STANDARDS OF ADVERTISING
OF THE
AD STANDARDS COUNCIL INC.
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SCOPE OF COVERAGE

The Advertising Standards & Rules of Procedures of the Ad Standards Council apply to members of the Philippines Association of National Advertisers, Association of Accredited Advertising Agencies and the Kapisanan ng mga Brodkaster ng Pilipinas and all advertising materials that are owned, coursed through, handled, or placed with them, as the case may be. The screening of advertising materials shall be with respect to content of said materials.

ARTICLE I

GENERAL STANDARDS OF PRESENTATION

Section 1. RESPECT FOR COUNTRY & THE LAW

a. Advertisements must not be injurious to the prestige of the Republic of the Philippines and the Filipino people.

b. Advertisements should not undermine the public’s regard for government, law and duly constituted authority.

(c. Advertisements shall not contain messages that deride or otherwise discredit the law and its enforcement.

Section 2. PHILIPPINE STANDARDS AND SYMBOLS

a. The use of the Philippine National Flag in advertising shall conform with the standards set by the National Historical Institute and the National Commission for Culture and Arts.

b. The Philippine National Flag or any of its earlier versions and the Seal of the Republic, if used, shall be as illustrative material only in sober and respectful manner whose theme is patriotic or commemorative, or reflects the heritage and/or traditions of the Filipino people.
c. Historical/national events, national events, national heroes and national shrines shall be presented accurately and respectfully and used to promote positive values.

d. The representation of the Philippine Currency in advertisements shall be governed by the rules promulgated by the Bangko Sentral ng Pilipinas Circular No. 61 s. 1995).

Section 3. RESPECT FOR RELIGION, FILIPINO CULTURE & TRADITIONS

a. Advertisements must endeavor to promote the improvement of the quality of life of Filipinos, positive Filipino Family values, customs and traditions.

b. Advertisements must respect religious beliefs, and be sensitive to the diverse religions, mores, culture, traditions, characteristics, historical background and identity of the various Filipino communities and uphold traditional Filipino family and social values.

Section 4. SEX, PROFANITY, OBSCENITY & VULGARITY

a. Profanity, obscenity and vulgarity, or presentations that are offensive to contemporary standards of decency or morals, and the indecent exposure of the human body, or any of its parts, shall not be allowed. Acts generally considered as indecent or offensive are prohibited in any advertising material.

b. Some exposure of the human body may be allowed in advertisements when in good taste and relevant to the product or service being advertised, the situation being portrayed or the audience being addressed. However, suggestive portrayals shall not be allowed.

c. Advertisements should not depict or exploit persons as sex objects and should not contain offensive, obscene, blasphemous, profane, or vulgar words or phrases or any sexual double entendres.

d. Sex and related subjects contained in an advertising material must be treated with care and conform to what is generally accepted as proper.

e. Salacious, violent or indecent themes, sexual innuendo or stereotyping likely to cause serious or general offense should be avoided.

f. Explicit depiction or graphic descriptions of sexual organs, other sensitive parts of the body prohibited in any advertising material.

g. Explicit depiction or description of sexual acts, sexual perversions and nudity are prohibited in any advertising material.

h. Advertising materials shall not condone or justify pre-marital sex or extra marital sex.
i. Advertisements shall not promote or appear to condone substance abuse, Satanism, violence or sexual perversion.

Section 5. CRIME, VIOLENCE & MORBIDITY

a. Advertisements should not exploit or tend to promote physical, verbal or psychological violence or the use of deadly weapons (other than for lawful purposes) whether achieved through real or fictional characters or situations.

b. Advertisements depicting crime, violence and other acts of wrongdoing or injustice shall not present the behavior as good or attractive or beyond retribution, correction or reform.

c. Advertisements should not suggest any association with violence or with anti-social behavior.

d. Advertisements must not contain any direct or indirect references to drug culture or illegal drugs or substance abuse.

e. Criminals shall not be glorified and crime shall always be condemned.

f. Violence shall not be encouraged. Morbid and gory details are prohibited.

g. Advertising content that are likely to incite a person to violence or commit a wrong or crime or anti-social behavior is prohibited.

a. Advertisements should not emphasize or dramatize ailments, distress or morbid situations or use such situations in an offensive manner.

ARTICLE II

STANDARDS OF PRESENTATION FOR CONSUMER PROTECTION & SAFETY

Section 1. GENERAL PROVISIONS

a. Advertisements must be honest, truthful and accurate and created for the benefit of the consumer and general public.

b. Advertisements should not be deceptive or mislead the public.

c. Advertising of a product or service found by the appropriate government agency to be below standards or specifications or to be otherwise unsafe shall not be allowed.

d. Advertising copy, slogan or terms should not tend to mislead, or confuse the consumer as to the materials, content, origin, utility or function of any product or service.
e. Advertisements should always be readily perceptible as commercial announcements and should not create any misimpression that they are news or editorial items or public service announcements. Applicable guidelines of the relevant media industry should also be observed.

f. Advertisements should not unduly capitalize on fear or sow panic. Neither should they exploit public credulity related to superstition, pseudo-scientific beliefs and practices, such as supernatural powers, foretelling of the future, astrology, phrenology, palm reading, numerology, mind reading, hypnotism, faith healing or subjects of like nature.

Section 2. CLAIMS OF PRODUCT/SERVICE PROPERTIES OR CHARACTERISTICS

a. Claims of product and service properties or their intended usage should be clearly presented and should not mislead the persons to whom they are addressed by inaccuracy, ambiguity, exaggeration or omission.

b. The use or incorporation of a test or demonstration of a product or service property or characteristics must clearly, fairly, factually and accurately present the test or demonstration confirming the claimed product or service property or characteristic. The test or demonstration presented in advertisements must directly prove the claimed product or service property or characteristics.

Section 3. MISLEADING PRESENTATIONS

a. An advertisement must not create confusion as to the identity of the advertiser or the source or identity of a product or service.

b. Advertising materials shall not contain features, elements or visual and/or audial presentations that are unique to the advertising of another brand regardless of category.

Section 4. PRICE & TERMS

a. Price and purchase terms, when used, should be clear and complete. When parts or accessories that the consumer might reasonably suppose to be part of the original sale are available only at an extra cost or for further consideration, such should be clearly indicated.

Section 5. PUBLIC SAFETY

a. Advertisements should not depict dangerous practices, show or refer to dangerous acts, or encourage disregard for safety. When a product or service has potentially dangerous qualities, the advertisement must be adequately qualified or balanced with a positive presentation or a clear warning within the advertisements.

b. Advertisements for any product or service should not depict the actual act of drinking alcoholic beverages or smoking tobacco products.
ARTICLE III
STANDARDS FOR THE PROTECTION OF CHILDREN

Section 1. PRESENTATION

a. Advertisements and promotional activities for proprietary drugs, medicines, devices and treatments should not be directed to children.

b. Advertisements should not encourage children to take drugs and medicines without the supervision of a responsible adult.

c. Advertisements should not encourage reckless, improper or antisocial behavior and should not show children in activities that would normally not be allowed by responsible adults for reasons of safety or propriety.

d. Advertisements should not undermine children’s enjoyment of present possessions.

Section 2. ADVERTISEMENTS DIRECTED AT CHILDREN

a. Exploitation of children is prohibited.

b. Advertisements directed primarily at the children should not exploit their natural credulity.

c. Alcoholic brand names, logos or trademarks must not be used on children’s clothing, toys, games or other materials intended for use primarily by persons under the legal purchase age.

d. Advertisements meant for children should not contain indelicate references to infirmities or scenes depicting physical and mental cruelty. In general, advertisements for children should not show irresponsible, violent or reprehensible acts/practices in a manner that may lead children to interpret or adopt them as normal or acceptable social behavior.

e. Advertisements directed at children shall in no way mislead children as to the product’s performance and usefulness.

f. Advertisements shall not encourage children to purchase products or services to support the television, radio or cable television program

Section 3. USE OF CHILDREN IN ADVERTISEMENTS

a. The use of children in advertisements must conform to the requirements of the Department of Labor and Employment.

b. Children shall not be presented as being in contact with, or demonstrating a
product, recognized as potentially dangerous to them. Advertising materials depicting or describing acts that would likely tend to harm children is prohibited.

c. No child shall be used, directly or indirectly, in advertisements of gambling, gaming institutions or games of chance.

ARTICLE IV

OTHER STANDARDS OF PRESENTATION

Section 1. DISPARAGEMENT

b. Advertisements shall not directly or indirectly disparage, ridicule, criticize or attack any natural or juridical person, groups of persons or any sector of society, especially on the basis of gender, social or economic class, religion, ethnicity, race or nationality.

c. Maliciously ridiculing or denigrating religion, culture, customs and traditions is prohibited.

d. References to minority groups should not be stereotypical, malicious, unkind or hurtful

e. References to religious or political beliefs should not be offensive, deprecating or hurtful, and the use of religious themes and treatments by non-religious groups should be treated with extreme care

f. Those who have physical or sensory impairment, or intellectually or mentally challenged persons should not be demeaned or ridiculed

g. Advertisements should not directly or indirectly disparage, ridicule or unfairly attack competitors or non-competitors, competing or non-competing products or services, including distinguishing features of their advertising campaigns such as specific layout, copy, slogan, visual presentation, music/jingle or sound effects

h. Advertisements shall not make any presentation that brings advertising into disrepute both as a profession and as a business activity

i. Humor should not be used to circumvent the intention of the these Standards

Section 2. COMPARISON ADVERTISING

a. A comparison of competitive products or services must provide a clear, substantiated and verifiable bases for any comparative claim favorable to the advertiser.

b. An unqualified, sweeping claim may be permitted only if proven to be true on all material respects in relation to all products of the same category in the market.
c. Indirect comparison advertising may be permitted provided it does not use symbols, slogans, titles, or statements that are clearly identified or directly associated with competitive brands.

d. Competitive claims inviting comparison with a group of products or with other product categories (without identifying any specific brands) may be allowed provided these are adequately substantiated.

e. Direct comparison advertising is allowed only in product categories that have clear, definite, accepted technology benchmarks. In particular:

   1) Product features/attributes being compared should be verifiable, measurable and/or definable
   2) Comparison must be quantitative rather than qualitative

Comparison must not be misleading, disparaging, exaggerated

f. Direct comparison is limited to products intended for the same purpose or belonging to the same class or category. Subjects of direct comparison must be clearly identified without violating Intellectual Property Rights.

g. Direct comparison advertising shall be allowed only in the following product categories:

   1) Automotive vehicles excluding automotive products
   2) Consumer durables (white and brown lines)
   3) Airline and Shipping Lines
   4) Musical instruments, Entertainment
   5) Telecommunications or mobile products excluding networks and Internet Service Providers

h. Parity claims are allowed provided they are properly qualified and substantiated.

Section 3. “BEFORE” and “AFTER” COMPARISONS

a. “Before” and “After” situations must reflect truthful and factual comparisons. Comparisons of the “antecedent” situation with the “subsequent” situation must not be exaggerated or misleading.

b. Advertisements comparing “before” and “after” situations should cite with prominence the specific time elapsed between the two situations.

Section 4. USE OF “NEW” OR “IMPROVED”

a. The word “new”, “improved” or “introducing” or similar words which connote ‘newness’ or an ‘improvement’ of a product may be used in advertisements only for a period of one (1) year from the time the new or improved product/service has been
introduced in the market, excluding reasonable test market periods.

b. Where claimed improvement relates not to the product’s basic utility or function but to one of its other features, such as appearance, fragrance, color or packaging, the word “new” or “improved” may be used only if clearly limited to the specific change (e.g., “new fresh fragrance” or “new plastic/bottle”).

c. A permanent price reduction or price rollback may be used in advertisements only for a period of one (1) year from the time the reduction or price rollback has been introduced in the market. However, there is no time frame for the mere mention of a product price as long as there is no reference to a previous price or a price reduction.

Section 5. SUGGESTIVE BRAND NAME ADVERTISING

Advertisements for any product whose brand name may suggest a different product, commodity or product form or nature should contain a clear statement of the true nature of the product represented by that brand name (e.g. “True-Milk, A Filled-Milk Product).

Section 6. PRE-EMPTIVE RIGHTS AND PLAGIARISM

Advertisements shall not violate established pre-emptive rights and shall not constitute plagiarism. Guidelines are provided in Annex “B” hereof.

ARTICLE V
PRODUCT CLAIMS

Section 1. CLAIMS ON INGREDIENTS

a. Advertisements should not contain any reference to an ingredient that could lead the public to assume that a product contains a specific ingredient unless the ingredient’s quantities and properties as well as the material benefit that results from its inclusion in the product formulation have been technically substantiated.

b. Advertisements should not imply that a certain benefit is due to a specific ingredient unless a verifiable cause and effect relationship exists.

Section 2. DATA REFERENCES

a. Data references must always be from results of a bona fide research, survey or tests.

b. Reference to data or results of a bona fide research, surveys, or test relating to a product should not be so prepared or disseminated in a misleading or inaccurate manner, including by creating or claiming any implication beyond that clearly established by the research, survey or test.
Section 3. QUALIFIERS IN REFERENCE TO CLAIMS & OTHER DEVICES

For Advertising materials that require the presence of qualifiers in reference to claims, including the devices “No Approved Therapeutic Claims”, “Drink Moderately”, and the like, such qualifiers in reference to claims or devices must comply with the technical specifications attached as Annex “A”, hereof to for part of these Standards.

Section 4. “NO.1” CLAIM (OR EQUIVALENT)

a. No “No.1” claim with respect to any product or service shall be allowed unless it is substantiated and clearly delineated and qualified as to render the claim objectively verifiable.

b. The substantiation of a “No.1” claim shall cover at least the immediately preceding 12-month period and should be supported by data from independent sources acceptable to the Ad Standards Council. In the absence of data pertaining to the last 12-month period, the substantiation may be based on the latest available reliable and bona fide figures provided these are shown to be reasonably current to the satisfaction of the Ad Standards Council.

c. Substantiation(s) for a “No.1” sales claim must confirm that the claimant is leading in both (i) physical units sold and (ii) in the resulting peso volume on a cumulative basis. “No.1” claims made on any other basis may be allowed only if the Ad Standards Council is satisfied that the basis and scope of the claim is clear and advertisement is not misleading in any way.

d. A “No.1” claim without a qualifier will be taken to mean as No.1 in sales.

e. A “No.1” claim may be made only with respect to a clearly delineated and defined category of product or service.

f. No product or service without a competitor may make a “No.1” claim.

g. A claim to be “No.1” in sales relating only to specific area(s), must prominently specify the area(s) covered.

h. A previously allowed “No.1” claim can be ordered discontinued or prevented from being used by the Ad Standards Council if it is proven by a competitor that its cumulative sales figures (minimum six months) put it ahead of the leading brand. However, for the challenger brand to earn the right to claim No.1, a 12-month basis is still needed.

Section 5. TESTIMONIALS

a. Testimonial should relate to the product being advertised.

b. Testimonial claims should be genuine and truthful. Fictitious testimonials should not be presented as though they are genuine.
c. Testimonials should only be used with the written permission of those giving them, unless taken from a published source that must be properly quoted with attribution of the source. The advertiser must substantiate a testimonial by submitting the original written, dated and signed testimony, duly subscribed and sworn to, supporting the endorsement. If the testimony quotes a published source, a copy of the publication must be submitted.

d. Testimonials should be categorically stated as a personal experience or opinion of the endorser and should be clearly presented as part of a testimonial statement. The testimonial must use qualifiers e.g. “In my opinion”, “Para sa akin”, “In my experience”.

e. Testimonials based solely on subjective judgment are allowed provided that they are not presented as statements of fact. When such testimonials include specific claims regarding product or service performance, these claims should be supported with independent evidence on the accuracy of, or consistent with, the actual product or service performance.

f. Testimonials shall not be used to circumvent:

1) a prohibited claim, or
2) the requirement for substantiation other than the testimony itself, or
3) regulations of government bodies pertaining to use of claims on the product or service.

g. Testimonials of professionals or groups of professionals should observe the Ethics of their professions and should not violate regulations of the government bodies or institutions regulating that profession.

h. Individual person(s) endorsing a product or service in communication materials and who is presented as an expert must have demonstrable credentials to substantiate the claimed expertise. His or her endorsement must be supported by an actual exercise of his/her expertise in evaluating the product or service features or characteristics. Such evaluation must be relevant and available to an ordinary consumer’s use of or experience with the product.

i. Endorsements by an organization are deemed as judgment(s) by a group whose collective experience outweighs that of an individual member. The advertiser must provide evidence to substantiate that the organization’s endorsement was reached by a process sufficient to ensure that it reflects the collective judgment of the organization.

j. Advertisements shall not contain or feature testimonials/endorsements of models/endorsers which contradict/dispute previous competitive endorsements or make direct reference to previously endorsed competitive brands by the same models/endorsers, within a period of fifteen (15) months from the last airing or publication of broadcast/print advertisements of said competitive brands containing the competitive endorsements.
k. No advertising can make any reference to advice received from the Ad Standards Council or imply endorsement by the Ad Standards Council.

Section 6. SCIENTIFIC OR TECHNICAL CLAIMS

a. All references to laboratory data, statistics and scientific terms used should be presented fairly and in their correct context and should not be presented as to create an impression other than that originally intended by the source.

b. Visual representation of laboratory settings may be employed, provided it bears a direct relationship to and accurately reflects the bona fide research conducted for the advertised product or service.

c. In case of references to tests by professionals or institutions (e.g., doctors, engineers, research foundations), documented and authoritative evidence should be submitted to substantiate such tests and the claims based thereon.

ARTICLE VI

NON-PRESCRIPTION DRUGS, DEVICES AND TREATMENTS
AND OTHER REGULATED PRODUCTS & SERVICES

Section 1. GENERAL PROVISIONS

a. No pharmaceutical product may be advertised unless it has been duly registered with the BFAD. Only non-prescription drugs may be advertised in the mass media; prescription drugs can only be advertised through publications solely intended for the medical and allied professions.

b. Where applicable, advertisements of pharmaceutical products must comply with the requirements of the Generics Act of 1988 (R.A. 6675) and its Implementing Rules and Regulations. Advertising & Promotions Guidelines of covered products is attached as Annex “C” to form part of these Standards

c. Advertisements for non-prescription drugs, devices and treatments should not describe or dramatize distress (e.g., death or serious illness) in a morbid manner.

d. Advertisements of all non-prescription drugs should prominently carry the advice, “If symptoms persist, consult your physician.”

e. Advertisements of the benefits or use of non-prescription drugs, devices and treatments should be based on, or be within the context of and consistent with the indications and labeling of said products as approved by the BFAD.

f. Advertisements should not depict consumers relying on, or otherwise encourage reliance on medicines as a solution for psychic, emotional or mood problems.

g. Advertisements of products designed to calm, sedate or stimulate should refer to the temporary symptomatic relief provided and should include a recommendation
that label directions be followed.

h. Advertisements should not offer false hopes in the form of a cure or relief for the mentally or physically handicapped either on a temporary or permanent basis.

Section 2. SPECIAL TERMINOLOGY/CLAIMS

a. In advertising medical products, claims that a product will effect a cure and the use of such words as “safe”, “without risk”, “harmless”, “instant”, “effective” or terms of similar import shall not be permitted, unless based on or within the context of and consistent with the indications and labeling of said products as approved by the BFAD.

b. As a general rule, the use of “safe”, “without risk”, “harmless” or words of similar import shall not be used for all products that have contra indications or warnings on use. The advertiser has the burden of proving the appropriateness of using the term “safe” through a BFAD approval to use the claim.

c. Advertisements should not contain claims that a product or treatment will promote sexual virility, or be effective in treating sexual weakness, conditions associated with sexual excess or over-indulgence, or any ailment, illness or disease associated with these habits.

d. Non-prescription drugs devices treatments may not be directly or indirectly advertised as the answer to conditions of premature aging or loss of virility, unless officially so allowed in writing by the BFAD.

e. Advertisements should not offer any product or treatment for slimming/ weight reduction or figure control if independent medical opinion considers that the use of the product or treatment can be harmful.

f. The word “tonic” when used in advertisements shall state clearly the specific purpose for which the tonic is to be used or taken and shall not claim nor imply treatment or results related to sexual potency, inadequacy or the aging process.

Section 3. MEDICAL PRACTITIONERS

a. Advertisements of non-prescription drugs, devices, treatments and medical equipment with endorsements by a medical practitioner shall be subject to the Code of Ethics and applicable laws and rules of his profession. In any event, where allowed, such advertisements or endorsements may state only the professional’s name, address, office hours and licensed area of practice or specialization. Specialization shall mean the particular field of practice for which the professional has the appropriate education, training and expertise.

b. When endorsements, direct or implied, of non-prescription drugs, devices, treatments and medical equipment by a medical practitioner is prohibited by the Code of Ethics and applicable laws, rules and regulations of this profession, endorsements by actors portraying the medical practitioner shall not be allowed.
c. Advertisements for the services of a medical practitioner shall be subject to the Code of Ethics and applicable laws and rules of his profession. The advertisement may not mention any specific ailments. Unlicensed medical practitioners shall not be allowed to advertise their services.

d. No clinic or hospital shall be used or portrayed in advertisements without the knowledge of and the written permission from its proper authority/ies.

Section 4. VITAMINS, FOOD SUPPLEMENTS & MINERALS

a. Advertisements should not state or imply that vitamins, food supplements, and/or minerals and/or similar products alone can ensure or promote good health. Neither should advertisements state or imply that good health is likely to be endangered solely because people do not supplement their diet with vitamins and/or mineral or similar product.

b. Advertisements of vitamins, food supplements and/or minerals and/or similar products should prominently carry the device “NO APPROVED THERAPEUTIC CLAIMS”. “No Approved Therapeutic Claim” in all television advertisements should be shown/flashed in a separate frame with no other copy or visual at the end of a material.

c. Advertisements of vitamins, food supplements and/or minerals and/or similar products should not be presented in such a manner that negates the message of “No Approved Therapeutic Claims”.

d. The use of testimonials or endorsements portraying the product as a cure of, or relief from, an ailment or medical condition that is not substantiated by clinically based studies shall not be allowed.

Section 5. PROMOTIONS

a. Advertisements for propriety drugs, devices and treatment offering prizes, promotions, competitions and additional rewards or benefits other than those which can be reasonably expected from the product’s use, or otherwise involving any promotion must have the express written approval of the BFAD.

b. A propriety drug, device or medicine may not be used as a promotional item for any product or services without the express written approval of the BFAD.

Section 6. ALCOHOLIC BEVERAGES

a. Advertisements must not imply that alcohol beverage consumption is a requirement for social acceptance and/or sexual attractiveness.

b. Advertising for alcoholic beverages should not present abstinence in a negative light or imply that it is wrong or foolish to refuse a drink.
c. Advertisements for alcoholic beverages should not depict the act of drinking such as the liquid entering the mouth and/or being swallowed.

d. Advertisements should not promote excessive and/or heavy drinking.

e. Advertisements should not promote excessive drinking nor should it imply that the behavior of heavy or rapid drinking or binge-drinking is attractive or appropriate.

f. Advertisements should not claim that drinking brings about therapeutic, sedative, tranquilizing or stimulating effects or that drinking enhances sexual prowess or appeal.

g. Advertising must not promote alcohol as a medicine. Advertising and promotional materials must not imply that alcohol has the ability to prevent, treat or cure any human disease. Nor should they create the impression that alcohol consumption enhances mental ability or physical performance, e.g. when engaging in sports. Advertising must not promote alcoholic brands as “energy drinks”.

h. Advertisements shall not be positioned as a health drink and/or as a therapeutic drink such as:

   1) That it aids in maintaining or reducing weight
   2) Being part of an exercise or fitness regime
   3) Allowing irresponsible or excessive consumption because of their low (er) calorie or carbohydrate content

i. Advertisements should not in any manner represent or imply that drinking and driving are safe compatible activities.

j. Advertising and promotional materials will not depict activities or locations where drinking alcohol beverages would be unsafe or unwise. In particular, no marketing communication should imply that the consumption of alcohol is acceptable before or while operating machinery, driving a vehicle or undertaking any other occupation that requires concentration in order to be carried out safely.

k. Advertisements for alcoholic beverages shall not be aimed at or directed to minors as the target audience.

l. People shown in advertisements of alcoholic beverages must be 21 years old and must look adult.

m. Data gathered related to alcoholic beverages from respondents below 18 years of age shall not be accepted as support to claims.

n. Alcoholic beverage advertisements should prominently carry the device “DRINK MODERATELY”. “Drink moderately” in all television advertisements should be shown/flashed in a separate frame with no other copy or visual at the end of a material.
o. All brand web sites and other promotional activities on the internet must ask for confirmation that those who use the site are of the appropriate legal purchase age for alcohol beverages as prescribed by the law. In addition, all brand web sites must contain a social responsibility statement and links to those social aspects organizations e.g. The Portman Group and The Century Council.

Section 7. CIGARETTES AND TOBACCO PRODUCTS

No direct or indirect advertising or marketing of cigarettes or tobacco products is allowed. Advertising materials shall only be at the Point of Sale/Purchase and in accordance with law.

Section 8. GAMBLING & GAMES OF CHANCE

The advertisement of gambling and other games of chance is not allowed, except those forms authorized by law, and in such case shall only be in the form of corporate advertising.

ARTICLE VII

SPECIAL PRODUCTS & SERVICES

Section 1. BANKING & FINANCIAL SERVICES

a. Advertisements for financial services such as lending, investing and other similar transactions should comply with applicable rules, regulations and circulars of the Bangko Sentral ng Pilipinas, the Securities and Exchange Commission, and other appropriate government agencies.

b. Such advertisements should contain a sufficiently clear, concise and complete statement of all the material terms and conditions of the offered financial product, transaction or service so that the consumer is fairly apprised of the total consideration for and the essential nature of the product, transaction or service.

c. Where other specific details that could influence the consumer’s decision are not stated, the advertisement should so indicate this and the manner in which complete information may be obtained. For this purpose, the advertisement may use a statement such as “For other important details and information, please contact or see __________.”

Section 2. EDUCATIONAL/TRAINING INSTITUTIONS

Advertisements for educational, development or training institutions or enterprises should not exaggerate or mislead regarding the opportunities supposedly awaiting those who enroll in or complete their courses.
Section 3. ARTICLES THAT REQUIRE ASSEMBLING

All products, which require assembling, should state this clearly and prominently in their advertisements.

Section 4. ADVERTISING FOR CHARITABLE CAUSES

Advertisements involving charitable causes as beneficiaries should indicate the particular beneficiary.

Section 5. CORPORATE ADVERTISING

Corporate advertising must be fair, truthful and accurate; it should not contain any exaggerations or sweeping generalizations that may mislead the public regarding the advertiser or the attributes of its products or services. Where the advertisements contain specific claims regarding the company or its product or services, such claims must be verifiable and subject to substantiation in the same manner as regular product or service advertisements.

Section 6. INFANT FORMULA

Advertisements of Infant Formula must comply with the Milk Code of the Philippines and its Implementing Rules and Regulations.

Section 7. COSMETICS

Advertisements for cosmetic products must conform with the requirements of registration with the BFAD and the relevant provisions of the ASEAN Harmonization Scheme on Cosmetics.

Section 8. AGROCHEMICAL AND VETERINARY PRODUCTS

In addition to the requirements of this Code, the advertising of agrochemical and veterinary products, particularly fertilizers and pesticides, shall likewise be governed by and should comply with the specific advertising guidelines set out by the Food and Agriculture Organization (FAO) Code of Ethics as well as all rules and regulations issued by appropriate governmental agencies.

ARTICLE VIII

PRICE ADVERTISING

Section 1. GENERAL PROVISIONS

a. All price comparisons should conform to Rule IV (Price Advertising), Chapter VI, Title III of the Department of Trade and Industry’s D.A.O. No. 2, s. 1993.
b. Advertisements should not contain misleading, exaggerated or fictitious price comparisons, discounts or other claimed savings. All indicated prices and other economic terms should be complete and accurate and should not mislead the public by distortion, omission or undue emphasis.

Section 2. DISCOUNT OR SPECIAL PRICE

a. Advertisements relating to a discount price shall not be allowed unless the discounted price is compared to the previous price and the discount price is maintained throughout the promotional period advertised.

b. Promotions for discounts and special sales must comply with Department of Trade and Industry (DTI) rules and regulations and the terms and conditions of the promotion approved by the DTI.

c. Where special prices, promotions, discount, sales and the like are applicable only in specific geographical areas, stores or outlets, such information or qualification should be contained and clearly presented in the advertising material.

d. Advertisements for special sales should conform with applicable government regulations. In any case, such advertisements should contain no false or misleading price or savings claims and should specify which store, branch, department and lines of goods are covered by the sale.

Section 3. INSTALLMENTS, LEASE-PURCHASE ETC.

a. Offers for sale on installments, lease-purchase arrangements, or other similar pricing mechanism must be clearly presented and must show the complete terms and conditions of the offer. The total consideration that is to be paid by the public, including any charges or extra fees, if any.

b. Advertisements for installment sales, lease-purchase and other similar transactions (including those where the consideration for the product or service is to be paid over a period of time) which makes any reference to prices or terms should likewise provide all pertinent information on terms of payment, additional charges, if any, and all other economic and financial features of the transaction so as to reflect the total cost/consideration for the goods or services being advertised.

ARTICLE IX

MISCELLANEOUS

Section 1. CONTESTS & PROMOTIONS

a. Advertisements of contests or competitions must conform to the regulations of the appropriate government agency.
b. Advertisements in the form of, or with contests and promotions offering prizes, additional rewards or benefits for the purchase of a product or service must have prior written approval of the DTI.

Section 2. TERMS & CONDITIONS OF CONTESTS OR PROMOTIONS

a. The word “win” and/or words of similar meaning may not be used without qualification or as a categorical claim to imply a certainty of winning unless justified by the mechanics of the promotion.

b. Specific prices, which can be won by a single individual, must be made clear and the total value of the prices may be used only if plainly described as the aggregate value of several prizes.

c. Advertisements of raffles, contests, or competitions, which offer prizes should state all the material conditions for participation. However, if no details or conditions are announced, the advertisement should also state how and where the purchaser may obtain full details of the rules, e.g., “See posters and print ads for details.”

d. The word “free” or words of similar meaning may be used in promotional advertising only under the following conditions:

   d.1. The normal or regular price of the product or service being purchased has not been increased.

   d.2. The “free” item is not integral or necessary part of a complete unit that is being sold.

   d.3. The “free” item provides a value to the consumer in addition to the original product or service, e.g. accessories, premiums, extra product, extra weight or extra volume.

Section 3. GUARANTEES & WARRANTIES

Advertisements with “guarantees” or “warranties” should clearly and conspicuously disclose the nature, value, extent, and duration of a guarantee or warranty.

DEFINITION OF TERMS

(TO FOLLOW)
ANNEX “A”
TECHNICAL SPECIFICATIONS OF QUALIFIERS IN REFERENCE TO CLAIMS AND DEVICES

Advertising materials requiring the presence of qualifiers in reference to claims or devices, such should comply with the following:

a. Text must be in lower-case with upper-case used only where normal for punctuation and in words or abbreviations commonly capitalized. Ornate, heavily serifed, italic typefaces and the like should be avoided.

b. Where the background to the text may be distracting (e.g. when it is moving or cuts from one view to another) it will normally be necessary to place the text on an opaque single-colored block.

c. Size of text should be prominently and clearly readable

d. DURATION OF HOLD

1) ‘Short’ (9 words or less) captions: 0.2 seconds per word plus 2 seconds duration time.

<table>
<thead>
<tr>
<th>Number of Words</th>
<th>Duration of Hold (In Seconds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.2.</td>
</tr>
<tr>
<td>2</td>
<td>2.4</td>
</tr>
<tr>
<td>3</td>
<td>2.6</td>
</tr>
<tr>
<td>4</td>
<td>2.8</td>
</tr>
<tr>
<td>5</td>
<td>3.0</td>
</tr>
<tr>
<td>6</td>
<td>3.2</td>
</tr>
<tr>
<td>7</td>
<td>3.4</td>
</tr>
<tr>
<td>8</td>
<td>3.6</td>
</tr>
<tr>
<td>9</td>
<td>3.8</td>
</tr>
</tbody>
</table>

2) ‘Long’ (10 words or more) captions: 0.2 seconds per word plus 3 seconds recognition time.

e. TEXT/BACKGROUND LEGIBILITY EFFECTS

1) Certain color combinations have been found to make text difficult to read and so should be avoided.

<table>
<thead>
<tr>
<th>Character (text) Color</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>Yellow</td>
</tr>
<tr>
<td>Yellow</td>
<td>White, cyan</td>
</tr>
</tbody>
</table>
2) Other acceptable combinations:

<table>
<thead>
<tr>
<th>Text Color</th>
<th>Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>Magenta, red, green, blue, black</td>
</tr>
<tr>
<td>Yellow</td>
<td>Blue</td>
</tr>
<tr>
<td>Cyan</td>
<td>Blue</td>
</tr>
<tr>
<td>Green</td>
<td>Yellow, white</td>
</tr>
<tr>
<td>Magenta</td>
<td>White, yellow, cyan (green)</td>
</tr>
<tr>
<td>Blue</td>
<td>White</td>
</tr>
</tbody>
</table>

f. PRINTED MATERIALS (Print publication, merchandising materials, collaterals)

1) The acceptable type size for a qualifier should be no less than 10 point type. Such qualifier should be prominently readable.
2) Under no circumstances should asterisk symbols paired with footnotes be allowed to serve as “qualifiers”.

g. OUTDOOR MATERIALS:

1) The acceptable size for a qualifier should be no less than 20 inches. Such qualifier should be prominently readable.
2) Under no circumstances should asterisk symbols paired with footnotes be allowed to serve as “qualifiers”.
ANNEX “B”
Pre-Emptive Rights and Plagiarism

1) Pre-emptive Rights

Pre-emptive rights to an advertising material are established by actual publication, installation and/or airing anywhere in the world and not by approval of the storyboard/script.

For materials that have the same execution, ownership of the said execution shall be given to the material that was first aired, published or installed anywhere in the world.

The ruling on Pre-emptive rights applies to all product categories, i.e. if it was established that Brand A has pre-emptive rights on a particular slogan, Brand B may not use the same slogan in its advertisement for any of its products.

The prescription period for pre-emptive rights or use of general lay-out, copy, slogan, visual presentation, music or sound effects are the following:

For non-competitive products or different product categories, two (2) years since last local publication or airing of broadcast print advertisement.

For competitive products or same product categories, five (5) years since last local publication or airing of broadcast print advertisement.

1.5. The prescription period for Pre-emptive rights does not apply to copyrights, registered trademarks and other non-advertising issues which are outside the scope of the ASC.

2) Plagiarism

2.1. “Plagiarism” means an instance where a material is found substantially or materially imitating distinguishing features of other advertisements in any part of the world.

2.2. If an ad is proven to be plagiarizing another ad, a CDO shall be issued against it effective immediately. Additional sanctions (e.g. fines) shall be determined by the TechCom.

2.3. The provision of Plagiarism overturns the ruling on Pre-emptive Rights, provided that the Complainant is able to present third party evidence of the original broadcast and/or publication outside the Philippines. When relevant, the prescription period for Pre-emptive Rights applies, namely two years for non-competitive products and five years for competitive products.
1. When a print advertisement shows the product with its label, the provision on product labeling shall apply.

2. When a print advertisement uses the brand name in its headline, the generic name shall be placed immediately before or after the brand name, rendered in the same type size as the brand name and shall be enclosed in an outlined box, the background color of which is the same as the background color outside the box.

3. When the brand name is mentioned in the body copy, the generic name shall be placed immediately before or after the first mention of the brand name, but using the same type size as that of the brand name and shall be enclosed in parenthesis.

4. Advertisements on Television, Cinema, Electronic Billboards
   a. Television, Cinema and electronic billboard advertisements 30 seconds or more
      1) If the label on the product shot is not reasonably readable, the generic name shall be prominently shown with the first product shot.
      2) All TV, Cinema, electronic billboard advertisements shall end with the following audio: “(GENERIC NAME) is the generic name for (BRAND NAME)”, provided that the audio is voiced together with the product shot prominently showing the generic name.
      3) Otherwise, the text of the whole statement shall be shown for at least 2 seconds without the audio.
   b. Television, Cinema, Electronic billboard advertisements 15 seconds or less
      1) The generic name should be mentioned or shown at least once within the commercial.
   c. Advertisements featuring two or more products shall mention or show at least once the generic name of each branded product featured.

5. Radio Advertisements
   a. Radio advertisements 30 seconds or more
      1) All radio advertisements should end with the following line: “(GENERIC NAME) is the generic name for (BRAND NAME)”.
b. Radio advertisements 15 seconds or less

1) The generic name shall be mentioned at least once within the commercial.

6. In no case shall the voice level of the generic name be lower than the brand name in all TV, Cinema and Radio advertisements.

ANNEX “C”


ANNEX “D”

ASEAN COSMETIC DOCUMENT

ANNEX “D”

MILK CODE OF THE PHILIPPINES

ANNEX “D-1”

REVISED IMPLEMENTING RULES & REGULATIONS OF THE MILK CODE OF THE PHILIPPINES

ANNEX “F”

CODEX ALIMENTARIUS
GENERAL GUIDELINES ON CLAIMS, GUIDELINES FOR USE OF NUTRITION AND HEALTH CLAIMS, GUIDELINES FOR VITAMIN AND MINERAL FOOD SUPPLEMENTS, GENERAL STANDARD FOR THE LABELLING OF AND CLAIMS FOR PREPACKED FOODS FOR SPECIAL DIETARY USES

ANNEX “G”

PMA CODE OF ETHICS IMPLEMENTING GUIDELINES