

SUBSIDIARY LEGISLATION 350.05

BROADCASTING CODE FOR THE PROTECTION OF MINORS

1st September, 2000

LEGAL NOTICE 160 of 2000, as amended by Legal Notice 325 of 2010.

1. The title of this Code is the Broadcasting Code for the Protection of Minors. Citation.
2. Expressions used in this Code shall have the same meaning assigned to them in the Act. Interpretation.
3. Broadcasts shall not include any programmes which might seriously impair the physical, mental or moral development of minors, and in particular they shall not include programmes that involve pornography or gratuitous violence. Pornographic and violent programmes.
4. The measures provided for in paragraph 3 of this Code shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission shall not normally hear or see such broadcasts. Other programmes which impair the development of minors.
5. When such programmes are broadcast in unencoded form, such programmes shall be preceded by an acoustic warning or shall be identified by the presence of a visual symbol throughout their duration. Programmes broadcast in unencoded form.
6. This Code refers to minors who are under eighteen years of age. Definition of "minor".
*Substituted by:
L.N. 325 of 2010.*
7. Teleshopping shall comply with the requirements referred to in paragraph 20 and, in addition, shall not exhort minors to contract for the sale or rental of goods and services. Teleshopping directed at minors.
8. Advertisements shall not include any material that may result in harm to minors either physically, mentally or morally. General rule on advertisements and minors.
9. Advertisements addressed to the minor listener and viewer shall not exaggerate or mislead about any features including the size, qualities or capabilities of products or services. A minor's ability to distinguish between fact and fantasy will vary according to their age and individual personality. With this in mind, no unreasonable expectation should be stimulated, such as for example, with regard to the performance of toys or games by the excessive use of imaginary backgrounds or special effects. Misleading advertising.
10. Prices of products or services advertised to minors shall not be minimised by words such as - Prices.
 - (a) only;
 - (b) or;
 - (c) just.

Immaturity and credulity.	11. Advertisements shall not take advantage of the immaturity or natural credulity of minors.
Appeals to loyalty.	12. Advertisements shall not take advantage of the sense of loyalty of minors or suggest that unless minors buy or encourage others to buy a product or service, they will be failing in some duty or lacking in loyalty.
Inferiority.	13. Advertisements shall not lead minors to believe that unless they have or use the product advertised they will be inferior in some way to other minors or liable to be held in contempt or ridicule.
Exhortation.	14. Advertisements shall not directly exhort minors to buy products or services or else to ask adults to buy products or services for them.
Direct response.	15. Advertisements shall not invite minors to purchase products or services by means of a communication at a distance including mail, telephone, computer, e-mail or internet.
Competitions.	16. References to competitions for minors are acceptable provided that any skill required is appropriate to the age of the likely participants and the values of the prizes and the chances of winning are not exaggerated. No proof of purchase shall be requested from minors who wish to participate in such competitions.
Free gifts.	17. References to "free gifts" for minors in advertisements shall include all qualifying conditions, such as any time limit and how many products must be purchased, and any other relevant information.
Health and hygiene.	18. Advertisements shall not encourage minors to eat frequently throughout the day.
Confectionery and snack foods.	19. Advertisements for confectionery and snack foods shall not suggest that such products may be substituted for balanced meals.
Safety.	20. Any situations where minors are to be seen or heard in advertisements shall be carefully considered from the point of view of safety. It should be borne in mind that, in some circumstances, bad examples by adults may encourage emulation by minors. Circumstances to be avoided include the following: <ul style="list-style-type: none">(a) minors shall not be seen leaning on windows, climbing or tunneling dangerously, or playing irresponsibly in or near water;(b) minors shall not be shown playing in the road;(c) minors of small stature shall not be shown climbing up to high shelves or reaching up to take things from a table above their heads;(d) medicines, disinfectants, antiseptics and caustic or poisonous substances shall not be shown within reach of minors without close adult supervision, nor may minors be shown using such products in any way;(e) minors shall not be shown using matches, or any gas, petrol, paraffin, mechanical or mains-powered appliance which could lead to them suffering any form

of injury;	
(f) advertisements shall not depict toy weapons which are realistic (whether in size, shape or colour) and which can be confused with real weapons.	
21. No advertisement shall encourage minors to enter strange places or to converse with strangers.	Danger.
22. Minors in advertisements shall be reasonably well-mannered and well-behaved.	Behaviour.
23. Advertisements shall not encourage anti-social behaviour or depict minors behaving in an anti-social manner. Vindictiveness, bullying and certain facial expressions and body movements can all be defined as anti-social.	Anti-social behaviour.
24. Advertisements shall not portray minors in a sexually provocative manner.	Exploitative presentation.
25. Treatments in which minors appear naked or in a state of partial undress require particular care and discretion.	Appearances of minors.
26. If minors are used in commercials, they shall not be used to present products or services which they could not be expected to buy themselves.	Minors as presenters.
27. Minors shall not make significant comments on characteristics or products and services about which they could not be expected to have direct knowledge.	Comments by minors.
28. Minors shall not personally testify about products and services. They may, however, give spontaneous comments in which they would have an obvious natural interest.	Testimonials.
29. Advertisement for the following shall not be transmitted during minors' programmes or in advertisement breaks immediately before or after them:	Restriction on times of transmission.
(a) alcoholic drinks;	
(b) matches;	
(c) medicines;	
(d) vitamins or dietary supplements;	
(e) slimming products, treatments and establishments;	
(f) adult only rated film trailers;	
(g) lotteries or similar games of chance.	
30. The provisions of this Code are without prejudice to regulations 5 and 6 of the Television Programmes (Classification Certificates) Regulations and to the Broadcasting Authority's Requirements as to Standards and Practice Applicable to Family Viewing and Listening.	Television Programmes (Classification Certificates) Regulations, etc. <i>Substituted by:</i> <i>L.N. 325 of 2010.</i> <i>S.L. 350.01</i> <i>S.L. 350.18.</i>
31. The Authority shall encourage media service providers to develop codes of conduct regarding inappropriate audiovisual commercial communication, accompanying or included in children's programmes, of foods and beverages containing	Codes of Conduct <i>Substituted by:</i> <i>L.N. 325 of 2010.</i>

nutrients and substances with a nutritional or physiological effect, in particular those such as fat, trans-fatty acids, salt/sodium and sugars, excessive intakes of which in the overall diet are not recommended.
