



MEDIA-SPECIFIC CO-REGULATORY CODES

ADVERTISING REGULATORY GUIDE

Different media platforms have different codes. Here's a guide to the media-specific codes and how to make sure your ads comply.

AM I ADVERTISING ON FREE-TO-AIR TV?

Consider the Commercial Television Industry Code of Practice (FreeTV Code), which is developed by FreeTV Australia in consultation with the public and registered with the ACMA. The FreeTV Code regulates content in accordance with community standards, assists viewers in making informed choices about their television viewing and provides effective procedures for receiving and handling viewer complaints. The FreeTV Code applies to broadcasters of free-to-air TV and covers the following key areas:

- Classification of material
- Accuracy, fairness and respect for privacy in news and current affairs
- Time limits on non-program matter
- Classification and placement of commercials; and
- Complaints-handling by stations

CAD is FreeTV's classification and information service to advertisers, agencies and production houses in relation to television commercials and infomercials. All television commercials and infomercials must be classified by CAD before they can be broadcast. Even though the FreeTV Code applies to broadcasters, your advertising must comply with the FreeTV Code before it will be accepted by the relevant network.

Additionally, there are further protections for children via the Children's Television Standards developed by the ACMA. The Standards contain protections for children against possible harmful effects of television. These protections apply during and around when 'C' and 'P' classified programs are shown.

WHAT HAPPENS TO COMPLAINTS?

Complaints about a breach of the FreeTV Code are made to FreeTV who will refer the complaint to the relevant broadcaster. The complainant can refer the complaint to the ACMA if they are not satisfied with the broadcaster's response.

Complaints about advertising on television are considered by the Advertising Standards Board. If an ad is found to be in breach of the relevant code, the Board will request for the ad to be modified or removed from the relevant television station.

AM I ADVERTISING ON SUBSCRIPTION TV?

Consider ASTRA's Codes of Practice for the operation of

subscription broadcasting and narrowcasting licensees. The ASTRA Codes apply to subscription television providers and cover areas such as program content and classification, advertising, privacy, subscriber service obligations and complaints procedures. In relation to advertising, the Codes specifically deal with the content of advertising, classification of advertisements, scheduling of advertisements, advertising directed at children and betting advertising in live sporting events.

The ASTRA Codes state that in addition to complying with the relevant AANA Codes, advertisers must comply with the following provisions:

- (a) **Offensive Advertising.** Advertising shall not deliberately cause serious offense to the intended audience of the channel on which the advertisement is broadcast.
- (b) **Dangerous Behaviour Advertising** shall not promote illegal or unsafe road usage practices or encourage other similar, dangerous behaviour.

WHAT HAPPENS TO COMPLAINTS?

Complaints about a breach of the ASTRA Codes are made to the relevant television network.

Complaints about advertising on television are considered by the Advertising Standards Board. If an ad is found to be in breach of the relevant code, the Board will request for the ad to be modified or removed from the relevant television station.

AM I ADVERTISING ON COMMERCIAL RADIO?

Consider the Commercial Radio Code of Practice. The Code applies to the commercial radio provider and aims to ensure that commercial radio broadcasters have regard to prevailing community standards in broadcast material, while protecting their right to responsible freedom of speech.

The purpose of the Code is to ensure that advertisements comply with other Codes, such as the AANA Codes, where applicable, and to limit the time devoted to advertisements.

Advertisements broadcast must:

- (a) not be presented as news programs or other programs;
- (b) comply with all other Advertising Codes of Practice so far as they are applicable.

AANA MEDIA-SPECIFIC CO-REGULATORY CODES

ADVERTISING REGULATORY GUIDE

WHAT HAPPENS IF I DON'T COMPLY WITH THE COMMERCIAL RADIO CODE?

Complaints about a breach of the Commercial Radio Code of Practice should be made to the relevant radio station.

Complaints about advertising on commercial radio are considered by the Advertising Standards Board. If an ad is found to be in breach of the relevant code, the Board will request for the ad to be modified or removed from the relevant radio station.

AM I ADVERTISING ON THE INTERNET, IN PRINT OR OTHER MEDIA?

The AANA Codes are platform neutral meaning advertising on any platform, including digital or print, must comply.

The information contained in this guide is for information purposes only. It should not be considered legal advice or a comprehensive guide to every regulation that applies to advertising or marketing communications. It is not guaranteed to be correct or complete. The purpose of this guide is to help advertisers and marketers gain a basic knowledge of the various regulatory regimes that apply to advertising and marketing communications in Australia.