



Advertising Standards Council

ETHICAL PRINCIPLES OF ADVERTISING PRACTICE VALID IN SLOVAK REPUBLIC.

(wording approved on November 20th 2001, valid since February 1st 2002)

**Advertising Standards Council, Grosslingova 45, 811 09 Bratislava, tel.: 592 76 291,
www.rpr.sk, rpr@rpr.sk**

CONTENT

Preamble	... page 3
Part I. <i>Opening provisions</i>	... page 4
Concept of advertising, subject of advertising as a communication process, basic requirements on advertising, exercising the Code	
Part II. <i>General principles of advertising</i>	... page 6
decency, honesty, social responsibility, truthfulness	
Part III. <i>Individual requirements on advertising</i>	... page 8
Value of product, price comparison, blackening and detraction of competitors, advertising imitation, personal recommendation, privacy protection and abuse of an individual, guarantees, identification	
Part IV. <i>Specific rules of advertising practice</i>	
1. Alcohol advertising	... page 10
2. Children and youth	... page 11
3. Tobacco advertising	... page 13
4. Medication advertising	... page 13
5. Home delivery sales advertising	... page 14
6. Use of state symbols	... page 15
7. Games and lotteries	... page 15

ETHICAL PRINCIPLES OF ADVERTISING PRACTICE VALID IN SLOVAK REPUBLIC

of which wording was approved by Advertising Standards Council
on its Annual General Meeting on November 20th 2001
and which came into effect on February 1st 2002.
(complete wording)

Preamble

Ethical principles of advertising practice in Slovak Republic (hereinafter "Code") are published by Advertising Standards Council in accordance with article nr. III of its bylaws. Purpose of the Code is to help advertising in Slovak Republic to best serve submitters of advertising and public, to fulfill ethical aspects required by Slovak citizens, to be truthful, honest and decent and to respect internationally accepted principles of advertising practice executed by International business association.

The Code does not substitute legal regulation of advertising, however ties into it by stating ethical principles. The Code is designed for subjects active in advertising and formulates principles of their professional conduct. The Code also informs the public of advertising ethics boundaries and subjects which free willingly accepted these principles and are determined to keep these boundaries by means of principles of ethical self regulation.

Members of the Council accept the Code and commit not to produce, publish or to support any other way an advertisement which would be against the Code. In case Arbitration Committee of The Council (hereinafter "Committee") decides an advertisement is in discord with the Code, above mentioned subjects commit to immediately carry out all acts to stop further appearance of the advertisement. Collective members of the Council commit to carry out actions which will ensure that the members will be committed to responsibilities stated in this paragraph for the Council members.

Members of the Council will also make sure that other subjects active in advertising business in Slovak Republic will respect goals and individual provisions of this Code.

Part I. Opening provisions

1. Concept of advertising

1.1. For the purpose of this Code advertising is a communication process which purpose is to provide information about goods and services, real estates, business names, trade marks and other rights and undertakings (hereinafter "Product"). For the purpose of this Code the communication media are television, radio, transmitters of audiovisual works, periodical and non periodical publications, billboards, public transports, posters and leaflets as well as other communication means which enable information broadcast.

1.2. Advertising regulated by the Code is most of all commercial advertising under which is understood information about products or information about subjects active on the market.

1.3. The subject of advertising will also be referred to as advertising executed by non commercial subjects (charities and non profit organizations) or the ones acting upon their request.

2. Subjects of advertising as a communication process

2.1. Subjects of advertising communication process which are responsible for adhering to the Code are mainly submitters of advertising, advertising agencies, operators of communication media.

2.2. For the purpose of this Code under term consumer is understood any subject which can be affected by advertising, whether it is an end consumer, distributor or other individual.

3. Basic requirements on advertising

3.1. Advertising cannot entice on breaking legal rules or create belief that it approves their breaking.

3.2. Advertising must be decent, honest and truthful. It must be executed with a sense of responsibility towards the consumer.

3.3. Advertising cannot be against the good manners of economic competition and cannot cause damage to other competitors or consumers.

3.4. No advertising can endanger the good name of advertising as such or dispraise trust in advertising as a service for the consumers.

4. Code invoking

4.1. The Code is invoked by the Council and Arbitration Committee of the Council (hereinafter "Committee"). The Committee has a sole right to interpret the Code and the members are private individuals consisting of members of the Council, submitters of advertising, advertising agencies, media and furthermore legal counselors and representatives of consumer public.

4.2. Complaints and incitation for verification of a concrete advertisement can be submitted by any legal and individual persons (with exception of the Council members). Legal and individual persons can also submit request for reviewing the concord of advertising or advertising proposition with The Code (hereinafter "Certificate"). For this purpose under advertising proposition is understood an advertisement before its appearance in communication process.

4.3. Complaints, incitations and requests are submitted in writing to business address of the Council. Complaint submitted by other state authorities and institutions is considered as a complaint delivered to the Council. Revision of the complaint is executed free of charge. Request for certificate is charged and the amount of fee is determined by the General Meeting of the Council.

4.4. The Committee votes on making a decision regarding complaints and incitements and issues arbitration finding regarding the result. The Committee issues a certificate based on request for reviewing the concord of advertising or advertising proposition with the Code. During decision making process regarding a certificate and its release a procedure valid for releasing an arbitration finding is adequately used.

4.5. The Committee reviews complaint and according to circumstance of the case:

4.5.1. announces to the claimant that the content of complaint cannot be reviewed in terms of subjects modified by the Code and revision of such complaint can be done by other relevant authorities. In obvious cases such announcement can be sent by secretary of the Council without prior settlement with the Committee.

4.5.2. issues arbitration finding in which it is stated that reviewed advertisement is or is not against the Code.

4.6. the Committee can review an advertisement and issue a finding according to prior provisions also if it is so suggested by an executive director of The Council based on monitoring executed in accordance with the Council provisions. The procedure is corresponding with decision making process regarding complaints.

Part II.

General principles of advertising practice

1. Advertising decency

1.1. Advertising cannot contain such claims and visual presentations which would in an abrasive way break the general norms of decency and morality. Mainly presentation of a human body must be executed with full consideration of its impact on all types of consumers. Breaking the Code is considered with regard on the whole context, advertisements relation to product, chosen target group and used media.

1.2. An advertisement cannot contain particularly sections which degrade human dignity.

2. Advertising honesty

2.1. Advertisement cannot be outlined in such a way that is would abuse consumers trust or using lack of his experience, knowledge or his gullibility.

2.2. Advertisement cannot use individuals subliminal perception.

3. Social responsibility of advertising

3.1. Advertisement cannot unfoundedly use the motive of fear, create a feeling of fear and present product as an adequate mean for elimination of fear.

3.2. Advertisement cannot misuse prejudices and superstitions.

3.3. Advertisement cannot contain anything that could lead to violent acts nor support them or popularize them.

3.4. Advertisement cannot contain anything that could encourage unlawful or criminal acts or support them. Furthermore it cannot appear in such a way, which creates a feeling it approves such acts.

3.5. Advertisement cannot contain anything that could in a rude way insult racial, national, political or religious feelings of consumers.

3.6. Advertisement cannot promote excessive succumb to sexuality by portraying sexual incentives, submissiveness, nudity or partial nudity of human body in an inappropriate way and it cannot present product as a suitable mean for removal of sexual barriers without justified reason.

4. Advertising truthfulness

- 4.1.** Advertisement cannot broadcast deceitful data about own or an outside company and its products. Deceitful data is also true data, however due to circumstances and connections in which it is used it can deceive the recipient of advertising message.
- 4.2.** Advertisement ,based on deceitful data, cannot gain a prosperity for its own or an outside company at the expense of other companies.
- 4.3.** Advertisement cannot contain deceitful product name which is capable of creating a delusive belief that highlighted product comes from a specific country, specific region or place, specific producer or that it demonstrates specific characteristics or specific quality.
- 4.4.** For the purpose of this Code under a delusive name of product it is understood naming the product with attached supplement differentiating the product from a branded product which the advertised product looks like and this name is despite it capable of creating a delusive belief about the origin and nature of the product.
- 4.5.** Advertisement is not considered delusive in case the product has a name which is widely used as a name for type or quality of product unless no supplement which can create a delusive belief about the origin and nature of product is attached.
- 4.6.** An advertisement must avoid information and presentations which could deceive consumers, mainly by omission, ambiguity or exaggeration with the exception of case where there is an obvious hyperbole. A particular attention must be paid to information regarding the characteristics and influence of the product, its price, free of charge offer, sales conditions, distribution, identity of presented persons and awards.

Part III.
Specific requirements on advertising

1. Value of product

1.1. Advertisement cannot lead consumers to acknowledge products disproportionately higher utilitarian value than is their real value.

1.2. Submitter must be prepared to prove all his claims concerning real financial value of product, which is offered for a lower price or free of charge.

1.3. Products must not be offered free of charge if any inevitable expense arises for the consumer with exception of real expenses such as delivery, transport or postage. In case consumer shall pay for any such expense, an advertisement must contain an adequately clear claim in this sense.

2. Price comparison

2.1. An information included in advertisement or a circumstance where information about price is not complete or missing cannot create a belief that:

- the price is lower than in reality
- the price determination depends on circumstance on which it in reality does not
- the price includes product delivery, performances, labor or service for which it is common to pay separately
- the price was or will be raised, lowered or changed if it is not the case
- the relation between price and utility of advertised product and price and utility of product which is comparable is not described as it is in reality

3. Blackening and detracting competitors

3.1. Advertisement must not assault other products.

3.2. Comparative advertisement is acceptable only when :

- it compares products which satisfy the same needs or are intended for the same purpose
- it objectively compares one or more typical, relevant and verifiable qualities of products, including their price. When comparing products with marked origin it only compares products with the same marking.
- it sufficiently distinguishes competitors and their products so that no confusion occurs
- it does not discredit competitors, their relation, acts, products or other distinguishing features
- it does not unjustifiably use advantage of good name of the product or other distinguishing feature of competitor
- it does not represent product as an imitation or a copy of product, which is protected by a trademark or business name.

4. Advertisement imitation

4.1. Advertisements with their general looks, image, usage of slogans, visual presentations, music or sound effects cannot resemble other advertisements so that it would lead to mistaking one for another, confusing or misleading consumers or that an outside results of ideas and work effort would be used.

5. Privacy protection and abuse of an individual

5.1. Advertisement must not picture any living individuals or refer to any living individuals in case they did not specifically agreed on it before. No personal belongings which can be identified as belongings of a specific individual or other possessions of private individuals or legal persons can appear without their approval as well. Submitter of advertisement must pay higher attention not to offend people in terms of their religion or other aspect with regard to dead persons pictured in advertisement or dead persons to which an advertisement points.

5.2. Advertisement must not abuse public authorities (such as representatives of professional medical or other companies) even if they themselves agreed on being in an advertisement for either fee or free of charge.

5.3. Advertisement must not use politicians, state power authorities for its influence even if they agreed with such use for a fee or free of charge. The only exception is political advertisement before elections or referendum.

6. Guarantees

6.1. Advertisement may use words such as „guarantee“ or „guaranteed“ only if content or specific conditions of guarantee are specifically stated in it.

7. Identification

7.1. Advertisement must always be identifiable. In such media where information and other contents are represented to public along with advertisement, advertisement must be distinguished accordingly.

Part IV.

Specific rules of advertising practice

1. Alcohol advertising

Advertisement for alcoholic beverages must not be placed in media designed for youth, on billboards in immediate neighborhood of schools, children's playgrounds and similar facilities serving mainly for juveniles.

Advertisements considered to be against the Code of advertising practice are the ones promoting alcoholic beverages which refer to following characteristics:

1. 1. Alcohol characteristics

1.1.1. Advertisements which inappropriately communicate a specific product has an extraordinary effect or it works fast.

1.1.2. Advertisements emphasizing content of alcohol in beverages as a sign of their quality.

1.1.3. Advertisements which include expressions that are lighting the effect of alcohol as a beverage by describing it in slang which either decreases or exaggerates the real content of alcohol in the beverage.

1. 2. Consumers of alcohol

1.2.1. Advertisements stating that alcohol is consumed by members of social group which usually does not agree with use of alcohol or advertisements which include indications of alcohol consummation by individuals considered to be under age or their consummation of alcohol is to be considered inappropriate.

1.2.2. Advertisement for alcoholic beverages must not be aimed towards consumers younger than 18 years.

1. 3. Opinion towards alcohol consumption

1.3.1. Advertisements indicating irresponsible attitude towards alcohol consumption mainly with regard to amount of used alcohol.

1. 4. Place of alcohol consumption

1.4.1. Advertisements indicating alcohol consumption near cemeteries and other sacred places.

1.4.2. Advertisements indicating alcohol consumption in any place where it is generally prohibited.

1.4.3. Advertisement picturing alcohol consumption in socially poor or socially degrading environment.

1. 5. Alcohol consumption circumstances

1.5.1. Advertisements picturing alcohol consumption under such circumstances which are generally considered as inappropriate, unreasonable or against the law.

1. 6. Circumstances related to children

1.6.1. Advertisements for alcohol using under age juveniles or fictive individuals or characters resembling or acting like under age juveniles.

1.6.2. Advertisements aimed mainly at consumers younger than 18 years.

1. 7. Effects of alcohol consumption

1.7.1. Advertisements indicating excessive alcohol consumption or results of its excessive consumption, advertisements approving excessive alcohol consumption.

1.7.2. Advertisements indicating safety failure or lack of respect for law and public order.

1.7.3. Advertisements supporting aggression or physical violence.

1.7.4. Advertisements stating that alcohol has healing effects or advertisements which indicate such effects.

2. Children and youth

2. 1. General rules

2.1.1. The way in which children react and accept advertising depends on their age, experiences and circumstances under which they receive an advertisement. The Committee takes into account these general conditioning factors when reviewing advertisements. A special attention should also be paid to advertisement in which children and youth are appearing as actors or models. Advertisement must not abuse a natural gullibility of children and a lack of their life experiences.

2.1.2. Medications, disinfecting aid, cleaners, caustics and health endangering products must not be pictured in advertisements within the reach of children without parental supervision and no children manipulating in any way with such products must be presented in them.

2.1.3. Advertisement must not encourage children to go to strange places or talk to strange people.

2.1.4. Advertisement for a commercial product or service must not include any message to children or in any other way indicate that if children themselves do not buy such product or service or do not find other person that would buy such product or service they do not fulfill some responsibility towards specific individuals or organizations. It does matter whether this individual or organization is the originator of such message or not.

2.1.5. Advertisement must not encourage children to think if they do not own presented product they will become inferior to other children in any way.

2.1.6. Advertisement must not directly or indirectly in disproportionately aggressive way encourage children to urge other individuals to buy specific product or service on order to obtain it.

2.1.7. If an advertisement includes a reference to competition for children, then the rules of such competition must be published in an adequately appropriate way.

2.1.8. Real size, characteristics and looks of any presented product must be explicitly distinguished for children and they must easily be able to distinguish real settings from fantasy.

2.1.9. Advertisement must not create a belief in children that their parents or other members of family did not fulfill some commitment to them.

2.1.10. Appearance of children in advertisement must not abuse natural feelings adult people have for them.

2.1.11. Advertisement must not influence children by using inappropriate violence.

2. 2. Safety

2.2.1. All situations in which children appear in an advertisement must be considered from safety point of view.

2.2.2. Children must not be pictured without supervision in scenes in the street if it is not obvious that they are adequately mature enough to be responsible for their safety.

2.2.3. Children must not appear in advertisement playing in the street unless it is not obvious that it is area solely designed for childrens games or other safe area.

2.2.4. In advertisements where children appear as participants of road traffic it must be evident that children act in accordance with safety rules and principles of road traffic.

2.2.5. Children may be appearing in hazardous or dangerous situations only if advertisements goal is to promote safety rules.

3. Tobacco advertising

- 3.1.** For the purpose of this Code under tobacco products are understood cigarettes, "cigarillos", cigars, cigarette tobacco, aubergine tobacco, sniff and chew tobacco, "snuff".
- 3.2.** Advertisement for tobacco products must not be aimed towards under age juveniles, encourage them to smoke and picture scenes to which these individuals could be attracted to.
- 3.3.** Advertisement for tobacco products must not encourage non smokers to start smoking.
- 3.4.** No under age juveniles can be appearing in advertisements for tobacco products.
- 3.5.** Names and trade marks of tobacco products must not be used on products intended mainly for children.
- 3.6.** Clothes with names of cigarettes or their logos must be in sizes intended for adult users.
- 3.7.** Advertisements for tobacco products must not claim that use of tobacco products supports and enhances sexual, business or sport achievements.
- 3.8.** Advertisements for tobacco products must not claim that using tobacco products is a natural and inevitable mean for relaxation or concentration.
- 3.9.** Direct tobacco products promotion can only be aimed at adult consumers. In commercial tobacco competitions may compete only adult consumers.
- 3.10.** Advertisement for tobacco products must include marking as determined by relevant laws.

4. Medication advertising

- 4.1.** In medication advertisement may appear only medicaments and medical aid which are registered in Slovak republic or approved by legal procedure.
- 4.2.** Medication advertising can only be aimed at healing products, medicaments and medical aids which are accessible in the free sale.
- 4.3.** Advertisement for narcotic or psychotropic substances is not permissible.
- 4.4.** Advertisement for medication and medical aids must not include data leading to misjudgement of own health state.

4.5. Advertisement for medication must not include data describing harmless effects of medicaments if the only reason for such harmless effect is its natural origin.

4.6. Advertisement for medication must include name of medicament or medical aid. It is recommended for advertisement to include a message for a more thorough consultation about effects of medicament with a doctor or pharmacist.

4.7. No specific individuals which due to their positions or work specialization may influence consumption of medicaments or use of medical aids may appear in the advertisement.

5. Home - delivery sales advertising

5.1. For the purpose of this Code an advertising for home delivery sales, except for the below mentioned, will include advertisement in which there is directly or indirectly stated offer to send or deliver a product to buyer after receiving a written order together with full or partial paid price and buyer does not have to visit any retail store and check the product beforehand. Rules in following sections count for all home delivery sales advertisements including those which generally deal with retail sale.

5.2. Advertisements on home delivery sale must satisfy all principles stated in the Code as well as requirements stated below in paragraphs 5.3. – 5.5.

5.3. Advertisers responsibilities in advertisements for home delivery services.

5.3.1. Main advertisement must include name or advertisers name together with real business address and not just contact address (such as P.O.BOX) where the advertiser can be contacted. In case an advertisement includes a coupon, an advertisers name together with complete business address with exact name of the street must be included in the coupon. No temporary addresses can be used.

5.3.2. Name of advertiser must be pictured distinctly in advertised address.

5.3.3. Advertiser will secure sufficient precautions enabling answering possible questions by a competent person on a given address.

5.3.4. Except for the case stated in paragraph 5.3.4.1. there must be samples of advertised product available for anyone willing to see them.

5.3.4.1. In case a product has to be costume made or required, or if an advertiser says the production will not start until sufficient public demand is created (in this case such reality must be clearly expressed), instead of samples of products which are to be delivered there must be submitted models or samples of similar work.

5.3.5. Advertisers must be ready to fulfill all orders which were submitted based on home delivery sales advertising either immediately after receiving an order or during a period stated in the advertisement.

5.3.6. In case that from any reason it is not possible to fulfill an order immediately and the advertisement does not include any specific term for delivery a confirmation of order receiving together with reference for correspondence must be sent to customer.

5.4. Equality of product with its description, sample and relevant norms.

5.4.1. All merchandise sent as a reaction to orders which advertiser receives based on advertising home delivery sales must fit its description in relevant advertisement as well as all samples which were offered to publisher based on the advert.

5.5. Merchandise unacceptable in advertisement for home delivery service.

5.5.1. Lucky charms, mascots or other products attempting to abuse gullibility.

5.5.2. Product which sales in Slovak republic is not permitted or is prohibited.

6. Use of State symbols

6.1. State symbols may be used in advertising only in accordance with effective legal rules in a way which does not degrade or abuse their importance and dignity.

7. Games and lotteries

7.1. Advertisement for games, commercial competitions and lotteries (hereinafter "competition") cannot promise that entering them will guarantee luck for the consumers if not every participant is awarded. Advertisement must not mention that non-participation will bring bad luck.

7.2. Every competition must have clear rules prior to its beginning which must appear adequately and be accessible for every participant upon request.

7.3. Independence of coincidental draw of winners must be secured.

- - -