



ADVERTISERS

**PAS Code of
Advertising
Practices**

Content

- Brief Profile PAS
 - Introduction
 - CoAP Standing Committee (CSC)
- The Code of Advertising Practice (CoAP)
 - Procedure for Dispute Resolution

Introduction

The Code of Advertising Practice (CoAP) has been developed by Pakistan Advertisers Society to promote best professional and ethical practices in the field of advertising and to ensure that the right of advertising is a responsibility towards the consumers and the society at large.

It covers the entire range of advertising activity and amended whenever there is an issue that requires review or updating. Explicit guidelines and interpretation shall be provided by the Standing Committee of Code of Advertising Practice on a case-by-case basis.

The function of the Code is to complement, not to replace, the law of the land.

The mind of the superior man is conversant with righteousness;
the mind of the mean man is conversant with gain.

Confucius

The Code of Advertising Practice (CoAP)
is implemented by a standing committee.
The committee functions on the following basic constitution:

1. The CSC will comprise of members of Pakistan Advertisers Society.
2. It will be empowered to rule on any dispute relating to breaches of the CoAP.
3. It will be empowered to ask for amendment or withdrawal of any advertisement which, in the opinion of the CSC is contrary to the Code of Advertising Practice.
4. It will be empowered to ask the media owners to support the decision of CSC.
5. It will be the responsibility of the CSC to recognize new areas over which the code could operate in the light of the developing needs of the advertisers and the environment.
These however shall be agreed by PAS Council.

It is held that the responsibility of advertisers, advertising agencies and associated companies is a constructive force in business. To discharge this responsibility, the parties within the industry must recognise not only an obligation to clients, but to the public, the media they employ and to each other.

As a business the industry must operate in the spirit of vigorous competition honestly conducted.

It is also recognised that unethical competitive practices in the advertising business lead to financial waste, divisiveness, loss of prestige and to the weakening of public confidence in both the advertisements and the industry.

The Pakistan Advertisers Society (PAS) will, in addition to supporting and obeying the laws and legal regulations pertaining to advertising, undertake to extend and broaden the application of high ethical standard; specifically society members will not create advertising that is:

1. False or misleading, visual or verbal.
2. Claims insufficiently supported that distort the true meaning or practicable application of statements made by professional or scientific authority.
3. Testimonials that do not reflect the real opinions of individuals involved.
4. Price claims that are misleading.
5. Statements, suggestions or pictures offensive to public decency or minority segments of the population.

The Pakistan Advertisers Society also recognises that there are areas that are subject to honestly different interpretations and judgments: comparative advertising shall be governed by the same standards of truthfulness, claim substantiation, tastefulness, etc. as apply to other types of advertising.



1. OBJECTIVES

The code is primarily intended to enhance the ethical and professional standards of the advertising industry in Pakistan via a self-regulatory process. Further development of the code is recognised and a wider group of interested parties' involvement, including such customers, educationalists, etc. could develop later.

2. STAKEHOLDERS

The code of advertising practice should cover advertisers, advertising agencies and media owners.

3. SCOPE

The scope of the code of conduct initially covers:

- a) Truth, honesty and integrity of advertising and the use of advertising copy.
- b) A yearly development plan should also be provided for, whereby additional topics would be added to the code of conduct, examples would be:

- ***plagiarism***
- ***commerciality / handling of political advertising/consumer complaints.***

However, for start-up given the infancy and lack of structure the emphasis should be on establishing those items under a).

4. SANCTIONS

a) Given that the objective of the code in operation is to enhance the professionalism of the industry, the primary task is to advise on behaviour and practice rather than rules and regulations. However, it is recognised that continuous malpractice can only be handled via the suspension of a member from the PAS.

b) Any complaint or issue raised by a member of the PAS against another internal member will be handled via a Code of Advertising Practice Standing Committee which would take advice, consider the issues and either reject the issue/complaint (no record kept) or make recommendations to the PAS Council for further action.

Actions on any member would be via the PAS Council. Only complaints/issues between members would be handled.

5. DEVELOPMENT

It was recognised that new areas over which the code could operate would need to be added over time. These should be agreed by the PAS Council and passed to the Standing Committee for development; an annual development plan should be drawn up by the Standing Committee for endorsement by the PAS Council.

6. APPLICATIONS

(i) Definitions

- a) Advertisements which were factually wrong, misleading or used another advertiser's property or distinctive device would be covered by the code.
- b) A product encompasses goods, services, causes or opportunities, prizes and gifts.

(ii) Business Areas

The codes apply to:

- a) Advertisements in newspapers, magazines, brochures, leaflets, circulars, mailing, catalogues and other printed publications, facsimile transmission, posters and aerial announcements.
- b) Television, radio, video commercials, cinema advertising and outdoor advertising.
- c) Advertisements in non-broadcast electronic media such as computer games and the internet.
- d) View data services.
- e) Mailing lists.
- f) Sales promotions.
- g) Advertisement promotions.
- h) Overlay.

(iii) Exceptions

- a) Advertisements in foreign media.
- b) Health-related claims in advertisements and promotions addressed only to the medical and allied professions or as per the guidelines from Ministry of Health.
- c) Classified private advertisements.
- d) Statutory, public, police and other official notices.
- e) Works of art exhibited in public or private.
- f) Private correspondence.
- g) Press releases and other public relations matter.
- h) The content of books and editorial communications.

7. PRINCIPLES

The following principles apply to the Code:

- a) All advertisements should be legal, decent, honest and truthful.
- b) All advertisements should be prepared with a sense of responsibility to consumers and to society.
- c) All advertisements should respect the principles of fair competition generally accepted in business.
 - d) No advertisements should bring advertising into disrepute.
 - e) Advertisements must conform to the Code of Advertising Practice

In assessing the truthfulness and accuracy of a message, the focus should be on the message as received or perceived, that is, the general impression conveyed by the advertisement.

8. COVERAGE

8.1. Substantiation

8.1.1 If there is a significant division of informed opinion about any claims made in an advertisement they should not be portrayed as universally agreed

8.1.2 If the contents of non-fiction books, tapes, videos and the like have not been independently substantiated, advertisements should not exaggerate the value of practical usefulness of their contents.

8.1.3 Obvious untruths or exaggerations that are unlikely to mislead and incidental minor errors and unorthodox spellings are all allowed provided they do not affect the accuracy or perception of the advertisement in any material way.

Advertisers may give a view about any matter, including the qualities or desirability of their products, provided it is clear that they are expressing their own opinion rather than stating a fact. Assertions or comparisons that go beyond subjective opinions are subject to substantiation

8.2. Legality

8.2.1 Advertisers have primary responsibility for ensuring that their advertisements are legal. Advertisements should contain nothing that break the law or incites anyone to break it, and should omit nothing that the law requires.

8.3. Decency

8.3.1 Advertisements should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation or disability. Compliance with the Codes will be judged on the context, medium, audience, product and prevailing standards of decency.

8.4. Honesty

8.4.1 Advertisers should not exploit the credulity, lack of knowledge or inexperience of consumers.

8.5. Truthfulness

8.5.1 No advertisement should mislead by inaccuracy, ambiguity, exaggeration, omission or otherwise.

8.6. Fear Distress

8.6.1 No advertisement should cause fear or distress without good reason. Advertisers should not use shocking claims or images merely to attract attention.

8.6.2 Advertisers may use an appeal to fear to encourage prudent behaviour or to discourage dangerous or ill-advised actions; the fear likely to be aroused should not be disproportionate to the risk.

8.7. Safety

8.7.1 Advertisements should not show or encourage unsafe practices except in the context of promoting safety. Particular care should be taken with advertisements addressed to or depicting children and young people.

8.8. Violence & Anti-social Behaviour

8.8.1 Advertisements should contain nothing that condones or is likely to provoke violence or anti-social behaviour.

8.9. Protection of Privacy

8.9.1 Advertisers are urged to obtain written permission in advance if they portray or refer to individuals or their identifiable possessions in any advertisement. Exceptions include most crowd scenes, portraying anyone who is the subject of the book or film being advertised and depicting property in general outdoor locations.

8.10. Testimonials & Endorsements

8.10.1 Advertisers should hold signed and dated proof, including a contact address, for any testimonial they use. Testimonials should be used only with the written permission of those giving them.

8.11. Pricing

8.11.1 It should strictly observe truth and clarity; should not by omission, ambiguity, small print and exaggerated claim mislead or confuse consumers and exploit their lack of knowledge.

8.11.2 Any stated price should relate to the products advertised. Advertisers should ensure that prices match the products illustrated.

8.11.3 It should be apparent immediately whether any price quoted exclude other taxes, duties or compulsory charges and these should, wherever possible, be given in the advertisement.

8.11.4 If the price of one product is dependent on the purchase of another, the extent of any commitment by consumers should be made clear.

8.11.5 When mentioned, price discounts such as "up to", "X% off", etc., must be in easily readable type, in close proximity to the prices quoted, and, where practical, legitimate regular prices must be included. Also, they should not exaggerate the availability of benefits likely to be obtained by consumers.

8.11.6 Disclaimers / asterisked information must not contradict more prominent aspects of the message and should be located and presented in such a manner as to be clearly visible.

8.12. Free Offers / Prize Competitions

8.12.1 There is no objection to making a free offer conditional on the purchase of other items. Consumers' liability for any cost should be made clear in all material featuring the offer.

An offer should only be described as free if consumers pay no more than:

- a) the current public rates of postage.
- b) the actual cost of freight or delivery.
- c) the cost, including incidental expenses, of any travel involved if consumers collect the offer.
- d) Advertisers should make no additional charges for packing and handling.

8.12.2 Advertisements inviting the public to take part in prize competitions permitted under law shall clearly state all material conditions as to enable the consumer to obtain a true and fair view of their prospects in such activities.

With this, the advertisers is recommended to make adequate provisions for the judging and announcements of such competitions with the fair distribution of prizes or gifts according to the advertised terms and conditions within a reasonable period of time.

8.13. Guarantees

8.13.1 The full terms of any guarantee should be available for consumers to inspect before they are committed to purchase. Any substantial limitation should be spelled out in the advertisement.

8.13.2 Advertisers should inform consumers about the nature and extent of any additional rights provided by the guarantee, over and above those given to them by law, and should make clear how to obtain redress.

8.13.3 'Guarantee' when used simply as a figure of speech should not cause confusion about consumers' legal rights.

8.14. Comparisons

8.14.1 Comparisons can be explicit or implied and can relate to advertiser's own product or to those of their competitors; they are permitted in the interest of vigorous competition and public information.

8.14.2 Comparisons should be clear and fair. The elements of any comparison should not be selected in a way that gives the advertisers an artificial advantage.

8.15. Denigration

8.15.1 Although comparative claims are permitted, marketing communications that include comparisons with identifiable competitors and/or their products should not discredit or denigrate the products, packaging, trade marks, trade names, other distinguishing marks, activities or circumstances of competitors.

8.15.2 The only acceptable use of another business's broken or defaced products in advertisements is in the illustration of comparative test, and the source, nature and results of these should be clear and reproducible.

8.16. Imitation

8.16.1 No advertisement should so closely resemble any other transmitted or published in Pakistan or any other country that it misleads or causes confusion.

8.16.2 The subject matter of an advertisement should not be chosen in such a way that it gives unfair and artificial advantage to the advertisers.

8.16.3 No advertiser should use another's concept, distinctive devices or key visuals in such a way that it gives the advertiser unfair advantage or deliberately mislead the consumer.

8.17. Exploitation of Goodwill

8.17.1 Advertisers should not make unfair use of the goodwill attached on the trademark, name, brand, or the advertising campaign of any other business

8.18. Identifying Advertisers and Recognizing Advertisements

8.18.1 Advertisers, publishers and owners of other media should ensure that advertisements are designed and presented in such a way that they can be easily distinguished from editorial.

8.18.2 Features, announcements or promotions that are disseminated in exchange for a payment or other reciprocal arrangement should comply with the Codes if their content is controlled by the advertisers. They should also be clearly identified and distinguished from editorial.

8.18.3 Mail order and direct response advertisements and those for one day sales, homework schemes, business opportunities and the like should contain the name and address of the advertisers.

8.19. Advertising to Minors/Children

8.19.1 Advertising which is directed to children must not exploit their credulity, lack of experience, or their sense of loyalty and must not present information or illustrations which might result in their physical, emotional or moral harm. Also, in no way it should undermine parental influence.

8.19.2 Advertisements, other than cartoon animations, should not feature dangerous or hazardous acts which are likely to encourage minors to emulate such acts in a manner which could cause harm or injury. However, in context where such acts are relevant should accompany with a clear and understandable warning cautioning such acts to be performed by professionals only.

8.19.3 No advertisements should be targeted to children which by law, either require a health warning in their advertising or cannot be purchased by minors.

8.19.4 Advertisements for treat food, snacks or fast food should not encourage children to consume them in substitution for a main meal on a regular basis or should not mislead about their potential benefits. In essence advertisements should encourage moderation, healthy dietary habits and physical activity.

8.19.5 Advertisements for slimming products or foods sold as an aid to slimming should not be directed at children.

8.20. Email / Mobile Marketing

8.20.1 Communications should contain the full name and a valid address (e.g. an e-mail address) of the marketers to which recipients can send opt-out requests.



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