

FIRST SCHEDULE
(sections 8 and 14)

Code of Professional Conduct and Ethics

PART ONE

Article 1: Legality

Advertisements shall conform to law and shall conform to the laws of this country as well as the Oath of Advertising Practice.

Article 2: Decency

An advertisement shall not use visual illustrations or words or sounds that offend public decency. Advertisements shall not be obscene or offensive.

Article 3: Honesty

An advertisement shall be framed so as not to abuse the trust of consumers or exploit their lack of experience. Relevant factors likely to affect the decisions of consumers shall be communicated in such a way and at such times that consumers can take them into account.

Article 4: Sexuality

An advertisement shall not exploit, depict or suggest sexual behavior either in obvious or implied context.

Article 5: Gender discrimination

No gender shall be depicted as subservient, superior or inferior to the other, or as an object to satisfy the sexual pleasure of the other.

Article 6: Superstition

An advertisement shall not promote or exploit superstitions or negative myths even if the superstitions or myths reflect an aspect of culture, philosophy, or world view.

Article 7: Appeals to fear and distress

An advertisement shall not play on or exploit fear or distress in an attempt to induce patronage.

Article 8: Children

Special care shall be taken in advertisements directed to or featuring children. These advertisements shall not undermine positive social behaviour, lifestyle and attitude.

Products suitable for children shall be advertised in media targeted at them. Advertisements directed at children shall not be inserted in the media where the editorial matter is unsuitable for them. Materials unsuitable for children shall be clearly identified as being unsuitable for them.

Article 9: Testimonials

An advertisement that contains a testimonial and endorsement shall be genuine and the models used shall be alive and suitable for the products and ideas they endorse in the advertisement.

Article 10: Copyright

An advertisement shall not contain any item in breach of local and international copyright laws, or omit anything that the laws on intellectual property require. Copyright permission shall be obtained from the registered owner before the copyright may be used.

Article 11: Privacy

The right of an individual to privacy shall be respected. Pictures, names, identity and properties of an individual shall not be used in a manner that suggests their endorsement without prior consent. A proper contractual agreement shall be entered into by the agency, advertising practitioner and individual and the contractual terms shall be respected by the parties.

Article 12: Identity

An advertisement that solicits patronage or reaction shall show the correct name of the advertising practitioner as well as the street address where personal calls can be made to ascertain the genuineness of the claims contained in the advertisement. Media organisations shall only accept or expose advertisements that indicate the proper identity of the sponsor except in a teaser advertisement. Advertisements shall not bear signoffs as “committee of friends”, “concerned citizens”, or any other broad terms without verifiable names and addresses.

Article 13: Camouflage

An advertisement shall be clearly distinguished as an advertisement and shall not be disguised as news. The use of headlines such as “News Flash” and “Breaking News” to introduce an advertisement is prohibited.

Article 14: Religion

An advertisement shall not disparage or exploit religious beliefs, mislead people, or employ miracles as a bait to elicit patronage. An advertisement that promotes a particular faith or belief shall not offend the right of people to hold contrary beliefs or convictions.

Article 15: Violence

An advertisement shall not depict violence against people.

Article 16: Advertisement for competing products and services

Two or more advertisements for competing or similar products or services shall not be placed adjacent to each other in print, outdoors, or in the electronic media.

Article 17: Price

Advertising practitioners and agencies are encouraged to indicate the prices of products or services in their advertisements.

Article 18: Product hype

Announcers, writers and other editorial personnel shall not engage in product hype or any form of product promotion that employs superlative, unsubstantiated or misleading claims, testimonials or descriptions.

Article 19: Denigration

An advertisement shall not denigrate any person or group of persons, firm,

organisation, industry, or commercial activity, profession or product, or seek to bring it or them into public contempt or ridicule.

Article 20: Comparative advertising

- (a) An advertisement shall not discredit, disparage, or attack other products, services, ideas personalities, or organisations unfairly, or exaggerate the nature or importance of competitive differences.
- (b) An advertisement shall not imitate the slogans or illustrations of another advertising practitioner in a manner to mislead the consumer.

Article 21: Presentation for approval

An advertisement, except a public notice, goodwill message, obituary and vacancy shall be presented for vetting and approval by the Advertising Standards Committee and be approved by the Food and Drugs Authority before exposure. It is mandatory for a media house to demand a Certificate of Approval of the Advertising Standards Committee issued for an approved advertisement before placing the advertisement. Details and modalities for advertisements are available in the Vetting Guidelines published by the Council in the *Gazette*.

PRESENTATIONS AND CLAIMS

Article 22: Presentation / Description

An advertisement shall not contain any description, claim, or illustration that directly or by implication conveys an erroneous or misleading impression about the product or services advertised or about its suitability for the purpose recommended.

Article 23: Substantiation

Any description, claim, or illustration made in an advertisement is subject to empirical proof or capable of substantiation. The proof or substantiation shall be available so that evidence can be produced without delay and upon request to the Council and is required in respect of superlative or comparative claims made in any advertisement.

Testimonials or endorsement in an advertisement shall be subject to proof.

Article 24: Consent

Where a testimonial or endorsement in an advertisement suggests or recommends the use of a product, the prior written consent of the model used shall be obtained before the exposure of advertisement.

Where the person giving the testimonial or making the endorsement is a child, the prior written consent of the model used from the next friend of the child shall be obtained before the exposure of the advertisement.

Article 25: Scientific terms and data

An advertisement shall not employ complex computations and scientific terms or data in a manner to confer authenticity on claims that complex computations and scientific terms or data do not possess.

Article 26: Statistics

An advertisement shall not employ statistics with limited validity or application in such a way that the statistics appear to be universally true or applicable.

Article 27: Guarantee/ Warranty

An advertisement may use the terms the “guarantee” or “warranty” but the condition of sale or purchase of the product or service which the words refer to shall be clearly stated.

Article 28: Passing-Off

An advertisement shall not contain false representations which are likely to confuse or induce others to believe that the products, services, or advertisements of another are those of or connected with the advertising practitioner or vice versa.

Article 29: Imitation

An advertisement shall not imitate or be closely similar to another previously published or exposed advertisement to the extent that the latter advertisement is confused with, or associated with the former advertisement.

Article 30: Hidden Extras

An advertisement that indicates cost or charges for products or services shall disclose information related to the cost or charges of the products or services so that consumers will not be required to incur extra costs or charges for the product or services.

Article 31: Bait Advertising

An advertisement shall not appear to offer any product or service as being for sale in order to switch consumers to other products unless it is intended for sale.

**SPECIAL PROVISIONS
ALCOHOLIC BEVERAGES**

Article 32: Radio / Television

- (a) An advertisement for alcoholic beverages shall not be exposed in children’s, religious and sports programmes.
- (b) Children, sportsmen, sportswomen and pregnant women shall not be used as models in advertisements for alcoholic beverages.
- (c) An advertisement for alcoholic beverages shall not employ religious or medical suggestions or connotations.

Article 33: Print Media

- (a) An advertisement shall not bear any religious or medical connotations.
- (b) Children, sportsmen, sportswomen and pregnant women shall not be used as
models in the print media.
- (c) An advertisement for an alcoholic beverage shall not be published in a children’s publication.

Article 34: Outdoor

- (a) An advertising structure shall impact positively on the environment and shall not cause visual blight and environmental pollution.
- (b) An advertisement for alcoholic beverage shall not be sited within a radius of 200 metres from the nearest perimeter fence of any place of worship, hospital, school or lorry station.
- (c) Children, sportsmen, sportswomen and pregnant women shall not be used as models for outdoor advertisements.
- (d) An advertisement for alcoholic beverage shall not employ religious or medical suggestions or connotations.

Article 35: Cinema

- (a) An advertisement for alcoholic beverage shall not be exposed during children's, religious and sports shows.
- (b) Children, sportsmen, sportswomen and pregnant women shall not be used as models.
- (c) An advertisement for alcoholic beverage shall not employ religious or medical suggestions or connotations.

Article 36: Sponsorship

- (a) Sponsorship of sporting events by alcoholic beverage brands is permitted however, in television coverage, or in the promotion of a sporting event, only brand corporate names, logos and product packs may be used as flashes or backdrops on the screen.
- (b) Events and competitions directed at children shall not be linked to any alcoholic beverage through sponsorship or any other form of the marketing support.

Article 37: Gift Items

Give away items for alcoholic beverages shall not be directed at children, sportsmen, women and pregnant women in terms of their appeal.

Article 38: Claims, Institutions and Associations

- (a) An advertisement for alcoholic beverage shall not suggest or imply that alcoholic beverages have healthy benefits.
- (b) An advertisement for alcoholic beverage shall not be associated with piloting, driving, riding or any sports activity.
- (c) An advertisement for alcoholic beverage shall not show persons stating that they drank alcoholic beverages when they were children.
- (d) An advertisement for alcoholic beverage shall depict only moderate and responsible drinking.
- (e) An advertisements for alcoholic beverage shall not show persons wearing clothing typical of the healthcare professions, healthcare trades.

Article 39: Time of Exposure

An advertisement for alcoholic beverage shall not be aired between 6:00am and 8:00pm on radio and between 6:00am and 10:00pm on television.

Article 40: Product-in-Use

An advertisement for alcoholic beverage shall not depict people drinking heavily or very rapidly or imply that that behavior is attractive or appropriate.

Article 41: Age Limit of Models

(a) Models used in advertisements for alcoholic beverage shall not appear to be less

than twenty five years old.

(b) Persons under the age of twenty five years shall not be depicted in advertisements for alcoholic beverages except where it would be usual for them to appear, such as in family scenes or in background crowds. They shall not be shown drinking alcoholic beverages or appear to be doing so.

Article 42: Social Acceptance

(a) An advertisement shall not imply that alcoholic beverage consumption is essential for business and social success or acceptance.

(b) An advertisement shall not depict abstinence in a negative light or suggest that it is wrong or foolish to refuse a drink.

Article 43: Sexual Indulgence

(a) An advertisement for alcoholic beverage shall not be suggestive of sexual indulgence or permissiveness or portray nudity.

(b) An advertisement for alcoholic beverage shall not present any situation that is derogatory to the virtue of normal sex behaviour, claim or suggest that alcoholic beverages can contribute directly to success in sexual behaviour.

Article 44: Attributes

An advertisement for alcoholic beverage shall not offer a product expressly as a stimulant, sedative or tranquilizer. Advertisements may refer to the refreshing attributes of alcoholic beverages, but shall not imply that the consumption of drink can improve performance.

TOBACCO PRODUCTS

Article 45: Prohibition

(a) Advertising of tobacco products in any manner is prohibited.

(b) Any other form of consumer engagement and brand communication shall be as stipulated in Part Six of the Public Health Act, 2012 (Act 851).

Article 46: Sponsorship

(a) Corporate sponsorship of programmes and events by tobacco manufacturers is permitted if adequate care is exercised to ensure that only persons above the age of eighteen years are admitted to these event.

(b) Events mentioned under this article including events in support of tobacco brands are restricted to the arena.

ADVERTISEMENTS FOR CONDOMS

Article 47: Indecency

An advertisement for condoms shall not encourage indecency in the use of the product. Emphasis of the message shall be focused on health and family planning applications.

Article 48: Insinuations

An advertisement for condoms shall not dramatise or in any other manner depict or insinuate the sexual act by word, graphic, sound or action.

Article 49: Health Warning

An advertisement for condoms shall carry the following health warning: Be Warned: "The Condom is not 100% safe. Total abstinence or faithfulness is the best option."

Article 50: Time/Place of Exposure

- (a) An advertisement for condoms shall not be aired during children's programmes.
- (b) An advertisement for condoms shall not be aired between 6:00am and 8:00pm on radio and between 6:00pm and 10:00pm on television.
- (c) Outdoor advertisements for condoms shall not be sited near schools or places of worship.

ADVERTISEMENT FOR HEALTH, BEAUTY PRODUCTS AND THERAPIES

Article 51: Diet and Lifestyle

- (a) An advertisement shall advocate good dietary practice and shall avoid anything likely to encourage poor nutritional habits or an unhealthy lifestyle, especially among children.
- (b) An advertisement shall not discourage the selection of foods, such as fresh fruit and vegetables that generally accepted dietary opinion recommends should form a greater part of the average diet.
- (c) This article does not preclude responsible advertising for any products including those that shall be eaten only in moderation.
- (d) Claims of nutritional or health benefits shall be considered in the context of a balanced diet or lifestyle or both.
- (e) Nutrition or health claims shall be supported by sound scientific evidence. Generalised claims such as "goodness" or "wholesome" shall not exaggerate the nutritional or health benefit of a food product or an ingredient.
- (f) Reference to the properties of an ingredient shall not give a misleading impression of the properties of the whole product. The scientific meaning of the word "energy" calorific value shall not be confused with its colloquial meaning of the physical vigour.
- (g) An advertisement shall not encourage or condone excessive consumption of any food.

Article 52: Medicals

- (a) Medical and scientific claims made about beauty and health-related products shall be backed by evidence where appropriate, that consists of trials conducted on people. Where relevant, the rules should also relate to

claims for products for animals. Substantiation shall be assessed on the basis of available scientific knowledge.

- (b) An advertisement that invites a consumer to diagnose personal minor ailments shall not make claims that may lead to a mistaken diagnosis.
- (c) An advertising practitioner shall not discourage essential treatment and shall not offer specific advice on the diagnosis of or treatment for a serious or prolonged condition unless it is conducted under the supervision of a doctor or other suitably qualified health professional who is subject to regulation by a statutory or recognised medical or health professional body. Accurate and responsible general information about these conditions may however be offered.
- (d) A consumer shall not be encouraged to use a product in excess and an advertising practitioner shall hold proof before suggesting a product or therapy is guaranteed to work and is absolutely safe without side effects,
- (e) An advertisement shall not suggest that any product is safe or effective merely because it is “natural” or that it is generally safer because it omits an ingredient in common use.
- (f) An advertising practitioner who offers individual treatment, particularly treatment that is physically invasive, may be asked by the media and the Association to provide full details with information about those who will supervise and administer the treatment where appropriate, an advertising practitioner shall have a relevant and recognised qualification. An advertising practitioner shall encourage a consumer to take independent medical advice before committing to significant treatment, including physically invasive treatment.
- (g) Reference to the relief of symptoms or the superficial signs of ageing are acceptable if they can be substantiated. Unqualified claims such as “cure” and “rejuvenation” are not acceptable.
- (h) An advertising practitioner shall use familiar scientific words for a common condition.

Article 53: Medicines

- (a) The extant applicable regulatory health instruments govern the promotion of medicines and the conditions of ill health that can be offered to treat.
- (b) Medicines shall have a Food and Drugs Authority registration number before they are advertised.
- (c) Prescription only medicines may not be advertised to the public. Health-related claims in advertising addressed only to the medical, dental, veterinary and allied professions are exempt from the Code.
- (d) An advertising practitioner shall not use fear or anxiety to promote medicines or recovery from illness and shall not suggest that using or avoiding a product can affect normal good health.
- (e) An illustration of the effect or action of a product shall be accurate.
- (f) An advertisement for medicines shall not be addressed to children.
- (g) An advertisement for any medicine shall not claim that its effects are as good as or better than those of another identifiable product.

- (h) Homeopathic medicinal products shall be registered with the appropriate agency. Any product information given in the advertisement shall be confined to what appears on the label. The advertisements, where necessary, shall include a warning to consult a doctor if symptoms persist.

Article 54: Vitamins, Minerals and Other Dietary Supplements

- (a) An advertising practitioner shall hold scientific evidence for any claim that a vitamin or mineral product or other food supplement is beneficial to health.
- (b) A well-balanced diet shall provide the vitamins and minerals needed each day by a normal, healthy individual. An advertising practitioner may offer vitamin and mineral supplements to certain groups as a safeguard to help maintain good health but shall not imply that they can be used to prevent or treat illness, elevate mood or enhance normal performance. Without well-established proof, an advertisement shall not suggest that there is a widespread vitamin or mineral deficiency or that it is necessary or therapeutic to augment a well-balanced diet. Individuals shall not be encouraged to swap a healthy diet for supplementation.
- (c) People who are potentially at risk of deficiency may be safeguarded by vitamin and mineral supplementation. Products shall be appropriate and advertising shall specify the group addressed when claiming or implying that health may be maintained. Indicative groups include:
- (i) people who eat nutritionally inadequate meals;
 - (ii) the elderly;
 - (iii) children and adolescents;
 - (iv) convalescents;
 - (v) athletes in training or others who are physically very active;
 - (vi) women of child-bearing age;
 - (vii) lactating and pregnant women;
 - (viii) people on restricted food or energy diets; and
 - (ix) people who smoke.
- (d) Serious vitamin and mineral depletion caused by illness shall be diagnosed and treated by a doctor. Self medication shall not be promoted on the basis that it will influence the speed or extent of recovery.

Article 55: Cosmetics

- (a) Claims made about the action that a cosmetic has on or in the skin shall distinguish between the composition of the product and any effects brought about by the way in which it is applied, such as massage. Scientific evidence shall also make this distinction.
- (b) Some cosmetics have an effect on the kind of skin changes that are caused by environmental factors. Advertising for them shall refer to temporarily preventing, delaying or masking premature ageing.

Article 56: Prevention of Ageing

An advertisement for drugs shall not contain any claim to provide rejuvenation, or to prevent, retard or reverse the physiological changes and degenerative conditions brought about by or associated with advancement in age.

Article 57: Hair and Scalp

An advertising practitioner shall be able to provide scientific evidence, in the form of trials conducted on people where appropriate, for any claim that a product or therapy can prevent baldness or slow it down, arrest or reverse hair loss, stimulate or improve hair growth, nourish hair roots, strengthen the hair or improve its health as distinct from its appearance.

Article 58: Weight Control

- (a) An advertisement for slimming, weight or figure control shall state the likely side effects.
- (b) A weight reduction regime in which the intake of energy is lower than its output is the most common self-treatment to achieve a weight reduction method or product and shall be backed if appropriate, by rigorous trials on people; testimonials that are not supported by trials do not constitute substantiation.
- (c) Obesity is frequently associated with medical conditions and treatment for it shall not be advertised to the public unless it is to be used under suitably qualified supervision.
- (d) An advertisement for a weight reduction regime or establishment shall neither be directed at, nor contain anything that will appeal particularly to, people who are under eighteen or those in whom weight reduction would produce a potentially harmful body weight. An advertisement shall not suggest that it is desirable to be underweight.
- (e) An advertising practitioner shall show that weight reduction is achieved by loss of body fat before claims are made for a weight reduction aid or regimen. Combining a diet with an unproven weight reduction method does not justify making weight reduction claims for that method.
- (f) An advertising practitioner shall be able to show that its diet plans are nutritionally balanced, except for producing a deficit of energy and this shall be assessed in relation to the kind of person who will use the diet plan.
- (g) Vitamins and minerals do not contribute to weight reduction but may be offered to slimmers as a safeguard against any shortfall when dieting.
- (h) An advertising practitioner that promotes a very low calorie diet shall do so only for short term use and shall encourage users to take medical advice before embarking on it.
- (i) An advertising practitioner for a diet aid shall make clear how it works, prominence shall be given to the role of the diet and advertising shall not give the impression that a dieter cannot fail or can eat as much as wanted and still lose weight.
- (j) An advertisement shall not contain a claim that people can lose precise amounts of weight within a stated period or that weight or fat can be lost from specific parts of the body.
- (k) A claim that individuals have lost exact amounts of weight shall be compatible with good medical and nutritional practice and shall state the period involved and not be based on unrepresentative experiences.
- (l) Resistance and aerobic exercise can improve muscular conditions and tone. This improves body shape and posture. An advertising practitioner shall be

able to substantiate any claims that the method used alone or in conjunction with its diet plan can lead to weight or inch reduction. An advertisement for an intensive exercise programme shall encourage a user to check with a doctor before starting an exercise programme.

- (m) Short-term loss of girth may be achieved by wearing a tight fitting garment. This shall not be portrayed as permanent, nor shall it be confused with weight or fat reduction.

Article 59: Offensive Advertisements

An advertisement shall not describe or dramatise distress or a morbid situation in an offensive manner.

Article 60: Elimination of Ailment

An advertisement for a drug shall not contain a claim to cure any ailment or symptoms of ill health, nor shall any advertisement for a drug contain a word or expression or impression that suggests the elimination of an ailment, illness or disease.

Article 61: Prescription Drugs

An advertisement for a drug or device related to the treatment of a disease, complaint, or symptom that rightly requires the attention of a registered medical practitioner shall not be exposed in any public medium, except in the relevant professional media.

Article 62: Diagnosis, Prescription, or Treatment

An advertisement shall not contain an offer to diagnose, advice or prescribe treatment for any disease, complaint, condition, or symptom that requires the attention of a medical doctor

Article 63: Appeals to Fear and Exploitation of Credulity

An advertisement shall not cause unwarranted anxiety especially to those who suffer, or may suffer from the condition to which the advertisement relates, nor suggest that the use of the advertised product is all that is required for the maintenance of the physical or mental well being of a person.

Article 64: Encouragements of Excesses

An advertisement shall not in any way encourage indiscriminate, unnecessary, or excessive use of a medical product.

Article 65: Hypnosis

An advertisement shall not contain any offer to diagnose or treat a complaint or condition by hypnosis.

Article 66: Restricted Words

- (a) An advertisement shall not use words such as “safe”, “without risk” or “harmless” unless certified by a medical authority.
- (b) An advertisement shall not offer to cure cancer, AIDS or similar ailment unless the cure has been authenticated by the relevant regulatory body in this country.
- (c) An advertisement of a product, medicine, treatment for disorder or irregularity, peculiar to women, shall not contain an expression such as”

inducing abortion”.

- (d) An advertisement shall not contain any exaggeration especially the use of words such as” magic,” “magical,” miracle” and “miraculous”.
- (e) An advertisement for a medical product shall not offer to refund money to a dissatisfied user.
- (f) An advertisement for a medical product shall rather offer to refund money to a dissatisfied user.
- (g) An advertisement shall not contain words such as “clinic”,” institute”, “laboratory” or similar terms unless the establishment does exist and is a registered facility.
- (h) An advertisement for medicine shall not purport to increase “sexual libido” or correct “sexual weakness”.

Article 67: Alternative Medical Practices

Subject to the provisions of this Code, an advertisement, promotion and other marketing communication activity concerned with alternative medical practice, products and treatments shall:

- (a) clearly specify the name and address of the dispenser or advertising practitioner who must be registered by the appropriate regulatory body;
- (b) specify the particular ailment to which the product applies and shall not claim efficacy over a range of conditions; and
- (c) have dosage specifications.

ADVERTISEMENTS FOR RELIGIOUS AND RELATED MATTERS

Article 68: Encouragements

An advertisement for a religious product and service shall not go beyond the effort to encourage the oral, social and psychological wellbeing of the adherents.

Article 69: Exploitation of Weakness

A religious advertisement shall not exploit the weaknesses, handicaps, shortcomings, or state desperation of members of the public.

Article 70: Miracles, Portents and Coercion,

An advertisement and promotion of a religious product or service shall not:

- (a) exaggerate the occurrence of miracles or use of spurious testimonies that are likely to deceive the audience;
- (b) appear to guarantee financial prosperity, healing, marriage or employments;
- (c) cast aspersion on any other sect or religious belief; and
- (d) coerce, cajole, or otherwise compel anyone to become an adherent of a particular sect or belief or to participate in any religious activity.

ADVERTISEMENTS FOR POLITICAL ACTIVITIES

Article 71: Presentation and Contents

A political advertisement shall be issue-oriented and devoid of abusive statements

or references. It shall not employ false, distorted or unsubstantiated claims or contain misrepresentations about a political personality.

Article 72: Advertising practitioner's Identity

Each political advertisement shall clearly identify the sponsoring organisation or individual, visually or orally.

Article 73: Sectional Interests

A political advertisement shall not explicitly nor implicitly exploit ethnicity, religion or any other sectional interest.

Article 74: Compliance

Media houses, agencies, political parties, politicians and their agents shall ensure that political advertisements are in consonance with the provisions of this Code as it relates to political activities, the Oath of Advertising Practice and any other regulatory body or enactment.

ADVERTISEMENTS FOR TELECOMMUNICATION PRODUCTS AND SERVICES

Article 75: Compliance with Rules and Regulations

An advertisement for a telecommunication product and services shall comply with rules and regulations of the National Communication Authority and any other relevant regulatory body.

Article 76: Access to Information

- (a) Any claim made in a telecommunication advertisement shall portray the true picture of what is offered in terms of product quality and services.
- (b) An advertising practitioner shall ensure that consumers can view and download the relevant terms and conditions of its telecommunication services from an accessible website.

Article 77: Requirements

An advertisement for a telecommunication product and service shall comply with the following requirements:

- (a) Where the products and service on which the advertisement claims or representations can be tested by survey or data, the survey or data shall be reasonably competent and reliable and shall reflect the true and accepted principle of the research;
- (b) The standards for quality, grade of service, products and equipment that are manufactured, imported or sold in the country as set by the National Communications Authority;
- (c) Any other standard or requirements of a specific or general nature that may be specified from time to time by relevant regulatory authorities.

Article 78: Pricing

An advertisement with complicated price structures and information that appears in transient types of media such as radio and television shall explain the details of the complicated price structure and information accompanied with detailed print media explanations.

The transient media shall specifically instruct a consumer to see the print medium for details.

Article 79: Advertising Content

An advertisement for a telecommunication product or service shall not contain any obscenities nor contain any racial or prejudicial content that relates to ethnic origin, religion, sex, gender, or age.

Article 80: Internet Connections

An advertisement for telecommunication internet connections shall state the internet connection speed available to an end user as well as the specific upload and download speed. Where the connection speed quoted can only be obtainable under special circumstances, the circumstances shall be clearly stated.

MAIL ORDER/ DIRECT SALES

Article 81: Stock

- (a) An advertising practitioner shall ensure that there is adequate stock of advertised products to satisfy the demand expected to be generated from the advertisement
- (b) An advertisement for mail order shall clearly indicate that a consumer who shows reasonable cause for dissatisfaction shall be refunded the money paid in respect of the mail order.

Article 82: Samples

An advertising practitioner shall be prepared to provide a demonstration or sample of the advertised product on demand by the Standards Committee.

Article 83: Advertising practitioners Address

An advertisement for mail order and direct sales shall clearly state the name and address of the advertising practitioner.

Article 84: Conformity with Description

An advertised product shall conform to the description contained in the advertisement.

Article 85: Statements of Terms

The selling arrangements shall be clearly stated in the advertisement.

Article 86: Substitution

A consumer who responds to a mail order and direct sale advertisement shall be offered the product advertised.

A substituted product shall not be delivered without the consent of the buyer.

EMPLOYMENT AND BUSINESS OPPORTUNITIES

Article 87: General

- (a) An advertising practitioner shall distinguish clearly between an offer of employment and business opportunity. Before publication, media shall demand full details of the advertising practitioner and any terms and conditions imposed on a respondent.
- (b) Employment advertising shall correspond to a genuine vacancy and potential employees shall not be asked to send money for further details. Living and working conditions shall be represented correctly. Quoted earnings shall be precise and if a forecast has to be made, it shall be representative. Where income is earned only from a basic salary and

commission, or in some other way, this shall be made clear.

- (c) An employment agency shall specify its full name and contact details in an advertisement and state that it is an employment agency, if the name does not disclose that fact.
- (d) An advertisement for a homework scheme that requires a participant to make an article, perform a service or offer facilities at or from home shall contain:
 - (i) the full name and location address of the advertising practitioner;
 - (ii) a clear description of the work and the support available to a home worker which shall not be exaggerated;
 - (iii) an indication of whether participants are self employed or employed by a business;
 - (iv) the likely level of earnings, but only if this can be supported with evidence of the experience of a current home worker;
 - (v) no forecast of earnings if the scheme is new;
 - (vi) a statement of any required investments or binding obligation;
 - (vii) a statement of any charges for raw materials, machines, components administration and the like;
 - (viii) information on whether the advertising practitioners will buy back any products made;
 - (ix) any limitations or conditions that might influence a consumer before a decision is taken to participate in the homework scheme. An advertising practitioner may include that information in follow up literature made available to a consumer before a commitment but the initial advertising shall state if a financial outlay is required.
- (e) An advertisement for a business opportunity shall :
 - (i) contain the full name and location address of the advertising practitioner that is not a P. O. Box or PMB address;
 - (ii) a clear description of the work involved and the extent of investor commitment, including any financial investment, the support available shall not be exaggerated; and
 - (iii) contain representative earning figures and not exaggerate them. Advertising practitioners may include that information in follow-up literature made available to any consumer before commitment, but initial advertising shall normally state if an investment is required.
- (f) An advertisement for vocational training and other instruction courses shall not make a promise of employment unless it is guaranteed. The duration of the course and the admission requirements shall be made clear.
- (g) An advertisement for the sale of a directory that gives details of employment or business opportunities shall indicate plainly the nature of what is being offered.

FINANCIAL AND RELATED SERVICES

Article 88: Scope

This category of advertising relates to banking, mortgage, financing and insurance services.

An application for the approval of an advertisement for financial and related services shall show approval of the institution, products and services from the Bank of Ghana, National Insurance Commission and any other appropriate regulatory agency.

Article 89: General

An advertisement for a financial and related service shall, in addition to the provisions of this Code, be prepared with great care to ensure that a member of the public fully appreciates any commitment concerned with responding to the advertisement.

The following rules shall apply:

- (a) An advertisement by a bank or deposit-taking institutions for the opening, closure or relocation of an office, branch or cash centre shall require the written approval of the Bank of Ghana;
- (b) The use of words or phrases that depict lottery or gambling such as “raffle”, “raffle draw”, “bonanza” or “win” in an advertisement shall not be permitted except if the lottery is licensed by the National Lottery Authority or the game of chance is licensed by the Gaming Commission; and
- (c) Where insurance- linked products or products with scholarship benefits are to be advertised, the actual value of the insurance and scholarship benefits shall be clearly stated.

Article 90: Advertising practitioners Address

An advertisement for financial and related services in a newspaper, magazine, and other print media, except for an outdoor advertisement, shall bear at least the corporate address of the advertising practitioner.

Article 91: Deposits and Interest Rates

- (a) Where interest rates are stated in an advertisement, the annual rate shall be clearly indicated.
- (b) Interest rates for deposits of less than one year shall be stated to be proportional.

Article 92: Tenor of Deposit

Where deposits are solicited for a minimum period in any advertisement, the tenor of the deposits with the rates payable shall be clearly stated.

Article 93: Ghana Cedi Notes and Coins

- (a) The reproduction of Ghana Cedi notes in an advertisement in the same size and colour as the real note is prohibited.
- (b) Coins may be reproduced in print, but cut-out or die-cut reproduction in any material is prohibited.
- (c) An advertisement that features Ghana Cedi notes and coins shall encourage proper handling.
- (d) An advertisement shall not depict the display of the Ghana Cedi in a manner that reflects frivolity such as heaping, tossing or attempts to titillate covetousness in the consumer.

Article 94: Coded Accounts

An advertisement shall not encourage nor imply that coded or anonymous bank accounts can be operated in Ghana unless permitted by the Bank of Ghana.

Article 95: Exchange Rates

An advertisement that features foreign currency shall also show current Ghana Cedi equivalents.

Article 96: Disparagement of Competitors

(a) An advertisement for financial and related services shall not disparage other

banking or financial and related institutions, products and services.

(b) An advertisement for financial and related services shall not:

(i) be injurious to the operations, products or services of other financial institutions of financial system; nor

(ii) contain figures from audited financial statements of the advertising institution that have not been audited.

Article 97: Promotion and Incentives

(a) An advertisement shall not encourage customers of other banks or financial institutions to switch patronage through competition, lotteries and other promotional techniques.

(b) An advertisement that offers a better incentive than other another competitor shall ensure that they supply the public with the relevant facts necessary for a proper assessment of their claims.

(c) Where terms and conditions apply, an advertising practitioner shall state them clearly or refer to an accessible website where they can be found.

Article 98: Forecasts

An advertisement for financial and related services that contains any forecast or projection of a specific return or rate shall clearly state the basis upon which the forecast or projection is made.

Article 99: Prohibited Names

(a) An advertising practitioner of financial products and services shall not bear names that are misleading or offensive. In addition the names shall not include words such as “Central”, “National”, “Ghana”, “State”, “Christian”, “Islam”, “Koranic”, “Biblical”, “Bonanza”, “Raffle”, and “Raffle Draw”.

(b) Financial products and services shall have target markets with clear features, benefits derivable by both the banks and customers, modes of operation that do not contravene any relevant laws as well as circulars or directives issued from time to time by the Bank of Ghana.

(c) Financial products and services shall have features and benefits that shall not be deceptive in any manner or form.

(d) The issuing institution of a financial product and service shall have the capability to honour its obligations to investors or depositors in the product as indicated in the product features and benefits.

ADVERTISING AIMED AT CHILDREN

Article 100: Inducements

An advertisement shall not induce children to pressure their parents, guardians, other adults or any person whatsoever to purchase the advertised product.

Article 101: Appeals

An appeal in an advertisement directed at a child shall not make them feel inferior to or less likeable than other children who buy or use the advertising practitioners products and services.

Article 102: Exaggeration

An advertisement directed at a child shall not exaggerate the use of the product or services.

Article 103: Safety

- (a) An advertisement shall not portray a child indulging in behaviour or practice that is unsafe or in any manner hazardous to the child.
- (b) Street scenes depicted in an advertisement shall show adequate regard for the Road Traffic Regulations.
- (c) A child shall not be depicted in a dangerous situation, such as walking on an unguarded stairway, leaning over a balcony or darting across a busy highway.
- (d) A child shall not be shown reaching or attempting to reach an item far above its head because imitating this posture in real life could lead to an accident.

Article 104: Accidents

A child shall not be shown using an item that could lead to electrocution, burns, or any other type of accident. These items include cooking gas, matches, kerosene, petrol, inflammable materials and electric appliances.

Article 105: Medicines

- (a) The precepts that medicines, disinfectants and antiseptics shall be kept out of the reach of children shall be complied with in any advertisement.
- (b) Where medicines are shown to be in use in an advertisement meant for children, they shall be demonstrated with adult supervision.

Article 106: Motorised Machines

A child shall not be shown driving a car or operating a motorised machine.

Article 107: Exploitation of Innocence

An advertisement directed at a child shall promote its physical and moral well-being and shall not exploit its natural innocence or trusting nature.

Article 108: Values

An advertisement using a child as a model shall not expose the child to corrupt values.

ADVERTISING AND FEMALES

Article 109: Decency

A female who appears in an advertisement shall be decently clothed in a manner acceptable to the society where the advertisement is exposed.

Article 110: Caricature

A woman in an advertisement shall not detract from the sanctity of marriage as well as family values.

NON- RETENTION OF ADVERTISING AGENCY

Article 112: Non-Retention of Advertising Agency

- (a) Where an advertising practitioner does not retain the services of an advertising agency, the advertising practitioner shall ensure that its advertising business is handled by a registered advertising practitioner. Its media purchase order and relevant advertising materials shall be duly endorsed by an advertising practitioner in the advertising practitioner's employment or retainership.
- (b) This Code recognises that there will always be individuals and small organisations whose advertising requirements may not justify the need for the services of an advertising agency. This category of advertising practitioners may transact advertising business directly if there is an advertising practitioner employed or engaged for that purpose. The onus to ensure strict adherence to the ethics and Code of advertising practice shall be on the advertising practitioner.

RESPONSIBILITIES OF MEDIA OWNERS

Article 113: Rates

Media rates shall be published for the information of advertising practitioners, agencies and the general public.

Article 114: Rate Cards

The conditions related to the acceptance of an advertisement shall be clearly stated on media rate cards. Cash discounts, rebates, and similar incentives shall also be clearly stated.

Article 115: Advertisements for Competing Brands

An advertisement for a competing brand shall not be placed next to another in any medium.

Article 116: Endorsement of Advertising Materials

Advertising materials and media purchase orders shall be duly endorsed by a registered advertising practitioner not below the grade of Associate Member of the Profession. Only an advertisement that meets the requirement shall be accepted for exposure in the media.

Article 117: Outdoor Regulations

- (a) An outdoor board and structure used for advertisement shall be sited and maintained with due regard to the relevant legislation, bye-laws and industry guidelines.
- (b) Outdoor hoardings shall not be placed in a manner that poses a hazard of any nature to the public.
- (c) The use of motion pictures or lurid images is prohibited on sites along a highway or road where they can cause traffic distractions.

Article 118: Outdoor Environment

An outdoor board and structure shall be sited and maintained with adequate consideration for the safety of the public and protection of the environment in particular. The standards set by the Ghana Standards Authority specifications for outdoor signs GS847:2010 published in the *Gazette* on 5th March, 2010 shall be adhered to.

Article 119: Credit Management

- (a) An advertisement placement transaction shall be covered by a formal contract between the advertising practitioner or advertising agency and the media.
- (b) The terms of the contract between the parties shall be strictly adhered to and enforced by them.
- (c) It is the primary responsibility of a media owner to ensure that media contracts are strictly adhered to and sanctions are imposed on a defaulter.

Article 120: Sectorial Guidelines

Other guidelines adopted by a sectorial group shall be in consonance with the spirit and letter of this Code.

ADVERTISING PRODUCTION AND MANAGEMENT

Article 121: Models

A model used in an advertisement exposed in this country shall be a citizen except where the concept specifically requires a person who is not a citizen.

Article 122: Advertising Positions

Only a person who is a registered advertising practitioner, a citizen and non-citizen shall be employed in an advertising positions noncitizens who intend to establish an advertising agency and practice the profession shall in addition to being registered as a practitioner, satisfy the terms set out in the Ghana Investment Promotions Centre Act 1994 (Act 478) for the establishment of a new business, as well as immigration requirements determined by the Immigrations Act 2000 (Act 573).

Article 123: Advertising Content

- (a) The majority of the content of an advertisement shall as much as possible, be Ghanaian.
- (b) Ghanaian languages shall be properly used in advertisements.
- (c) Ghanaian locations and ambience shall be correctly depicted.

PART TWO

SALES PROMOTION

Article 124: General Application

- (a) The sales promotion rules shall be read in conjunction with the general rules, directing marketing rules and other specific rules, if relevant.
- (b) The sales promotion rules are designed primarily to protect the public but they also apply to trade promotions and incentive schemes and to the promotional elements of sponsorships.
- (c) The rules regulate the nature and administration of promotional marketing techniques. The techniques generally involve the provision of a range of direct or indirect additional benefits, usually on a temporary basis, designed to make goods or services more attractive to purchasers.
- (d) The rules do not apply to the routine, non-promotional, distribution of a product or to product extension, such as the suitability of a one-off editorial supplement whether in print or electronic form to a newspaper and magazine.
- (e) A promoter is responsible for the aspects and stages of a promotion that shall be conducted equitably, promptly and efficiently and shall be seen to deal fairly and honourably with a consumer.
- (f) A promoter shall avoid causing unnecessary disappointment.

Article 125: Protection of Consumers, Safety and Suitability

- (a) A promoter shall make a reasonable effort to ensure that a promotion, including a product sample, is safe and does not cause harm to a consumer or the consumer's property. Literature accompanying a promotional item shall give any necessary warning and safety advice.
- (b) A promoter shall make every effort to ensure that only suitable or appropriate material reaches a consumer. A promotion is socially desirable to the audience addressed if it does not encourage excessive consumption or inappropriate use and should be designed and conducted in such a way that the right of a consumer to a reasonable degree of privacy and freedom from annoyance is respected.
- (c) A promotion or promotional item shall not be offensive to the audience addressed.

Article 126: Children

- (a) Special care shall be taken when a promotion is addressed to a child or when the product intended for an adult may fall into the hands of a child.
- (b) Alcoholic drinks shall not feature in a promotion directed at people under eighteen years.

Article 127: Availability

- (a) A promoter shall be able to demonstrate that a reasonable estimate of likely response has been made and that it is capable of meeting that response.
- (b) Phrases such as "subject to availability" do not relieve a promoter of the obligation to take reasonable steps to avoid disappointing a participant in the promotion.
- (c) A promoter shall not encourage a consumer to make a purchase or series of

purchases as a precondition to apply for promotional items if the number of those items is limited.

- (d) If a promoter is unable to supply on demand a promotional offer because of an unexpectedly high response or some other unanticipated factor outside the promoters control, the promoter shall offer refunds or substitute products in accordance with article 136 (f) (i).
- (e) When a prize promotion is widely advertised, a promoter shall ensure that entry forms and any goods needed to establish proof of purchase are widely available.

Article 128: Administration

- (a) A promotion shall be conducted under proper supervision and adequate resources shall be made available to administer it. A promoter and intermediary shall not give a consumer justifiable grounds for complaint.
- (b) A promoter shall allow adequate time for each phase of the promotion and shall notify the trade, distribute the goods, issue rules if relevant, collect wrappers, judge and announce results.

Article 129: Free Offers and Free Trials

- (a) A promoter shall not try to recover costs by reducing the quality or composition or by inflating the price of any product that shall be bought as a pre-condition to obtain the free item.
- (b) A promoter shall not describe an individual element of as “free” if the cost of that element is included in the package price.
- (c) A promoter shall not use the term “free trial” to describe “satisfaction or your money back” offers, “buy one get one free” offers or other offers where a non-refundable purchase is required. If appropriate, a promoter shall provide a free trial for a participant.
- (d) A consumers’ liability for cost shall be made clear in any material featuring a “free” offer. An offer shall be described as free only if a consumer pays no more than:
 - (i) the minimum, unavoidable cost to respond to the promotion, such as the current public rate of postage, the cost of telephoning up to and including the national rate or the minimum, unavoidable cost to send an e-mail or SMS text message;
 - (ii) the true cost of freight or delivery; and
 - (iii) the cost, including incidental expenses, of any travel involved if a consumer collects the offer.

A promoter shall not charge to administer the free offer.

Article 130: Prize Promotions and the Law

A promoter shall take legal advice before embarking on a promotion with a prize, including a competition, prize draw, instant win offer and premium payment promotion to ensure that the mechanism involved makes them lawful lotteries under the National Lotto Act, 2006 (Act 722).

Article 131: Significant Conditions for Promotions

A promotion shall specify clearly before any purchase or before or at the time of an entry or application, if no purchase is required:

- (a) how to participate in a promotion, including significant conditions and costs and any other major factors reasonably likely to influence a consumer's decision or understanding about the promotion. If a promotion has a free entry route as required by law, that route shall be explained clearly;
- (b) the start date in a competition for a special offer if the special offer has not yet begun;
- (c) a prominent closing date for a purchase and submission of an entry or claim. A prize promotion and promotion addressed to or targeted at children should have a closing date. A competition that refers to a special offer whether the promoter's previous offer or a competitor's offer, does not require a start date if it is stated to be "subject to availability". A promotion limited to the availability of a promotional pack such as a gift with a purchase, extra volume packs and reduced price packs and loyalty schemes should run on an open-ended basis;
- (d) a promoter shall state if the deadline to respond to an undated promotional material will be calculated from the date the material was received by a consumer;
- (e) a closing date shall not be changed unless circumstances outside the reasonable control of the promoter make it unavoidable. If it is changed, a promoter shall take reasonable steps to ensure that a consumer who participated within the original terms will not be disadvantaged;
- (f) the proof of purchase requirements;
- (g) the minimum number and nature of any prizes, if applicable. A promoter shall state if the prize is to be awarded in instalments or to be shared among recipients;
- (h) location, personal or technological restrictions such as location, age or the need to have access to the internet. A promoter shall state any need to obtain permission to enter the promotion from an adult or employer;
- (i) where it is not obvious, there is likely to be a limitation on the availability of promotional packs in relation to a stated closing date of the offer;
- (j) the promoter's full name and business address, unless this is obvious from the context. A promotion by a newspaper and magazine in those publications need not state the name and address of the promoter if they can be found easily elsewhere in the publication; and
- (k) a participant shall be able to retain these conditions or have easy access to them throughout the promotion. Advertisements for promotions shall specify all the significant conditions that are applicable.

Article 132: Other Rules for Prize Promotions

- (a) A promoter shall not claim that a consumer has won a prize if they have not. The distinction between a prize and a gift shall always be clear. Gifts offered any consumer in a promotion shall not be described as a prize. If a promoter offers a gift to a consumer in addition to giving prizes to those who win, particular care is required to avoid confusing the two. It shall be clear

that a consumer “qualifies” for the gifts but merely has an opportunity to win the prize. If a promoter includes a gift that a consumer has qualified for in a list of other prizes, they shall distinguish clearly between the two.

- (b) A promoter shall not overstate a consumers’ chance to win a prize. If a promoter includes a consumer who has not won a prize in a list of those who have won prizes, they shall distinguish clearly between the two.
- (c) A promoter shall not claim that a consumer is luckier than the promoter is. A promoter shall not use terms such as” finalist” or “final stage” in a way that implies that a consumer has progressed, by chance or skill, to an advanced stage of a promotion if they have not.
- (d) A promoter shall not claim that a consumer shall respond by a specified date or within a specified time if they need not.
- (e) Complex rules shall be avoided and only very exceptionally will it be considered acceptable to supplement a condition of entry with additional rules. If extra rules cannot be avoided, a participant shall be informed how to obtain them and the rules shall not contain anything that could reasonably have influenced consumers against making a purchase or participating.
- (f) A promoter of a prize draw shall ensure that a prize is awarded in accordance with the Gaming Act 2006 (Act 721) and under the supervision of an independent observer.
- (g) A participant in an instant win promotion shall obtain the winnings at once or shall know immediately what the participant has won and how to claim unreasonable costs or administrative barriers without delays. Instant win tickets, tokens or numbers shall be awarded on a fair and random basis and verification shall take the form of an independently audited statement that the prizes have been distributed or made available for distribution in that manner.
- (h) A prize promotion shall specify before or at the time of entry:
 - (i) any restriction on the number of entries;
 - (ii) whether or not a cash alternative can be substituted for a prize;
 - (iii) when a prize winner will receive the prize if later than six weeks after the closing date;
 - (iv) how and when a winner will not be notified of results;
 - (v) how and when a winner and result will be announced. Promoters shall either publish or make available on request the name and location address of major prize winners and, if applicable, their winning entries. A prize winner shall not be compromised by the publication of excessively detailed personal information;
 - (vi) if relevant, who owns any copyright in the entries;
 - (vii) if applicable, how entries will be returned by promoters;
 - (viii) if applicable, how entries will be returned by promoters; and
 - (ix) any intention to use a winner in post-event publicity.

Participants shall be able to retain the above conditions or have easy access to them throughout the promotion

- (i) A promoter shall award the prize described in advertising or reasonable equivalents.
- (j) A promoter shall not falsely claim or imply that a consumer has already won, will win, or will on doing a particular act win a prize or other equivalent benefit if the consumer incurs a cost to claim the prize or other equivalent benefit or if the prize or other equivalent benefit does not exist.

Article 133: Front Page Flashes

A publisher who announces a reader promotion on the front page or cover of a publication shall ensure that a consumer knows whether the consumer will be expected to buy subsequent editions of the publication. Major conditions that might reasonably influence a consumer to signify in their decision to buy the publication shall appear on the front page or cover of the publication.

Article 134: Charity-linked Promotion

A promotion run by a third party such as a commercial company that claims that participation will benefit a registered charity or cause shall:

- (i) name each charity or cause that will benefit and be able to show the Standards Committee the formal agreement with those who will benefit from the promotion;
- (ii) define its nature and objectives If it is not a registered charity;
- (iii) specify exactly what will be gained by the named charity or cause and state the basis on which the contribution will be calculated;
- (iv) state if the promoter has imposed a limit on its contributions;
- (v) not limit consumers' contributions. If an amount is stated for each purchase, there shall be no cut-off point for contributions. If a target total is stated, extra money collected shall be given to the named charity or cause on the same basis as contributions below that level;
- (vi) be able to show that the targets set are realistic;
- (vii) not exaggerate the benefit to the charity or cause derived from an individual purchase of the promoted product;
- (viii) if asked, make available to a consumer, a current or final total of contributions made; and
- (ix) take particular care when appealing to children.

Article 135: Trade Incentives

- (a) An incentive scheme shall be designed and implemented to take account of the interest of each person involved and shall not compromise the obligations of an employee to give honest advice to consumers.
- (b) If a promoter intends to ask for help from, or offer an incentive to another company's employees, those employees shall be required to obtain their employer's permission before participating. A promoter shall observe the procedures established by a company for its employees, including any rules

for participating in a promotion.

- (c) An incentive scheme shall make clear to those benefiting that they may be responsible to pay tax.
- (d) A promoter shall not claim that a product is able to facilitate winning games of chance.

DIRECT MARKETING

Advertisements in this category are understood to mean that products advertised this way are to be sold to the buyer at his or her home.

The direct marketing rules shall be read in conjunction with the general rules, sales promotion rules and other specific rules, if relevant and applicable.

Article 136: Distance Marketing

- (a) For the purposes of this Code, distance selling advertisements are the final written advertising stage in the process that allows a consumer to buy products without the buyer and seller meeting face-to-face. Marketers shall comply with the applicable regulatory laws including the Sale of Goods Act, 1962 (Act 137).
- (b) Distance selling marketing communication shall include communication that requires payment before products are received and have written response mechanisms such as postal, fax or email, the full name and location address of the marketers and suppliers if different outside the coupon or other response mechanism so that it can be retained by a consumer.
- (c) Communication containing a telephone response mechanism need only state the full name and telephone number, but a consumer calling the number shall be told the location address (article 136(d)(i)). Communication that does not require payment before products are received shall state:
 - (i) the full name of the marketers and the suppliers if different;
 - (ii) the main characteristics of the products;
 - (iii) the price, including any VAT or other taxes payable, and any other payment arrangement;
 - (iv) the amount and number of any delivery charges;
 - (v) the estimated delivery/ performance time (article 136(e)) and arrangements;
 - (vi) a statement that, unless inapplicable (article 136(g)), a consumer has the right to cancel an order for products;
 - (vii) a marketer of services shall state that the right to cancel will be lost once services have begun with the consumer's agreement, if the marketer of services wishes to limit a consumers' cancellation rights in this way, it should be made clear when the services will begin;

- (viii) any telephone, postal or other communication charges calculated at higher than the basic rate such as where a premium rate call is required.
 - (ix) any other limitation on the offer such as period of availability and any other conditions that affect its validity;
 - (x) as to whether a marketer intends to provide substitute products of equivalent quality and price if those ordered are unavailable and that they will meet the cost of returning substitute products on cancellation; and
 - (xi) The minimum duration of open-ended contracts, such as where goods are supplied or services performed permanently or recurrently.
- (d) At the latest, by the time that goods are delivered or services begin, a marketer shall give a consumer written information on:
- (i) how the consumer is to exercise the right to cancel (article 136(g)). A marketer shall allow at least seven week days after delivery or after the conclusion of a service contract for a consumer to cancel a sale;
 - (ii) in the case of goods, whether the consumer has to return the goods to the suppliers on cancellation and, if so, who is to bear the cost of return or recovery of the goods (article 136(c) (ix) for substitute goods);
 - (iii) any other after-sales services and guarantees;
 - (iv) the full location address of the suppliers for any consumer complaints; and
 - (v) the conditions that apply to the cancellation of open-ended contracts.
- (e) A marketer shall fulfil an order within thirty week days after the day a consumer sends the order unless they meet one of the following criteria and state the longer delivery time that might be given for products such as plants and made-to measure items. A marketer may state that it does not intend to begin production unless a sufficient response is received or a series of products might be sent at regular intervals after the first thirty days.
- (f) Marketers shall refund money promptly at the latest within thirty week days after notice of cancellation has been given if:
- (i) a consumer has not received products, but if the consumer prefers to wait, the consumer shall be given a firm despatch date or two weeks progress reports. Alternatively, a marketer may, if asked or if stated before purchase, provide a substitute of equivalent quality and price;
 - (ii) a product is returned because it is damaged when received, is faulty or not as described, in which case the marketer shall bear the cost of transit in both directions;
 - (iii) a consumer cancels the order within seven week days after delivery, (article 136(d) (i)) A consumer shall assume that a product can be tried but shall take reasonable care of the product before it is returned

(article 136(g) (iv)). A consumer shall return the product and pay the costs of doing so if the marketer made this clear before the product was delivered, (article 136 (c) (ix));

(iv) an unconditional money-back guarantee is given and the products are returned within a reasonable period; and

(v) a product that has been returned is not received if the consumer can produce proof of posting.

(g) So long as each contractual obligation to a consumer is met, a marketer does not have to provide a refund on:

(i) services that have already begun, where (article 136 (c) (iv)) has been complied with;

(ii) a product the price of which is dependent on fluctuations in the financial market that are outside the control of the suppliers;

(iii) perishable, personalised or made-to-measure products;

(iv) audio or video recordings or computer software;

(v) newspapers, periodicals or magazines; and

(vi) betting, gaming or lottery services.

(h) If a marketer intends to call on a respondent personally, this shall be made clear in the advertisement or in a follow-up mailing. This is to allow a consumer adequate opportunity to refuse a personal visit and a marketer shall provide a reply-paid post card or free phone contact instruction.

(i) a marketer shall take particular care when packaging products that might fall into the hands of a child.

(j) a marketer shall not falsely imply that consumers have already ordered the marketed product by including in marketing material, an invoice or similar document that seeks payment.

(k) a marketer shall not ask a consumer to pay for or return unsolicited product, except for substitute products supplied in conformity with (article 127(d) and article 136(f)).

SANCTIONS

Article 137; Penalties

(a) A media house that publishes or exposes an advertisements without a Certificate of Approval from the Standards Committee is liable to a minimum penalty of 1,500 penalty units or a maximum penalty of 4000 penalty units.

- (b) An agency that creates or places for publication or exposure an advertisement without a Certificate of Approval from the Standards Committee is liable to a minimum penalty of 1,500 penalty units or a maximum penalty of 4000 penalty units.
- (c) An advertising practitioner who authorises the publication or exposure of an advertisement without the Certificate of Approval from the Standards Committee is liable to a minimum penalty of 1500 penalty units or maximum penalty of 4000 penalty units..
- (d) A practitioner, who publishes, exposes or knowingly aids the publication or exposure of an advertisement without a Certificate of Approval from the Standards Committee is subject to the disciplinary procedure of the Advertising Association of Ghana, despite the payment by a client of the appropriate penalty.

The Certificate of Approval from the Standards Committee is an attestation that the advertising material has satisfied the provisions of this Code.