

Policy Extract

[Code of Standards for Advertising and Marketing Communications in Ireland](#)

Section 2: Scope and application

1.1 The primary objective of the Code is to regulate commercial marketing communications in the interest of consumers ensuring, so far as possible, that all marketing communications are prepared with a sense of responsibility both to the consumer and to society.

Section 3: General Rules

3.1 Primary responsibility for observing the Code rests with advertisers. Advertisers cannot disclaim responsibility where they have caused, directly or indirectly, advertising to be created by direct agents or other third parties on their behalf. Others involved in the preparation and publication of marketing communications, such as agencies, media, affiliates and other service providers, also accept an obligation to abide by the Code.

3.2 Marketing communications should be legal, decent, honest and truthful.

3.3 Marketing communications should be prepared with a sense of responsibility to consumers and to society.

3.5 The ASA will take into account the impression created by marketing communications as well as specific claims. It will adjudicate on the basis of the likely effect on consumers, when taken as a whole or in context, not the advertiser's intention.

3.6 A marketing communication should not bring advertising into disrepute.

3.7 Marketing communications should not glamorise products that are otherwise not permitted, by law, to be advertised.

3.8 The media play an important role in applying the provision of the Code. While the media will refuse to public a marketing communication that contravenes the Code, they are under no obligation to publish every marketing communication offered and will exercise discretion in each case. The fact that a marketing communications conforms to the Code is not a guarantee that it will be accepted.

Section 5: Promotional Marketing Practices

5.1 The provisions relating to promotional marketing practices regulate the nature and administration of those marketing techniques that involve the provision of direct or indirect additional benefits, usually on a temporary basis, designed to make foods or

services more attractive to consumers. The provisions cover, amongst others, such forms of promotion as:

- premium offers
- reduced price and free offers
- the distribution of vouchers, coupons and samples
- personality promotions
- charity-linked promotions
- prize promotions
- competitions.

Section 8: Food and Non-Alcoholic Beverages

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

Diet and Lifestyle

1.4 Marketing communications for food should not encourage or condone excess consumption. They should not encourage an unhealthy lifestyle or unhealthy/unbalanced eating or drinking habits.

Children

8.16 In addition to all other rules in this Section, marketing communications for food and beverages addressed to children:

- a) Should not denigrate a healthy lifestyle or encourage an unhealthy lifestyle or unhealthy eating or drinking habits; marketing communications representing mealtime should clearly and adequately depict the role of the product, where appropriate, within the framework of a balanced diet; snack foods should be clearly represented as such, and not as substitutes for meals.
- b) Should not mislead children as to the potential benefits from consumption of the product, either physically, socially or psychologically.

8.18 Marketing communications should not condone or encourage poor nutritional habits or an unhealthy lifestyle in children.

Licensed Characters and Celebrities

8.22 (b) Marketing communications for food products that are targeted through their content directly at pre-school or primary school children should not include licensed characters or celebrities popular with children, subject to the exceptions listed below:

- (i) Marketing Communications for fresh fruit and/or fresh vegetables;
- (ii) Marketing Communications carried in media subject to the BAI Children's Commercial Communications Code for products characterised by that code as being permitted to be advertised to children;

(iii) Point of sale displays, packages, wrappers, labels, tickets, timetables and menus;

(iv) The prohibition does not apply to advertiser-created equity brand characters (puppets, persons or characters), which may be used by advertisers to sell the products they were designed to sell;

(v) Licensed characters and celebrities popular with children may present factual and relevant generic statements about nutrition, safety, education or similar.

Pressure to Purchase

8.24 Although children might be expected to exercise some preference over the food they eat or drink, marketing communications should be prepared with a due sense of responsibility and should not directly advise or ask children to buy or to ask their parents or other adults to make enquiries or purchases for them.