ALL INDIA RADIO's CODE FOR ADVERTISING

According to the Policy and Guidelines on Community Radio commercial broadcasting an advertising code has to be followed. Here, we have taken excerpts from the All India Radio code on Advertising and implies on Community Radio Station. The original Code of All India Radio can be accessed here.

Excerpts…

INTRODUCTION

Advertising is an important and legitimate means for the seller to awaken interest in his goods and services. The success of advertising depends on public confidence; hence no practice should be permitted which tends to impair this confidence. The standards laid down here should be taken as minimum standards of acceptability which would be liable to be reviewed from time to time in relation to the prevailing norm of listener's susceptibilities.

The following standards of conduct are laid down in order to develop and promote healthy advertising practices in All India Radio. Responsibility for the observance of these rules rests equally upon the Advertiser and the Advertising Agency.

All those engaged in advertising are strongly recommended to familiarize themselves with the legislation affecting advertising in this country, particularly the following Acts and the Rules framed under them:-

1. Drugs and Cosmetics Act, 1940.
2. Drugs Control Act, 1950.
3. Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954.
4. Copyright Act, 1957.
5. Trade and Merchandise Marks Act, 1958.
6. Prevention of Food Adulteration Act, 1954.
7. Pharmacy Act, 1948.
8. Prize Competition Act, 1955.
9. Emblems and Names (Prevention of Improper Use) Act, 1950.
10. Consumer Protection Act, 1986.
11. Indecent Representation of women (Prohibition) Act, 1986.
12. AIR / Doordarshan Code.

13. Code of Ethics for advertisement in India issued by the Advertising Council of India (see Annexure-I)
14. Code of standards in relation to the advertising of medicines and treatments (see Annexure-II)
15. Standards of practice for Advertising Agencies (see Annexure-III)

(The list is illustrative and not exhaustive).

THE CODE

GENERAL RULES OF CONDUCT IN ADVERTISING

1. Advertising shall be designed as to confirm to the laws of the country and should not offend against morality, decency and religious susceptibilities of the people.
2. No advertisement shall be permitted which:-
    i. derides any race, caste, colour, creed and nationality;
    ii. is against any of the directive principles, or any other provision of the Constitution of India;
    iii. tends to incite people to crime, cause disorder or violence, or breach of law or glorifies violence or obscenity in any way;
    iv. presents criminality as desirable;
    v. adversely affects friendly relations with foreign States;
    vi. exploits the national emblem, or any part of the constitution or the person or personality of a national leader or State Dignitary;
    vii. relates to or promotes cigarettes and tobacco products, liquor, wines and other intoxicants;
3. No advertisements message shall in any way be presented as News.
4. No advertisements shall be permitted the objects whereof are wholly or mainly of a religious or political natures; advertisement must not be directed towards any religious or political end or have relation to any industrial dispute.
5. Advertisements for services concerned with the following shall not be accepted:-

    i. Money lenders;
    ii. Chit funds;
    iii. Saving schemes and lotteries other than those conducted by Centeral and State Government organisations, nationalised or recgonised banks and public sector undertakings;
    iv. Matrimonial agencies;
    v. Unlicensed employment services;
    vi. Fortune tellers or sooth-Sayers etc. and those with claims of hypnotism;
    vii. Foreign goods and foreign banks.

viii. Betting tips and guide books etc. relating to horse-racing or the other games of chance.

6. The items advertised shall not suffer from any defect or deficiency as mentioned in Consumer Protection Act 1986.
7. No advertisement shall contain reference which is likely to lead the public to infer that the product advertised or any advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved, e.g. cure for baldness, skin whitener, etc.
8. No advertisement shall contain the words 'Guarantee' or 'Guaranteed' etc., unless the full terms of the guarantee are available for inspection by the Directorate General, All India Radio, are clearly set out in the advertisement and are made available to the purchaser in the writing at the point of sale or with the goods; in all cases, terms must include details of the remedial action available to the purchaser. No advertisement shall contain a direct or implied reference to any guarantee which purports to take away or diminish the legal rights of the purchaser.
9. Advertisers or the agents must be prepared to produce evidence to substantiate any claims or illustrations. The Director General reserves the right to ask for such proofs and get them examined to his full satisfaction. In case of goods covered by mandatory quality control orders, the advertiser shall produce quality certificate from the institutions recognised by the Government for this purpose.
10. Advertisements shall not contain disparaging of derogatory references to another product or service.
11. Testimonials must be genuine and used in a manner not to mislead the listeners. Advertisers or Advertising Agencies must be prepared to produce evidence in support of their claims.
12. No advertisement of any kind of jewellery (except artificial jewellery) or precious stones shall be accepted.
13. Information to consumers on matters of weight, quality or prices of products where given shall be accurate.
14. Advertisements indicating price comparisons or reductions must comply with relevant laws.
15. No advertisement shall be accepted which violates AIR Broadcast Code which is reproduced below:-

GENERAL AIR CODE

1. Criticism of friendly countries.
2. Attack of religious or communities.
3. Anything obscene or defamatory;
4. Incitement to violence or anything against maintenance of law and order;
5. Anything amounting to contempt of court;

6. Aspersions against the integrity of the President and Judiciary;

> "Note: Advertisements concerning jewelry, foreign goods and foreign banks, besides those related to Indian Equity / Debenture issued for NRIs will, however, be accepted as far as the external services of All India Radio are concerned."

7. Anything affecting the integrity of the Nation and criticism by name of any person.

16. Any such effects which might startle the listening public must not be incorporated in advertisements. For example, and without limiting the scope, the use of the following sound effects will not be permitted:

    - Rapid gunfire or rifle shots;
    - Sirens;
    - Bombardments;
    - Screams;
    - Raucous laughter and the like.

17. Any pretence in advertising copy must be avoided and such copy shall not be accepted by All India Radio. The `simulation of voices of a personality in connection with advertisements for commercial products is also prohibited unless bonafide evidence is available that such personality has given permission for the simulation and it is clearly understood that station broadcasting such announcements are indemnified by the advertiser or advertising agency against any possible legal action.

In addition to guidelines laid above; broadcast on All India Radio by individuals will not permit:

1. Attack on a political party by name;
2. Hostile criticism of any State or the Center;
3. Anything showing disrespect to the Constitution or advocating change in the Constitution by violence; but advocating changes in a constitutional way should not be debarred.
4. Appeal for funds except for the Prime Minister's National Relief Fund, at a time of External Emergency or if the Country is faced with a natural calamity such a floods, earthquake or cyclone.
5. Direct publicity for or on behalf of an individual or organization which is likely to benefit only that individual or organization.
6. Trade names in broadcasts which amount to advertising directly (except in Commercial Services).

ADVERTISING AND CHILDREN

18. No advertising for a product or service shall be accepted if it suggests in any way that unless the children themselves buy or encourage other people to buy the products or services, they will be failing in their duty or lacking in loyalty to any person or organisation.
19. No advertisement shall be accepted which leads children to believe that if they do not own or use the product advertised they will be inferior in some way to other children or that they are liable to the condemned or ridiculed for not owning or using it.
20. No advertisement likely to bring advertising into contempt or disrepute shall be permitted. Advertising shall not take advantage of the superstition or ignorance of the general public.
21. No advertising of talismans, charms and character-reading from photographs or such other matter as well as those which trade on superstition of general public shall be permitted.
22. Advertising shall be truthful, avoid distorting facts and misleading the public by means of implications by false statements, as to :

I. The character of the merchandise, i.e. its utility, materials, ingredients, origin etc.
II. The price of the merchandise, its value, its suitability or terms of purchase.
III. The services accompanying purchase, including delivery, exchange, return, repair, upkeep etc.
IV. Personal recommendations of the article or service.
V. The quality or the value of competing goods or trustworthiness of statement made by others.

23. Testimonials of any kind from experts etc. other than Government recognised standarisation agencies shall not be permitted.
24. No advertisement shall be permitted to contain any claim so exaggerated as to lead inevitably to disappointment in the minds of the public.
25. Methods of advertising designated to create confusion in the mind of the consumer as between goods by one maker and another maker are unfair and shall not be used. Such methods may consist in:

    i. the imitation of the trademark of the name of competition or packaging or labelling of goods; or
    ii. The imitation of advertising devices, copy, layout or slogans.

26. Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all advertisements. This also supplies to such advertisements which themselves are not objectionable as defined above, but which advertise

objectionable books, photographs or other matter and thereby lead to their sale and circulation.

27. No advertisement in respect of medicines and treatments shall be accepted which is in contravention of the code relating to standards of advertising medicines and treatments as per Annexure II.

Note I :In all other respect, the Director General will be guided for purposes of commercial broadcasting in All India Radio by Code of Ethics for Advertising in India as modified from time to time (relevant excerpts appended at Annexure-I).

Note II: Notwithstanding anything contained herein, this code is subject to such modification/ directions as may be made / issued by the Director General from time to time.

Note III: All advertising agencies shall adhere to the standards of practice as prescribed by Advertising Agencies Association of India, Bombay, as given in Annexure III.

PROCEDURE FOR THE ENFORCEMENT OF THE CODE

1. Complaints or reports on contraventions of the code, received by All India Radio may in the first instant be referred by Director General to Advertiser's Association concerned with request for suitable action.
2. If complaints under the Code cannot be satisfactorily resolved at Association-(s)'s level, they shall be reported to Director General who will than consider suitable action.
3. For ant Complaints under the Code received by All India Radio concerning a party outside the preview of various member Association(s), the Director General will draw attention of such party to the complaint and where necessary, take suitable action on his own.

ANNEXURE I

EXCERPTS FROM THE CODE OF EHICS FOR ADVERTISING IN INDIA ISSUED BY THE ADVERTISING COUNCIL OF INDIA

INTRODUCTION

Along with the development of a very complex distribution system, the requirements of a market economy, faced with the need for ensuring a regular flow of mass production, have given rise to the development of new techniques of sales promotion.

Of these, advertising has proved itself to be of inestimable value for producers and distributors as well as for consumers. It enables the former to maintain contact with customers who are widely scattered and often unknown and it assist the latter in choosing those goods and services that are the best suited to their particular requirements.

Advertising has become an important social and economic force in the world today. It is therefore, essential that any unfair advertising practice likely to alienate public confidence would be eliminated. Hence the need for rules of conduct drawn up for the purpose of preventing possible abuse and of promoting and increasing sense of responsibly towards the consumer on the part of the advertisers, advertising agencies and media owners and suppliers.

Recognizing that the legitimate function of advertising is the advocacy of the merits of particular products or services, this code is intended to be applied in the spirits as well as in the letter and should be taken to set out the minimum standards to be observed by the parties concerned. This code does override all ethical standards in advertising laid down by individual organisations, but it does not supersede the standards of practice laid down by individual organisations as incumbent upon their own members and Appling to their own particular trade or industry.

ANNEXURE II

CODE OF STANDARDS IN RELATION TO THE ADVERTISING OF MEDICINES AND TREATMENT

This code has bee drafted for the guidance of advertisers, manufactures, distributors, advertising agents, publishers and suppliers or various advertising media. The harm to the individual that may result from exaggerated, misleading or unguaranteed claims justified the adoption of a very high standard and the inclusion of considerable detail in a Code to guide those who are concerned with this form of advertising.

Newspaper and other advertising media are urged not to accept advertisements in respect of any other product or treatment from any advertiser or advertising or publicity relating to that product or treatment. The provisions of this Code do not apply to an advertisement published by or under the authority of a Government, Ministry or Department, or to an advertisement published in journals circulated to Registered Medical Practitioners, Registered Dentists, Registered Pharmacists or Registered Nurses.

SECTION I

General Principles

1. **Cure**: No advertisement should contain a claim to cure any ailment or symptoms of ill-health, nor should any advertisement contain a word or expression used in such a form or context as to mean in the positive sense the extirpation of any ailment, illness or disease.
2. **Illness etc., properly requiring medical attention :** No advertisement should contain any matter which can be regarded as offer of medicine or product for, or advise relating to, treatment of serious diseases, complaints, conditions, indications or symptoms which should rightly receive the attention of a Registered medical practitioner (see Sec.2).
3. **Misleading or Exaggerated Claim:** No advertisement should contain any matter which directly or by implication misleads or departs from the truth as to the composition, character or action of the medicine or treatment advertised or as to its suitability for the purpose for which it is recommended.
4. **Appeals to fear:** No advertisement should be calculated to induce fear on the part of the reader that he is suffering, or may without treatment suffer from an ailment, illness or disease.
5. **Diagnosis or treatment by correspondence:** No advertisement should offer to diagnose by correspondence diseases, conditions or any symptoms of ill-health in a human being or request from any person or a statement of his or any other person's symptoms of ill-health with a view to advertising as to or providing for treatment of such conditions of ill-health by correspondence. Nor should any advertisement offer to treat by correspondence any ailment, illness, disease or symptoms thereof in a human being.
6. **Disparaging references:** No advertisement should directly or by implication disparage the products, medicines or treatments of another advertiser or manufacturer or registered medical practitioner or the medical profession.
7. **College, clinic, institute, and laboratory:** No advertisement should contain these or similar terms unless an establishment corresponding with the description used does in fact exist.
8. **Doctors, hospitals etc.:** No advertisement should contain any reference to doctors or hospitals, whether Indian or foreign, unless such reference can be sustained by independent evidence and can properly be used in the manner proposed.
9. **Products offered particularly to women**: No advertisement of products, medicines or treatments of disorders or irregularities peculiar to women should contain expression which may imply that the product, medicine or treatment advertised can be effective in inducing miscarriage.
10. **Family Planning:** Advertisements for measures or apparatus concerning family planning would be permissible in so far as they conform to the generally accepted national policy in this behalf.
11. **Illustrations**: No advertisement should contain any illustration which by itself or in combination with words used in connection therewith is likely to convey a

misleading impression, or if the reasonable reference to be drawn from such advertisement infringes any of the provisions of the Code.

12. **Exaggerated copy**: No advertisement should contain copy which is exaggerated by reason of improper use of words, phrases or methods of presentation e.g., the use of word's magic, magical, miracle, miraculous.
13. **Natural remedies**: No advertisement should claim or suggest contrary to the fact that the article advertised is in the form in which it occurs in nature or that its value lies in its being a natural product.
14. **Special claim:** No advertisement should contain any reference which is calculated to lead the public to assume that the article, product, medicine or treatment advertised has some special property or quality which is in fact unknown or unrecognised.

15. **Sexual weakness, premature aging, loss or virility:** No advertisement should claim that the product, medicine or treatment advertised will promote sexual virility or be effective in treating sexual weakness or habits associated with sexual excess or indulgence or any ailment, illness or disease associated with those habits. In particular such terms as 'Premature aging', 'loss of virility' will be regarded as conditions for which medicines, products, appliances or treatment may not be advertised.
16. **Slimming, weight reduction or limitation or figure control**: No advertisement should offer any medical product for the purpose of slimming, weight reduction or limitation or figure control. Medical products intended to reduce appetite will usually be regarded as being for slimming purposes.
17. **Tonics:** The use of this expression in advertisements should not imply that the product or medicine can be used in the treatment of sexual weakness.
18. **Hypnosis:** No advertisement should contain any offer to diagnose or treat complaints or conditions by hypnosis.
19. **Materials to students:** Materials meant for distribution in educational institutions must not carry advertisement of anything other than those of value to students.

SECTION 2

Restrictions imposed by statute on advertising on Medicines and Treatments:

1. Rule 106 of the Drug rules, 1945, provides that, no drug may convey to the intending user thereof any idea that it may prevent or cure one or more of the diseases or ailments specified in schedule □J□.

   Schedule

   Blindness, Bright's disease, Cancer, Cataract, Deafness, Delayed Menstruation, Diabetes, Epilepsy, Hydrocele, Infantile Paralysis, Leprosy, Leucoderma,

Lockjaw, Locomotor Ataxia, Insanity, Tuberculosis, Tumors, Venereal Diseases(in general), Female diseases (in general), Fevers (in general), Fits, Galucoma, Goitre, Gonorrhea, Soft Cancer, Heart Diseased, High Blood Pressure, Lupus, Obesity, Paralysis, Plague, Rupture, Sexual impotence, Small Pox.

2. No drug may purport or claim to procure or assist to procure or may convey to the intending user thereof any idea that it may procure or assist to procure miscarriage in women.

"Definition"

'Drug' includes for internal or external use for human being or animals all substances intended to be used for or in the treatment, mitigation, or prevention of disease in human being or animals, other than medicines and substances exclusively used or prepared for use in accordance with the Ayurvedic or Unani system of medicines.

ANNEXURE III

STANDARDS OF PRACTICE FOR ADVERTISING AGENCIES

(As approved by the Advertising Agencies Association of India, Bombay)

1. Every member of the Association shall carry on his profession and business in such a manner as to uphold the dignity and interests of the Association.
2. Every member shall refrain from canvassing Advertisers or prospective Advertisers in such a way as to reflect detrimentally upon Advertising Agents as a whole ort this Association or any Advertising Agent in particular.
3. Canvassing is permitted to the condition that a member may make known to the client of another member its own capabilities as an Advertising Agency but may not submit a specific report or detailed recommendation concerning the clients' advertising unless so requested by him in writing.
4. No members shall pay or undertake to pay or allow to an advertiser or his agent or representative the whole or any portion of the standard rate of commission resulting or to result to such to such member from any advertising medium nor promise or procedure or undertake to procure advertising space of facilities free of charge , to any advertising ,or at a reduced rate nor supply free or party free to any advertiser, any advertising material, including finished drawings , or other art work, photographs, blocks stereos matrices or the like ,type setting or printing nor defray in whole or in part the salary of any employee of an advertise nor grant any allowances, discount or the like nor render any service

having the effect of rebating the commission allowed by an advertising medium. The sharing of commission with member or overseas agency or with agent by this Association shall, however be permitted.

5. The practice of submitting speculative campaigns is unhealthy to the growth of the advertising services and no speculative campaign shall be submitted by any member of the Advertising Agencies Association of India.

   By speculative campaign, it is meant, producing a campaign unsolicited by an advertiser and equally producing a campaign where the advertiser had requested one or more advertising agencies to do so, unaccompanied by a firm offer of business. That member shall notify the Secretary of the Association if any such queries were made by prospective advertiser, and that such information shall be circulated by the Secretary to all members

6. Any member relinquishing an Account on the ground of slow payment, doubtful credit or incurring a bad debt, shall immediately notify the Secretary of the Association and such information shall be circulated in strictest confidence for information and protection of the members.
7. No business shall be accepted which is conditional upon the payment of commission free or reward to a third party not a full time employee of the members either for introducing the business or for services in connection with the account thereafter. This rule, however, shall not preclude a member from employing copywriters or production men at fees commensurate with the value of their work.

Obligation to Suppliers

Member shall take all steps to assure themselves as to the financial soundness of their clients.

Obligations to Fellow Agencies:

1. Members are required to use fair methods of competition; not to offer the services enumerated above or services in addition to them without adequate remuneration or extension of credit facilities or banking services.
2. Members shall neither prepare nor place any advertisement in any medium, which

   a. is knowingly a copy or a plagiarism of any other advertisement of any king whatsoever;
   b. makes attacks of a personal character, or makes uncalled for reflections on competitors or competitive goods;

c. is indecent, vulgar, suggestive, repulsive or offensive either in theme or treatment;
d. is objectionable medical advertising and an offer of free medical treatment , advertising that makes remedial or curative claims, either directly or by interference not justified by the facts of common experience;
e. Concerns a product known to the m ember to contain habit forming or danger drugs; or any advertisement which may cause money loss to the reader, or injury in health or morals or loss of confidence in reputable advertising and honourable business or which is regarded by the Executive committee of the Advertising Agencies Association of India, as unworthy.

In the event of a member providing to the satisfaction of the Executive Committee that a client has withdrawn his Account on the grounds of the member's refusal to undertake unethical Advertising (as described above) no other member shall accept any business whatever from the said clients.