

THE HUNGARIAN CODE OF ADVERTISING ETHICS

2015

FOREWORD

The Hungarian Code of Advertising Ethics has been drawn up with the purpose of providing professional and ethical norms for those engaged in advertising activities in Hungary. It is envisaged that through its application, in line with the respective sections of European Union directives acknowledging self regulation and based on the devotion and results of the advertising industry towards self regulation, the self-regulation is recognized by the Hungarian Parliament in the preambles to the Act on fundamental conditions of economic advertising activities and the Act on prohibiting unfair commercial practices towards consumers is implemented.

The first Hungarian Code of Advertising Ethics was created by the Hungarian Advertising Association - uniquely to the whole region - in 1981. In this way, a collection of norms was established, which was based both on the code of the Paris-based International Chamber of Commerce and on the social and economic structure of that time and its resulting circumstances.

In order to prepare for accession to the European Union, Hungary undertook a legal harmonization obligation. Along this process the fundamental EU and Hungarian regulatory environment effecting the advertising industry was consolidated.

The new revision of the Code is justified and made necessary by the experience gathered throughout its application, the new 2011 revised edition of the International Chamber of Commerce's Code of Advertising and Marketing Communication and the changing social environment.

The Code in general does not touch upon legal regulations; it considers those known.

The Code is, by its nature, more detailed and sterner in phrasing on certain occasions. It might happen that professional- ethical codes of other professions and industries contain special rules that are necessary not from the advertising profession's point of view and thus these do not form a part of the present collection of norms.

The Code has been reviewed and approved by organizations of the advertising profession on 17 February 2015. It is applicable from 30 June 2015:

Association of Communications Agencies in Hungary
Association of Hungarian Content Providers
Association of Hungarian Breweries
Association of Hungarian Market Researchers

Association of the Hungarian Confectionery Manufacturers
Direct and Interactive Marketing Association
Federation of Hungarian Food Industries
Hungarian Advertising Association
Hungarian Advertising Self-Regulatory Board
Hungarian Association of Local Radio Stations
Hungarian Association of Producers and Suppliers of Food Supplements
Hungarian Associations of Professional Market Researchers
Hungarian Association of Radio Broadcasters
Hungarian Branded Goods Association
Hungarian Chapter of the International Advertising Association
Hungarian Cosmetic and Home Care Association
Hungarian Distance Selling Trade Association
Hungarian Marketing Association
Interactive Advertising Bureau Hungary
Mineral Water and Soft Drinks Association
The Association of the Hungarian Electronic Broadcasters
Union of the Hungarian Alcohol Industry

Budapest, 17.02.2015.

I. General regulations

Article 1

The Scope of the Code

- (1) The Code is the collection of the practical, professional-ethical norms of those engaged in advertising activities in Hungary.
- (2) As regards the persons involved, the rules of the code apply to members of the signatory organizations and to all those who volunteer their adherence to the Code.
- (3) Except for the political advertisements, editorial contents, including also previews, classified advertisements verbal communication at the spots of sale, official announcement of public services, press releases, and product placement, irrespective of their forms and places of publication, the Code covers all other advertisements published, including also the public service advertisement, sales promotion and all other forms of commercial communication.
- (4) In addition to the advertisements published or broadcasted on traditional media advertising media, the Code covers all sorts of digital marketing communications, i.e., any and all kinds of advertisements on the net, websites, e-mails, by mobiles, (i.e., sms, mms, bluetooth), the non-editorial contents, and the advertising contents prepared, published or supported on the website of a firm or made in connection with a product or service by the advertiser, the party preparing or publishing the advertisement or the user. The Code regulates also the contents of online behavioural advertising (OBA) and the way(s) in which such advertisements can be communicated to customers.

Article 2

Interpretations

- (1) Unless the Code stipulates more sternly, the various expressions shall be interpreted in line with the definitions settled in actual legal regulation.
- (2) The Code is to be interpreted in the spirit as well as to the letter.
- (3) To see whether the advertisement corresponds to the specifications of the Code, the meaning of the various indications and expressions as generally accepted in everyday life - and in case of b2b communication in relevant profession - shall be decisive.
- (4) In evaluating an advertisement, the impact it could make on society shall be taken into consideration, taking into account the method and place of publication. Because of the different characteristics of the various media, a communication which is acceptable for one medium may not necessarily be acceptable for another.

Article 3

Basic principles

- (1) An advertisement must be legal, decent and the claims must be honest and truthful.
- (2) An advertisement must meet legal requirements in all aspects; it cannot encourage to the breach of law.
- (3) An advertisement is fair if it meets the legal and ethical norms of fair competition and good business practice.
- (4) An advertisement must be prepared with due sense of professional care and on the basis of social responsibility.
- (5) An advertisement should not contain statements or audio or visual treatments, nor the impression of the advertisement may offend standards of decency.
- (6) In advertising, the moral-ethical standards generally accepted by society and approved by the general public must be kept in mind.
- (7) The repugnance showed against a lawfully manufactured, distributed and advertised product or service shall not make the advertisement of it ethically objectionable.
- (8) No advertisement may be such as to reduce the reputation of the advertising profession or undermine public confidence in advertising.
- (9) The individuals and organizations in the advertising profession - within the framework of the self-regulation of the advertising trade - shall support the freedom of commercial speech at all times.

Article 4

General advertising prohibitions and restrictions

- (1) An advertisement may not include such elements and may not create a general impact that would offend the generally accepted moral and ethical standards of society.
- (2) An advertisement should not include such element or have a general impression as to encourage or justify the jeopardizing or impairment of human life, health, bodily integrity, the built or the natural environment, private or public property.
- (3) An advertisement may not abuse the trust of consumers, and may not make use of their lack of experience, knowledge or credulity.
- (4) The use of natural values and of historical, scientific and cultural values and monuments in advertising must not harm their esteem.
- (5) An advertisement may not insult any ideology (and within that, any religious belief). Religious symbols and motifs may only be used in advertising within the limits of good taste and in such a way that their use matches the subject.

- (6) An advertisement should not contain elements of adverse discrimination between nations, nationalities, ethnic groups, sexes, age groups and cannot discriminate on the grounds of sexual orientation, religious beliefs or the disability/ies one may live with. Similarly, an advertisement cannot support ideas that discriminate on any such grounds and cannot be suitable for inducing hatred.
- (7) The symbols of nations can be used within the bounds of good taste, for indicating, first and foremost, the origin of products and services. The use of the national symbols of Hungary is regulated by law. The official symbols used in municipality (emblem and flag) can be used only with the preliminary consent of the municipality/local government concerned. Their use cannot reduce the reputation and esteem of these emblems.
- (8) An advertisement cannot contain such elements or exert such a general impression, that induces, supports or justifies an aggressive, offensive, unlawful or antisocial attitude that would jeopardize the protection objectives defined in the present Code, or impair or jeopardize public safety.
- (9) Advertisement may rely on anguish or on fear from catastrophe and human suffering only with due care and in a well justified case; it shall not play of superstition.
- (10) Except public service advertising advertisements cannot induce grave fear, or a fear unjustified for wide circles of customers, fear, that is not related to the nature of the product, and cannot use shocking arguments and visual elements simply to attract attention.
- (11) An advertisement cannot contain such elements or exert such a general impression that induces, supports or justifies the torturing of animals. Whenever animals are shown in an advertisement, due care should be given to the presentation of animals not to be contrary to and not to infringe general social norms.
- (12) It is prohibited to use erotic and sexual elements in advertising for purposes not justified by the object and substance of advertising. Presentation of the human body within the limits of good taste may not be objected to, but the manner of presentation shall not harm human dignity and rights of the individual.
- (13) An advertisement cannot contain a statement of sexual content that can be humiliating for the consumers.
- (14) An advertisement cannot concentrate on the bodies or certain part(s) of the bodies of the models as if those were simply items, if they are not directly connected to the product advertised. The models cannot be presented in a humiliating or alienating way or such a manner as to carry a negative message for their sexes.
- (15) Advertising may not deliberately include subliminal elements.
- (16) No product may be sent to the consumer without prior assent. From this rule only those advertising gifts mean exception that the consumer/ receiver receive free of charge, without a compulsion to buy.

- (17) It is prohibited to include in the advertisement any such hint, message or reference in connection with illegal drugs, psychotropic substances, or narcotics that would encourage their use or would suggest that the use of such substances is acceptable.
- (18) In case there is significant scientific debate in a given issue, the relating advert statement must make this clear. The advertisement shall not suggest misleadingly that the factual statement contained in it represents a general, widely accepted scientific standpoint.

Article 5

Identification of Advertisement

- (1) An advertisement should be clearly identifiable irrespectively of its location and medium or the technical solution of transmission.
- (2) Commercial advertisements claiming to support public interest objectives (as well) should be clearly recognizable as having a commercial character.
- (3) In media containing news and edited materials, the advertising character of an advertisement shall be indicated in a manner that is easily and clearly identifiable and the advertiser shall also be identifiable.
- (4) Advertiser is not requested to be identifiable in case of advertisements aiming exclusively at raising attention, typically linked to the launch of a product or service (teaser).
- (5) In case the central message of the advertisement is that the consumer in order to make the optimal consumer decision may get in contact with the advertiser, the information necessary for creating this contact shall be provided in the advertisement.
- (6) Advertisement, regarding the aim of communication shall not be misleading and thus may not create the impression of a study, analysis or market research.
- (7) The name of the supporting organization (sponsor) or the brand name, trademark or logo it so requests must be published in a way that all participants, viewers, readers or audience of the publication, program, event etc. sponsored should be aware of the support (sponsoring).

Article 6

Protection of the Hungarian language

- (1) The text of an advertisement cannot be presented or communicated in a way, as to contravene the fundamental rules of the Hungarian language either insofar as the general impressions are concerned or by using foreign language elements.
- (2) In case of those foreign language advertisements that can be published according to legal regulation, the foreign language utilized in the given advertisement shall enjoy

the same kind of protection as the Hungarian language in case of Hungarian language advertisements.

Article 7 **Protecting of trademarks and advertising concepts**

- (1) Creative concept of an advertisement's creator and all ideas included in and related to the advertisement shall be subject to general protection.
- (2) It is prohibited to use a name, marking or commodity marker in an advertisement in any unjustified way that makes a different party or another product or service of a different party usually recognized.
- (3) Except for lawfully published comparative advertisements, without having received the authority to do so, it is prohibited to use in an advertisement a patented trademark, trade name which is used to make people to associate for or to recognize a product or service of someone else.
- (4) In case an advertiser has published its typical advertisement campaign in one or several countries, other advertisers shall refrain from hindering the original advertiser in expanding the campaign to other countries by publishing an advertisement very similar to the original in another country.

Article 8 **Protecting Personal Rights**

- (1) An advertisement may not use the name, picture- including drawing, graphic representation or caricature- sound recording or statement of a person in an unjustified way.
- (2) An advertisement may not result in harming the reputation (business acknowledgement) of other natural or legal person or organizations without legal personality. An advertisement may not harm human dignity, piety and historical or cultural honor of dead persons.
- (3) In commercial communication special care must be given to the question of data protection.
- (4) If in the applied trade practice data from children are handled, in the advertisement the children must be encouraged to obtain the parent's approval.

Article 9 **Responsibility for the advertisement**

- (1) Besides compliance with the statutory provisions, comprehensive liability for the observance of the rules of the Code shall rest with the advertiser.

(2) Insofar as the presentation and the method of publication are concerned, the advertisement services provider and the publisher (broadcaster) shall also be liable for the advertisement, except that the regulations of the Code are contravened in consequence of the execution of the advertiser's instructions. Liability shall rest with the advertisement services provider and the publisher also in case if the identity of the advertiser cannot be established through fault of the publisher of the advertisement.

II. Special rules of advertising

Article 10

Rules related to misleading and comparative advertising

- (1) An advertisement may not be misleading. When examining whether an advertisement is fit for misleading, the advertisement must be considered by its overall effect.
- (2) An advertisement is deemed suitable for being misleading, when it misleads or might mislead a reasonably informed consumer acting with the care and consciousness as may be expected under the premises. The advertisement shall not be and cannot operate as a substitute for the briefing on and acknowledgement of the conditions of sale and contracting terms of rendering the services.
- (3) In connection with the enforcement of the Code's fundamental principles, for certain consumers in danger of abuse, special protection shall be provided (e.g. consumers vulnerable due to their age or disability).
- (4) In advertising of a new product or service or in advertising a product or service which has been significantly changed, the denotation of "new" may only be featured for a reasonable period compared to lifecycle of the product or service. After the halt of the new product's advertising campaign, in the new or re-launched campaign the expression 'new' cannot be used.
- (5) Advertising claims - data and facts - referring to important characteristics of the product shall be valid and the substantiation should be supported by impartial professional examination.
- (6) The substantiation of the claims should be available from the beginning of the campaign, so that evidence can be produced without delay and upon request to the self-regulatory organizations responsible for the implementation of the Code.
- (7) An advertisement should not misuse research results or quotations from technical and scientific publications. Advertising should not use scientific terminology or vocabulary in a misleading way, and so to suggest that a product claim has scientific validity. Pseudo scientific or confusing word usage shall be avoided. In case the usage of a scientific notion is justifiable, it must be clear and unambiguous.
- (8) Advertising can be based on market research data if the research was made by scientific methodology, professional diligence.
- (9) Reference to a testimonial, approval or other supporting document can be included in the advertisement as if it is true, justifiable, relevant and timely.
- (10) An advertisement message presented as a consumer opinion is part of the advertisement and can only be evaluated as such. The unique consumer opinion as part of the advertisement cannot in itself be accepted as a substantiation of the advertisers claim. Advertiser is responsible for providing that the consumer opinion presented in the advertisement shall in all respects comply with the regulations of the Code.

- (11) In advertising a product or service, where, as a result of the selling method, the consumer makes a decision exclusively on the basis of the advertising (e.g. mail order, online sale), the advertiser must take particular care to ensure that information is both accurate and detailed.
- (12) If a commercial advertisement makes reference to the fact that the purchasing of the advertised product or service is in the public interest or is for a charitable purpose, it must provide unambiguous information on the ratio of the income that is allotted to the identified purpose by the advertiser.
- (13) In case of a business advertisement linked to a charity purpose, the advertiser shall prove that the donation actually took place.
- (14) In case of an advertisement the aim of which is to gather order with payment obligation from the consumer or business partner, the consumer must get clear information on this circumstance. An advertisement of such content cannot appear in the form of an invoice or other document forming the basis of payment and it cannot otherwise create the false impression that the consumer is obliged to pay.
- (15) A comparative advertisement cannot be misleading, cannot result in confusion with the competitor(s) or spoil the competitor's/s' good reputation. A comparative advertisement cannot speak evil of or humiliate the competitors or their products (goods or services) and cannot unfairly hurt the competitors' interests.
- (16) Reference to a price discount cannot be presented in a way as to being misleading.
- (17) It shall be clearly indicated if the price discount is offered only for a certain part of the stock of goods, or if availability to the discount is conditional upon the fulfilment of some additional condition.

Article 11

Prohibition of discrediting

An advertisement may not offend or reduce the credit and goodwill of a different party or the credit or goodwill of a different party's product or service, either directly or indirectly.

Article 12

Special regulations on public service advertisement

- (1) The advertiser of a public service advertisement must be indicated in a clearly identifiable manner in the advertisement.
- (2) A public service advertisement containing a call for financial support or donation shall clearly and unambiguously indicate the name of the beneficiary and the destined use of the funds gathered.

- (3) A public service advertisement may only generate fear or contain shocking element(s) and dramatic presentation methods in a manner and to the extent that is necessary for the effective communication of the goal of public interest that the advertisement is aiming to popularize or introduce.

Article 13 **Protecting of children and young people**

- (1) Advertisers should take special care in advertising that aim at children and young people.
- (2) Advertisers should take special care to ensure that advertisements directed to children can be easily identified. In presenting fictional advertisement elements and imaginary figures special care must be taken to provide that it should not make it difficult to distinguish between reality from fantasy.
- (3) An advertisement made for or featuring children and young people may not include any statement, visual element or sound effect that could damage them intellectually, morally or physically and make use of their credulity, inexperience and view of the world.
- (4) Concerning the real nature and utilization opportunities of the product the advertisement cannot be misleading or deceptive. Thus, especially demonstrating the product, advertising should not minimize the degree of skill or understate the age level generally required to assemble or operate the product. It is likewise prohibited to present the product in an exaggerated size, value, nature and durability or to fail to disclose information about the need for additional purchases, such as accessories, or individual items in a collection or series, required to produce the result shown or described.
- (5) An advertisement may not conduce in children the feeling that if they do not obtain the goods advertised they need to feel shame or disadvantage.
- (6) An advertisement may not suggest that in case the child or the person asked by them does not purchase the given product or use the given service they infringe an obligation or promise.
- (7) An advertisement may not damage respect that children and young people have for parents and teachers, and may not encourage disobedience against them.
- (8) Presentation of the price in advertisement shall not be misleading for a child, for instance by referring to a disproportionately low price.
- (9) An advertisement must not suggest that the purchasing of the advertised product is easily available for all families.
- (10) In case of a prize of a promotion, when the nature of the prize justifies it (e.g. living animal, devices that can be used typically with parental help, entry ticket for a

program), the parent's right to judge about it must be observed. In the scope of this question clear reference has to be made to the necessity of parental permission.

- (11) An advertisement may not make any unfair use of the trust children and the young have in their parents and teachers.
- (12) Content and presentation of advertisements directed to children and young people should not suggest wrong social behavior, lifestyle, negative moral values as they were acceptable standards.
- (13) A commercial advertisement shall not present children and young people in a dangerous situation. Child aged characters cannot be presented for instance in a street environment in traffic alone, in a way that would mean a source of danger to children of similar age to the character.
- (14) An advertisement aimed at children may not encourage them to seek or establish contact for any reason with persons unknown to them and visit places unknown to them.
- (15) Advertisement of products specifically designed for adults must not be placed in a media environment targeting children or young people.
- (16) In an advertisement children can use commodities the use whereof is dangerous or hazardous only under the supervision of adults. It is forbidden to show in an advertisement children to use medication or medical equipment on their own.
- (17) Even in cases not limited by relevant legal regulations, advertising in a public educational or social institution for children may be carried out only with the permission of the institute's principal. The obligation to obtain such permission applies to the character of the product and service advertised, to the contents of the advertisement, to the method of advertising and to the place of publication as well. The right of the institution's principal to permit or prohibit a particular advertisement within their own competence should not be curtailed by any contract.
- (18) No school advertising should disturb education or teaching, especially in respect of school-time, timetables and lessons.
- (19) In advertising a product or a service where advertising is directly linked with a purchase opportunity and/or the opportunity of using the service (e.g. Internet-based commercial communication or other advertisements that encourage to purchase with making a phone call) advertiser should take special care to ensure that children collect the agreement of their parents or legal guardians before making a legal statement for the buying decision of the product or service.
- (20) Advertising addressed to children shall use phrasing understandable for children to describe the exact and detailed conditions of obtaining the advertised good, gift, contest or competition. The communication must be suitable for children to understand the offer and its exact conditions.

Article 14

Sales promotions

- (1) Rules stipulated in the present article shall be applied, in line with general rules, in case of all advertising (commercial communication, marketing tool) that aim to enhance the marketability of the advertised goods with some added value or special offer (e.g. price reduction, free offer, coupon, present, charity programs).
- (2) In point of sale communication serving as sales promotion, general rules of the Code must be kept with special care.
- (3) In designing and conducting a sales promotion, behaviour that may cause justifiable disappointment or giving any other grounds for reasonable complaint must be avoided. The from them should be prompt and efficient, the terms and conduct of all sales promotions should be equitable to all participants, and should be framed in a way which is fair to competitors and other traders in the market. No promoters, intermediaries or others involved should do anything likely to bring sales promotions into disrepute.
- (4) Advertising of a sales action is ethical if the consumer understands from it the conditions clearly and easily. Special care should be taken to provide that the promise of the gift or advantage may not be exaggerated and/ or the price of the advertised product hidden or uncertain.
- (5) Communication of a sales promotion shall not be misleading, especially not in the matter of its price and linkage to the advertised product.
- (6) With suitable control it must be provided that the designing and conducting of the promotion meet the rational expectations of consumers. Special attention must be paid to the following:
 - a. The promised advantage (gift) shall be available in the quantity matching preliminary expectations and in a rational interval of time. In case of an unavoidable delay the consumer must be informed thereof and measures necessary for amending the situation must be taken promptly.
 - b. Defective goods or inadequate services should be replaced or the consumer shall receive due compensation.
- (7) Communication of a sales promotion shall contain all important information likely to affect consumer decision to purchase, especially the following:
 - a. important conditions of participation and the availability of the participation policy.
 - b. main characteristics of the additional benefits offered
 - c. any time limit on taking advantage of the promotional offer (deadline for participation)
 - d. any possible restriction to participation (age, geographical limitation, another product or service), or any limitations on stocks. In the case the offer is limited the consumer should be properly informed on possibilities of any arrangements for substituting alternative items or refunding the money

- e. the value of any voucher or stamp offered where a monetary alternative is available
- f. any possible cost of obtaining the item
- g. the full name and contact data of the promoter and an address to which complaints can be directed (if it differs from the promoter)

(8) In case of a draw, usually in case of selling incentive linked with a winnable prize (obtainable either with knowledge test or a draw) the consumer must be informed on the following, or at least their availability:

- a. detailed rules to participate in prize promotion
- b. any costs associated with participation cost other than from usual (base telephone fee, mail)
- c. nature, value and number of the prizes and the possibility of their substituted to money
- d. in case of a skill contest the nature of questions and the criteria of judgment
- e. the selection procedure for the award of prizes
- f. closing date of the competition
- g. when and how the results will be made available
- h. whether the beneficiary may be liable to pay tax as a result of winning a prize
- i. the time period during which prizes may be collected
- j. where a jury is involved the composition of the jury
- k. any intention to use winners or winning contribution in post-event activities
- l. the exact place and time of the open draw winning procedure, and place should be given to the consumer to take part on it

Article 15

Advertising of slimming products

- (1) Slimming products or any product with such effect may not be targets towards people under the age of 18 and cannot contain any references that are attractive primarily to this age group.
- (2) Advertisement of slimming products cannot state or suggest that abnormal thinness is attractive.
- (3) Advertisement of slimming products or any product with such effect shall not refer to the rate or amount of weight loss.

Article 16

Advertising of healthcare products

- (1) An advertisement of healthcare products, food supplements, foodstuffs, cosmetic products, and any other products developed to improve or restore physical well-being and not classifying and distributed as drugs or as medical aids shall not imply that they are such. The nature of the product shall be identifiable unambiguously.

- (2) The advertisement of a prescription drug that can be legally advertised shall, in addition to the statutory provisions regulating the advertising of drugs available over the counter, also unambiguously show the product category, the term “prescription drug”, and that the advertisement is part of a promotion campaign approved by the authority in charge.

Article 17

Regulations on advertising cosmetic product

For the purposes of this Chapter of Code: “*cosmetic product*” means “any substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours” (Article 2 of the Cosmetic Regulation).

- (1) Any cosmetic products’ claims, must be supported by adequate and appropriate evidence demonstrating the performance of a product by experimental studies, consumer perception tests, or the use of published information.
- (2) Digital techniques may be used to enhance the beauty of images to convey brand personality and positioning or any specific product benefit.
- (3) The use of pre and post production techniques such as styling, re-touching, lash inserts, hair extensions, etc., should abide by the following principles:
- (a) The advertiser should ensure that the illustration of a performance of an advertised product is not misleading (see Product Claim Substantiation).
 - (b) Digital techniques should not alter images of models such that their body shapes or features become unrealistic and misleading regarding the performance achievable by the product.
 - (c) Pre- and post-production techniques are acceptable provided they do not imply that the product has characteristics or functions that it does not have.
- (4) The following cases would not be considered misleading: using obvious exaggeration or stylized beauty images that are not intended to be taken literally, or using techniques to enhance the beauty of the images that are independent from the product or effect being advertised.
- (5) Testimonials and specialist recommendations may be used to emphasise the characteristics of cosmetic products and create a brand image. Testimonials and specialist recommendations:
- (a) may be used in the form of written or spoken statements
 - (b) must be genuine, responsible and verifiable.
 - (c) cannot replace material substantiation of a claim (see Product Claim Substantiation).
 - (d) shall avoid any misrepresentation and misinformation with regards to the nature of the product being advertised, its properties and the achievable results.

- (6) Testimonials from celebrities, private persons or consumers, etc., may be used provided they are presented as a personal assessment or impression of a product.
- (7) Testimonials should not be considered as proof of product efficacy that can only be established on the basis of adequate and appropriate evidence (see Products' Claims Substantiation).
- (8) Recommendations from medical, para-medical or scientific specialists (referred to as "specialist(s)") on an ingredient, a product, or a general message on hygiene or beauty, is acceptable provided they are established on the basis of adequate and appropriate evidence (see Product Claims Substantiation). Such specialists must be selected on the basis of their qualifications, expertise or experience in the particular area.

Article 18

Regulations on advertising food

- (1) The health representations in an advertisement of food and non-alcoholic beverages must rely on verifiable scientific grounds included in the officially approved list of the representations. The representations in question must be communicated in a way and to an extent proportionate to the nature and strength of evidence, providing supporting information to the customers.
- (2) Advertisement of food and non alcoholic drinks may not be lenient or encouraging towards excessive consumption; sizes of portions must be proportionate to the scenery of the ad.
- (3) Advertisement of food and drinks shall not undermine the importance of a well balanced diet or of a healthy, active lifestyle.
- (4) In the advertisement of food and non alcoholic beverages, where the product is presented as part of a meal, other elements of the meal shall also reflect the principle of balanced nourishment.
- (5) Texts as well as vocal and visual elements used in the advertising of food and non alcoholic beverages must truthfully reflect such important product characteristics presented in the advertisement as taste, size, content, nutritional or health related advantages and shall not in any of the above characteristics be misleading to the consumers.
- (6) Products of food industry not suitable for substituting whole meals must not be presented as such.
- (7) Nourishment or health related comparisons must be placed on foundations that can be proved and supported objectively and are clearly understandable.
- (8) Advertisers of food and non alcoholic beverages must pay special attention in case of advertisements aiming at children not to apply personalities (live or animation) from radio, television or printed media for the trading of products, gifts or services in

a manner that makes differentiating between the edited content and the commercial promotion difficult.

- (9) While fantasy, including animation, is acceptable in communication both towards younger or elder children, special care must be taken not to utilize child imagination in a manner that would be misleading concerning the dietary advantages of the product in question.
- (10) Food and advert non alcoholic beverages advertisements prepared applying characters renowned from children programs cannot be broadcasted in the environment of the same program.
- (11) Food and non alcoholic beverages ~~drink~~ advertisements addressing children cannot encourage them to eat or drink immediately at or before their night sleep.
- (12) Advertisements of food and non alcoholic beverages must not mislead consumers about the possible positive health effect or other advantageous characteristic, positive physiological or social effect of the advertised product's consumption. In advertisement addressing children or the young, the same applies to hinting at status in a community, popularity within an age group, school or sport success and the increase of intelligence.
- (13) Advertisement of food and non alcoholic beverages must not undermine the role of parents and other adults responsible for the wellbeing of a child in terms of their guidance in selecting diet and lifestyle.
- (14) Food and drink advertisements addressing children must not create the impression of urgency or disproportionate price reduction for instance by applying the expressions 'now' or 'only'.

Article 19

Regulations on advertising alcoholic beverages

- (1) Advertisement of alcoholic beverages shall not suggest that consumption of alcohol before driving a person or driving motor vehicle is acceptable, including bicycles, power-boats, jet skis, snowmobiles and airplanes. An advertisement shall not suggest that consumption of alcohol before or during operating dangerous machinery or connected to any dangerous free time or work activity is acceptable.
- (2) An advertisement of alcoholic beverages shall not induce or encourage unlawful behaviour and shall not despise the importance of a healthy way of living.
- (3) An advertisement of alcoholic beverages cannot suggest that outstanding physical or mental performance can be reached as a result of the consumption of alcoholic beverages and cannot show anyone to reach outstanding performance during the consumption of alcoholic beverages. Especially, the advertisement cannot make the impression that the consumption of alcoholic beverages increases mental abilities or physical performance or has a stimulating effect whatsoever on the performance of tasks requiring utmost attention.

- (4) Advertisement of alcoholic beverages may not present alcohol consumption at the workplace, in connection with work. Exceptions from this rule are advertisements connected to product tasting, company visit, where it is presented connected to a professional's work.
- (5) Advertisement of alcoholic beverages should not encourage or condone excessive or irresponsible alcohol consumption and cannot present abstinence or moderation consumption in any negative way. An advertisement should not show people who appear to be drunk or in any way imply that drunkenness is acceptable.
- (6) Advertisement of alcoholic beverages should not suggest any association with violent, aggressive, dangerous or antisocial behavior.
- (7) Advertisement of alcoholic beverages may not create any confusion as the nature and the strength of the product. It may present information on alcohol strength but may not create the impression that high alcohol content is the positive trait of the product. It cannot suggest that by consuming beverages of low alcohol content addiction or excessive drinking may be avoided.
- (8) An advertisement of alcoholic beverages may include information on the composition of the given alcoholic beverage and also on its calorie contents, but cannot claim on the grounds of the information as aforesaid that they are healthy, or reduce your weight, except if the relevant statutory provisions allow.
- (9) Advertisement of alcoholic beverages should not suggest that alcoholic products have therapeutic properties or that their consumption may help to preventing, treating or curing human disease. Information on nutrition value, carbohydrate content or calorie content may, under certain circumstances, be acceptable provided that they are lawful, true and applied with due care.
- (10) Advertisement of alcoholic beverages should not create the impression that consumption of alcoholic beverages may lead to social or sexual success. It should especially not suggest that alcohol consumption is a condition of social acceptance or success, that it enhances sexual performance, attractiveness or leads to the creation of a sexual relationship, or that it helps to overcome inhibition or shyness. Special care must be taken to provide that alcohol advertisement may not offend good taste or public taste, human dignity or honor.
- (11) Advertisement of alcoholic beverages should not show or aim at pregnant women.
- (12) An advertisement of alcoholic beverages cannot address high health risk groups, such as expectant mothers and cannot feature pregnant women.
- (13) The advertisement of an alcoholic beverage cannot address children or minors nor can contain statement, audio or visual elements that are, as an age group, the primarily appealing for them. No child or minor can be featured in these advertisements and none of those featured can be younger than 25.

- (14) When selecting the media it must be provided that at least 70% of the audience can reasonably be expected to be of 18 or older. Alcoholic beverages may not be advertised/promoted in media or at events where at least 30% of the audience is predictably child or underage.
- (15) An advertisement shall not use any – real or imaginary – objects, pictures, styles, symbols, colors, music or characters (especially cartoon characters, sportsmen or celebrities) that are primarily appeal the underage or are strongly linked to their thoughts or emotions. No brand logo and product tag can be used that primarily aim children and underage (names, logos, sports equipment, sport, game or other) and cannot suggest that it makes the consumer adult or adult like.
- (16) On the Internet website of the company or the brand it must be clearly and well visibly indicated that the given site may only be visited only by those who are above the age limit. In order to provide this advertiser must provide that the given site may only be visited after the visitor giving their date of birth.
- (17) On the Internet site of the company or the brand, clear notice of alcohol responsibility message must be placed.

Article 20

Regulations on advertising vehicles

- (1) Speed of the vehicle or the positive representation of its acceleration parameters cannot be the key message of an advertisement. This, however, may not detain presenting final velocity, acceleration or other vehicle data in the advertisement.
- (2) An advertisement shall not support or encourage irresponsible driving. Thus especially it may not present traffic violating, dangerous or irresponsible driving. In public traffic it may only present a driving style that is following all rules of traffic. Capabilities of a vehicle may also be presented in non public traffic environment.

Article 21

Special regulations on advertising gambling

- (1) Only gambling authorized by the authority in charge can be advertised.
- (2) An advertisement must not suggest that gambling may be a tool to reach financial safety, a solution to financial problems or a substitute of wages for work.
- (3) An advertisement must not suggest that gambling is an alternative for work, and thus a tool to solve financial problems or to substitute wages.
- (4) An advertisement of gambling must not suggest that the amount won shall place the winner into an actual life situation offering for him or her unlimited opportunities.
- (5) An advertisement of gambling must not encourage to spending beyond the financial possibilities of the individual.

- (6) Advertisement of gambling cannot be addressed to persons below 18; it cannot feature persons under 18 and may not even depict them. Likewise, it cannot use the symbols of the subculture typical to them.
- (7) An advertisement of gambling cannot be addressed to persons younger than 18; it cannot feature persons younger than 18 and show the elements of the subculture characteristic for them. Underage person can be featured in the advertisement is dedicated to present the spending of receipts from gambling for public purpose issue.
- (8) An advertisement must not contain misleading information, especially not regarding the chances of winning and the prizes.

Article 22

Environmental protection and advertising

- (1) Concerning claims referring to environmental protection it is a general expectation that such claims must be clear, understandable and if necessary supported with the qualification of the authority in charge. The donation or support of a third party or organization can figure in the advertisement only in case that it is true.
- (2) Claims like 'environmental friendly' and the like may only be used only by statements of those authorized to give out such, excepting the case when the advertiser, for the whole life cycle of the product, can prove that the product has no harmful effect on the environment.
- (3) Comparative statements and references are acceptable if advertiser can prove that the product is the result of a development valuable from an environmental protection perspective, either compared to competitors or advertiser's own earlier products. However, not even in this case may the advertisement suggest unduly that the product as a whole is environmental friendly.
- (4) When a statement regarding environmental protection is made, it must be made clear whether it refers to and is true for the product as a whole or only for a component or ingredient, packaging or other property thereof.
- (5) Environmental protection claims can be made only in a corresponding context.
- (6) Environmental protection claim should refer to a given environmental benefit or a general environmental impact. The latter statement can be published only inasmuch as prior to its publication the company completed an environmental impact study.
- (7) Environmental protection claims should be reassessed and updated so that they reflected the changes that took place in the technology, the products of competitors, and other circumstances that may affect the accuracy of such claims.

Article 23

Advertisement of premium rate or value added telecommunication services

- (1) An advertisement shall contain visibly, legibly and understandably that a given service is at premium rate, the accurate gross amount payable (in case of a prescription service, the amount of the regular fee), the method in which one can unsubscribe, the opportunity to change for normal tariff and a direct contact to the base rate customer service of the services provider.
- (2) Advertisement premium rate or value added telecommunication services cannot in any way suggest towards the user that the service is free of charge.
- (3) An advertisement may not encourage utilizing a service that is not operating with the conditions, fees and cancellation conditions communicated in the advertisement.

III. Advertisement published on digital appliances (internet and mobile)

Article 24

Definitions used in connection with advertisements in digital environment

The definitions hereunder have been worded to cover issues dealt with in this chapter. They are to be interpreted in compliance with the definitions in the “General Provisions”

- (1) Digital advertisements and marketing communications: they are marketing communications using the tools of digital interactive media to promote products, or to influence the behaviour of consumers.
- (2) Individually targeted communication: a communication sent to an e-mail address or mobile number (e.g., in SMS) or to some similar address that can be associated with a concrete, identifiable person.
- (3) Behavioural advertising (OBA): a practice using data derived from the online behaviour of users. Behavioural data are gathered by the help of a device from pages not belonging to the business group of the advertiser, so that on their basis the advertiser could develop an interest-based consumer segment, so that the ads that may be of interest to them could be communicated to these consumers. The activity of businesses operating websites and context-based advertising (e.g., an advertisement that has been published on the basis of the actual behaviour of consumers, the actual behaviour of consumers or a search) do not fall in this category.
- (4) Third party: a person, business or organization who or which performs some kind of an OBA-related activity on a website belonging to another group of companies and not to his/its. Difference should be made between third party and the operator of the website and the first party, the latter being the operator, and/or owner of the website, or the pages operated by the same business group.
- (5) Explicit consent: an action made by the consumer based on the consumer’s reasoning, whereby reacting to a relevant call, the consumer unambiguously consents to the use of his data to be collected for behavioural online advertisements.
- (6) Sensitive data: personal data concerning racial origin, nationality, political opinion, party affiliation, religious, ideological or other conviction, membership in an interest-representing body, sexual life, state of health, addiction, criminal records.

Article 25

General Rules

- (1) Digital advertising may only use available bandwidth only in a justifiable extent, especially in the case of advertisements forwarded to mobile telephones and other mobile devices.

- (2) Digital advertising may not limit users in their navigation possibilities. For visitors the option must be provided to close the advertisement or the site containing it, to minimize its size or to navigate from the site if they wish.
- (3) In advertising a product or a service via digital device where advertising is directly linked with a purchase opportunity and/or the opportunity of using the service, advertiser should take special care to provide exact and authentic information. Thus, application of Internet and mobile technology that might mislead or in any other manner harm the consumer must be avoided.
- (4) In advertising a product via digital device due attention should be paid to the contents targeting adults, linked to an age limit and having advertising materials harmful for the personality development of children and minors, and any additional contents, if any, having reference to these, not to reach these population groups.

Article 26

Identification of digital advertisements

- (1) If the digital marketing communication is addressed to a specific person, this should be apparent from the subject and contents. The definition of the subject of the communication must not be misleading and must hide its commercial purpose.
- (2) The commercial nature of the products and product descriptions published by the business must be unambiguous, and cannot be presented as if the advertisement came from a consumer or an independent organization.
- (3) Businesses shall take proper steps to make the commercial nature of the contents or community site set up and/or operated by them to be unambiguous, and also that the provisions of this Code of Ethic were complied with by everyone present on the site.

Article 27

Unambiguity of the offer and terms

- (1) No software or any other technical solution can be used for making an offer and the terms and conditions thereof less clear and to influence the decision of consumers in this way.
- (2) The customer shall be briefed in each and every case on the steps to be made prior to placing the order, purchasing, the concluding the contract or assuming any other obligation whatsoever. Such briefing shall take place prior to making the action in question. If the customer is to furnish data for the required steps, then opportunity shall be given to the customer to check and verify the trueness and correctness of these data prior to assuming any obligation whatsoever.

Article 28
Recognition of independent organizations and rating pages

Presuming they have such, the rules of each and every digital interactive media tool, such as news pages, forums, blogs, bulletins and wiki pages, defining and regulating acceptable commercial attitude shall be observed and complied with. Marketing communications on these and similar surfaces can only be published inasmuch as the given surface either explicitly or otherwise makes it unambiguous that such communication can be published on it.

Article 29
Individually addressed digital advertising spam

- (1) Individually addressed marketing communication through the digital interactive media can be sent to the consumers only inasmuch
- a. as the contents or the offer can be relevant to the targeted consumer and the
 - b. company provides for the consumer a simple and transparent method whereby the consumer can express that he or she does not want to receive similar mails in the future,

(2) Direct marketing aimed advertisement may only be sent electronically only with the prior (electronic or written) consent of the consumer. Only those consumers can be sent such advertising whose email address or telephone number was obtained by advertiser (person or organization) legally and in a manner that consumer/ user consented to the sending of advertisements unambiguously and previously. Such advertisements may only be sent by persons or organizations that received the user's consent or that obtained the data as a third party through a person or organization that the user authorized unambiguously and previously.

- a. Such advertising can only be sent in accordance with legal regulations and in the subject, quantity and frequency to which the original permission of the user entitles. In all such advertising it must be clearly indicated how user may get off the 'mail list', i.e. through which simple process may he/ she prevent receiving further similar advertising from the given sender.
- b. In case of Bluetooth based advertisements the opt-in function provided by the technology shall be used. In case a consumer/ user rejects the reception of the advertisement, the given Bluetooth device should not interact with the sender.

Article 30
Digital advertisements for children and minors

- (1) In the event that the digital marketing communication addresses a certain age group of children and minors lawfully, it must be secured that the presentation of the marketing message was appropriate both from the lingual points of view both as far as presentation are concerned.

- (2) No consumer segments addressing children under the age of 12 can be created with a view to perform online behavioural advertising targeting them.

Article 31

Online behavioural advertising, OBA

- (1) The rules regulating OBA concern the durable monitoring of third persons (third parties) on several websites and with the goal to create interest-based consumer segments, i.e., groups of consumers who, based on their former online behaviours, match in one or more of their characteristics, or to spread marketing communication to them relying on their preferences and spheres of interest.
- (2) These rules shall not apply to advertisements which reach the consumers through the operator of a specific website or websites maintained by a group of companies, the so-called first party business or its subcontractors. Accordingly, the above provisions shall not apply to the collection of the data of the user of an online periodical or retail trading site, if the data to be gathered shall be used solely and exclusively in connection with the operation of this or other sites maintained by the same group of companies.
- (3) Third parties performing OBA-related activities shall comply with the provisions regulating calls and control by the user detailed hereunder. The transparency of the rules of the collection and use of data, as well as those related to the consent of the consumer for his or her data to be used for OBA are essential. The regulations hereunder give detailed guidance for the practical implementation of the above principles.
- (4) The third parties and the operators of the websites shall describe their practice concerning OBA-related data collection and be unambiguous and inevitable in the relevant appeal. The information shall contain the type of data collected, the goal of data collection unambiguously and shall also offer a simple decision making mechanism for the consumer.
- (5) The AdChoices logo can be used only in case if the conduct of the business fully complies with the rules regulating the use of the logo.
- (6) For the duration of the storage of data, third parties shall operate a mechanism to help consumers to take their decisions regarding the OBA-related data collection, the use of their data collected and its transfer to third parties. This mechanism shall be easily accessible for them.
- (7) Those who collect data using certain technologies and practices and use the data collected for OBA, must obtain the preliminary consent of the consumer. Consumers must be granted the opportunity to withdraw their preliminary consents.
- (8) The physical, electronic and administrative measures taken to this end shall maintain the safety of personal data continuously at a high level.

- (9) The data gathered for OBA can be stored for the period shown in the preliminary consent of the consumer.
- (10) Segments based on sensitive data can be created only with the preliminary consent of the consumers affected.
- (11) Any business or organization that takes part in the planning, elaboration or implementation of OBA advertising and marketing communication can be called to account for not complying with the present rules.