

**Independent Media Commission**  
**Advertising and Sponsorship Code of Practice**  
**for Radio and Television**

*Adopted 9 March 2000*

**Preamble**

The Independent Media Commission (IMC), in accordance with the Decision of the High Representative of 11 June 1998, has the mandate to draw up and enforce a code governing standards and practice in radio and television advertising and the sponsoring of programmes.

The IMC Advertising and Sponsorship Code of Practice applies to all advertisements and sponsorship of programmes on both public and private Radio and Television in Bosnia and Herzegovina. All holders of an IMC Broadcasting Licence are required to ensure that any advertising they transmit complies with this Code and they have adequate procedures to fulfil this requirement. Licensees should make themselves familiar with the contents of this Code.

The IMC will advise broadcasters on interpretation and monitor compliance and investigate complaints. The IMC has the power to require advertising, including individual advertisements, which does not comply to be withdrawn.

The IMC Broadcasting Code of Practice states in its preamble, that: "Broadcasters shall comply with generally accepted standards for intellectual property and refrain from any misappropriation of programmes." This obligation equally applies to advertisements.

For the purposes of additional guidance on interpretation of this Code, the IMC will from time to time issue supplementary guidelines.

Broadcasters should adopt appropriate procedures for handling of complaints about advertisements and sponsored programming. As stated in the Terms and Conditions of an IMC Long Term Licence, these procedures shall include a requirement that members of the public who complain are properly informed that they may refer matters, if unresolved, to the IMC.

This Code is provisional. It will be subject to review in light of experience and comments from the media community and others.

## **Definitions**

### **1. Advertisements**

- a) 'Advertisements' in this Code refers to any item (other than sponsor credit) which is broadcast in return for payment, compensation or other valuable consideration to a licensee or seeks to sell to any viewer or listener any product or service.
- b) 'Advertiser' is defined as any organisation or person other than the broadcaster or television producer.
- c) 'Political Advertisement' is any paid broadcast presenting a political unit, paid for by or on behalf of a political unit.
- d) 'Political Unit' is a political party, coalition or independent candidate accepted by Provisional Election Commission as registered for an election in BiH. Political parties that are part of a coalition are considered as one political unit.

### **2. Sponsorship**

- a) A programme is deemed to be sponsored if any part of its costs of production or transmission is met by an advertiser with a view to promoting its own or another's name, trade mark, image, activities, products or other direct or indirect commercial interest.
- b) 'Sponsorship' in this Code refers to an item of publicity other than an advertisement, broadcast in return for payment, compensation or other valuable consideration to the Licensee.
- c) Editorial control of sponsored programmes must remain with the licensee. All sponsor involvement must be declared so that the viewer and/or listener knows who is paying/contributing and why.

### **3. Children**

For the purpose of this Code, unless otherwise stated, children are those aged under 18 years.

## **Advertising**

### **4. General Principles**

- a) Radio and Television advertising must be legal, decent, honest and truthful.
- b) Advertisements must be clearly distinguishable from other forms of programming by audio and visual means.

- c) The person or organisation placing an advertisement may not influence the programme concept, content or editorial policy of the broadcaster.
- d) All advertisements must respect the principles of fair competition generally accepted in business. A licensee must not unreasonably discriminate against or in favour of any particular advertiser.
- e) Advertisements shall not be misleading.

## **5. Taste and Offence**

Advertisements should not offend against community standards of decency and civility or be offensive to public feelings. Particular care must be taken to avoid offence on the grounds of race, nationality, ethnicity, language, religion, sex, social origin or disability.

## **6. Pornography**

Advertisements shall not feature products or services, including magazines, coming within the recognised character of, or specifically concerned with, pornography.

## **7. Presenter-Read Advertisements**

Advertisements shall not normally feature, visually or orally, persons regularly presenting news and current affairs programmes.

## **8. Racial and Sexual Discrimination**

- a) Advertisements must comply with all relevant aspects of European legislation and the European Convention on Human Rights, relating to discrimination.
- b) Advertisements shall not discriminate against women or men in opportunities for employment, education or training.
- c) Advertisements must not discriminate against ethnic groups or include any material that might be reasonably construed by ethnic groups to be hurtful or tasteless.

## **9. Price Claims and Comparisons**

- a) Actual and comparative prices must be accurate at the time of broadcast and must not mislead by undue emphasis or distortion. Claims of "lowest prices", "unbeatable prices" or "you can't buy cheaper", or the like, must be supported by evidence from the retailer that his prices are indeed lower than his competitors.
- b) Advertisements containing comparisons with other advertisers, or other products or services, are permissible in the interest of sound competition and public

information, provided that the principles of fair competition are respected and the comparisons applied are not likely to mislead the viewer or listener.

#### **10. Political Advertising**

- a) During election periods, no paid advertisement may be broadcast by, or on behalf of, any body whose objects are wholly or mainly of a political nature and no paid advertisement may be directed towards any political aim.
- b) Further rules and guidelines on political advertising, including political announcements and political spots are found in the IMC Code on Media Rules for Elections and Guidelines for Equitable Access to Media in Election Periods.

#### **11. Medicines, Treatments and Health Advertising**

Medicines and treatments require great care in their advertising, and health claims for any product require close scrutiny. Before showing advertisements of this nature licensees must seek advice from an appropriate independent medical expertise before acceptance. Any such advertisement must contain a reference to the medical expertise that has provided advice on the product or treatment.

#### **12. Advertising with Religious Content**

- a) Any licensee who does not wish to carry religious advertising of any kind is entitled not to do so. However they must not unfairly discriminate against or in favour of any particular advertiser or religious organisation.
- b) All advertisements must clearly identify the advertiser or the religious organisation/community on whose behalf the advertisements are being broadcast.

#### **13. Advertising and Children**

- a) Advertisements addressed to or using children shall avoid anything likely to harm their interests.
- b) Advertisements for cigarettes and other tobacco products or alcohol shall not be targeted at children.

#### **14. Superstition and Fears**

Advertisements must not exploit superstitions or play upon fears to mislead the viewer/listener.

#### **15. Scheduling of Advertising**

- a) Particular sensitivity is required in relation to advertising inserted in and around news programmes where a news item, especially one of a tragic nature, may

completely transform the context in which an advertisement having some apparent connection with it may be perceived by the viewer or listener

*Private Broadcasters*

- b) The IMC expects private broadcasters to exercise responsible judgment on the scheduling and amount of advertising and in particular to operate internal systems capable of identifying in advance, and avoiding inappropriate contiguity, between advertising material and programmes.

*Public Broadcasters*

- c) The quantity of advertisements and other paid messages or commercially sponsored programming on public broadcasters may not exceed four (4) minutes of programme time per hour for public TV stations and six (6) minutes of programme time per hour for public radio stations.

**Sponsorship**

**16. Sponsorable Programmes**

- a) All programmes may be sponsored, with the exception of news bulletins and current affairs programmes.
- b) Ultimate editorial control of sponsored programmes must remain with the licensee.
- c) All sponsored programmes and features must be clearly distinguishable as such.

**17. Entry into Force and Amendment of the Code**

- a) This Code enters into force on 15 April 2000.
- b) This Code will be amended to reflect experience and changing circumstances. Amendments enter into force on the date of adoption, if not otherwise stated.