

Advertising and Sponsorship Code of Practice for Broadcasters Changed and Amended Text

Pursuant to Article 39, section 1 of the BiH Law on Communications ("BiH Official Gazette" No. 31/03), at its session held on 26th September 2006, the Council of the Communications Regulatory Agency has adopted the

Advertising and Sponsorship Code of Practice for Broadcasters

Changed and Amended Text

PART ONE - GENERAL PROVISIONS

Article 1

Subject

This Code sets out the basic principles of advertising, teleshopping and sponsorship for radio and television programmes in Bosnia and Herzegovina.

This Code does not relate to political advertising, which are regulated by the relevant provisions of the BiH Election Law, as well as by the rules passed by the BiH Central Election Commission.

Article 2

Definitions

For the purpose of the correct interpretation of this Code, the following definitions are to be noted:

- 1) "Advertisement" is any public communication aimed to promote vending, purchase or renting the products or services, or promotion of a thing or an idea, or achieving another effect wanted by the advertiser, for which the advertiser has been allocated time for broadcasting in return for payment or other valuable consideration.
- 2) "Advertiser" is a legal or physical entity ordering the publication of an advert in broadcast media with the purpose of promoting its products, services, real estate, rights or obligations, and enhance their legal traffic, i.e. with the purpose of promotion of its name, personality, ideas and activities, and in doing so gain business partners or enhance its reputation or good name.
- 3) "Teleshopping" is direct offer broadcast to the public having in mind acquisition of products or services, including real estate, rights and obligations, in return for money.
- 4) "Sponsorship" is participation of a legal or physical entity who is not involved in broadcasting activity or production of audiovisual services, in direct or indirect financing of programme with the purpose to promote the name,

brand or recognisability of that entity.

- 5) "Sponsor" is any person mentioned in item 4 of this article.
- 6) Sponsored programme is any programme for which any part of the production or broadcasting expenses are covered by the advertiser whose aim is to promote their own or somebody else's name, brand, image, activities, products or other direct or indirect commercial interests.
- 7) For the purpose of this Code, persons under age of 14 are considered as children.
- 8) "Watershed" is the period between 24.00 hours and 6.00 hours.
- 9) Current affairs programmes are programmes containing explanations and analysis of the current affairs and issues including programmes dealing with political or economic controversies, or issues of current public policy affairs and/or issues.
- 10) "Product or service placement for the purpose of advertising" is inclusion of or a reference to a product or service within a programme in return for payment or other valuable consideration. For the purpose of this rule, the product or service placement shall not be considered as such if it is editorially justified and is done without a payment or at a lesser price, or if it is contained in the programmes acquired outside Bosnia and Herzegovina, provided that no broadcaster regulated by the RAK has taken part in creation of such programmes or has had any financial benefit.
- 11) "Advertisement aimed at children" is a communication recommending the product or service which is by nature, form, quality or other considerations, aimed to be used by children regardless of whether they could use it on their own or with the assistance of parents
- 12) "Public broadcasters" are broadcasters defined as such in relation to the Rule 01/1999 Definition and Obligations of Public Broadcasting
- 13) "Special Public Broadcasters" are Public Broadcasting Service of BiH, RTV Federation BiH and RTV of the Republic of Srpska
- 14) "Immediately" (before and after) for the purpose of this Code, encompasses a period of 30 minutes (before and after).
- 15) Term "occult" includes "secret knowledge", it often means "knowledge of the supernatural", meaning "non-scientific" in opposite to the "knowledge of the visible", i.e. "knowledge of the measurable", which refers to the science. Term "occultism" may also include predictions and/or spiritual activities that are neither defined by current scientific standings, or belong to the regular activities of traditional religions.
- 16) Term "paranormal" includes any phenomenon that in general may be considered as something that goes beyond of what is considered as physically possible, having in mind current scientific standings.
- 17) Term "exorcism" includes extrusion of demons or other evil spirits or entities possessing the person or an item.

Article 3

General Principles of Advertising, Teleshopping and Sponsorship

- 1) Advertising, teleshopping and sponsorship must be legal, decent, true and fair.

- 2) Advertising, teleshopping and sponsorship must not be deceiving or harmful to the consumers' interests.
- 3) Advertising, teleshopping and sponsorship aimed at children or using children must avoid anything that might harm the interests of the children and have consideration for their particular sensitivity and susceptibility.
- 4) Teleshopping must not incite children to vending or lease of products or services.
- 5) Advertiser or sponsor must not have any editorial influence to the content or concept of the programme.
- 6) Advertising, teleshopping and sponsorship must be clearly distinguishable as such and be visibly separated from other forms of programmes by optical or acoustic means. In principle, the advertisements and teleshopping shall be broadcast in blocks.
- 7) No technique influencing the subconscious may be used in advertising, teleshopping or sponsorship.
- 8) Deceitful advertising and teleshopping are prohibited.
- 9) Advertisements or teleshopping shall not normally feature, visually or orally, persons regularly presenting news and current affairs programmes.
- 10) Editorial control of the advertisement or teleshopping must be performed by the licensee.
- 11) All advertisements and teleshopping must respect generally accepted principles of fair competition. The licensee shall not unreasonably discriminate or favour any particular advertiser.
- 12) All advertisements, sponsored programmes or teleshopping promoting products or services that can be obtained by dialling certain phone numbers, must contain clearly visible price of such phone call, regardless of whether it is a normal or premium rate number.

PART TWO - ADVERTISING AND TEleshopping

Article 4

Decency and Civility

Advertisements shall not offend generally accepted decency and civility standards or be offensive for public sentiment. Particular attention shall be paid to avoiding insult related to race, nationality, ethnic origin, language, religion, sex, social background or disability.

Article 5

Pornography and Violence

- 1) Advertising and teleshopping shall not present products or services, including magazines, which are regarded as or are directly related to pornography.

- 2) Advertisements the content of which is not pornographic, but which directly or indirectly refers to pornography (hot-lines, advertisements for porn magazines or films) as well as advertisements of erotic nature can be broadcast only within watershed.
- 3) Advertisements showing violence or threat of violence without editorial justification shall not be broadcast.

Article 6

Discrimination

- 1) Advertisements must be in line with all relevant aspects of European and national legislation, as well as the provisions of the European Convention on Human Rights and Fundamental Freedoms related to discrimination.
- 2) Advertisements shall not discriminate women or men with regard to possibilities of employment, education or training.
- 3) Advertisements shall not discriminate ethnic groups or include any material that could, by anybody's reasonable judgment, be regarded as offensive and distasteful by ethnic groups.

Article 7

Price Statements and Comparisons

- 1) Real and compared prices shall be correct at the time of broadcast and shall not wrongly indicate by over-emphasising or twisting. Statements on the "lowest prices", "the most acceptable prices" or "you cannot buy anything cheaper" or similar, shall be supported by the vendor with evidence that their prices are indeed lower than those of the competition.
- 2) Advertisements containing comparisons with other advertisers, products or services are allowed in the interest of a healthy competition and public information, provided that the principle of fair competition is respected and that such comparison does not mislead the audience.
- 3) Advertisements shall not discredit and/or belittle the competition, their product or services; neither shall they represent the competition's products as a bad imitation or reproduction.

Article 8

Advertising and Teleshopping of Certain Products

- 1) Advertising and teleshopping of tobacco products shall not be allowed.

2) Advertising and teleshopping of alcoholic beverages of all types shall comply with the following rules:

- a) they shall not be addressed particularly to minors and no one associated with the consumption of alcoholic beverages in advertising or teleshopping should seem to be a minor;
- b) alcohol consumption must not be connected with physical activities or driving;
- c) they shall not claim that alcohol has medical effects, that it is a stimulus, tranquilizer or means for resolving personal problems;
- d) they shall not encourage uncontrolled consumption or show abstinence or moderation in a negative sense;
- e) they shall not overly emphasise the alcoholic content of the beverages.

Article 9

Advertising Medicine, Medical Treatments and Health

- 1) Advertising medicine and medical treatments which are only available on medical prescription shall not be allowed.
- 2) Advertising all other medicine and medical treatments shall be clearly distinguishable as such, honest, truthful and subject to verification, and shall comply with the requirements to protect the individual from harm.
- 3) Teleshopping for medicine or medical treatments shall not be allowed.

Article 10

Advertising with Religious Content

- 1) Any licensee who does not wish to advertise any religious content of any kind has no such obligation. However, should a licensee decide to do such advertising it shall not unfairly discriminate or favour any particular advertiser or religious organisation.
- 2) All advertisements shall clearly identify the advertiser or religious organisation/community on whose behalf the advertisements are broadcast.

Article 11

Paranormal abilities, exorcism, occultism and similar Activities

All advertisements that in any way promote paranormal abilities, exorcism, occultism or similar activities, as well as all

services that can allegedly be provided by the abovementioned, can be broadcast only within the watershed limitations.

Article 12

Superstition and Fear

Advertisements shall not misuse superstition or play with fears in order to mislead the audience.

Article 13

Advertising and Children

- 1) Advertisement aimed at children shall not contain false information on the advertised product or service, particularly in relation to the actual size, value, nature, durability, speed, colour and other characteristics.
- 2) If an advertisement shows a result of a drawing, making, installing and modelling, the ability to achieve such result must be adequate to the average ability of the targeted children. In such advertisement the intended age must be stated.
- 3) Advertisement aimed at children shall not contain a value judgement on the price, particularly the wording like "only", "bagatelle", "under price" and similar.
- 4) Advertisement aimed at children shall not recommend product or service that is not intended for children.
- 5) Advertisement aimed at children shall not recommend medicine, medical products including vitamins, medical institutions, weight control treatments or products, religious messages, erotic contents, inflammables and other similar dangerous things.
- 6) Advertisements that incite behaviour that might endanger lives, physical or moral development of children shall be prohibited. Advertisements aimed at children shall not contain scenes of a child in a dangerous situation such as: climbing to unsecured facilities, entry into unknown areas, conversation with unknown people, use of matches, lighters, gasoline, medicine and electrical gadgets in a household or similar, unless such an advertisement is aimed to convey the warning on hazard for health and safety of a child or its integrity.
- 7) Advertisement aimed at children shall not contain information that might lead a child to behaviour which is dangerous for its physical, emotional or any other kind of integrity.
- 8) Advertisement aimed at children shall not contain scenes of violence, including violence among cartoon figures, dolls and alike.
- 9) Advertisement aimed at children shall not contain messages suggesting that use of certain products or services will provide them with physical, intellectual or any other social advantage compared to the children who do not use such products or services.

Article 14

Schedule of Advertising

- 1) Advertisements shall be inserted between programmes. Provided the conditions contained in paragraphs 2 to 5 of this article are met, advertisements may also be inserted during programmes in such manner that the integrity and value of the programme and the rights of the rights holders are not prejudiced.
- 2) In programmes containing autonomous parts, or in sports programmes and similarly structured events and performances comprising intervals, advertisements shall only be inserted between the parts or during intervals.
- 3) The transmission of audiovisual works such as feature films and films made for television (excluding series, serials, light entertainment programmes and documentaries), provided their duration is more than forty-five minutes, may be interrupted once per each complete period of (45) forty-five minutes. Further interruption is allowed if film duration is at least twenty minutes longer than two or more complete periods of forty-five minutes.
- 4) If programmes, other than those covered by paragraph 2, are interrupted by advertisements, a period of at least twenty minutes should elapse between each successive advertising break within the programme.
- 5) Advertisements shall not be inserted in any broadcast of religious services. News and current affairs programmes, documentaries, religious programmes, and children's programmes, in duration of less than thirty minutes, shall not be interrupted by advertisements. If they last for thirty minutes or longer, provisions of the previous paragraphs shall apply.
- 6) Advertisements or teleshopping shall not be broadcast immediately before or after the news of tragic nature, accidents and human violence, unless they are broadcast as breaking news that interrupt regular programme schedule.

Article 15

Specific Provisions Related to the Schedule of Advertising

Medicine, medical products including vitamins, medical institutions, weight control treatments or products, religious messages, inflammables and other similar dangerous products shall not be advertised immediately before or after the children oriented programmes.

Article 16

Duration of Advertising and Teleshopping on private broadcasters

1. The proportion of teleshopping clips, advertising clips and other forms of advertising, with the exception of teleshopping windows within the meaning of paragraph 3, shall not exceed 20% of the daily transmission time. The transmission time for advertising clips shall not exceed 15% of the daily transmission time.
2. The proportion of advertising clips and teleshopping clips within a given hour shall not exceed 20%.
3. Windows devoted to teleshopping programmes broadcast within programme services which are not exclusively devoted to teleshopping shall be of a minimum uninterrupted duration of 15 minutes. The maximum number of windows per day shall be eight.

4. Their overall duration shall not exceed three hours per day and they must be clearly identified by optical and acoustic means.

5. For the purposes of this article, advertising shall not include:

a) Announcements made by the broadcaster in connection with its own programmes and products directly derived from those programmes;

b) Announcements in the public interest and charity appeals broadcast free of charge. Such announcements and appeals shall be broadcast free of charge unless it is necessary to pay the production fees.

Article 17

Duration of Advertising and Teleshopping on Public Broadcasters

Duration of advertisements and other paid messages as well as commercially sponsored programmes on public broadcasters cannot exceed four (4) minutes per hour in the TV programmes and six (6) minutes in the radio programmes.

Article 18

Specific Public Service Broadcasters

Duration of advertisements and other paid messages as well as commercially sponsored programmes in the programme of Public broadcasting Service of BiH (PBS), Radio Television of the Federation of BiH (RTV FBiH) and Radio television of Republic of Srpska (RTRS) are determined by relevant laws and decisions of the RAK Council.

Amount of advertisements and other paid messages, as well as commercially sponsored programmes in the programme of Public broadcasting Service of BiH (PBS), Radio Television of the Federation of BiH (RTV FBiH) and Radio television of Republic of Srpska (RTRS) cannot exceed six (6) minutes per hour in radio and in TV programmes as well. Abovementioned broadcasters may re-distribute allowed time for advertising within the prime time in such manner that in no case they exceed eight (8) minutes per hour of programme. Prime time for PBS and RTV FBiH is defined in such manner that includes period between 17:30 and 22:30 hours, while prime time for RTRS is defined in such manner that it includes period between 19:00 and 22:00 hours.

PART THREE - SPONSORSHIP

Article 19

General Principles on Sponsorship

1) When a programme or series of programmes is sponsored in whole or partially, it shall clearly be identified as such

by appropriate credits at the beginning and/or at the end of the programme.

- 2) The content and scheduling of sponsored programmes may in no circumstances be influenced by the sponsor in such way as to affect the responsibility and editorial independence of the broadcaster in respect of programmes.
- 3) Sponsored programmes shall not encourage the sale, purchase or rental of the sponsor's products or services or a third party, in particular by making special promotional references to those products or services in such programmes.
- 4) Editorial control of sponsored programmes shall be done by the licensee. Any sponsorship shall be declared as such so that the audience can know who pays/contributes and why.

Article 20

Prohibited Sponsorship

- 1) Programmes cannot be sponsored by physical or legal entities whose principal activity is manufacturing or sale of products, or provision of services, the advertising of which is prohibited by this Code provisions.
- 2) Companies that, *inter alia*, are involved in production or sale of medicine and medical treatments, may sponsor programmes promoting their names, trademarks, images or company activities, without mentioning medicine or special medical treatments, available only upon prescription.
- 3) Sponsorship of news and current affairs programmes shall not be allowed.

Article 21

Entry into Force

- 1) This text, adopted on September 26th 2006 by the Council of the Communications Regulatory Agency, represents a changed and amended text of the Code on Advertising and Sponsorship for Broadcasters ("BiH Official Gazette" No. 32/04) and shall enter into force after publication in the BiH Official Gazette and will be applied as of 1 January 2007.

Article 22

Transitional provisions

- 1) As of the date of application this Code shall have precedence over the old Code on Advertising and Sponsorship for Broadcasters, published in "BiH Official Gazette" No. 32/04.

Sarajevo, September 26th 2006

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Chairman of the Council

Neven Tomic