

## Q & A: Advertising Regulation – what is restricted and why?

Question	Answer	Current Regulation
<b>Frequency of Advertisements</b>		
Should pre-schooler's programs contain advertising?	No	Advertisements are prohibited in P periods under the CTS (CTS13(2)) <sup>1</sup> .
Should advertising in children's C programs be limited?	Yes	Advertisements are limited to 5 minutes in any 30 minute C period (CTS 14) (except during C drama programs). Note also members of Australian Beverages Council do not advertise sugar sweetened carbonated beverages in C programs.
Should repetitive advertising be allowed in C programs?	No	During any 30 minutes of a C period a licensee may broadcast the same advertisement no more than twice (CTS 16).
<b>Content of Advertisements</b>		
Should parents be provided with information regarding the suitability of material for children?	Yes	The Code of Practice provides for a classification system for all television content. For example, G classification recognises the breadth of the audience the material may be suitable for – as such it doesn't attract the same level of regulation as P and C programs. Extra information in the form of consumer advice is required to be provided for particular programs.
Should special care and judgement be exercised in advertisements directed to children?	Yes	Required in all advertising in C and P programs and all advertising directed to children (meaning people younger than 14 years of age) (6.20.1 Code).  Only advertisements which satisfy G classification and comply with CTS can be broadcast during a C period or in breaks immediately before or after a C or P program.
Should an advertisement put undue pressure on children?	No	Advertisements must not be designed to put undue pressure on children to ask their parents or other people to purchase an advertised product or service (CTS 18 and CTS 19).
Should advertising material be truthful and accurate?	Yes	The Trade Practices Act prohibits misleading and deceptive conduct (s52).  The AANA Advertiser Code of Ethics and the AANA Code for Advertising to Children also provide that advertisements shall not be misleading or deceptive (cl 1.2 and 2.1.1 respectively).  The Children's Television Standard provides that no advertisement may mislead or deceive children (CTS 17).  Advertisements must accurately represent the advertised product or service (CTS 19(1)).  Claims in advertisements must not be ambiguous (CTS 19 (2))  Advertisements directed to children for food products must not contain any misleading or incorrect information about the nutritional value of that product (CTS 19(6)), Code of Practice

<sup>1</sup> The CTS provides for P and C Bands which are the times in which broadcasters can show P & C material. Broadcasters then nominate P & C periods which are the times within the P & C bands in which they can show P & C programs. P & C programs and materials (including ads) must comply with the CTS.

		<p>6.23, AANA Code 2.10.1).</p> <p>Misleading and deceptive conduct is also prohibited under State Food Acts.</p> <p>The Food Standards Health Code and the Code of Practice on Nutrient claims provide more detail in relation to claims in food advertising.</p>
Should advertisements which refer to a premium be restricted?	Yes	<p>A premium offer must not stimulate any unreasonable expectation of the product or service offered. Any reference to the premium must be incidental to the main product and any conditions which must be met before obtaining the premium must be clearly presented (CTS 20(2)).</p> <p>The AANA Code for Advertising to Children provides that advertisements to children which include to or refer to a premium should not create a false or misleading impression in the minds of children about the nature or content of the advertised product (cl 2.8).</p>
Should the content of advertisements directed to children for food and/or beverages be restricted?	Yes	<p>The Code of Practice prohibits advertisements directed to children from encouraging or promoting unhealthy eating habits or an inactive lifestyle (clause 6.23).</p> <p>AANA Code contains a similar clause (2.10).</p>
Should there be restrictions on product placement in programs mainly directed to children?	Yes	<p>Hosts or other regular presenter or character in the program must not sell or promote products or services (clause 6.24 Code of Practice).</p>
Should there be restrictions on endorsements by personalities or characters from C or P programs?	Yes	<p>Material within a C or P program and in breaks before and after such programs cannot contain an endorsement or a product by a principal personality or character from a C or P program which features the personality or character is (a) not being currently broadcast in the service area, and (b) has not been broadcast to in within the preceding 12 months (CTS 22).</p>
<b>Complaints</b>		
Should people be able to complain about an advertisement they see on television?	Yes	<p>Complaints about advertising in C and P periods can be made directly to ACMA, who must investigate.</p> <p>Complaints about Commercial Television Code of Practice matters can be made direct to the broadcaster, who is obligated to respond substantively within 30 working days and advise the complainant of their right to refer the matter to ACMA for investigation.</p> <p>Complaints about the content of advertising can also be made directly to the Advertising Standard Bureau.</p>