



Code of Standards for Advertising and Marketing Communications in Ireland

This document sets a summary of the following sections of the Code

Section 1	Definitions and meanings
Section 2	Scope and Application
Sections 3 - 4	General Rules, Misleading
Section 8	Food and Non-Alcoholic Beverages

The full Code is available at www.asai.ie.

Section 1.1 sets out definitions for:

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|-----------------------------|-----------------------------------|----------------------|
| • ASAI | • Product | • Promoter |
| • Marketing communications | • Consumer | • Intermediary |
| • Advertising/advertisement | • Child | • Viral advertising |
| • Advertiser | • Claim | • Investor relations |
| | • Promotional marketing practices | • Advertorial |
| | | • Advergame |

In **Section 1.2**, for the purposes of the Code, meanings are given for

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| • Word | • Person | • Gender |
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Section 2: Scope and Application

This Section sets out the objective of the Code and material that the Code applies to, what it does not apply to and the criteria by which the Code is applied.

Objective - to regulate commercial marketing communications in the interest of consumers ensuring, so far as possible, that all marketing communications are prepared with a sense of responsibility both to the consumer and to society.

Section 2.1: The Code applies to marketing communications in / on

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| • Newspapers | • digital and electronic storage materials |
| • magazines | • online paid-for space |
| • other printed publications, including free | • paid-for search listings |
| • posters | • preferential listings on price comparison sites |
| • promotional media in public places | • viral advertisements |
| • moving images and digital screens | • in-game advertisements |
| • brochures | • commercial classified advertisements |
| • leaflets | • advergames that feature in-display advertisements |
| • circulars | • transmitted by Bluetooth |
| • mailings | • distributed through web widgets |
| • fax transmissions | • online sales promotions and prize promotions |
| • emails | • promotional marketing and sales promotions |
| • text transmissions | • advertorials |
| • television or radio | • non-paid-for space online, under the control of the advertiser or their agent |
| • cinemas | |
| • video, DVD or Blu-ray | |

For material the Code does not apply to, see [Section 2.3](#) of the Code.



Section 2.4 sets out the criteria which the Code is applied with including that compliance with the Code is assessed in the light of a marketing communications' probable effect when taken as a whole and in context.

See [Section 2.4](#) for the remainder of the provisions.

Section 3 sets out general rules which all advertising must comply with under the following headings.

- Principles
- Decency and Propriety
- Fear and Distress
- Safety
- Violence and Anti-Social Behaviour
- Portrayal of Persons or Property
- Recognisability

Section 4 sets out the rules in relation to Misleadingness which all advertising must comply with under the following headings.

- Truthfulness
- Honesty
- Matters of Opinion
- Substantiation
- Testimonials and Endorsements
- Prices
- Free Offers
- Availability of Products
- Comparisons
- Exploitation of Goodwill
- Imitation
- Guarantees

Summary of Section 8: Food and Non-Alcoholic Beverages

The introductory material refers to relevant EU and Irish legislation for nutrition and health claims on food.

Definitions of 'Nutrition Claim', Health Claim' and 'Reduction of risk claim' are given. (8.1)

The rules in this section apply to food and to non-alcoholic beverages and food supplements (8.2)

References to consumer taste or preference tests should not imply statistical validity if there is none and should not use scientific terms to imply validity of a claim when that is not the case. (8.3)

Diet and Lifestyle

Rules ensure that Marketing communications do not encourage for example excess consumption, encourage unhealthy lifestyles, denigrate those who choose a healthy lifestyle, disparage good dietary practice or misrepresent any material characteristics of the food. (8.4 – 8.7)

Nutrition and Health Claims

Health and Nutrition claims must be authorised and reference is made to the Annex of the EU Regulation and the EU Register. Documentary evidence should be provide when required that relevant claims meet the conditions of use as set out in the EU Register (8.8 – 8.9)

Rules include that claims should be presented clearly, that general benefits claims must be accompanied by a specific authorised health claim and comparison are permitted but subject to requirements such as they may only be made between foods of the same category and must relates to the same quantity of food. (8.10 – 8.13)

The rules cover claims that are not allowed such as statements that health could be affected by not consuming a food, claims that a food prevents, etc., human disease, claims that refer to recommendations of individual health professionals, claims that refer to specific weight loss (8.14)



Children

The rules in this section cover areas such as not denigrating health lifestyles or encouraging unhealthy lifestyles, if a mealtime is represented, the role of the product should be depicted in the framework of a balanced diet. Marketing communications should not mislead children about the potential benefits of the product. (8.16)

Further rules prevent good dietary practice being disparaged and require that Marketing communications should not condone or encourage poor eating habits (8.17 – 8.8)

Promotional offers

Marketing communications which feature a promotional offer should be prepared with a due sense of responsibility (8.19)

Where marketing communications are targeted through content to pre-school or primary school children they should not include a promotional offer (see exceptions in Appendix at 8.20 (i) to (iii)). (8.20)

For children under 16, promotions should not seem to encourage children to eat or drink a product only to take advantage of the promotional offer, Marketing communications for such offers should ensure a significant presence of the product, should avoid creating a sense of urgency and should not encourage them to eat more than they otherwise would or for collection based promotions, to buy excessive quantities of food. (8.21)

Licensed Characters and Celebrities

Licensed characters and celebrities popular with children should always be used with a due sense of responsibility (8.22a)

When marketing communications are targeted through their content at pre-school and primary school children, such characters and celebrities should not be used (see exceptions at 8.22(b) (i) to (iv) in Appendix 1) 8.22 (b)

Nutrition and Health Claims

Claims which refer to children's development and health are permitted if authorised by the EU (see section 8.8) 8.23

Pressure to Purchase

While children can be expected to exercise some preference over what they eat, marketing communications should not directly advise or ask them to buy or to ask parents/other adults to buy the product for them. (8.24).

Food Supplements, including Vitamins and Minerals

Marketing communications of these products must comply with EU regulations and those containing nutrition or health claims must be supported by documentary evidence to show they meet the conditions associated with the relevant claim in the EU Register. (8.25 – 8.26).

There should be no suggestion that a well-balanced diet needs augmentation by vitamins or minerals on a regular basis and when referring to the vitamin or mineral content of a particular product, advertisers should not suggest a wide spread deficiency. Supplements should not be promoted as a substitute of a healthy diet and marketing communications should not claim that a food supplement is capable of preventing, treating or curing disease. (8.27)

Marketing communications may promote vitamin and mineral supplementation to certain categories of people e.g. the elderly, convalescents, etc. They should not suggest however that supplementation of vitamins will influence the speed or extent of recovery after illness. (8.28- 8.29)

Infant and Follow-on Formula

Rules which reflect the requirement of European Communities (Infant Formulae and Follow On Formula) Regulations, 2007' (S.I. No. 852/2007 in relation to Marketing communications have been reflected in 8.30 – 8.33.