertiser or the broadcaster itself.

Sponsorship

Any contribution by a legal or natural person not being engaged to the broadcasting activities or to the production of audio-visual works, to the direct or indirect financing of any program, but intending the promotion of name, trade mark, image or other activities of the person.

Misleading advertising

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

Surreptitious audiovisual commercial communication

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

Subliminal advertising

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

Teleshopping

Direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment.

Product Placement

Any form of audiovisual commercial communication consisting of the inclusion of or reference to a product, a service or the trade mark thereof so that it is featured within a programme, in return for payment or for similar consideration.

Split-screen advertising

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

Child/Children

For the purpose of this Rule, the terms 'Child' and 'Children' refer to any person under 12 years of age.

Exclusions:

The following announcements shall not constitute advertising:

- Informational announcements about upcoming programmes on broadcast services, including the date and time of transmission of the named programme(s), and including 'trailer' excerpts and/or a brief description of programme content, once such announcements do not contain advertising content.
- Public service announcements, including warnings about public safety and health, that are not broadcast in return for payment or for similar consideration.

**3. General principles and rules applying to all commercial communications
Protecting the Individual and Society**

3.1 All commercial communications shall be prepared with a sense of responsibility both to the individual and to society and shall not prejudice the interests of either. All commercial communications shall be legal, honest, decent and truthful.

3.2 All commercial communications shall apply programme content standards.

3.3 All commercial communications shall comply with applicable Kosovo legislation.

3.4 Commercial communications shall not contain any element of spoken or visual presentation which misleads or is likely to mislead, either directly or by implication, by act or omission, with regard to the merits of the product or service being promoted or its suitability for the purpose recommended.

3.5 Commercial communications shall not contain inaccurate or misleading claims, statements, illustrations or representations, either direct or implied.

3.6 Commercial communications shall not omit relevant information in a manner that, in the result, is misleading or is likely to mislead. This means that all pertinent details of an offer shall be stated in a clear and understandable manner.

3.7 Disclaimers and asterisked or footnoted information shall not contradict more prominent aspects of the message and shall be located and presented in such a manner as to be clearly visible and/or audible.

4. Offence, Harm and Human Dignity

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

4.2 Commercial communications shall not support or condone discrimination against any person or section of the community, in particular on the basis of age, gender, marital status, nationality, sexual orientation, disability, race or religion.

4.3 Commercial communications shall not be offensive to religious or political beliefs, or encourage behaviour prejudicial to the protection of the environment or to health or safety.

4.4 Commercial communications shall be appropriately scheduled with regard to the time of broadcast, type of programme, channel/service type, nature of the product or service being promoted and the likely composition of the audience.

4.5 Commercial communications shall not cause moral or physical detriment to children, and shall therefore comply with the following criteria for their protection:

- a) They shall not directly exhort children to buy a product or a service by exploiting their inexperience or credulity;
- b) They shall not directly encourage children to persuade their parents or others to purchase the goods or services being advertised;
- c) They shall not exploit the special trust children place in parents, teachers or other persons;
- d) They shall not unreasonably show children in dangerous situations.

4.6 Individual living persons shall not normally be portrayed or referred to in commercial communications without their permission. However, references to living persons may normally be made in commercial communications for books, films, radio or television programmes, newspapers, magazines etc., which feature the persons referred to in the communication, provided they are not offensive or inaccurate and compliant with applicable law on defamation and insult.

4.7 Commercial communications shall not be calculated to induce unwarranted fear on the part of the viewer or listener.

5. Transparency

5.1 Commercial communications shall operate on a principle of transparency. Any commercial arrangement within programming shall be identifiable as such and the listener/viewer shall be made aware of such an arrangement. Advertisements shall be clearly separated from programme content.

5.2 Advertisers or sponsors shall not exercise any editorial influence over the content of programmes.

6. General rules pertaining to all advertising

6.1 Television advertising and teleshopping shall be readily recognizable and distinguishable from editorial content. Without prejudice to the use of new advertising techniques, television

advertising and teleshopping shall be kept quite distinct from other parts of the programme service by optical and/or acoustic and/or spatial means.

6.2 Isolated advertising and teleshopping spots, other than in transmissions of sports events, shall remain the exception.

6.3 The broadcasters shall ensure, where advertising or teleshopping is inserted during programmes, that the integrity of the programmes, taking into account natural breaks in and the duration and the nature of the programme, and the rights of the right holders are not prejudiced.

6.4 The transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by advertising and/or teleshopping once for each scheduled period of at least 30 minutes. The transmission of children's programmes may be interrupted by advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided the scheduled duration of the programme is greater than 30 minutes. No advertising or teleshopping may be inserted during religious services.

6.5 Advertising shall not be inserted in any television broadcast of news and current affairs programmes, when their scheduled duration is less than 30 minutes.

6.6 Each of the following is prohibited:

- a) Surreptitious audiovisual commercial communication
- b) Subliminal advertising
- c) Misleading advertising

7. Rules pertaining to specific advertising techniques

Split-Screen Advertising

7.1 The general principles and rules applying to all commercial communications and, where relevant, the general rules pertaining to all advertising shall apply to split-screen advertising.

7.2 Split-screen advertising is permitted during natural breaks and during end credits. Split-screen advertising may also be inserted during long-form sports programmes which do not have a natural break.

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

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

8. Rules pertaining to teleshopping

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

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

9. Rules pertaining to sponsorship

9.1 Sponsorship may occur through the provision of direct funding by the sponsor or through investment in kind through the provision of facilities or services from the sponsor (e.g. in outside broadcasts) or through the supply of products and services including prizes.

9.2 When a programme or series of programmes is sponsored in whole or in part, it shall clearly be identified as such by appropriate credits at the beginning and/or end of the programme.

9.3 Sponsorship shall not constitute advertising as defined in this Rule. Sponsorship announcements shall not make promotional references to the products and/or services of the sponsor which contain advertising copy, product descriptions, endorsements, attributes or a call to action. Generic branding slogans are permitted.

9.4 Programme material shall not be sponsored by a sponsor(s) involved in the manufacture, supply or provision of a product or service that is not permitted to be advertised under this Rule.

9.5 Programmes shall not be sponsored by a sponsor(s) whose products or services are not permitted to appeal to the typical audience for that programme or during which it would not be permitted to advertise.

9.6 News, current affairs and religious programmes shall not be sponsored on radio and television.

10. Product placement

10.1 Product placement shall be admissible in

- a) cinematographic works, films and series made for audiovisual media
- b) light entertainment and sports programmes; or
- c) in cases where no payment is made but certain goods or services are merely provided free of charge.

10.2 Product Placement is forbidden to apply on programmes for children.

10.3 The programmes that contain product placement shall meet at least all of the following requirements:

- (a) their content and, in the case of television broadcasting, their scheduling, shall in no circumstances be influenced in such a way as to affect the responsibility and editorial independence of broadcaster;
- (b) they shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;
- (c) they shall not give undue prominence to the product in question;
- (d) viewers shall be informed of the existence of product placement. Programmes containing product placement shall be appropriately identified at the start and the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.

10.4 In any case programmes must not contain product placement of:

- 1) tobacco products or cigarettes or product placement from undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products; or
- 2) specific medicinal products or medical treatments available only on prescription.

11. Duration

11.1 The proportion of advertising spots and tele-shopping spots within a given clock hour shall not exceed 20%.

11.2 Paragraph 1 does not apply to announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes, sponsorship announcements and product placements.

12. Rules pertaining to specific products and services

12.1 Advertising and tele-shopping for tobacco products shall not be allowed.

12.2 Advertising and tele-shopping for alcoholic beverages of all varieties shall comply with the following rules:

- a) they shall not be addressed particularly to minors and no one associated with the consumption of alcoholic beverage in advertising or tele-shopping should seem to be a minor;
- b) they shall not link the consumption of alcohol to physical performance or driving;
- c) they shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal problems;
- d) they shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- e) they shall not place undue emphasis on the alcoholic content of beverages.

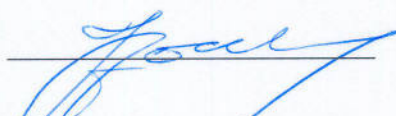
12.3 Advertising for medicines and medical treatment which are only available on medical prescription shall not be allowed.

12.4 Advertising for all other medicines and medical treatment shall be clearly distinguishable as such, honest, truthful and subject to verification and shall comply with the requirement of protection of the individual from harm. The advertising should contain an audio and visual warning and a call to contact a doctor or pharmacist in case of problems.

12.5 Tele-shopping for medicines and medical treatment shall not be allowed.

13. Entry into force

This Rule enters into force on the day of signature.


Isuf Berisha
Chairman of the IMC Council



06. 07. '07
Date