

Legal Extranet

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United Kingdom



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National Association:

Institute of Practitioners in Advertising (IPA)
 Web link: <http://www.ipa.co.uk/>

General Legal Overview:

Much of the advertising industry in the UK is self-regulated. It is governed by Codes of Practice (the CAP Code, the ITC Code and the Radio Authority Code). However some legislation does apply.

A full list of relevant legislation can be found at www.asa.org.uk or www.cap.org.uk

The advertising of the following categories are prohibited by law:

Tobacco Products
 Prescription-only Medicine (POM)
 Political Advertising (on television and radio)

Basic Guide to Intellectual Property rights in the Territory:

There are three principal areas of intellectual property rights in the United Kingdom. These are copyright, trade mark and passing off.

Copyright

Copyright exists in an original artistic, literary or musical composition. Copyright in that original work belongs to the creator of that work, and subsists for his/her lifetime and for a period of 70 years after their death.

It is a breach of copyright to make an exact copy, or a substantial copy, of the original. Whether a copy is substantial or not is based on a qualitative not a quantitative interpretation. Copyright does not exist in a book, song or film title.

Trade Marks

A trade mark is an identification symbol which serves to distinguish goods or services of one business from those of another. Trade marks can consist of words, letters, logos, devices, colours, 3-D shapes, slogans, sounds and smells.

Trade Mark law in the UK complies with European Directives. The EU Directive was implemented into UK by means of the Trade Marks Act 1994.

Trade marks can be registered at the UK Trade Mark registry or the European Community Registry (OHIM). They are registered within certain categories according to the product or services to which the mark relates.

It is a breach of trade mark law to use a sign or logo which is identical to a registered trademark in the same category in which the mark is registered. It may also be a breach of trademark if you use a similar sign in the same category as the registered trade mark or an identical sign in a different category to the registered trade mark. Whether it will be a breach depends on whether there is a likelihood of confusion or association on the part of the public.

Passing Off

The law of passing off is a common law right which enables a person or business to protect its goodwill (i.e. its business name, reputation, or even the get-up of its products) from being used by a third party.

In order to be successful, a claimant must establish goodwill or reputation in the goods or services he supplies. The claimant must also prove that there has been a misrepresentation by the defendant to the public (so that they think there is some association between the two products) and that he has suffered some damage as a result of that misrepresentation.

Image Rights:

There is no such thing as image rights as such in UK law. It is therefore possible in certain circumstances to use celebrity images without consent - but care must be taken.

Celebrities seek to protect their rights under the law of "passing off" and possibly by registering their name as a trade mark. Both these means have serious limitations however.

Advertising Standards Authority (ASA)

Advertising Standards Authority, Mid City Place, 71 High Holborn, London WC1V 6QT. Tel: (020 7492 2222)

Web link: <http://www.asa.org.uk>

Broadcast Advertising Clearance Centre (BACC)

Franciscan Court, 16 Hatfields, London, SE1 8DJ Tel: 020 7620 1620

Web link: <http://www.bacc.org.uk>

Committee of Advertising Practice (CAP)

Mid City Place, 71 High Holborn, London WC1V 6QT Tel: 020 7492 2222 enquiries@cap.org.uk

Web link: <http://www.cap.org.uk>

Personal Contact: Chris Graham

Radio Advertising Clearance Centre (RACC)

The RACC, The Radiocentre, 77 Shaftsbury Avenue, London W1D 5DU

Web link: <http://www.racc.co.uk>

Financial Services Authority

The Financial Services Authority, 25 North Colonnade, London, E14 5HS Tel: 020 7066 1000

Web link: <http://www.fsa.gov.uk>

Local Trading Standards Departments

Ofcom

Ofcom Contact Centre, Riverside House, 2a Southwark Bridge Road, London, SE1 9HA Tel: 020 7981 3000, Fax: 020 7981 3333

Web link: <http://www.ofcom.org.uk>

Office of Fair Trading

Fleetbank House, 2-6 Salisbury Square, London, EC4Y 8JX Tel: 08457 22 44 99 Email: enquiries@oft.gsi.gov.uk

Web link: <http://www.oft.gov.uk>

Advertising Association

Abford House, 15 Wilton Road, London, SW1V 1NJ Tel: +44 (0)20 7828 2771

Web link: <http://www.adassoc.org.uk>

Children	05 April 2005
Coupons	14 July 2005
Prize Promotions	14 July 2005
E-mail	14 July 2005
Data Protection/Privacy	14 July 2005
Health & Beauty	14 July 2005
Collateral Gifts	20 July 2005
Gaming & Betting	20 July 2005
Motors	20 July 2005
Comparative advertising	20 July 2005
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Tobacco	21 July 2005
Alcohol	21 July 2005
Financial products and services	22 July 2005

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Subject	Children	
Country	United Kingdom	
General legal framework	The issue of advertising to children has become an area of concern, as in many other EU states. However specific legislation has not been introduced in relation to advertising.	
General self-regulatory framework	The self regulatory codes have specific requirements for advertising addressed to, targeted at or featuring children (Section 47.1 CAP Code and Section 7 of the BCAP Code).	
Restrictions relating to products or services	<i>Tobacco</i>	Banned
	<i>Alcoholic beverages</i>	Recent amendments (Jan 2005) to the BCAP Code on advertising alcohol include specific restrictions on anything promoting binge drinking and involving youth culture.
	<i>Others</i>	The issue of obesity and the promotion in all media of foods high in fat, sugar and salt is raging in the UK. Specific changes to the self-regulatory codes is expected at some point in 2005. If that proves insufficient the UK government has warned legislation may follow in 2007.
Restrictions to the media	<i>E-mail</i>	Specific consent of an adult is required before emailing anyone under 16 years old
	<i>SMS</i>	Specific consent of an adult is required before texting anyone under 16 years old
	<i>TV</i>	The BACC - the body that clears all television commercials, will apply what is called a XKids rating to commercials it thinks inappropriate to show during children's television and before the "watershed" = 9pm
Last updated	05 April 2005	

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Activity	Coupons	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
The subject of the rules	Certain restrictions and conditions apply to the use of coupons. The closing date should be prominently marked. The sterling value of the coupon should appear as a bold figure on the front face. (If double sided, it should appear on both sides.) The word "coupon" or "voucher" should appear next to the sterling value and so should the words "off next purchase". Coupons should carry clear instructions to both the consumer and the retailer on how to use and redeem the coupon. The promoter's name and the address should be clearly stated on the coupon. The product(s) and, if applicable, size(s) should also be stated clearly and conspicuously.	
Restrictions relating to products or services	<i>Tobacco</i>	Coupons cannot be used for the promotion of tobacco products.
	<i>Alcoholic beverages</i>	Coupons cannot be used for the promotion of alcoholic beverages.
	<i>Pharmaceuticals</i>	Coupons cannot be used for prescription only medicines and certain other medicines. They can be used for over the counter medicines.
	<i>Financial products and services</i>	Coupons cannot be used for financial promotions.
Restrictions to the activity	Where coupons are incorporated into other print matter, the coupon must be easy to detach and a clear indication of the border of the coupon itself should be shown by dotted lines. All coupons which are intended for general redemption should have a bar code.	
Restrictions to the public	<i>Children and adolescents</i>	Care is needed when children are asked to make collections, enter schemes or gather labels, wrappers, coupons and the like.
Last updated	14 July 2005	

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Activity	Prize Promotions	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General self-regulatory framework	The advertising of prize promotions is self-regulated under the CAP Code and the Broadcast Advertising Codes.	
The subject of the rules	Promoting free prize draws has never been prohibited, but promoting a lottery is illegal except in limited circumstances (see below). General requirements are that prize promotions should specify a number of details clearly in the advertising. These include how to participate in the promotion, the starting and closing dates, any proof of purchase required, what the prizes are, any restrictions (e.g. geographical, personal or technological), availability of the prize and the promotor's name and address.	
Restrictions relating to products or services	<i>Tobacco</i>	The promotion of tobacco and tobacco products is forbidden under the Tobacco Advertising and Promotion Act 2002. No advertising can be published which involves tobacco products either as the prize or in any other way.
	<i>Financial products and services</i>	Strict criteria must be included in any advertising relating to financial products. This includes any advertising of a prize promotion relating to financial products.
	<i>Others</i>	If a competition is run by a newspaper or in connection with any trade or business, the competition must not offer prizes for forecasting the result of an event and success must depend to a substantial degree on the exercise of skill.
Restrictions to the activity	Promoting or advertising a lottery is illegal. The Courts have defined a lottery as a distribution of prizes on the basis of chance with a participant making some contribution or payment to take part. Prize promotions including competitions, prize draws and instant win offers are subject to legal restrictions. Promoters usually seek to avoid running illegal lotteries by running skill-based prize competitions (often using tiebreakers to identify the winners) or by offering free entry if the chance-based prize promotion might encourage purchase. Promoters should take legal advice before embarking on such promotions.	
Restrictions to the media	<i>Cinema</i>	Cinema advertising of prize promotions is governed by the CAP Code.
	<i>Direct Mail</i>	Direct mail advertising of prize promotions is governed by the CAP Code.
	<i>E-mail</i>	E-Mail advertising of prize promotions is governed by the CAP Code.
	<i>Web</i>	Advertising of prize promotions on the Web is governed by the CAP Code.
	<i>Outdoor</i>	Outdoor advertising of prize promotions is governed by the CAP Code.
	<i>Press</i>	Advertising of prize promotions in the press is governed by the CAP Code.
	<i>Radio</i>	Advertising of a prize promotion on the radio is acceptable. Licensees must be satisfied that prospective entrants can obtain printed details of a competition, including announcement of results and distribution of prizes. There are no limitations on prize values.
	<i>SMS</i>	Advertising for prize promotions by SMS is governed by the CAP Code. The IPA has also published Guidelines setting out recommended requirements. These Guidelines are available on request.
	<i>TV</i>	There are no specific rules or regulations regarding the advertising of prize promotions on TV. However, it is worthwhile bearing in mind the guidelines set out in the CAP Code in order to ensure that the advertisement is not misleading or inappropriate, and that it is legal, decent, honest and truthful.
Restrictions to the public	<i>Children and adolescents</i>	Particular care needs to be taken when advertising prize promotions to children. Promotions addressed to or targeted at children should not encourage excessive purchases in order to participate, should make clear that adult permission is required if prizes and incentives might cause conflict, should clearly explain the

	number and type of any additional proofs of purchase needed to participate, should contain a prominent closing date, and should not exaggerate the value of prizes or the chances of winning them.
Other conditions	Lotteries: running a lottery is prohibited (see above). However in order to avoid a prize promotion being classified as a lottery (and therefore illegal under the Lotteries and Amusements Act 1976), advertisers have two options available to them. Firstly, if participants must pay to enter, winning should depend to a substantial degree on the exercise of skill. Although the degree of skill required can be small, it should not be trivial. The more valuable the prize, the greater the degree of skill required should be. Secondly, if the winning is on the basis of chance, organisers should ensure that there is a free entry route (first class postage and local rate telephone calls are not considered payments). This method of entry should be used by a substantial number of entrants.
Upcoming changes	The Gambling Act 2005 is a piece of legislation that will bring practically all gambling (other than the National Lottery and spread betting) under the ambit of one Act and one regulator, the Gambling Commission. When the relevant provisions of the Act come into force, the Gambling Commission will take over from the existing Gaming Board and will assume responsibility for all forms of gambling, including betting. The Gambling Act is not yet in force but when the relevant provisions are in force it will change the regulatory framework in which prize promotions are run.
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Activity	E-mail	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General legal framework	The E-commerce Regulations 2002 sets out various obligations and requirements for marketing by e-mail. These obligations and requirements are mirrored in the CAP Code.	
General self-regulatory framework	The CAP Code applies to marketing by e-mail and mirrors the requirements and obligations set out in the E-commerce Regulations.	
The subject of the rules	Marketing communications must be clearly identifiable as commercial communications and clearly identify on whose behalf the communication is made. Marketing communications must not be sent to consumers by e-mail without their prior consent to receive such e-mails. There is an exception if the marketer is marketing similar products to existing customers, so long as an opportunity is given for them to object to any further such marketing.	
Restrictions relating to products or services	<i>Tobacco</i>	Tobacco advertising is prohibited and it is therefore illegal to send e-mails marketing tobacco products.
	<i>Alcoholic beverages</i>	Marketing communications for alcohol should not be directed at people under the age of 18. It is therefore important that marketers do not send e-mails advertising alcohol to e-mail addresses belonging to children.
Restrictions to the activity	Unsolicited e-mails from a supplier marketing similar products to existing customers must be clearly and unambiguously identified as such from the moment it is received and clearly identify the marketer. Any business selling on-line must provide information in a clear, comprehensive and unambiguous manner about the technical steps required to complete the contract on-line.	
Other conditions	Advertisers sending any communication via e-mail must comply with the disclosure requirements of the Regulations and make available certain information to the recipient of the message. This includes: the name of the advertiser; its geographic address where the advertiser is established, including its email address; details of a professional or similar institution with which the service provider is registered; VAT registration number and where the service provider is a member of a trade or similar body its registration number or other means of identification. This information must be easily, directly and permanently accessible. The e-mail must also provide details of any professional body or similar institution with which the marketer is registered together with a reference to the professional rules applicable to the service provider in the member state of its establishment and how to access them. If prices are referred to, they must clearly indicate them and state whether they include tax, delivery costs etc.	
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Activity	Data Protection/Privacy	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General legal framework	The Data Protection Act 1998 sets out strict conditions for the collection, use and storing of personal data.	
The subject of the rules	When obtaining details of individuals through a promotion, it is obligatory to comply with the provisions of the Data Protection Act. Essentially this breaks down into two distinct requirements. The first requirement is that it must be made clear on the marketing communication who is collecting the individual's information, why it is being collected and whether it is intended to pass the information on to a third party or to use the information for a use which is significantly different from that for which it was provided (the "privacy statement"). The second requirement is for the consumer to give his/her agreement to the processing of the information (and to being included in future marketing communications). Under certain circumstances, the consumer is obliged to give his explicit consent to the information being processed ("opt-in") - see below. In other circumstances it is simply enough to give the consumer the option to request that it not be processed in the way set out in the privacy statement ("opt-out").	
Restrictions to the activity	If it is the intention to process sensitive personal data (e.g. information on racial or ethnic origin, political opinion, religious beliefs, health, sex life or criminal records), then the explicit consent of the consumer is required before the information can be processed ("opt-in"). Once information has been validly collected, if it is then decided to use it for a purpose which is significantly different from that set out in the privacy statement, then the explicit consent of the consumer should be obtained.	
Restrictions to the media	<i>Direct Mail</i>	Unless the information being gathered is sensitive personal information, the consumer should be given a right to refuse to have the information provided processed ("opt-out"). If they do not opt out, the gatherer is entitled to use the information for the purposes set out in the privacy statement.
	<i>E-mail</i>	If it is intended to send marketing communications by e-mail, the explicit consent of the consumer to receive such a communication is required ("opt-in"). However, a marketer is allowed to market similar products to existing customers without their explicit consent, but they must be given the option to object to further marketing on each occasion.
	<i>SMS</i>	If it is intended to send marketing communications by SMS, the explicit consent of the consumer to receive such a communication is required ("opt-in"). However, a marketer is allowed to market similar products to existing customers without their explicit consent, but they must be given the option to object to further marketing on each occasion.
	<i>Others</i>	If it is intended to send marketing communications by fax, the explicit consent of the consumer to receive such a communication is required ("opt-in").
Other conditions	Personal information should always be held securely and should be safe guarded against unauthorised use, disclosure, alteration or destruction. It should also not be kept for longer than is necessary for the purpose for which it was obtained.	
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Subject	Health & Beauty	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General self-regulatory framework	The advertising of health and beauty products is governed by the CAP Code and the Broadcast Advertising Codes.	
The subject of the rules	The regulations on the advertising of health and beauty products is strictly regulated. There are many conditions, requirements and unacceptable practices. Please see the individual Codes for detailed information. Any medical and scientific claims made about beauty and health-related products should be backed by evidence.	
Restrictions relating to products or services	<i>Tobacco</i>	Advertisements for smoking deterrents must make clear that the indispensable factor in giving up smoking is will-power and that the products are no more than an aid to breaking the habit and must not claim that smoking is made safer whilst the habit is being reduced.
	<i>Pharmaceuticals</i>	Prescription-only medicines may not be advertised to the public. Advertisements should include the name of the product, an indication of what it is for, text such as "Always read the label" and the common name of the active ingredient. Medicines must have marketing authorisation from the MHRA before they are marketed.
	<i>Others</i>	Marketers may offer vitamin and mineral supplements to certain groups as a safeguard to help maintain good health but should not imply that they can be used to prevent or treat illness, elevate mood or enhance normal performance. Individuals should not be encouraged to swap a healthy diet for supplements.
Restrictions to the activity	Marketers should hold scientific evidence for any claim that their vitamin or mineral product or other food supplement is beneficial to health. Marketers may offer vitamin and mineral supplements to certain groups as a safeguard to help maintain good health but should not imply that they can be used to prevent or treat illness, elevate mood or enhance normal performance. Without well-established proof, no marketing communication should suggest that there is widespread vitamin or mineral deficiency or that it is necessary or therapeutic to augment a well-balanced diet. Individuals should not be encouraged to swap a healthy diet for supplementation. Self-medication should not be promoted on the basis that it will influence the speed or extent of recovery.	
Restrictions to the media	<i>Radio</i>	Central copy clearance is required before medicines, treatments and health products are advertised on the radio.
	<i>TV</i>	Advertisements for the following are not acceptable: medicinal products or treatments available only on prescription (POM); products for the treatment of alcohol and substance misuse or dependence; hypnosis-based procedures (including techniques commonly referred to as hypnotherapy), psychiatry, psychology, psychoanalysis and psychotherapy; services that offer to prescribe or treat remotely.
Restrictions to the public	<i>Children and adolescents</i>	No advertisement for a medicinal product or treatment may be directed at people under the age of 16.
	<i>Others</i>	No advertisement for a medicinal product or treatment may include a testimonial by a person well known in public life, sport, entertainment etc, or be presented by such a person.
<i>Others</i>	Claims made about the action that a cosmetic has on or in the skin should distinguish between the composition of the product and any effect brought about by the way in which it is applied, such as massage.	
Other conditions	Any claims made for the effectiveness or action of a weight reduction method or product should be backed if appropriate by rigorous trials on people; testimonials that are not supported by trials do not constitute substantiation. Marketing communications for any weight reduction regime or establishment should neither be directed at, nor contain anything that will appeal particularly to, people who are under 18 or those in whom weight reduction would produce a potentially harmful body weight (BMI of less than 18.5 kg/m ²). Marketing communications should not suggest that it is	

	desirable to be underweight. Reference should be made to the CAP Code for other conditions relating to advertising weight control programmes.
Last updated	14 July 2005

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Activity	Collateral Gifts	
Country	United Kingdom	
Contact	Marina Palomba	
General legal framework	There is no specific legislation governing collateral or free gifts in the UK.	
General self-regulatory framework	The CAP Codes deal indirectly with the use of the word "free" in sales promotions. The Direct Marketing Association and Institute of Sales Promotion offer guidelines to members.	
Restrictions relating to products or services	<i>Tobacco</i>	DMA Members must not give away any tobacco product or coupon to the public or cause or permit the giving away of any product or coupon if the purpose or effect of so doing is to promote the product. A coupon means a document or other device (whether by itself or not) that can be redeemed for a product or service or for cash or any other benefit.
	<i>Pharmaceuticals</i>	Supply of samples via published media or post, for example with magazines is unacceptable. The distribution of vouchers for free products is considered to fall within this prohibition.
Restrictions to the activity	Advertisements should not describe products or samples as "free" unless they are supplied at no cost or no extra cost (other than postage or carriage) to the recipient, and advertising should make clear the extent of the consumer's liability for any costs.	
Restrictions to the media	<i>Radio</i>	As TV.
	<i>TV</i>	Advertisements must not describe an offer as "free" if there are costs to consumers other than actual postage or carriage, non-premium rate telephone charges or reasonable travel required to collect the offer. Advertising must make clear the extent of the consumer's liability for any costs (including, for example, explaining the need to collect tokens, or to travel a considerable distance to redeem the offer). Trials can be described as "free" even if the customer has to pay the costs of returning the goods, provided this is made clear in the advertising. No element of an offer may be described as "free" if viewers are likely to be misled as to whether it is genuinely additional to the offer.
	<i>Others</i>	Non Broadcast: A free offer may be conditional on the purchase of other items. Consumers' liability for costs should be made clear in all material featuring the offer. An offer should be described as free only if consumers pay no more than: a) the minimum, unavoidable cost of responding to the promotion, e.g. the current public rates of postage, the cost of telephoning up to and including the national rate or the minimum, unavoidable cost of sending an e-mail or SMS text message b) the true cost of freight or delivery c) the cost, including incidental expenses, of any travel involved if consumers collect the offer. Promoters should not charge for packing, handling or administration. Promoters must not try to recover their costs by reducing the quality or composition or by inflating the price of any product that must be bought as a pre-condition of obtaining the free item. Promoters should not describe an individual element of a package as "free" if the cost of that element is included in the package price. Promoters should not use the term "free trial" to describe "satisfaction or your money back" offers, "buy one get one free" offers or other offers where a non-refundable purchase is required. If appropriate, promoters should provide a cash refund, postal order or personal cheque promptly to free trial participants.
Restrictions to the public	<i>Children and adolescents</i>	References to 'free' gifts for children in advertisements must include all qualifying conditions, e.g. any time limit, how many products need to be bought, how many wrappers need to be collected, etc.
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Subject	Gaming & Betting	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General self-regulatory framework	Advertising of betting and gaming is covered by the CAP Codes, and the Ofcom Code.	
The subject of the rules	Generally, unless specifically permitted under the Codes, advertising for betting and gaming (including bookmakers, betting companies, tipsters and gaming machines) is prohibited. Advertisements for gambling should be socially responsible and should not exploit the young. Advertising of casinos can only be by licensed casinos and by way of classified advertisements. Such advertisements should also comply with certain conditions.	
Restrictions to the activity	Advertisements should contain nothing that is likely to lead people to adopt styles of gambling that are unwise. They should also be socially responsible and should not encourage excessive gambling. In order to avoid exploiting the young, immature and socially vulnerable, advertisements should not be directed at people under 18. People portrayed should not be under 25. No medium should be used if more than 25% of its audience is under 18.	
Restrictions to the media	<i>Cinema</i>	See Press below
	<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>	The CAP Code states that marketing communications should contain nothing that is likely to lead people to adopt styles of gambling that are unwise. Marketing communications should be socially responsible and should not encourage excessive gambling. Care should be taken not to exploit the young, the immature or those who are mentally or socially vulnerable. Marketing communications should not be directed at people under 18 through the selection of media, style of presentation, content or context in which they appear. No medium should be used to advertise betting and gaming if more than 25% of its audience is under 18 years of age. People shown gambling should not be, nor should they look, under 25. Licensed casinos can only use classified advertisements to advertise to the public. Such advertisements should be restricted to the name, logo, address, telephone and fax numbers of the premises, factual information about ownership, the facilities provided, those who may be admitted and how to apply for membership. Marketing material other than classified may be sent only to the members of such casinos.
	<i>Radio</i>	Advertisements must be centrally copy cleared and must not be directed at those aged below 16, feature any personality aged below 16 nor any content directed at or likely to appeal to anyone below 16, make reference to gaming machines present on bingo premises or be presented as a solution to financial difficulties.
	<i>SMS</i>	See Press above
	<i>TV</i>	Advertisements for products or services relating to betting tips, betting and gaming (except football pools, bingo and lotteries permitted under the National Lottery etc Act 1993 and the Lotteries and Amusements Act 1976 as amended) are not acceptable. The Lotteries and Amusements Act 1976 does not extend to Northern Ireland. Broadcast advertising of bingo is not permitted in Northern Ireland. Advertisements for lotteries which are acceptable and for football pools and bingo must not be directed at people under 16 or use treatments likely to be of particular appeal to them, must not feature any personality whose example children under 16 are likely to follow or who has particular appeal to audiences under the relevant age, must not show or encourage excessive or reckless playing and must not present such products as an alternative to work or as a way out of financial difficulties.
Restrictions	<i>Children and</i>	Advertisements should not be directed at people under 18 through the selection of

to the public	<i>adolescents</i>	media, style of presentation, content or context in which they appear. No medium should be used to advertise betting and gaming if more than 25% of its audience is under 18 years of age.
Upcoming changes	The Gambling Act 2005 is a piece of legislation that will bring practically all gambling (other than the National Lottery and spread betting) under the ambit of one Act and one regulator, the Gambling Commission. When the relevant provisions of the Act come into force, the Gambling Commission will take over from the existing Gaming Board and will assume responsibility for all forms of gambling, including betting. The Gambling Act is not yet in force but when the relevant provisions are in force it will change the regulatory framework for Gaming and Betting.	
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Subject	Motors	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General self-regulatory framework	Advertising of motoring products is governed by the CAP Codes, and the Ofcom Code.	
The subject of the rules	Advertisements for motor vehicles, fuel or accessories should avoid portraying or referring to practices that encourage or condone illegal, dangerous, anti-social or irresponsible behaviour.	
Restrictions to the activity	Advertisers should not make speed or acceleration claims the predominant message of their advertisements. However it is legitimate to give general information about a vehicle's performance such as acceleration and mid-range statistics, braking power, road-holding and top speed. Advertisers should not portray speed in a way that might encourage motorists to drive irresponsibly or to break the law and should not condone irresponsible driving.	
Restrictions to the media	<i>Cinema</i>	In addition to the general rules, care should be taken in cinema commercials and those in electronic media where the moving image may give the impression of excessive speed. In all cases where vehicles are shown in normal driving circumstances on public roads they should be seen not to exceed UK speed limits.
	<i>Direct Mail</i>	Advertisers of motor vehicles should follow the general rules and the regulations set out in the CAP Code. (see "Press" below). Promotional material referring to specific models: material with a significant textual content (not primarily graphic) must include details of fuel consumption and CO2 data.
	<i>E-mail</i>	Advertisers of motor vehicles should follow the general rules and the regulations set out in the CAP Code. (see "Press" below)
	<i>Web</i>	Advertisers of motor vehicles should follow the general rules and the regulations set out in the CAP Code. (see "Press" below)
	<i>Outdoor</i>	Advertisers of motor vehicles should follow the general rules and the regulations set out in the CAP Code. (see "Press" below)
	<i>Press</i>	In addition to the general rules, vehicles should not be depicted in dangerous or unwise situations in a way that might encourage or condone irresponsible driving. Promotional material referring to specific models: material with a significant textual content (not primarily graphic) must include details of fuel consumption and CO2 data.
	<i>Radio</i>	Advertisements must not encourage or condone illegal, dangerous, inconsiderate or competitive driving practices or breaches of the Highway Code. References to the power or acceleration of motor vehicles or automotive products must not imply that it is acceptable for speed limits to be exceeded, and there should be no accompanying suggestion of excitement or aggression.
	<i>SMS</i>	Advertisers of motor vehicles should follow the general rules and the regulations set out in the CAP Code. (see "Press" above)
	<i>TV</i>	No advertisement may encourage or condone dangerous, inconsiderate or irresponsible driving or motorcycling. Advertisements for cars, motorbikes or other automotive products must not encourage or condone fast or irresponsible driving nor refer to speeds over 70mph nor demonstrate power, acceleration, handling characteristics etc except in a clear context of safety. Any references to such characteristics must not imply excitement or competitiveness.
Restrictions relating to the contents	<i>Environmental claims</i>	The basis of any claim should be explained clearly and should be qualified where necessary. Claims such as 'environmentally friendly' should not be used without qualification unless marketers can provide convincing evidence that their product will cause no environmental damage when taking into account the full life cycle of the product. Qualified claims and comparisons such as 'greener' or 'friendlier' may be acceptable if marketers can substantiate that their product provides an overall improvement in environmental terms either against their competitors' or their own

		previous products.
	<i>Others</i>	Prices quoted should correspond to the vehicles illustrated. For example it is not acceptable to feature only a top-of-the-range model alongside the starting price for that range. Safety claims should not exaggerate the benefit to consumers. Advertisers should not make absolute claims about safety unless they hold evidence to support them. Prices should include non-optional extras such as road tax, and delivery.
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Activity	Comparative advertising	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General legal framework	The self regulation in the advertising industry in the UK reflects the requirements set out in the European Directive. This lays down the minimum legal requirements. The requirements are: the comparison must not be misleading; it must not discredit or denigrate the branding of a competitor; it must not take unfair advantage of the reputation or the branding or other distinguishing features of the competitor's products; it must objectively compare one or more material and relevant feature of the products; like must be compared with like; it must not cause confusion in the marketplace between the advertiser and the competitor and it must not present goods or services as imitations or replicas of goods or services protected by trademarks or trade names.	
General self-regulatory framework	Comparative advertising is controlled by self regulation, in particular the CAP Codes.	
The subject of the rules	Comparative advertising is permitted in the interests of vigorous competition and public information. However care must be taken when using comparative advertisements.	
Restrictions relating to products or services	<i>Pharmaceuticals</i>	Marketing communications for any medicine should not claim that its effects are as good as or better than those of another identifiable product.
Restrictions to the activity	Comparative claims should not mislead the public or be likely to mislead the public. They should compare products meeting the same needs or intended for the same purpose. They should objectively compare one or more material, relevant, verifiable and representative features of those products, which may include price. They should not create confusion between marketers and competitors or between marketers' products, trade marks, trade names or other distinguishing marks and those of competitors. They should not discredit or denigrate the trade marks, trade names, other distinguishing marks, goods, services, activities or circumstances of a competitor.	
Restrictions relating to the contents	<i>Environmental claims</i>	Comparisons such as 'greener' or 'friendlier' may be acceptable if marketers can substantiate that their product provides an overall improvement in environmental terms either against their competitors' or their own previous products.
	<i>Others</i>	Certain EU agricultural products and foods are, because of their unique geographical area and method of production, given special protection by being registered as having a 'designation of origin'. Products with a designation of origin should be compared only with other products with the same designation.
Other conditions	Other comparisons, for example those with marketers' own products, those with products of others who are not competitors or those that do not identify competitors or their products explicitly or by implication, should be clear and fair. They should neither mislead nor be likely to mislead. The elements of comparisons should not be selected in a way that gives the marketers an artificial advantage.	
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Activity	Sponsorship	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General self-regulatory framework	As from 25 July 2005 the Ofcom Broadcasting Code Section 9 sets out the industry's position on sponsorship.	
The subject of the rules	The aim of the Ofcom code is to ensure that the unsuitable sponsorship of programmes on radio and television is prevented, with particular reference to: transparency - to ensure sponsorship arrangements are transparent; separation - to ensure that sponsorship messages are separate from programmes and to maintain a distinction between advertising and sponsorship; and editorial independence - to ensure that the broadcaster maintains editorial control over sponsored programmes and that programmes are not distorted for commercial purposes.	
Restrictions relating to products or services	<i>Tobacco</i>	Manufacturers of tobacco products may not sponsor programmes. This includes any company whose name is chiefly known to the public through its tobacco business, even though it may sell other non-tobacco products and services.
	<i>Pharmaceuticals</i>	Pharmaceutical manufacturers may not refer in their credits to brands that are only available on prescription.
	<i>Others</i>	Sponsored TV channels: Previously a brand would need to own a channel to get itself named as a channel, this restriction is now being relaxed. Betting and gaming: Betting companies may now sponsor programmes that include coverage of horse or greyhound racing, or the results of such racing. Gaming companies may sponsor television game shows that closely resemble the gaming that takes place in bingo halls and casinos. Non-promotional references: Non-promotional references to sponsors in a sponsored programme may now be made provided that they are editorially justified and incidental. The BBC's sponsorship guidelines remain in place and are significantly stricter
Restrictions to the activity	The following may not be sponsored: • news bulletins and news desk presentations on radio; and • news and current affairs programmes on television. No programme on radio or television may be sponsored by a sponsor that is not allowed to advertise on that medium, with the exception of betting and gaming companies. Betting and gaming companies must not sponsor programmes aimed at people under eighteen. Sponsorship on radio and television must comply with both the advertising content and scheduling rules that apply to that medium.	
Restrictions to the media	<i>Radio</i>	Sponsored programmes must be clearly identified as such by reference to the name and/or logo of the sponsor at the beginning and/or end of the programme. The relationship between the sponsor and the sponsored programme must be transparent. During longer sponsored output, credits must be broadcast as appropriate to create the degree of transparency required. Credits must be short branding statements. However, credits may contain legitimate advertising messages, except credits for betting and gaming companies. Credits must be cleared for broadcast in the same way as advertisements. Programme trails are treated as programmes and the same sponsorship rules apply.
	<i>TV</i>	Sponsored programmes must be clearly identified as such by reference to the name and/or logo of the sponsor at the beginning and/or end of the programme. The relationship between the sponsor and the sponsored programme must be transparent. Sponsorship credits must be clearly separated from programmes by temporal or spatial means. Sponsorship must be clearly separated from advertising. Sponsor credits must not contain advertising messages or calls to action. In particular, credits must not encourage the purchase or rental of the products or services of the sponsor or a third party. Where a programme trail contains a reference to the sponsor of the programme, the sponsor reference must remain brief and secondary
Other conditions	News and current affairs programmes, consumer advice programmes, and items of station presentation or continuity cannot be sponsored.	
Upcoming changes	The new Ofcom Broadcasting Code comes into effect on 25 July 2005, and the entry here is based on the new Code.	

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Subject	Pharmaceuticals	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General legal framework	The legal base for the control of advertisements of medicines for human use is contained in the Medicines Act 1968 and the Medicines (Advertising) Regulations 1994 and Medicine (Monitoring of Advertising) Regulations 1994 which implement Directive 92/28/EEC on the advertising of medicinal products. These statutory measures are enforced by the Medicines and Healthcare Products Regulatory Agency (MHRA). The MHRA's Advertising Unit routinely scrutinises medical journals, magazines available to the general public and also the Internet for the promotion of licensed medicines. It also investigates complaints of breaches of the Medicines Regulations and in certain circumstances, pre-vents advertising material for medicinal products.	
General self-regulatory framework	The advertising of medicines is also controlled by the self-regulatory CAP, TV and Radio Codes (BCAP Codes). Complaints of breaches of these Codes will be investigated by the Advertising Standards Authority (Broadcast) Limited (ASA(B)). The MHRA may also refer complaints to the ASA(B) where no breach of the legislation has been found but there is a potential breach of the BCAP Codes.	
The subject of the rules	Medicines must have marketing authorisation from the MHRA before they are marketed and any claims made for products must conform with the authorisation. Advertising to the public is permitted for pharmacy sale and general sale medicines but the Medicines Regulations prohibit the use of any advertisement directed at the public which might encourage the use of a prescription only medicine (POM). It is the responsibility of 'any person' who promotes a medicine, including the marketing authorisation holder, private individuals, publishers or public relations agencies to ensure compliance with the Medicines Regulations and the BCAP Codes. The definition of 'advertising' is broad encompassing journals, magazines, posters, notices, film, electronic transmissions and material posted on the Internet.	
Restrictions relating to products or services	<i>Tobacco</i>	Advertisements for smoking deterrents must make clear that will-power is the indispensable factor in giving up smoking and must not claim smoking is made safer whilst the habit is being reduced.
	<i>Alcoholic beverages</i>	Advertisements for products for the treatment of alcohol and substance misuse or dependence are not acceptable
	<i>Pharmaceuticals</i>	Advertisements for medicinal products or treatments available only on prescription (POM) are not acceptable.
Restrictions to the activity	Medicines must have a marketing authorisation from the MCA before they are marketed and any claims made for products must conform with the authorisation. Marketing communications should include the name of the product, an indication of what it is for, text such as 'Always read the label' and the common name of the active ingredient if there is only one. There should be no suggestion that any medicine is either a food or a cosmetic. Marketers must not use fear or anxiety to promote medicines or recovery from illness and should not suggest that using or avoiding a product can affect normal good health. Illustrations of the effect or action of any product should be accurate.	
Restrictions to the media	<i>Press</i>	Medical and scientific claims made about health products should be backed up by evidence. Marketers should encourage consumers to take independent advice before committing themselves to significant treatments and should not discourage essential treatment. References to the relief of symptoms or the superficial signs of ageing are acceptable if they are substantiated. Marketing communications should include a warning to consult a doctor if symptoms persist and illustrations of the effect or action of any product should be accurate.
	<i>Radio</i>	Central copy clearance is required for medicinal adverts to be broadcast on the radio. Advertisements for products which do not have marketing authorisation under the Medicines Act 1968 may not include medical claims. Advertisements must not offer any product or service for which qualified medical advice should be sought. Advertisements for services offering one-to-one advice by correspondence (including telephone, fax and email) are acceptable under certain conditions. Unless allowed by the marketing authorisation, advertisements that claim or imply the cure of an ailment, as distinct from the relief of its symptoms are unacceptable.
	<i>TV</i>	Services that offer to prescribe or treat remotely via phone, fax, email, internet

		and post are prohibited. No advertisement for a medicinal product may claim its effects are guaranteed. Only Homeopathic medicinal products registered in the UK may be advertised.
Restrictions to the public	<i>Children and adolescents</i>	Marketing communications for medicines should not be addressed to children.
<i>Others</i>	Homeopathic medicinal products must be registered in the UK. Any product information given in the marketing communication should be confined to what appears on the label. Marketing communications should include a warning to consult a doctor if symptoms persist. Marketing communications for unauthorised products should not make any medicinal or therapeutic claims or refer to any ailment.	
Sanctions	Complaints of breaches of the UK Regulations that are upheld by the MHRA may result in both civil and criminal sanctions. Complaints of breaches of the CAP, TV and Radio Codes will be dealt with by the ASA(B). The ASA(B) has the power to require a licence holder to exclude a particular advertisement from its programme service, exclude certain descriptions of advertisements from its service and to demand the provision of evidence relating to the factual accuracy of any claims. Ofcom retains the power to direct the broadcast of a correction, impose a financial penalty on the broadcaster, shorten a broadcaster's licence period or revoke the licence.	
Upcoming changes	Towards the end of 2005, amendments will be made to the Directive on Medicinal Products for Human Use 2001/83/EC. As a result, the advertising to the general public of medicinal products for the treatment, prevention or diagnosis of chronic insomnia, diabetes, malignant diseases, serious infectious diseases like HIV and tuberculosis as well as sexually transmitted diseases will no longer be prohibited. The amendments will also allow advertisers to mention in their advertisements that a product has been granted a marketing authorisation, although advertisers must not suggest their products are 'special' or better than other medicines because they have been granted a license.	
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Activity	Direct Marketing	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General legal framework	Direct Marketing is regulated by various provisions in both EC and UK legislation which apply to the product or service to be advertised. Although, the provisions have largely been subsumed in the self-regulatory CAP Code, TV and Radio Codes, advertisers intending to use direct marketing to sell certain products like financial services, must have regard to the requirements in the overarching legislation.	
General self-regulatory framework	The direct marketing rules set out in the CAP Code, TV and Radio Codes must be read in conjunction with the general rules, sales promotions rules and other specific rules. The Direct Marketing Association produces a Code of Practice for Direct Marketing, covering all forms of direct marketing including new marketing and media channels, such as email and SMS marketing. The DMA Code of Practice Can be found at the Direct Marketing Association's Website (www.dma.gov.uk).	
Restrictions to the media	<i>Direct Mail</i>	The CAP Code's rules on Direct Marketing focus on distance selling and the management of marketing databases. The distance selling rules apply to written advertisements and these advertisements should include: the full name and geographical address of the marketers, the main product characteristics, the price (including VAT and taxes), amount of delivery charges, estimated delivery times, and unless inapplicable, a statement that consumers have the right to cancel orders. Marketers should also ensure that marketing communications are suitable for those targeted. They should not be sent unsolicited to consumers, be sent to consumers who have asked not to receive them and not be mailed to anyone after their death. Databases should be accurate, up-to-date and safeguarded against unauthorised use, disclosure, alteration or destruction. When collecting personal information, consumers should be informed who is collecting it, why it is being collected, whether it will be disclosed to third parties. Explicit consent is required before processing sensitive personal data and sending marketing communications by fax, e-mail or to mobile devices.
	<i>Radio</i>	Advertisements which invite children to buy products by direct response are prohibited. Before advertisements for products or services offered by direct marketing methods are accepted for radio broadcasts, advertisers must satisfy the licensee who will transmit their advertisements that the advertiser can meet any reasonably foreseeable demand created by the advertising, that arrangements have been made for a person to handle enquiries during normal business hours, that samples of the goods are available for public inspection, that they are able to fulfil orders within 28 days or the period stated at the point of sale and that they will refund money promptly and in full, if the buyer can show reasonable cause for dissatisfaction.
	<i>TV</i>	The TV Code contains provisions relating to 'pressure to purchase' and distance selling. Advertisements must not directly ask children to buy or to ask their parents to buy particular products or services. Equally, the advertisement must not imply that children will be inferior to others or disloyal if they do not use a particular product or service. Advertisements offering to sell products or services by mail, telephone, email, internet or other interactive electronic media must not be aimed at children. Before advertisements for products or services offered by direct marketing methods are accepted for television broadcasts, advertisers must satisfy the licensee who will transmit their advertisements that the advertiser can meet any reasonably foreseeable demand created by the advertising, that arrangements have been made for a person to handle enquiries during normal business hours, that samples of the goods are available for public inspection, that they are able to fulfil orders within 28 days and that they will refund money promptly and in full if the buyer can show reasonable cause for dissatisfaction.
Other conditions	Marketers utilising databases of personal information for direct marketing must ensure they are storing and using that data in accordance with the Data Protection Act 1998. Marketers using distance selling techniques must ensure they are acting in compliance with the Consumer Protection (Distance Selling) Regulations 2000.	
Sanctions	Complaints of breaches of the CAP Code, TV and Radio Codes will be dealt with by the Advertising Standards Authority (Broadcast) Limited (ASA(B)). The ASA(B) has the power to require a licence holder to exclude a particular advertisement from its programme service, exclude certain descriptions of advertisements from its service and to demand the provision of evidence relating to the factual accuracy of any claims. Ofcom retains the power to direct the broadcast of a correction, impose a financial penalty on the broadcaster, shorten a broadcaster's licence period or revoke the licence. The Direct Marketing Association may impose a range of sanctions upon DMA members who fail to comply with the DMA Code.	

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Subject	Tobacco	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General legal framework	The Tobacco Advertising and Promotion Act 2002 and the regulations made thereunder, prohibit the advertising of tobacco products and regulate their appearance in other advertisements. They also control the marketing of tobacco products at points of sale and the sponsorship of activities and events by tobacco product manufacturers.	
General self-regulatory framework	The TV Code and the Radio Code prohibit the broadcast advertising of all tobacco products. However, whilst the Tobacco Advertising and Promotion Act 2002 does not itself cover advertisements for rolling papers or filters, the CAP Code establishes self-regulatory rules for the advertising of these ancillary items. The CAP Code also regulates the limited exceptions for certain forms of tobacco advertising at points of sale.	
The subject of the rules	The advertising of all products consisting wholly or mainly of tobacco and intended to be smoked, sniffed, sucked or chewed is prohibited. Although advertisements for rolling papers and filters are not included in the ban imposed by the Tobacco Advertising and Promotion Act 2002, there are some self-regulatory rules. See above.	
Restrictions relating to products or services	<i>Pharmaceuticals</i>	Advertisements for smoking deterrents must make clear that the indispensable factor in giving up smoking is will-power and that the products are no more than an aid to breaking the habit and must not claim that smoking is made safer whilst the habit is being reduced.
Restrictions to the media	<i>Cinema</i>	Prohibited
	<i>Direct Mail</i>	Prohibited
	<i>E-mail</i>	Prohibited
	<i>Web</i>	Prohibited
	<i>Outdoor</i>	Prohibited
	<i>Press</i>	Prohibited
	<i>Radio</i>	Advertisements for all tobacco products (including cigarette and tobacco papers, filters, cigars and pipes are prohibited.
	<i>SMS</i>	Prohibited
	<i>TV</i>	Advertisements for all tobacco products are prohibited. Advertisements for non-tobacco products or services which share a brand name with a tobacco product may also be prohibited from television advertising where they are prohibited by law (i.e. The Tobacco Advertising and Promotion (Brandsharing) Regulations 2004) from advertising in other UK media. Non-tobacco products or services sharing a brand name with tobacco product may only be advertised if the advertising is aimed at an adult audience, makes or implies no other reference to smoking or the tobacco product, does not lead the viewer to other material promoting tobacco and smoking, and does not include elements of design colour or imagery which are associated with tobacco products.
	<i>Others</i>	Prohibited
Other conditions	Sponsorship: The Tobacco Advertising and Promotions Act prohibits the entering into sponsorship agreements, in the course of a business, where the purpose or effect of the activity is to promote a tobacco product. Manufacturers of tobacco products may not sponsor television programmes and the prohibition on the sponsorship of Formula One racing teams by tobacco companies will take effect from the 1st of August 2005. Brandsharing: The Tobacco Advertising and Promotion (Brandsharing) Regulations come in to force on the 31st of July 2005. Principally, the Regulations aim to restrict indirect advertising by tobacco producers and promoters. They prohibit any person from using in the course of business a name, emblem or other feature in connection with a non-tobacco product or service which is the same as or is so similar as to be likely to be mistaken for a name, emblem or other feature which is connected with a tobacco product and the purpose or effect of the use of that name,	

	<p>emblem or other feature is to promote the tobacco product. Equally, the Regulations prohibit the reverse situation where a name, emblem or other feature of a non-tobacco product is used in connection with a tobacco product and the purpose or effect of the association with the non-tobacco product is to promote the tobacco product. There are a number of limited exceptions to these general prohibitions which can be found in more detail on the Department of Health website at www.dh.gov.uk. Point of Sale: Certain conditions apply to the advertising of tobacco products at the point of sale. Essentially, tobacco products may be advertised on tobacco vending machines and on gantries or display units affixed to the point of sale or one of the points of sale where there are multiple points of sale within a premises. The contents of these advertisements are heavily restricted and must contain health warnings displayed in the prescribed manner. More detail on the content of these restrictions can be found at www.dh.gov.uk.</p>
Sanctions	<p>Breach of the provisions of the Tobacco Advertising and Promotion Act 2002 may result in a fine or in certain circumstances, to a custodial sentence. Complaints of breaches of the CAP Code, TV and Radio Codes will be dealt with by the Advertising Standards Authority (Broadcast) Limited (ASA(B)). The ASA (B) has the power to require a broadcasting licence holder to exclude a particular advertisement from its programme service or exclude certain descriptions of advertisements from its service. Ofcom retains the power to direct the broadcast of a correction, impose a financial penalty, shorten a broadcasting licence period or revoke the licence.</p>
Upcoming changes	<p>Further legislation may be introduced to clarify the law in respect of advertising of tobacco products at the point of sale.</p>
Last updated	<p>21 July 2005</p>

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Subject	Alcohol	
Country	United Kingdom	
Contact	Marina Palomba/Chris Hackford	
General legal framework	The Communications Act 2003 requires the Office of Communications (Ofcom) to establish, review and revise codes setting standards for the content of television and radio services. However, Ofcom has sub-contracted the responsibility for broadcast advertising regulation to the Broadcast Committee of Advertising Practice (BCAP). It has also contracted out of its powers to handle and resolve complaints arising from breaches of the BCAP Codes and its enforcement powers. Complaints about breaches of the BCAP Codes are now investigated and adjudicated on by the Advertising Standards Authority (Broadcasting) Limited (ASA(B)).	
General self-regulatory framework	BCAP is empowered to maintain, review and update the Television Advertising Standards Code (TV Code) and the Radio Advertising Standards Code (Radio Code). Both the Radio and the TV Code contain specific references to alcohol advertising and the incidental use of alcohol within advertisements. The British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code) governs all non-broadcast advertising including cinema, print, poster, e-mail and SMS. The Committee of Advertising Practice creates, revises and enforces the CAP Code but complaints about breaches of the Code are investigated by the ASA(B).	
The subject of the rules	The general principle behind the regulatory and self-regulatory framework is that all advertisements should be socially responsible, should not glamorize excessive drinking or the effects of alcohol consumption and should not lead people to adopt styles of drinking that are unwise by suggesting that drinking can overcome boredom, loneliness or other problems. Particular care should be taken in respect of children - see below. Compliance is demanded with both the rules and spirit of the regulatory codes.	
Restrictions to the activity	Advertising of alcohol in all media must comply with certain regulations.	
Restrictions to the media	<i>Cinema</i>	Cinema advertising is covered by the CAP Code. However all cinema advertisements must also be cleared by the Cinema Advertising Association before being shown. Additionally, cinema advertisements will receive a certificate which will authorise the type of films alongside which the advertisement can be shown.
	<i>Direct Mail</i>	Direct Mail marketing is covered by the CAP Code. See "Press" below.
	<i>E-mail</i>	E-mail marketing is covered by the CAP Code. See "Press" below.
	<i>Web</i>	Marketing on the Internet is covered by the CAP Code. See "Press" below.
	<i>Outdoor</i>	Some restrictions
	<i>Press</i>	The advertising of alcohol in the press is covered by the CAP Code, which can be found at www.cap.org.uk . The relevant provision is section 46, which sets out the strict criteria that must be adhered to when advertising alcohol. Marketing communications should not: be likely to lead people to adopt styles of drinking that are unwise; encourage excessive drinking; suggest that drinking can overcome boredom or other social problems; be directed at people under 18; feature people drinking who appear to be under 25 years old; feature or portray, real or fictitious characters likely to appeal to those under 18; suggest that alcohol can enhance mental, physical or sexual capabilities or suggest that people who drink are brave, tough or daring for doing so. Particular care should be taken when advertising sales promotions requiring multiple purchases.
<i>Radio</i>	Central copy clearance is required for all alcoholic drink advertisements broadcast on radio. Advertisements for alcoholic drinks may not be scheduled around religious programming or programming aimed at those below the age of 18. Advertisements must not: imply that drinking is essential to social acceptance; suggest that alcohol can contribute to sexual success or enhance sexual attractiveness; suggest that drinking is a means of resolving personal problems; associate drinking with toughness, daring or bravado; be set in the context of dangerous or antisocial behaviour and link drinking with driving. References to sales promotions and 'cut-price offers' must be considered with caution, especially where they may be deemed to encourage excessive	

		consumption.
	<i>TV</i>	The TV Code applies to all television advertising featuring alcohol and alcohol advertisements. Television advertisements must not: suggest that alcohol can contribute to an individual's popularity or confidence; suggest that refusal to drink alcohol is a sign of weakness; link alcohol with daring, toughness, aggression or anti-social behaviour; link alcohol with sexual activity or success or suggest that alcohol has therapeutic qualities. Equally, they must not show, imply or encourage immoderate drinking. Alcohol advertisements must not: be likely to appeal strongly to people under 18 or be associated with youth culture; feature persons appearing to be under 25 years old playing significant roles; feature persons under 25 years of age in vocal roles; show, imply or refer to daring, aggression, irresponsible or anti-social behaviour; encourage irresponsible consumption or be set in the context of sexual activity or seduction.
Restrictions to the public	<i>Children and adolescents</i>	General Media: Marketing communications for alcohol should not be directed at people under 18 through selection of media, style of presentation or content, show people drinking who appear to be under 25 years old or feature or portray, real or fictitious characters, likely to be of particular appeal to those under 18 years of age. TV: Advertisements for alcoholic drinks must not be likely to appeal strongly to those under 18 years of age. Children may be seen but not heard, and nobody who is, or appears to be under the age of 25 may play a significant role in advertisements for alcoholic drinks. Radio: Alcoholic drink advertising must not be aimed at those below the age of 18 or use treatments likely to be of particular appeal to them. They must also not feature any personality whose example may be followed by under 18s or who has a particular appeal to those below the age of 18 years. Children's voiceovers may not be used in advertisements for alcoholic drinks and only voiceovers of persons who are, and sound as if they are over 25 may be applied to such advertisements. Alcohol advertisements may not be broadcast in or around programming aimed at those below the age of 18.
Restrictions relating to the contents	<i>Environmental claims</i>	An advert that claims to be environmentally friendly must have clear evidence to support that claim
Other conditions		There are exceptions to the regulations for advertisements for low alcohol drinks (which is defined as drinks containing between 0.5% and 1.2% alcohol by volume or less so long as the low alcohol content is made clear. In the press, marketers should ensure that low alcohol drinks are not promoted in a way that encourages their inappropriate consumption and should not depict activities that require complete sobriety. In TV and Radio, the exceptions are that anyone associated with drinking must be, and must look, at least 18 years old and the advertisements need not comply completely with the requirements not to show excessive drinking, although care should still be taken.
Upcoming changes		The UK government continues to voice concern about underage drinking and alcohol related, anti-social behaviour. Strict rules on alcohol advertising were issued by BCAP in March 2005 are now transposed in the Radio, TV and CAP Codes. Excerpts from these rules are included above.
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Subject	Financial products and services
Country	United Kingdom
Contact	Marina Palomba/Chris Hackford
General legal framework	The advertising of financial products is governed by the Financial Services and Markets Act 2000 and the Financial Services and Markets Act 2000 (Financial Promotion) Order 2001, which are both enforced by the Financial Services Authority (the FSA). The FSA is responsible for the regulation of first mortgage lending and selling, as well as certain secured loans and general insurance intermediaries such as motor, travel and home insurers.
The subject of the rules	Offers of financial products should be set out in a way that allows them to be understood easily by the audience being addressed. Marketers should ensure that they do not take advantage of people's inexperience or credulity. Marketing communications should state the nature of the contract being offered, any limitations, expenses, penalties and charges and the terms of withdrawal. Alternatively, if a marketing communication is short or general in its content, free explanatory material giving full details of the offer should be readily available before a binding contract is entered into. The basis used to calculate any rates of interest, forecasts or projections should be apparent immediately. Marketing communications should make clear that the value of investments is variable and, unless guaranteed, can go down as well as up. If the value of the investment is guaranteed, details should be included in the marketing communication. Marketing communications should make clear that past performance or experience does not necessarily give a guide for the future. Any examples used should not be unrepresentative.
Restrictions to the activity	The Acts contain a number of restrictions on what can be included in an advertisement, and care is needed when preparing an advertisement. Advertisements for publications (whether electronic or on paper) must make no recommendations about specific investments.
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