

Legal Extranet



Ireland

Information supplied by



National Association
 General Legal Overview
 Basic Guide to Intellectual Property rights in the Territory
 Self Regulatory Bodies
 Statutory Bodies
 Specific Legislation

National Association:

Institute of Advertising Practitioners in Ireland (IAPI)
 Web link: <http://www.iapi.ie/>

General Legal Overview:

General Legal Overview: The advertising industry in Ireland is both self regulated and regulated by law. The vast majority of advertisers sign up to the various Codes of Practice such as the ASAI Code on Advertising and Sales Promotion. From January 2005 broadcast advertisements to children or during childrens programs must comply with the Broadcasting Commission of Ireland Code on Childrens Advertising

The advertising of tobacco and prescription medicines is prohibited by law. There are also restrictions placed on other categories of advertisement such as religious or political advertisements. See below for details on specific areas and specific legislation

Basic Guide to Intellectual Property rights in the Territory:

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Copyright: Copyright law in Ireland is governed by the Copyright and Related Rights Act, 2000. The Act states that Copyright subsists in original literary, dramatic, musical or artistic work, sound recordings, films, certain publications and original databases. The general rule is that the author of the work is the owner of the copyright subject to certain exceptions set out in the Act. The duration of the copyright varies but generally it expires 70 years after the death of the author.

The 2000 Act restricts people other than the right holder from copying, making available to the public or making an adaptation of the work again subject to a number of exceptions set out in the Act.

Trade Marks: Irish trade mark law is governed by the Trade Marks Act 1996. A trade mark is defined as a distinctive type of sign which distinguishes the product or service of one business from another. Under the 1996 Act practically any kind of distinctive sign such as words, logos or shapes can be registered. Trade Marks can be registered in Ireland at the Irish Patents Office in Kilkenny or in the EU at the Office for Harmonisation in the Internal Market (OHIM in Spain). You must pick the category of trademark you wish to register e.g. if it was a design for a t-shirt you might register it under the t-shirt category.

The 1996 Act sets out actions which are amount to unauthorised use or a breach of the trade mark. The list is quite detailed but essentially it is an infringement to affix or use the trademark or sell goods or services under the mark without the necessary authorisations from the registered trade mark holder.

Penalties for breach of the Act include damages, injunctions, account of the infringers profits, order for removal of the infringing sign, destruction of infringing goods etc

Unfair Trade Practices, Passing Off, Unfair Competition etc.

Passing off is a common law right under Irish law which effectively protects the goodwill of one person from unfair trading by other parties. The general rule used by the courts is that there must be a misrepresentation made by a trader in the course of trade to prospective customers of his which is calculated to injure the business of another trader and which causes actual damage to a business or goodwill of the trader by whom the action is brought.

Advertising Standards Authority of Ireland

Web link: www.asai.ie

Broadcasting Commission of Ireland

Web link: www.bci.ie

Irish Financial Services Regulatory Authority

Web link: www.ifsra.ie

Office of the Director of Consumer Affairs

Web link: www.odca.ie

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Pharmaceuticals	07 December 2004
Sponsorship	07 December 2004
Prize Promotions	07 December 2004

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Legislation Article

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Subject	Alcohol	
Country	Ireland	
Contact	Advertising Standards Authority for Ireland - see http://www.asai.ie , Broadcasting Commission of Ireland - http://www.bci.ie and the Broadcasting Complaints Commission www.bcc.ie .	
General legal framework	Alcohol advertising is not specifically legislated in Ireland although it is understood draft legislation is being prepared which would tighten the law considerably on it. The draft legislation is rumoured to include a ban on sponsorship of certain events by alcohol companies, ban on advertising of so-called "alco-pops" and stricter guidelines for alcohol ads in general. Irish broadcasting regulations state that advertisements for spirit based alcoholic drinks such as gin, vodka etc cannot be broadcast on radio or television	
General self-regulatory framework	Both the ASAI Code on Advertising, the BCI Code on Broadcasting and BCC Code on Broadcasting regulate alcohol advertisements and promotions. The BCI and BCC are two separate regulatory bodies although their Codes are quite similar. The ASAI Code contains a specific section on the advertisement of alcoholic drinks which covers the social dimension of ads (e.g. ads should not imply that drinking can contribute towards social, business or sexual success), their effect on young people (e.g. they should not be directed at minors, should not depict anyone under the age of 25 in the ad, should not be created to appeal to minors) and health and safety (should not encourage heavy drinking, claim that alcohol has therapeutic qualities or encourage drinking alcohol where it would not be safe) The Broadcasting Code also contains a section on alcohol advertising along similar lines to that of the ASAI Code. Again it includes such categories as protection of young people e.g. alcohol advertisements cannot be broadcast during programs primarily targeted at young people and encourages the idea of alcohol in moderation only. Numerous alcohol advertisements fall foul of the Codes every year and have to be withdrawn from circulation or amended to become compliant with the Codes.	
Restrictions to the activity	The ASAI Code also states that advertisements should not suggest that a product can mask the effects of alcohol in tests on drivers and advertisements for breath testing devices should contain a warning about drinking and driving.	
Restrictions to the media	<i>Cinema</i>	See Codes above
	<i>Direct Mail</i>	See Codes above
	<i>E-mail</i>	See Codes above
	<i>Web</i>	See Codes above
	<i>Outdoor</i>	See Codes above
	<i>Press</i>	See Codes above
	<i>Radio</i>	See Codes above
	<i>SMS</i>	See Codes above
	<i>TV</i>	See Codes above
	<i>Others</i>	See Codes above
Upcoming changes	As mentioned above draft legislation is being prepared which will tighten the rules on alcohol advertising and sponsorship considerably.	
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Subject	Tobacco	
Country	Ireland	
Contact	Office of Tobacco Control - http://www.otc.ie	
General legal framework	The Public Health (Tobacco) Amendment Act, 2003 covers all advertising of tobacco products. There is a comprehensive ban on tobacco advertising (with the exception of certain point of sale advertisements) and all forms of tobacco sponsorship. In addition the sale of tobacco from vending machines is banned except in registered licensed premises	
Restrictions to the activity	All forms of advertising and sponsorship are completely prohibited with the exception of limited point of sale advertisements.	
Restrictions to the media	<i>Cinema</i>	Banned
	<i>Direct Mail</i>	Banned
	<i>E-mail</i>	Banned
	<i>Web</i>	Banned
	<i>Outdoor</i>	Banned
	<i>Press</i>	Banned
	<i>Radio</i>	Banned
	<i>SMS</i>	Banned
	<i>TV</i>	Banned
	<i>Others</i>	Banned
Restrictions to the public	<i>Children and adolescents</i>	The sale of any products resembling tobacco products which might be targeted at children such as chocolate cigarettes, liquorice pipes etc. are prohibited
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Activity	Comparative advertising	
Country	Ireland	
Contact	Advertising Standards Authority for Ireland - see http://www.asai.ie on how to lodge complaints. Also see Code of Practice of the Association of Advertisers in Ireland - http://www.aai.ie .	
General legal framework	Comparative Advertising is permitted in Ireland under the Trade Marks Act 1996. Section 14 (6) of the Act permits a trader to compare his product to that of his competitor and to show the competitors trade mark in the advertisement. It must be done in accordance with honest practices in industrial or commercial matters.	
General self-regulatory framework	The Broadcasting Commission of Ireland Code of Practice states that advertisements should not discredit or attack unfairly directly or by implication, other products, services, or advertisements. In addition comparative advertisements should not be designed to give the advertiser an unfair disadvantage. It also states that points of comparison should be based on facts which can be substantiated. In addition the Advertising Standards Authority of Ireland states that 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.	
Restrictions to the activity	n/a	
Restrictions to the media	<i>Cinema</i>	See Broadcasting Code
	<i>Direct Mail</i>	See Broadcasting Code
	<i>E-mail</i>	As above
	<i>Web</i>	As above
	<i>Outdoor</i>	As above
	<i>Press</i>	As above
	<i>Radio</i>	See Broadcasting Code
	<i>SMS</i>	See Trademarks Act, 1996 and ASAI Code
	<i>TV</i>	See Broadcasting Code
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Activity	Coupons	
Country	Ireland	
Contact	Advertising Standards Authority of Ireland - see http://www.asai.ie .	
General legal framework	The Advertising Standards Authority of Ireland publishes a Code on Sales Promotion Practices which also deals with the practice of issuing coupons to consumers. The general rules on sales promotions apply to coupons as well as more specific rules such as that coupons for children's products should not encourage children to enter places that may be unsafe.	
Restrictions relating to products or services	<i>Tobacco</i>	Coupons cannot be used for tobacco products.
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Activity	Data Protection/Privacy	
Country	Ireland	
Contact	Data Protection Commissioner, Block 6, Irish Life Centre, Lower Abbey St., Dublin 1.	
General legal framework	The Data Protection Acts 1988 and 2003 are the relevant pieces of legislation in force in Ireland at present. The legislation ensures that the personal data of individuals are dealt with responsibly by those data-controllers who hold it. Stringent conditions pertaining to the harvesting, use and storage of data are the key principles underpinning the legislation. Data-controllers are required to ensure that any data are obtained in a transparent manner, are accurately stored, kept up-to-date and are stored securely. The Data Protection Commissioner is responsible for the enforcement of this legislation.	
General self-regulatory framework	Certain associations have taken steps to draw up a Code of Acceptable Practice for both ISPs and direct marketers. See for example the Internet Advisory Board of Ireland's "Code of Practice and Ethics" available at http://www.iab.ie/Publications/Reports . Most ISPs and other Mail Service Providers e.g. Yahoo! draft extensive "Acceptable Use Policies" which specifically proscribe certain types of online conduct e.g. harvesting of e-mail addresses without individuals' consent.	
Restrictions to the activity	The "fundamental principle [of the Data Protection Acts 1988 and 2003 is to ensure that] data shall be obtained and processed fairly" - section 2 (1) (b). Further, data relating to individuals must be: "accurate, complete and where necessary kept up-to-date" - s. 2 (1) (b); "obtained only for one or more specified explicit and legitimate purposes" - s. 2 (1) (c) (i); "not be further processed in any manner incompatible with that purpose" - s. 2 (1) (c) (ii); "adequate, relevant and not excessive in relation to purposes for which they were collated or further processed" - s. 2 (1) (c) (iii); "not be kept for longer than is necessary for that purpose" - s. 2 (1) (c) (iv). A data controller's responsibilities are to "take appropriate security measures against unauthorised access to the data" - s. 2 (1) (d). Further, any individual about whom a data controller keeps personal information is entitled to a copy of the data held and a description regarding the purposes for which the data is held - section 4.	
Restrictions to the media	<i>Direct Mail</i>	The Irish Direct Marketing Association (IDMA) operates a "Mailing Preference Service" in conjunction with An Post. Submission of one's details to An Post will result in one's removal from the marketing databases of the main, responsible direct marketers in Ireland.
	<i>E-mail</i>	S.I. 535 of 2003 was signed into law on 06/11/03 to give effect to Directive 2002/58/EC (European Communications Networks and Services) (Data Protection and Privacy). Unsolicited communications via e-mail are covered by Section 13 and a pro-consumer "opt-in" approach was followed. This means that the recipient must give his/her prior consent to receiving the e-mail from the direct marketer and as such may revoke at any time such consent if he/she so wishes. However, there are two exceptions to this general rule: (i) An individual's address which is known to a direct marketer in the "context of a sale of a product or a service" may later be contacted in a direct marketing campaign for "similar products or services" - Section 13 (7). (ii) Only natural persons may avail of this "opt-in" approach which necessarily leads to the issue of distinguishing between e-mail addresses of individuals and companies - Section 13 (7).
	<i>Web</i>	As e-mail.
	<i>SMS</i>	The stated purpose of Directive 2002/58/EC is to create rules which are "technology neutral" so as not to impose different rules and standards based on the means of communication used. Thus SMS will be treated in the same way as e-mail
Upcoming changes	SI 535/2003 was signed into law on 06/11/03 to give effect to Directive 2002/58/EC (European Communications Networks and Services) (Data Protection and Privacy).	
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Activity	Direct Marketing	
Country	Ireland	
Contact	Irish Direct Marketing Association's Code of Practice - see http://www.idma.ie ; See Data Protection Commissioner who implements relevant legislation - http://www.dataprivacy.ie	
General legal framework	Direct Marketing is governed by a number of different statutory instruments in Ireland. Advertisers should note in particular the European Communities (Directive 2000/31/EC) Regulations 2003. These require people sending unsolicited commercial emails to ensure that these are clearly identifiable as such by the recipient.	
General self-regulatory framework	The Irish Direct Marketing Association publishes a Code of Practice on direct marketing for its members. It covers areas such as operational transparency, commercial offers, commercial communications, transactional security, consumer privacy and protection of children. A new Code is due to be published in Autumn 2004 to replace the current version which has become slightly outdated given technological advances since it was written in 2001. Advertisers should also note that direct marketing is also subject to the provision of the ASAI Codes on Advertising and Sales Promotions.	
Restrictions to the media	<i>Cinema</i>	See above
	<i>Direct Mail</i>	See above
	<i>E-mail</i>	See above
	<i>Web</i>	See above
	<i>Outdoor</i>	See above
	<i>Press</i>	See above
	<i>Radio</i>	See above
	<i>SMS</i>	See above
	<i>TV</i>	See above
Upcoming changes	A new IDMA Code of Practice on direct marketing including email direct marketing is to be published in September 2004.	
Last updated	07 December 2004	

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Activity	E-mail	
Country	Ireland	
Contact	Data Protection Commissioner, Block 6, Irish Life Centre, Lower Abbey St., Dublin 1. http://www.dataprivacy.ie	
General legal framework	Under section 2 (7) of Data Protection Acts 1988 - 2003, individuals have the right to have their details removed from direct marketing databases. This is effected by a simple written request to the relevant direct marketing organisation. Directive 97/7/EC on the Protection of Consumers in respect of Distance Contracts was transposed into Irish law by virtue of S.I. 207 of 2001. This proposes the adoption of an "opt-out" scheme whereby disaffected consumers could register on a database indicating their wish not to receive further commercial solicitations which afforded consumers illusory protection from direct marketers. The Directive on Electronic Commerce (2000/31/EC) made it mandatory for all unsolicited communications to be clearly and unambiguously identifiable by introducing a labelling requirement on such e-mails. However, S.I. 535 of 2003 which gives effect to Directive 2002/58/EC (Electronic Privacy Directive) is much more pro-consumer in that it proposes an "opt-in" approach whereby the prior consent of the consumer is a prerequisite to receiving commercial solicitations via e-mail.	
General self-regulatory framework	1. "Netiquette" - adhering to a body of acceptable, though largely unwritten set of norms or etiquette with respect to conduct by Internet users. 2. "Acceptable Use Policies" - Most ISPs and Mail Service Providers insert as a standard provision in their subscriber contracts that spamming would be regarded as a fundamental breach of the contract. 3. "Mail Abuse Prevention System" (MAPS) - The administrators of MAPS "blacklist" addresses from which they believe spam has originated. ISPs can then delete all e-mail originating from and/or travelling to addresses appearing on the list. 4. Market Regulation - Direct Marketers, eager to stave off government intervention in Cyberspace, have taken steps to draw up Codes of Acceptable Practice for their members. The Irish branch is the Irish Direct Marketers Association (IDMA). See generally http://www.idma.ie See also the Internet Advisory Board of Ireland's "Code of Practice and Ethics" available at http://www.iab.ie/Publications/Reports .	
Restrictions to the activity	S.I. 535 of 2003 was signed into law on 06/11/03 to give effect to Directive 2002/58/EC (European Communications Networks and Services) (Data Protection and Privacy). Unsolicited communications via e-mail are covered by Section 13 and a pro-consumer "opt-in" approach was followed. This means that the recipient must give his/her prior consent to receiving the e-mail from the direct marketer and as such may revoke at any time such consent if he/she so wishes. However, there are two exceptions to this general rule: (i) An individual's address which is know to a direct marketer in the "context of a sale of a product or a service" may later be contacted in a direct marketing campaign for "similar products or services" - Section 13 (7). (ii) Only natural persons may avail of this "opt-in" approach which necessarily leads to the issue of distinguishing between e-mail addresses of individuals and companies - Section 13 (7).	
Restrictions to the media	SMS	The stated purpose of Directive 2002/58/EC is to create rules which are "technology neutral" so as not to impose different rules and standards based on the means of communication used. Thus unsolicited communications via SMS will be treated in the same way as e-mail
Upcoming changes	A new IDMA Code on Direct Marketing to include email marketing is due to be published in September 2004	
Last updated	07 December 2004	

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Subject	Financial products and services
Country	Ireland
Contact	Irish Financial Services Regulatory Authority's Code of Practice - http://www.ifsra.ie
General legal framework	Under Section 117 (1) of the Central Bank Act, 1989 the Central Bank of Ireland could draft Codes of Conduct for financial institutions. The Irish Financial Services Regulatory Authority has now taken over this role and publishes a code of practice for advertising requirements for credit institutions. The Code of Practice is quite detailed and relates to a variety of financial products and services but in general states that advertisements should not be unfair or misleading, the name of the credit institution must be clearly shown in the advertisement. In addition all advertisements for financial products and services must be in compliance with the Consumer Credit Act, 1995 which sets out rules such as the display of interest rates on advertisements.
General self-regulatory framework	The ASAI Code of Practice on advertising contains a specific section on financial products and services which states that 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.
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Subject	Gaming & Betting	
Country	Ireland	
Contact	See Broadcasting Commission of Ireland's and Broadcasting Complaints Commission Codes of Practice - http://www.bci.ie and http://www.bcc.ie for standards pertaining to radio and television commercials. Also see Advertising Standards Authority of Ireland - see http://www.asai.ie .	
General legal framework	The law governing gaming and betting in Ireland is covered by the Gaming and Lotteries Acts, 1956 - 1986. However these acts make no specific reference to the advertisement of betting. Casino's are illegal in Ireland with the exception of private members clubs which offer the same services as a casino but are not open to the general public.	
General self-regulatory framework	The national broadcaster RTE in its Code of Standards for Broadcasting Advertising permits advertising for betting and betting shops under certain conditions. The conditions are that the advertisements must be non-specific to any event, they must not encourage young people to start gambling and any persons in the advertisement must be clearly over the age of 18. Even then the ad will be reviewed by RTE before it can be broadcast. The Broadcasting Commission of Ireland and Broadcasting Complaints Commission Codes of Practice make a distinction between advertising encouraging people to bet which is not acceptable and betting firms who wish to advertise their services for those who want to bet which is acceptable.	
Restrictions to the media	<i>Cinema</i>	See BCI and BCC Codes of Practice
	<i>Direct Mail</i>	See Press below
	<i>E-mail</i>	See Press below
	<i>Web</i>	See Press below
	<i>Outdoor</i>	See Press below
	<i>Press</i>	Advertisements for betting and betting shops must follow the same rules as all other advertisers signed up to the Advertising Standards Authority of Ireland Code of Practice. There are a large number of rules in the Code but generally they should be legal, decent, honest and truthful and prepared with a sense of responsibility to society and consumers.
	<i>Radio</i>	See BCI and BCC Codes of Practice
	<i>SMS</i>	See Press
	<i>TV</i>	See BCI and BCC Codes of Practice
Upcoming changes	The Gaming and Lotteries Acts, 1856 - 1986 were the subject of a review in 2000 by the Department of Justice and it is believed that legislation is being prepared to modernise these laws. Rules governing the advertising of Gaming and Lotteries may well be included in the new legislation.	
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Subject	Health & Beauty	
Country	Ireland	
Contact	Irish Medicines Board - http://www.imb.ie Irish Pharmaceutical Healthcare Association - http://www.ipha.ie Advertising Standards Authority for Ireland - see http://www.asai.ie on how to lodge complaints	
General legal framework	As with pharmaceuticals the advertisement of certain health and beauty products is regulated by Medical Preparations (Advertising) Regulations 1993 which implemented EC Directive 92/28/EEC. However most milder health and beauty products are subject to the Consumer Information Act, 1978 which regulates misleading advertising and would deal with misleading claims in relation to health and beauty products.	
General self-regulatory framework	Both the ASAI Code and the BCI and BCC Codes contain specific sections on health and beauty products. Claims for products should be backed up by substantiation at all times. The concern of the regulators is that sometimes these products such as slimming products are targeted at a particularly vulnerable market and therefore require strict guidelines. The Codes specify that ads should not contain any offer of diagnosis, should not encourage excessive use of the product, should not imply that because a product is "natural" it is safe, should not imply a cure as opposed to an alleviation of symptoms, should not use long scientific names for common conditions and should not scare people into thinking a product is necessary for their health. The ASAI Code contains sections that deal with general health and beauty products, vitamins and mineral products, hair and scalp products, alternative medicines and other miscellaneous points. The BCI and BCC Codes operate along similar lines with a view in particular to television adverts. E.g. presentations of doctors which give the impression of professional medical advice are prohibited.	
Restrictions to the activity	The advertisement of prescription medicines is banned in Ireland.	
Restrictions to the media	<i>Cinema</i>	See Codes
	<i>Direct Mail</i>	See Codes
	<i>E-mail</i>	See Codes
	<i>Web</i>	See Codes
	<i>Outdoor</i>	See Codes
	<i>Press</i>	See Codes
	<i>Radio</i>	See Codes
	<i>SMS</i>	See Codes
	<i>TV</i>	See Codes
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Subject	Motors
Country	Ireland
Contact	Director of Consumer Affairs - Head Carmel Foley - http://www.odce.ie . Also see Advertising Standards Authority of Ireland - http://www.asai.ie Society of the Irish Motor Industry http://www.simi.ie
General legal framework	The advertising of motor vehicles like all other products is governed by the Consumer Information Act, 1978. False or misleading advertisements are an offence and this applies to both the price and the product. Offenders can face prosecution by the Director Of Consumer Affairs in Ireland. This is of particular importance for advertisements from private retailers who would not be subject to the industry regulations set out below. In addition the Sale of Goods and Supply of Services Act, 1980 sets out legislation governing the condition of motor vehicles at the time of purchase.
General self-regulatory framework	The Society of the Irish Motor Industry which most vehicle retailers would be a member of publishes a Code of Ethics for members which states that products must be advertised in a positive, factual and informative manner. In addition the advertisement of motor vehicles is governed by the ASAI and BCI. Advertisers must adhere to the general principles in their Codes of Practice and in particular in relation to advertisements prejudicial to health and safety such as encouraging fast driving etc.
Restrictions to the activity	It should also be pointed out that claims made by advertisers must be capable of substantiation. This of particular relevance to motors where advertisers may boast of a certain mileage to the gallon etc.
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Subject	Pharmaceuticals	
Country	Ireland	
Contact	Irish Pharmaceutical Healthcare Association - see http://www.ipha.com	
General legal framework	The advertisement of pharmaceutical products is regulated in Ireland by the Medical Preparations (Advertising) Regulations 1993 which implemented EC Directive 92/28/EEC. There are also numerous other regulations in place which regulate the sale of medicinal products and which refer to advertising such as the Medical Preparations (Labelling and Package) Leaflet) Regulations, 1993 which refers to the information which must be on the packaging for all pharmaceutical products. In addition the Consumer Information Act, 1978 regulates misleading advertising and pharmaceutical advertisements are subject to its provisions.	
General self-regulatory framework	The Irish Pharmaceutical Healthcare Association publishes a Code of Standards for advertising practice in the consumer healthcare industry which sets out the rules on advertising of pharmaceutical products. Acceptance and observance of the Code are a condition of membership of the organisation. Generally the Code sets out the types of product which may not be promoted, the way advertisements for pharmaceuticals must be formulated, what information must be contained therein etc The ASAI, BCC and BCI Codes also have specific sections which apply to health products and again set out the type of information which may be contained in advertisements, what products may not be advertised and what pharmaceutical advertisements may not contain (e.g. indiscriminate use of the words "safe", "harmless" and "without risk" are banned under the BCI code).	
Restrictions to the activity	The advertising of prescription medicines is prohibited in Ireland. In addition the 1993 regulations sets out a list of medical conditions in relation to which advertisements are prohibited. The list includes diseases such as AIDS, Depression, Diabetes, Epilepsy and Schizophrenia.	
Restrictions to the media	<i>Cinema</i>	Partly restricted subject to the points above.
	<i>Direct Mail</i>	As above
	<i>E-mail</i>	As above
	<i>Web</i>	As above
	<i>Outdoor</i>	As above
	<i>Press</i>	As above
	<i>Radio</i>	As above
	<i>SMS</i>	As above
<i>TV</i>	As above	
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Activity	Sponsorship
Country	Ireland
Contact	Advertising Standards Authority of Ireland - see http://www.asai.ie
General legal framework	Sponsorship law is not specifically legislated although the Broadcasting Act, 1990 established the Broadcasting Complaints Commission which publishes a Code on advertising and sponsorship which all advertisers and sponsors must adhere to.
General self-regulatory framework	The BCC and BCI Codes, given that they regulate broadcast advertising set out strict guidelines for sponsorship of programmes and provide a definition of what constitutes sponsorship. Sponsorship of news, current affairs and religious programmes is prohibited. In relation to sports sponsorship product placement is strictly forbidden as is the presence of any advertising material in studio. The national broadcaster, RTE, also drew up guidelines in 1997 for sponsorship. It provides that in all cases of sponsorship, it is of paramount importance that the editorial independence and integrity of the broadcaster are uncompromised. Product placement is prohibited but in certain circumstances in the interest of set dressing and realism is permitted. Sponsorship of children's programming is prohibited. Sponsors must have no interest, real or apparent, in the editorial content of the programme. It provides, by way of example that a travel programme may not be sponsored by a tour operator. It is worth noting that these are all codes which apply to the national broadcasting stations only. Non-terrestrial stations are not subject to the Codes set out above.
Restrictions to the activity	Sponsorship by tobacco companies has been banned since 2003. Sponsorship by alcohol companies of such things as television programs and sporting events will shortly be the subject of stricter legislation which is being drafted at present and may eventually see it prohibited.
Upcoming changes	As mentioned above sponsorship by alcohol companies will shortly be restricted as legislation is presently being drawn up.
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Activity	Prize Promotions
Country	Ireland
Contact	Advertising Standards Authority of Ireland - see http://www.asai.ie
General legal framework	The law governing sales and prize promotions in Ireland is governed by the Consumer Information Act, 1978 and the Gaming and Lotteries Acts, 1956 - 1986. The Consumer Information Act sets out rules relating to misleading advertising which can affect prize promotions where consumers are given an unfair impression of the chances of winning and the Gaming and Lotteries Acts define what type of promotion can be classified as a lottery. It also sets out how lottery licences may be obtained.
General self-regulatory framework	In addition to the legislation above prize promotions must comply with the ASAI Code on Sales Promotions and if advertisements for the promotion are to be broadcast they must comply with the BCI and BCC Codes of Practice. The ASAI Code sets out the conditions that must be met to run a prize promotion and strongly recommends that promoters take legal advice before embarking on any such promotion.
Restrictions to the activity	The promotion of free prize draws is acceptable under Irish law provided it does not come within the definition of a lottery. A lottery is defined by the 1956 Act as "all competitions for money or money's worth involving guesses or estimates of future events or past events, the results of which are not yet ascertained or not yet generally known". There are two methods of keeping the promotion from being defined as a lottery: (1) Making entry free for everybody (2) Introducing a sufficient amount of skill to the competition to eliminate the element of chance from the competition. In the event that a competition was classified as a lottery it would be illegal and the organisers subject to criminal prosecution. In addition prize draws for certain types of products such as tobacco, pharmaceuticals etc are subject to restriction.
Upcoming changes	The Gaming and Lotteries legislation was reviewed by the Department of Justice in 2000 but to date no draft legislation has been published.
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