

## NOTES

This document should always be used in conjunction with the latest ASA's Advertising Codes of Practice.

**WARNING** – this is not an exhaustive list and may contain errors. It is intended for general reference purposes only. Please contact [advice@commercialapprovals.co.nz](mailto:advice@commercialapprovals.co.nz) for script or concept advice.

AMENDED: October 2015

ASA ADVERTISING CODES OF PRACTICE: January 2014

ISSUE	POLICY	COMMENT
Pixilation and bleeping	<p>We generally do not accept pixilation, blurring or black spots where these devices are used to cover readily identifiable but offensive visual material (e.g. genitalia)</p> <p>Similarly, bleeping of unacceptable swear words will not be approved.</p>	<p>A commonsense rather than a blanket “no” approach.</p>
Transmission faults effects	<p>Commercials using audio or visual effects that imply a fault or breakdown are generally rejected.</p> <ul style="list-style-type: none"> <li>- Can be viewed as denigrating to the broadcaster</li> <li>- Risk of being mistaken as a real TX fault and triggering emergency procedures</li> </ul>	<p>Effects rejected have included bars and tone, channel calibration signals, screen filled with video static, completely black screen, totally mute commercial.</p> <p>Commercials have been accepted with a qualifying super; i.e. “simulated breakdown”.</p>
Denigration of television	<p>Commercials that denigrate television or discourage people from watching television are generally rejected.</p>	<p>Commonsense differentiation between puffery and denigration of medium.</p>
Gambling	<p>NZ Lotteries, TAB and registered raffles will get a minimum GXC rating.</p> <p>Casino advertisements are automatically AO.</p>	
Swear words	<p>Currently limited to damn, bloody, bastard, bugger and ass (but not “arse”) within a humorous context. Never for shock or surprise effect.</p> <p>Commercials with swear words will always have restrictions on placement – minimum of PGR.</p>	<p>Attitudes to swearing are constantly changing.</p> <p>We consult with broadcasters and the ASA before amending the list of acceptable words.</p> <p>See BSA's <i>What Not To Swear</i> survey</p>

ISSUE	POLICY	COMMENT
Sex products & adult services	<p>No broadcasters will accept advertising for massage parlours, strip clubs, escort services, adult video shops, adult chat, dating services, adult videos to mobile phones or adult products (i.e. vibrators, sex toys, etc)</p> <p>Prostitutions services or registered brothels are legally restricted for any advertising.</p> <p>Touring strip revues (e.g. Girl Power, Chippendale) and restricted adult shows (e.g. Erotica) may be approved with AO or PGR restrictions subject to content.</p>	Note that this includes all online, SMS and telephone dating services.
Fireworks	<p>Fireworks advertising is always rated AO and is restricted to the following dates:</p> <ul style="list-style-type: none"> <li>- Between 26 October and 1 November but must state that fireworks are only on sale from 2 November</li> <li>- Between 2 November and 5pm on 5 November</li> </ul>	
Firearms	<p>The advertising of guns of any type, or ammunition, will not be approved.</p> <p>Glamorising guns or 'gun culture' is unacceptable in commercials.</p>	Using guns or 'toy' guns that look real as props in commercials is a sensitive issue. Please seek our advice as early as possible.
Simulating a news broadcast	<p>Commercials that try to pass themselves off as news broadcasts will not be approved.</p> <p>"Breaking News", "Newsflash" or similar opening sequences are acceptable providing it is clear to the viewer that they are watching a commercial.</p>	A commonsense rather than a blanket "no" approach.
Talent within commercials	<p>Advertising must be clearly distinguishable from programme content.</p> <p>This rule is more nuanced in children's programming as many products are spins-offs from popular programmes.</p>	It is preferable that talent who appear in a programme as themselves should not appear in a commercial within the same programme.

ISSUE	POLICY	COMMENT
Food & beverage advertising – Children’s Programming	<p>Advertisers must apply for a CF rating to advertise during children’s programming.</p> <p>Unless requested all food advertising will be given a GXC rating. This means that the commercial cannot run in programming specifically created for children aged 5-13 years old.</p> <p>Note that the ASA’s Children’s Code for Advertising Food (launched August 2010) requires all food ads that may “influence children” to observe a high standard of social responsibility.</p>	<p>The use of giveaways is okay providing the ad does not state, or strongly imply, that the promotional item is available with non-CF compliant products.</p> <p>See <a href="http://www.asa.co.nz">www.asa.co.nz</a> for guidance on the interpretation of a ‘high standard of social responsibility’.</p>
Food & beverage advertising – Health Claims (FSANZ 1.2.7)	Any advertiser making a High Level Health Claim will be required to provide written confirmation that the claim is permitted under FSANZ 1.2.7.	See <a href="http://Foodstandards.govt.nz">Foodstandards.govt.nz</a> for background.
Composite commercials	Composite commercials that are simply two or more commercials for different advertisers edited together will not be approved.	The applied test is that the viewer should have the impression of watching a single commercial, rather than two or more.
Personal hygiene products	All personal hygiene products will get a minimum GXC rating.	
Family planning	All family planning and advocacy commercials (e.g. pro-life, abortion services, Viagra, condoms, etc) will get a minimum PGR rating.	
0900 numbers or text message donation appeals	These services generally get a GXC rating and must include wording about getting bill payers permission.	Charity and disaster appeals can be given a G rating.
Chargeable (premium and standard) TXT messaging services	<p>Ads promoting SMS messaging services must comply with the TCF’s Mobile Messaging Services Code. Specifically all commercials must contain:</p> <ul style="list-style-type: none"> <li>- Clear price point information. Use of the term ‘standard rates’ is not acceptable. ‘Free’ services must have no associated costs – any follow-up messaging must also be free.</li> <li>- A disclaimer for any associated data charges e.g. ‘data charges may apply’</li> <li>- Directions to the full conditions of the SMS service e.g. ‘see website for details’.</li> </ul>	<p>All commercials get a minimum of a GXC rating.</p> <p>Note that all adult content is restricted under the Sex Products &amp; Adult Services rules (see above).</p> <p>.../continues on next page</p>

ISSUE	POLICY	COMMENT
<p>.../continued</p>	<p>In addition, subscription messaging services must include the following:</p> <ul style="list-style-type: none"> <li>- Voiceover must include the words ‘subscribe’ and/or ‘subscription’</li> <li>- Clear disclosure of message frequency and overall length of subscription e.g. ‘2 messages per week until 21/9/10’</li> <li>- Disclaimer must contain details of the ‘STOP’ command for unsubscribing</li> </ul> <p>On-screen disclaimers must meet reasonable standards of legibility with regard to font size, style and colour, and duration.</p>	<p>We require written confirmation from a TCF’s Code signatory that the backend mechanics of subscription services comply with the Code.</p>
<p>Referencing awards or research</p>	<p>Commercials that use awards, accolades or research must include reference to the awarding body and the year in which the award was presented or the research was conducted.</p>	
<p>Feature films, VOD and electronic games</p>	<p>Films, VOD services and games are rated according to the classification they are given by the Office of Film Classification or similar body.</p>	<p>M = minimum of GXC R16 = minimum of PGR R18 = minimum of AO</p>
<p>Public health – transmittable diseases</p>	<p>Commercials showing people sharing the same bottle or eating utensils will not be approved as these actions are considered to be in conflict with the Ministry of Health’s policy on the control of infectious diseases, e.g. meningococcal.</p>	<p>A commonsense rather than a blanket “no” approach.</p>
<p>Using a 3rd party’s copyright</p>	<p>It is the advertiser’s responsibility to ensure compliance with NZ copyright, trademark and intellectual property laws.</p> <p>Common infringements include the unauthorised use of Consumer NZ’s research finding or using the Olympics brand (see Name protection below)</p>	<p>If in doubt CAB will ask for confirmation that you have permission to use third party brands.</p>

ISSUE	POLICY	COMMENT
Name protection	<p>The Flags, Emblems, and Names Protection Act regulates the use of the New Zealand ensign and flag and other names, flags and emblems of Royal, national, international, commercial, or other significance.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>- It is prohibited to use the word “Anzac” in connection with any trade or business (“Anzac Day” is okay)</li> <li>- Permission is required to use the uniforms or liveries of any of NZ’s emergency, civil or defence services, for example, Police, Fire Service or NZ Navy.</li> </ul>	<p>CAB will ask for confirmation that you have permission to use civil or defence service’s property.</p> <p>For further details see <a href="http://www.mch.govt.nz/nz-identity-heritage/rules-protocols">http://www.mch.govt.nz/nz-identity-heritage/rules-protocols</a></p>