

**THE UNITED REPUBLIC OF TANZANIA
TANZANIA COMMUNICATIONS REGULATORY AUTHORITY**



**PUBLIC CONSULTATION DOCUMENT ON CODE OF ETHICS FOR
ADVERTISING AND SPONSORSHIPS FOR THE BROADCAST MEDIA**

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PUBLIC CONSULTATION DOCUMENT ON CODE OF ETHICS FOR ADVERTISEMENTS AND SPONSORSHIPS FOR THE BROADCAST MEDIA

1.0. EXECUTIVE SUMMARY.

- 1.1. One of the mandates of the Tanzania Communications Regulatory Authority is to safeguard general broadcasting standards on behalf of the public. As a result the Broadcasting (content Service) Regulations 2005 requires the Authority to prescribe various codes including the code of ethics for advertisements and sponsorships for all broadcasters.
- 1.2. This paper presents the draft Code of Ethics for advertisements and sponsorships. It sets out to establish advertising and sponsorships standards and rules which are acceptable to the public without necessarily depriving the advertisers of the intended impact they wish to make.
- 1.3. As the broadcasting sector continues to grow, there has been a corresponding growth of the advertising industry. This is so because whereas pluralism in broadcasting is essential, there is need to consider how the radio and television stations are going to obtain their revenues. Advertising and sponsorships are the major avenues of getting such revenues. But for there to be an orderly and acceptable advertising industry, there is also need to put in place a code of ethics which will govern the industry.
- 1.4. This public consultation document is intended to give stakeholders opportunity to read the document and give their written and oral comments.
- 1.5. The code of ethics for advertising and sponsorships is expected to be operational in the second quarter of 2008.

2.0 RATIONALE FOR THE CODE.

- 2.1 The Code of Ethics for Advertisements and Sponsorships is a legal requirement enshrined in the broadcasting content services Regulations 2005.
- 2.2 The Code is intended to set ideal standards and rules which will guide advertisers and broadcasters in giving consumers the right information to enable them decide what is good or bad for them.

3.0 SUBMISSION OF COMMENTS.

- 3.1 Stakeholders are required to submit their initial written comments to the document by way of emails to dq@tcra.go.tz, faxes or mail box at the following address:-
Director General
TCRA
P.O. Box 474
DAR ES SALAAM.
- 3.2 The document will be presented to stakeholders for its first reading at the Annual Broadcasters Conference on December 6, 2007 at Bagamoyo Paradise Hotel.
- 3.3 All the comments will be worked on by the Authority and crystallized at a stakeholders meeting.
- 3.4 Deadline for receiving comments from stakeholders will be 25th March 2008 and a stakeholders meeting will be conducted on 30th March 2008.

4.0 BACKGROUND:

- 4.1 Unlike other telecommunication services, broadcasting services are incapable of generating sufficient revenues to be self supporting. Since the radio and television are not able to generate adequate revenue to support their operation, they need to have paid programmes and advertisements to enable them sustain themselves.
- 4.2 Advertisers and broadcasters need each other. Advertisers cannot send out their advertisements message without using media and advertising agencies and the media cannot survive without adverts.

1.0 INTRODUCTION.

- 1.1 Advertisement is a way of facilitating the distribution of commodities, broadening the market and making people aware of possibilities with which they would not otherwise be familiar. It means bringing something deliberately to some one notice thus establishing an awareness of, creating a favourable attitude to and stimulates demand for a product, idea or service among potential consumers. Advertising is therefore a marketing tool whose. Prime aim is to sell goods and services.
- 1.2 Advertising raises ethical issues because of its power of persuasion thus lending itself to competitive fraud. Not only can it be used by

businessmen as a selling tool but it can also be used by political parties, governments. In this way, they here depend on each other for survival.

- 1.3 Advertising is the most public of all activities. It is heard and seen and the more people see it, the more successful it becomes. It is therefore more prone to public scrutiny. The methods, approaches and content have to be of a standard society approve. Furthermore, advertising can also raise ethical issues because of its power of persuasion. It can therefore create a consumption syndrome and unleash untold expectations which sometimes lead to crime, greed and corruption. It is for this reason that a professional code of practice is necessary to help media, advertisers and the public to live in harmony.
- 1.4 The code of ethics is applicable to broadcasting advertisement only. The advertisers stand to benefit from the communication of the message. The nature and wording of the message are under the control of the advertiser. Subject to the law and codes of practice, advertisers can say what they likes in the way they prefer and with the impact and frequency they chooses.

2.0 INTERPRETATION

In this code, unless stated otherwise or the context other wise requires:-

- 2.1 "Authority" means the Tanzania Communications Regulatory Authority
- 2.2 "Code of Ethics" means a set of written rules that state required standards for advertisements.
- 2.3 "Advertisement" means any paid message that appears in the mass media in this case, broadcasting stations, for the purpose of selling, informing or persuading people about particular products, services or beliefs.
- 2.4 "Ethics" means ideal standards of human conduct.
- 2.5 "Licence" means authority to provide content services
- 2.6 "License" means any person holding content service licence.

3.0 ADVERTISING AND BROADCASTING STANDARD

- 3.1 The general principle that shall govern all advertisements for broadcasting is that they shall be legal, honest, decent and truthful.
- 3.2 All advertisements shall conform to the Code, especially the programming guidelines.

- 3.3 All advertisements shall comply, in every respect, with advertising ethics and also with the law, whether common or statutory.
- 3.4 No advertisement material shall bring advertising into contempt or erode confidence in advertising as a service to industry and to the public.
- 3.5 No advertisement shall contain any item likely to encourage, incite to crime, lead to disorder, be offensive to public feeling, or to contain an offensive reference to any person alive or dead, or, generally, be disrespectful to human dignity.
- 3.6 There shall be no broadcast of advertisements capable of offending the generality of the community.
- 3.7 The advertiser shall be clearly identified in all advertisements.
- 3.8 Responsibility for the observance of the regulations in this Code rests with the station.
- 3.9 Advertisements shall be clearly identifiable and separate from the programmes and shall not, directly or indirectly, be presented as "programmes".
- 3.10 Advertisements featuring actors exploiting their dramatic roles must be packaged in such a way that the viewer is not confused as whether they are listening to or watching a programme or an advertisement.
- 3.11 Advertisements parodying programmes may be accepted provided:
 - (i) different performers are used from those who appear in the programme itself, and,
 - (ii) It is readily apparent that the advertisement is no more than a parody.
- 3.12 Advertisements featuring a leading performer (such as an actor or musician) in a programme shall not be scheduled in breaks within, or airtime adjacent to, that programme.
- 3.13 Every effort shall be made to keep the advertising message in harmony with the content and general tone of the programme in which it appears.
- 3.14 Descriptions, claims or illustrations relating to verifiable facts shall be such as to be easily substantiated.
- 3.15 Statistics shall not be so presented as to imply a greater validity than they really have. For example, scientific jargons and irrelevancies shall not be

used to make a claim appear to have a scientific basis or universality it does not possess.

- 3.16 Newscasters personify the sacredness of news, therefore, a person who regularly presents news or current affairs programmes or similar factual programmes shall not feature, visually or vocally, in any advertisement.
- 3.17 Testimonials must be genuine and provable.
- 3.18 Any information in the form of captions, whether standing alone or super imposed, must be in a clearly readable text and held long enough for the viewer to read.
- 3.19 Advertisements shall offer a product or service on its positive merit and refrain from unduly discrediting, disparaging or unfairly attacking competitors, competing products, other industries, professions or institutions.
- 3.20 No advertisements shall be accepted if there is good reason to doubt its integrity of the truth of its representation or its compliance with all applicable legal requirements.
- 3.21 No advertisement shall be framed in such a manner as to exploit superstition.
- 3.22 The advertising of fortune-telling or astrology is not permitted.
- 3.23 Advertisements must not use visual illustrations that offend public taste and decency. In particular, no obscene exposure will be allowed in any advertisement.
- 3.24 Advertisements should not exploit sex in obvious or implied contexts by depicting one sex as weaker or subservient by casting one group as inferior to the other.
- 3.25 The appeal to fear must not be used without justification in advertisements. Even where it is appropriate as in health and disease, caution must be exercised to ensure that decorum is maintained.
- 3.26 Advertisements must not encourage the popularization of negative myths and superstitious beliefs, even when these are based on aspects of our culture, philosophy and world view.
- 3.27 Advertisements for household or industrial products that need to be handled with care must reflect concern for safety, especially with regard to children and handicapped people.

- 3.28 Testimonials and endorsements must be genuine, and the models used must be suitable for the products, services and ideas they endorse.
- 3.29 The rights of individuals to privacy must be respected, and proper contractual agreements must be entered into by agencies, advertisers and models. Pictures and property of individual should not be used arbitrarily without the prior consent of the rightful owners.
- 3.30 Advertisements for educational institutions, and courses of study must show correct street address(es) where personal calls could be made to ascertain the genuineness of claims contained in the advertisements. Such advertisements should not contain promises of automatic employment after training.
- 3.31 Advertisements must not disparage the religious beliefs of the people, nor deceive people into believing that miracles are common place events. The propagation of religious faith deserves utmost care.

4.0 CHILDREN AND ADVERTISING

- 4.1 No advertisement for alcoholic beverages and tobacco will be allowed in children's programmes.
- 4.2 Children, sports men and women will not be used as models. There must be no religious connotations in advertisements.
- 4.3 Television commercials for alcoholic beverages should not be aired before 9:45 p.m. On radio, no commercials will be allowed during children's and sports programmes.
- 4.4 The depiction of violence against people, products or other objects must be avoided, especially in advertisements directed at children and mentally handicapped people who may not be able to distinguish the media world from the real world.
- 4.5 Advertisement for a commercial product or service shall not contain any appeal which suggests in any way that unless the children buy the products, they will be failing in some duty or lacking in loyalty towards some person or organization.
- 4.6 Advertisement shall not lead children to feel inferior to other children because they or their parents do not own the product advertised, or that they are liable to be held in contempt or ridicule for not owning it.

- 4.7 In offering a free gift, a premium or a competition for children, the emphasis of the advertisement shall be only on the product with which the offer is associated.
- 4.8 In advertising a competition for children, the rules shall be published and the value of prizes and the chances of winning shall not be exaggerated.

5.0 ALCOHOL AND TOBACCO

- 5.1 On radio the warning must be voiced and heard clearly. On television, the warning must be voiced and also clearly visible as part of the commercial.
- Only Adults can be used in tobacco adverts
 - Pregnant women should not be used as models
 - Sports men and women should not be used as models.
- 5.2 Tobacco adverts must not be broadcast during religious and /or children's programmes.
- 5.2.1 No tobacco commercial on television will be broadcast before 6:00 p. m.
- 5.2.2 No tobacco commercial on television will be broadcast before 9:45 p. m.

6.0 POLITICAL ADVERTISEMENT

- 6.1 Advertisements for political parties and politicians should not unnecessarily employ negative motives. Where there is a role for "opposition research" and "opposition advertising" in political advertising campaigns, the virtues of highlighting a positive outlook should be encouraged.
- 6.2 As much as possible, political advertising campaigns should focus on the salient issues that concern the greatest number of voters.
- 6.3 Media should not grant commission, discounts or other incentives to individuals or groups that engage in unethical and unprofessional conduct in media buying.

7.0 MEDICAL

- 7.1 In the advertising of medical products, claims that a product will effect a cure and the indiscriminate use of such words as "safe" "without risk"

- “harmless” or terms with similar meaning, shall not be accepted unless so certified by the appropriate authority.
- 7.2 An advertising material which describes or dramatizes distress or a morbid situation in an offensive manner shall not be accepted.
 - 7.3 An advertisement shall not be broadcast if it contains an offer of a medicine or product, or an advice relating to the treatment of serious diseases, complaints, conditions, indications or symptoms which should rightly receive the attention of a registered medical practitioner.
 - 7.4 An advertisement of products, medicines or treatment for disorders or irregularities peculiar to women shall not contain expressions such as “inducing abortion”, “relieving period pains”, “Not to be used in case of pregnancy”, “Never known to fail”, etc.
 - 7.5 An advertisement shall not contain a copy which is exaggerated by reason of the improper use of words, phrases or expressions, such as “magic”, “magical”, “miracle”, “miraculous”, etc.
 - 7.6 An advertisement shall not be broadcast if it offers any product or treatment for beauty, slimming, weight reduction or figure control, without stating the likely side-effects.
 - 7.7 An advertisement shall not be broadcast if it contains any offer to diagnose or treat complaints or conditions by hypnosis.