

# MALAYSIAN CODE OF ADVERTISING PRACTICE

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## **THE MALAYSIAN CODE OF ADVERTISING PRACTICE**

The Advertising Standards Authority Malaysia is the independent body working to ensure that the self-regulatory system works in the public interest. The ASA's activities include investigating complaints and copy advice on your advertising.

**The Malaysian Code of Advertising Practice has the support of the following organizations whose representatives constitute the Advertising Standards Authority Malaysia**

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Association of Accredited Advertising Agents Malaysia  
Malaysian Advertisers Association  
Malaysian Newspaper Publishers Association  
Media Specialists Association  
Outdoor Advertising Association of Malaysia

### **Advertising Standards Authority Malaysia**

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### **COMMENCEMENT**

This third edition of the Malaysian Code of Advertising Practice comes into force on 1st September 2008. It replaces all previous editions.

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## I. Introduction

### (i) The Advertising Control System

The Malaysian Code of Advertising Practice (hereinafter referred to as “the Code”) is a fundamental part of the system of control by which Malaysian advertising regulates its activities.

The Code has been drawn up by organisations representing advertisers, advertising agencies and media. It is administered by the Advertising Standards Authority Malaysia (ASA) whose members are drawn from the Malaysian Newspaper Publishers Association, Association of Accredited Advertising Agents, Malaysia, Malaysian Advertisers Association, and the Media Specialists Association.

The Code is supplemented by special conditions that may be required by individual media. The broadcast media, online services and other telecommunications and electronic media have their own Codes which are administered by the Communication and Multimedia Content Forum of Malaysia.

Responsibility for observing the Code rest primarily with the advertiser. But it also applies to any advertising agency or medium involved in publication of the advertiser’s message to the public.

## Sanctions

The sanctions are principally the withholding of advertising space from advertisers and the withdrawal of trading privileges from advertisers/ advertising agencies. Both sanctions are applied by the media. To this can be added the sanction of adverse publicity. This is wielded by the Advertising Standards Authority Malaysia, which may publish details of the outcome of investigations it has undertaken.

## Complaints

Complaints from members of the public – or those representing them – that the Code has been breached should be addressed to the Chairman, Advertising Standards Authority, Malaysia. Letters should include sufficient details of the complaint along with contact information, especially the postal address or e-mail, of the complainant. It is helpful if complainants can wherever possible provide examples or copies of any advertisements to which they take exception. Investigations will not be initiated without written confirmation from the complainant.

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## (ii) Malaysian Code of Advertising Practice

### I. Preamble

- 1.1 All advertisements should be legal, decent, honest and truthful.
- 1.2 Advertisements must project the Malaysian culture and identity, reflect the multi-racial character of the population and advocate the philosophy of “RUKUN NEGARA” which reads as follows:-

Believe in God  
Loyalty to King and Country  
Upholding the Constitution  
Rule of Law  
Good Behaviour and Morality

- 1.3 Advertisements must not identify or type – cast each particular racial group or sex with vocations, traditional values and backgrounds.
- 1.4 A list of statutes affecting advertising is set out at the end of this Code.
- 1.5 Advertisements must comply in every respect with the Law, common or statute. Advertising should not propagate fraudulent trade practices.
- 1.6 No advertising material which tends to offend the proprieties of ethics generally observed by the community or contains terms, words or subject matter not generally considered acceptable in polite conversation should be accepted.

- 1.7 All advertisements should be prepared with a sense of responsibility to the consumer.
- 1.8 All advertisements should conform to the principles of fair competition as generally accepted in business.
- 1.9 No advertisement should bring advertising into disrepute or reduce confidence in advertising as a service to the industry and to the public.
- 1.10 Advertisements must be clearly distinguishable as such.

## **2. Scope**

- 2.1 The primary object of this Code is the regulation of commercial advertising. It applies therefore (except as expressly provided) to all advertisements for the supply of goods or services or the provision of facilities by way of trade, and also to advertisements other than those for specific products which are placed in the course of trade by or on behalf of any trader.
- 2.2 In addition the Code applies, so far as is appropriate to advertisements by non-commercial organisations and individuals. The Code does not however seek to restrict the free expression of opinion in paid-for advertising space, whether by those engaged in commerce or by political parties, foreign governments, religious or charitable bodies, or other organisations or individuals, provided the identity of such advertisers is made clear, and the advertisements themselves are clearly distinguished from any editorial matter in conjunction with which they may appear.

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## **2.3 Exclusion**

### **Political and Election Advertising**

Malaysians are entitled to expect that “political advertising” and “election advertising” will respect the standards articulated in the Code.

However, it is not intended that the Code govern or restrict the free express of public opinion or ideas through “political advertising” or “election advertising”, which are excluded from the application of this code

## **3. Interpretation**

- 3.1 The Code is to be applied in the spirit as well as in the letter.
- 3.2 Additional regulations in the form of bulletins or otherwise, which may from time to time be published by the ASA, have the full force of this Code.
- 3.3 In assessing an advertisement’s conformity to the terms of this Code, the primary test applied will be that of the probable impact of the advertisement as a whole upon those who are likely to see it. Due regard will be paid to each part of its content, visual, verbal and aural, and to the nature of the medium through which it is conveyed.
- 3.4 For the purpose of this Code:
  - (i) The word “advertisement” applies to marketing communication or advertising wherever it may appear in the printed form. It includes advertising in leaflets, circulars, posters, billboards, cinemas, advertising claims on packs, labels and point of sale material.

(ii) The word “product” includes goods, services and facilities.

(iii) The word “consumer” refers to any person who is likely to see an advertisement or a marketing communication.

## **II. General Principles**

### **1. Decency**

1.1 Advertisements should not contain statements or visual presentations offensive to the standards of decency prevailing among those who are likely to be exposed to them.

### **2. Honesty**

2.1 Advertisements should not be so framed as to abuse the trust of the consumer or exploit his lack of experience or knowledge.

### **3. Fear, Superstition, Violence, Illegality**

3.1 Advertisements should not without justifiable reason play on fear.

3.2 Advertisements should not exploit the superstitious.

3.3 Advertisements should not contain anything which might lead or lend support to acts of violence or anti-social behaviour, nor should they appear to condone such acts.

3.4 Advertisements should not contain anything which might lead or lend support to criminal, illegal or reckless activities, nor should they appear to condone such activities

## **4. Truthful Presentation**

4.1 All descriptions, claims and comparisons which relate to matters of objectively ascertainable fact should be capable of substantiation, and advertisers and advertising agencies are required to hold such substantiation ready for production without delay to the Advertising Standards Authority of Malaysia.

### **4.2 Claims**

4.2.1 Advertisements should not contain any statements or visual presentation which directly or by implication, omission, ambiguity, or exaggerated claim, is likely to mislead the consumer about the product advertised, the advertiser, or about any other product or advertiser, in particular with regard to:-

(i) Characteristics such as nature, composition, method and date of manufacture, fitness for purpose, range of use, quantity, and commercial or geographical origin.

(ii) Value or total price actually to be paid.

(iii) Other terms of purchase, such as hire purchase and credit sale.

(iv) Conditions of delivery, exchange, return, repair and maintenance.

(v) The terms of any guarantee.

(vi) Copyright and industrial property rights such as patents, trade marks, designs and models, and trade names.

(vii) Official or other recognition of approval, awards or medals, prizes or diplomas.

(viii) Scientific, statistical, or other research data quoted in advertisements should be neither misleading nor irrelevant.

- 4.2.2 It is seldom possible to substantiate general claims by an advertiser that his product is of superlative quality (best finest) in a manner which is universally acceptable. Such claims, however are permissible under this Code, provided that their inclusion in an advertisement does not create a false impression concerning any quality possessed by the product which is capable of assessment in the light of generally accepted standards of judgment.
- 4.2.3 Obvious hyperbole, which is intended to attract attention or to amuse, is permissible provided that it is not likely to be taken as a positive claim to superior or superlative status.
- 4.2.4 Where a substantial division of informed opinion exists or may reasonably be expected to exist, as to the acceptability of any evidence which is required to substantiate a claim in an advertisement, it should neither state nor imply that the claim is universally true or that it enjoys universal support, nor that it represents anything other than the advertiser's opinion or of such other authorities as may be named.
- 4.2.5 Advertisements should not misuse research results or quotations from technical and scientific literature. Statistics should not be presented as to imply that they have greater validity than is the case. Scientific terms should not be misused, and scientific jargon and irrelevances should not be used to make claims appear to have scientific basis they do not possess.
- 4.2.6 Where advertisement claims are expressly stated to be based on, or supported by, independent research or assessment, the source and the date of this should be indicated. Where this is not possible, for whatever reason, such claims to independent support should not be made. Where a claim relating to research or testing is based on the

advertiser's own work or work done at his request, it should be clear from the text of the advertisement that such is the basis of the claim.

### **4.3 Value of Goods**

- 4.3.1 So far as is relevant, the following provisions apply to claims as to the value of service or facilities offered by way of advertisement as well as to the value of goods.
- 4.3.2 Consumers should not be led to overestimate the value of goods whether by exaggeration or through unrealistic comparisons with other goods or prices.
- 4.3.3 Advertisers should be ready to substantiate any claim made as to the value in cash terms of goods offered at a lower price or free; and any saving to the consumer claimed to result from the offer of goods at a price lower than their actual value.
- 4.3.4 Substantiation should be by reference to the actual price(s) at which identical goods, or goods of a directly comparable kind and quality, are generally available.
- 4.3.5 Where a comparison is made between the respective cash values or prices of goods which are not identical, the advertiser should clearly indicate that this is the case.
- 4.3.6 Reference to recommended retail prices will not be accepted as substantiation for value of saving claims in the absence of information of the kind required in 4.3.4 as to the price at which the goods are currently on general sale.



4.3.7 In calculating a notional retail value of goods which are exclusive to him, or for which no direct standard of comparison exists, the advertiser should add to the cost of the goods to him only a reasonable mark-up, bearing in mind the widespread availability of many goods at substantial discounts. He should also make clear that the advertised goods are available only from him and that consequently the value claimed is his own assessment and does not relate to the actual cost of similar goods.

#### **4.4 Use of the Word “Free”**

4.4.1 Products should not be described as “free” where there is any cost to the consumer, other than the actual cost of any delivery, freight or postage. Where such costs are payable by the consumer, a clear statement that this is the case should be made in the advertisement.

4.4.2 Where a claim is made that, if one product is purchased, another product will be provided “free”, the advertiser should be able to show that he will not be able immediately and directly to recover the cost of supplying the “free” product whether in whole or in part.

4.4.3 In particular, an advertisement should in these circumstances make no attempt to recover the cost to the advertiser of the product by such methods as the imposition of packing and handling charges, the inflation of the true cost of delivery, freight or postage, an increase in the usual price of the product with which the “free” product is offered, a reduction in its quality, or quantity or otherwise.

4.4.4 A trial may be described as free although the consumer is expected to pay the cost of returning the goods, provided that the advertisement has made clear his obligation to do so.

#### **4.5 “Up to...” and “from...” claims**

4.5.1 Claims, whether as to prices or performance, which use formulae such as up to X km per litre or prices from as low RMX.XX are not acceptable where there is a likelihood of the consumer being misled as to the availability or as to the applicability of the benefits offered. Such claims should not be used:

- (i) When the price or other advantage claimed bears no relation to the general level of prices or benefits, and in particular where it does not apply to the goods or services actually advertised or to more than an insignificant proportion of them.
- (ii) When the claims apply to spoiled or imperfect goods, or to goods or services, which are in some respect less complete, subject to greater limitations than the bulk of those on offer.

#### **4.6 Direct Supply**

4.6.1 Claims that goods are available ‘direct from the manufacturer’ and the like are not acceptable where the advertiser cannot substantiate the implication that the consumer will benefit, usually in cash terms, from the elimination of one stage or more than in the normal process of distribution.

#### **4.7 Wholesale**

4.7.1 No advertisement should state or imply that goods offered for retail are being offered at wholesale prices unless the advertiser can prove that the prices in question are not higher than those which are currently sold to the retail trade.

4.7.2 For the purpose of this ruling, a wholesaler is defined as a merchant who purchases stocks for supply to retailers and other classes of trade buyers.

## **5. Comparisons**

5.1 Advertisements containing comparisons with other advertisers, or other products are permissible in the interest of vigorous competition and public information, provided they comply with the terms of the Code.

5.2 The subject matter of a comparison should not be chosen in such a way as to confer an artificial advantage upon the advertiser or so as to suggest that a better bargain is offered than is truly the case.

5.3 Points of comparison should be based on facts which can be substantiated and should not be unfairly selected. In particular:

(i) The basis of comparison should be the same for all the products being compared and should be clearly stated in the advertisement so that it can be seen that like is being compared with like.

(ii) Where items are listed and compared with those of competitors' products, the list should be complete or else the advertisement should make clear that the items are only a selection.

## **6. Disparagement and Denigration**

6.1 Advertisements should not attack or discredit other products, advertisers or advertisements directly or by implication.

6.2 An advertisement should not contain derogatory remarks or innuendoes about any person or organisation. It must not criticise, directly or inferentially, the Government of any country.

6.3 Advertisements should not contain any statement that either expressly or by implication disparage any professions, products, services or advertisers in an unfair or misleading way.

## **7. Exploitation of Name or Goodwill**

7.1 Advertisements should not make unjustifiable use of the name or any initials of any firm, company or institution.

7.2 Advertisements should not take unfair advantage of the goodwill attached to the trade name or symbol of another firm or its products, or the goodwill acquired by its advertising campaign.

7.3 Attention is drawn to the provision governing the use of the Malaysian Arms and Flag, and the National Anthem. Details may be obtained from the offices of the Prime Minister or the Ministry of Arts, Culture and Heritage.

## **8 Imitation**

8.1 Advertisements should not be so similar in general layout, copy, slogans, visual presentation, music or sound effects to other advertisements as to be likely to mislead or confuse.

8.2 Particular care should be taken in the packaging and labelling of goods to avoid causing confusion with competing products.

## **9. Testimonials**

9.1 Advertisements should not contain or refer to any testimonial or endorsement unless it is genuine and related to the personal experience over a reasonable period of time of the person giving it. Testimonials or endorsements which are obsolete or otherwise no longer applicable, (e.g. where there has been a significant change in formulation of the product concerned) should not be used.

- 9.2 Testimonials themselves should not contain any statement or implication contravening the provisions of this Code and should not be used in a manner likely to mislead.
- 9.3 Testimonials should not make any claim to efficacy which cannot justifiably be attributed to the use of the product and any specific or measurable results claimed should be fairly presented. Where 'before' and 'after' claims are made, they should be expressed and illustrated in such a way as to permit a fair comparison to be made.
- 9.4 Where any testimonial contains an expression which conflicts with this Code, the advertiser may amend the testimonial so as to remove the source of conflict, provided that, in so doing, he does not distort the sense of original views expressed by the person giving the testimonial.
- 9.5 Testimonials from persons resident outside Malaysia are not acceptable unless an indication of their address and country of residence is given in the advertisement.
- 9.6 Particular care should be taken to ensure that advertisements based upon fictitious characters are not so framed as to give the impression that real people are involved; in particular they should not contain 'testimonials' or 'endorsements' which may give such an impression. Where an illustration of a person is used in conjunction with a testimonial implying personal endorsement of the product, that person should be the person giving the testimonial.
- 9.7 Advertisers and their agencies should hold ready for inspection by the Advertising Standards Authority Malaysia, copies of any testimonials used in advertising. Such copies should be signed and dated by the persons providing the testimonials, and should confirm what is said in any advertisement. When an advertisement containing a testimonial is submitted for the first time for publication, a copy of the testimonial statement, for the publisher's retention, should accompany the advertisement.

9.8 Care should be taken, where a testimonial is given by a person with professional qualifications, that in indicating those qualifications the advertiser does not cause the person giving the testimonial to transgress any regulations of the professional institution(s) to which he belongs.

## **10. Protection of Privacy and Exploitation of the Individual**

10.1 Advertisements should not, except in circumstances noted in 10.2 portray or refer to by whatever means, any living person, unless their express prior permission has been obtained. This requirement applies to all persons, including public figures and foreign nationals. Advertisers should also take note not to offend the religious or other susceptibilities of those connected in any way with deceased persons depicted or referred to in any advertisement.

10.2 This ruling does not apply to:-

- (i) The use of crowd background shots in which individuals are recognizable, provided that neither the portrayal, nor the context in which it appears, is defamatory, offensive or humiliating. However, an advertiser should withdraw any such advertisements if a reasonable objection is received from a person depicted;
- (ii) Advertisements for books, films, radio or television programmes, press features and the like in which there appear portrayals or references to individuals who form part of their subject matter;
- (iii) To police or other official notices; and
- (iv) The rare occasions when in the opinion of ASA the reference and portrayal in question is not inconsistent with the subject's right to a reasonable degree of privacy, and does not constitute an unjustifiable commercial exploitation of his fame or reputation.

## **11. Safety**

11.1 Advertisements should not, without justifiable reason, show or refer to dangerous practices or manifest a disregard for safety. Special care should be taken in advertisements directed towards or depicting children or young people.

## **12. Guarantees**

12.1 Advertisements should not contain any reference to a 'guarantee' or 'warranty' which takes away or diminishes any rights which would otherwise be enjoyed by consumers; purport so to do; or may be understood by the consumer as so doing.

12.2 Where an advertisement expressly offers, in whatever form, a guarantee or warranty as to the quality, life, composition, origin, duration, etc. of any product, the full terms of that guarantee should be available in printed form for the consumer to inspect and, normally, to retain before he is committed to purchase.

12.3 Even if there is a money back undertaking, (for which see 13 below) words like 'guarantee', 'guaranteed', should not be used merely to emphasise that a factual description is true, e.g. guaranteed pure orange juice; guaranteed to contain 20% protein. Nor should the words be used merely for colour, e.g. guaranteed goodness; guaranteed satisfaction. Otherwise the term is validly used in cases where a material remedial action is offered additional to that already required by law or accepted trade practice, or where it is clearly used colloquially, not importing any obligation. e.g. guaranteed to brighten the dullest room.

12.4 Phrases such as 'satisfaction guaranteed', 'unconditionally guaranteed' and the like which are not specific as to terms, duration and limitation on availability, may be used only where a full refund will be given, at the option of the purchaser, throughout the reasonably anticipated life of the product, against any defect or damage arising as a result of the fault of the manufacturer or retailer.

## **13. Money-Back Undertakings**

13.1 Neither guarantee or warranty, nor any word derived in either should be used in an advertisement to describe or refer to an undertaking, the substance of which is merely to refund the price of a product within a brief trial period to dissatisfied purchasers. Where such an undertaking is given in an advertisement the time within which claims must be made by the consumer should be clearly stated and should make due allowance for the time taken for delivery and return of the product.

## **14. Stridency**

14.1 No advertisements should utilise disturbing or irritating sound effects where the use of sound is incorporated.

## **15. Sensitivities**

15.1 No advertisement should make any irrelevant references to any name, incident, concept or religious significance.

15.2 No advertisement should contain statements or suggestions which may offend the religious, political, sentimental or racial susceptibilities of any community.

15.3 No attempt should be made to exploit any abnormal national or international events or conditions.

## **16. Subliminal Advertising**

16.1 No advertisements may include any technical device which, by using images of very brief duration or by any other means, exploits the possibilities of conveying a message to, or otherwise influencing the mind of, members of an audience without their being aware, or fully aware, of what has been done.

## **17. Outdoor**

17.1 Posters or billboards (except those under the auspices of government or other recognized bodies) are prohibited, if such posters and billboards:-

- (i) depict murder, scenes of terror, horror or acts of violence;
- (ii) are calculated to demoralize, or could be held to extenuate crime or incite its commission;
- (iii) depict or refer to indecency, obscenity, nudity or striptease;
- (iv) are likely, through wording, design or possible defacement, to offend the travelling public.

## **18. Identification of Advertisements**

18.1 Advertisements should be clearly distinguishable as such, whatever their form and whatever the medium used. When an advertisement appears in a medium which contains news, editorial or programme matter it should be so designed, produced and presented that it will be readily recognized as an advertisement.

18.2 There is an obligation on all concerned with the preparation and/or publication of an advertisement to ensure that anyone who looks at the advertisement is able to see, without looking at it closely, that it is an advertisement and not an editorial matter.

18.3 In the case of a single advertisement, the following guidelines should apply:-

- (i) If the advertisement occupies less than half a page, it should be boxed-in completely; or half-page or more, separated from any adjacent matter by a distinct border.
- (ii) By-lines naming staff journalists should not be used. It is, however, permissible to publish by-lines naming experts and well-known public figures.
- (iii) Particular care should be taken wherever the size and style of type in the advertisement is the same as or closely resembles that of the editorial matter.

18.4 Where paid-for space is in the style of editorial, whether paid for by the same or different advertisers, particular care is needed to ensure that no part can be mistaken for editorial matter. The word ADVERTISEMENT should stand alone, at the head of the advertisement in such size and weight and type as to be easily seen.

18.5 As a general rule, where an advertisement or series of advertisements paid for by the same organization or by organizations under the same control extends over more than one page, the word ADVERTISEMENT should be printed at the head of each page in such a way that a reader cannot fail to see it. Similarly where a supplement is paid for wholly by an advertiser or advertisers, it should normally be headed in bold letters with the words ADVERTISING FEATURE, and carry the word(s) ADVERTISEMENT or ADVERTISING FEATURE at the head of each page.

18.6 No guidance can cover every case. It may not be enough merely to follow to the letter what is said above. It may also be necessary to look again at each advertisement to see whether it is clearly distinguishable from the editorial content of the publication to ensure that it is.

## **19. Switch Selling**

19.1 Direct sale advertising is that placed by an advertiser with the intention that the products or services advertised, or some other products or services, should be sold or provided at the home of any person responding to the advertisement.

19.2 Direct sale advertisements are not acceptable without adequate assurances from the advertiser and his advertising agency that the products advertised will be available at the price stated in the advertisement within a reasonable time to be specified by the advertiser from stock sufficient to meet potential demand; and that sales representatives when calling upon persons responding to the advertisement will demonstrate and make available for sale the products advertised.

19.3 It will be taken as prima facie evidence of misleading and unacceptable bait advertising for the purpose of switch selling if an advertiser's salesman seriously disparages or belittles the cheaper article advertised or indicate unreasonable delays in obtaining delivery or otherwise places difficulties in the way of its purchase.

## **20. Unsolicited Home Visits**

20.1 Where it is the intention of an advertiser to send a representative to call on respondents to his advertisement such fact must be apparent from the advertisement or from any particulars subsequently supplied; and the respondent must be given an adequate opportunity of refusing any such call.

## **21. Inertia Selling**

21.1 If it is established that an advertiser is using his advertisements as a mean of furthering the practice of supplying unsolicited goods, for which payment is later to be demanded, his advertisement should no longer be accepted.

## **22. Non-Availability of Advertised Products**

22.1 Advertisements should not be submitted for publication unless the advertiser has reasonable grounds for believing that he can supply any demand likely to be created by his advertising.

22.2 In particular, no attempt should be made to use the advertising of unavailable or non-existent products as a means of assessing likely public demand, should such a product be offered in the future.

22.3 Where it becomes clear that an advertised product is not available, (in circumstances where the public are not likely to assume from advertising its ready availability) immediate action should be taken to ensure that further advertisements for the product are promptly amended or withdrawn.

### III. Appendices on Specific Categories of Advertisements

#### APPENDIX A - Children and Young People

1. Advertisements addressed to children and young people or likely to be seen by them, should not contain anything which might result in harming them physically, mentally or morally or which might exploit their credulity, lack of experience or natural sense of loyalty.
2. The way in which children perceive and react to advertisements is influenced by their age, experience and the context in which the message is delivered. ASA will take these factors into account when assessing advertisements.
3. Children are not a homogeneous group but have varying levels of maturity and understanding. Care need to be taken that the product advertised and style of advertisement are appropriate for the audience to whom it is primarily directed.
4. Advertisements targeted at children must be clearly recognizable as such and separated from editorial, programs or other non-advertising material. If there is any reasonable likelihood of advertisements being confused with editorial or programme content, they should be clearly labelled "advertisement" or otherwise identified in a clear manner.
5. Advertisements addressed to, targeted at or featuring children should contain nothing that is likely to result in their physical, mental or moral harm in particular:-
  - (i) They should not be encouraged to enter strange places or talk to strangers. Care is needed when they are asked to make collections, enter schemes or gather labels, wrappers, coupons and the like
  - (ii) They should not be shown in hazardous situations or behaving dangerously in the home or outside except to promote safety. They should not be shown unattended in street scenes unless they are old enough to take responsibility for their own safety. Pedestrians any cyclists should be seen to observe the Highway Code;
  - (iii) They should not be shown using or in close proximity to dangerous substances or equipment without direct adult supervision
  - (iv) They should not be encouraged to copy any practice that might be unsafe for a child
  - (v) Advertisement should not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely mislead or deceive children, abuse the trust of or exploit the lack of knowledge of children, exploit the superstitious or without justifiable reason play on fear;
  - (vi) They should not be made to feel inferior or unpopular for not buying the advertised product
  - (vii) They should not be made to feel that they are lacking in courage, duty or loyalty if they do not buy or do not encourage others to buy a particular product
  - (viii) It should be made easy for them to judge the size, characteristics and performance of any product advertised and to distinguish between real-life situations and fantasy

- (ix) Parental permission should be obtained before they are committed to purchasing complex and costly goods and services
- x) They should not be encouraged to make a nuisance themselves to parents or others and Advertisements should also not undermine the role of parents in educating children to be healthy and socially responsible individuals.
- xi) Persons, characters or group who have achieved particular celebrity status with children shall not be used in advertisements to promote food or drinks in such a way so as to undermine the need for healthy diet, taking into account Food and Nutrition Guidelines for children.
- (xii) Advertisements should not make a direct appeal to purchase unless the product is one that would be likely to interest children and that they could reasonably afford. Mail order advertisers should take care not to promote products that are unsuitable for children
- (xiii) Advertisements should not exaggerate what is attainable by an ordinary child using the product being advertised or promoted;
- (xiv) Advertisements should not actively encourage children to eat excessively throughout the day or to replace main meals with confectionery or snack foods;
- (xv) Advertisements should not exploit children's susceptibility to charitable appeals and should explain the extent to which their participation will help in any charity-linked promotions; and

- (xvi) All advertisements related to children should not encourage excessive purchases in order to participate in events. If there is reference to a competition for children in the advertisement, the value of prizes and the chances of winning one must not be exaggerated
- xvii) Advertisements soliciting responses incurring a fee to telephone or text should state, "children ask you parents first" or similar words.
- xviii) Extreme care should be taken in requesting or recording the names, addresses and other personal details of children to ensure that children's privacy right are fully protected and the information is not used in an inappropriate manner.

- 6. All advertisements must bear in mind and comply with Food, Nutrition and other Guidelines for children issued by the Government of Malaysia or Industry Bodies within the country.

## **APPENDIX B - Medicinal and Related Products and Advertisements Containing Health Claims**

### **1. Preamble**

- 1.1 Special care should be taken by advertisers to ensure that the spirit, as well as the letter of the Code, is scrupulously observed.

### **2. Interpretation**

- 2.1 The word “product” in this appendix is to be taken as referring also to treatments and courses of treatment and to medical devices, except where the context does not permit, or as expressly provided otherwise.

### **3. Scope**

- 3.1 This section of the Code applies to the following categories of advertisements:
- (i) Those for medicines, medical or surgical treatment and medical devices
  - (ii) Those for toiletry and other products which claim or imply therapeutic or prophylactic qualities
  - (iii) Those for any product, which is advertised, whether wholly or in part, upon the basis that it may improve, restore or maintain the user’s health or his physical or mental condition

- 3.2 Individual advertisements published by or under the authority of a Government Ministry or Department and advertisements addressed directly to registered medical or dental practitioners, pharmacists, registered medical auxiliaries or nurses, are excluded from the application of such of the restrictions within this section of the Code as are from time to time considered inappropriate, bearing in mind the source of the advertisement or the professional qualifications of those to whom it is addressed; provided always that such advertisements conform in every respect to the provisions of the Code.

- 3.3 There should not appear in any advertisement of any food for sale the words “recommended by the Medical Profession” or any word or words or other representations which imply or suggest that the food is recommended, prescribed or approved by medical practitioners.

- 3.4 All advertisements containing medical claims must be approved by Lembaga Iklan Ubat, Kementerian Kesihatan.

### **4. Impressions of Professional Advice or Support**

- 4.1 Claims of medical or other professional support for any product whether in copy or illustration, or otherwise, should be substantiated and the extent of such support should not be exaggerated in any way.
- 4.2 Detailed evidence should be held ready for supply to the Advertising Standards Authority Malaysia in support of any reference to tests, whether carried out by the advertiser or otherwise.

- 4.3 Reference to tests, trials, research, doctors' preferences or prescribing habits or the use of the product or treatment in hospitals, clinics and the like may only be used if they are fully substantiated. References to tests or trials conducted in a named hospital or by a named professional or official organisation are permissible only if authorised and approved by the authority of the hospital or other organisation concerned. Moreover, they are acceptable only if the study and findings have been openly published in a peer-reviewed scientific or medical journal.
- 4.4 Where reference is made in an advertisement to a test or other research which has been carried out other than by an independent organisation or without independent medical supervision, this fact should be clearly indicated. Moreover, such test or research is acceptable only if the study and findings have been openly published in a peer-reviewed scientific or medical journal.
- 4.5 Professional journals should not be named or quoted without permission, and references to such journals should not give any unjustified impression of professional support. Only peer-reviewed journals may be quoted in this regard.
- 4.6 References to doctors, dentists, nurses and the like contained in any advertisement should refer only to those registered in Malaysia unless it is made clear that the person referred to is not so registered and are acceptable only when the relevant Professional Body confirms in writing that such reference does not contravene its ethical code.
- 4.7 Advertisements should not refer to any 'College', 'Hospital', 'Clinic', 'Institute', 'Laboratory', or similar establishment unless there exists a bonafide establishment corresponding to the description used, which is under the regular and effective supervision of a registered medical practitioner or other person holding an appropriate recognised qualification. Such reference should also clearly state if the establishment is connected in any way with the product being advertised.
- 4.8 No address, title or description which may imply that a product emanates from any hospital or official source, or is other than a proprietary product, is acceptable for advertising unless substantiation is available from the advertiser.
- 4.9 Visual and/or audio representation of doctors, dentists, pharmaceutical chemists, nurses, midwives etc. which give the impression of professional advice or recommendation should not be used.
- 4.10 No statements should be used giving the impression of professional advice or recommendation made by persons who appear in the advertisements and who are presented either directly or by implication, as being qualified to give such advice or recommendation. To avoid misunderstanding about the status of a presenter of a medicine or treatment, it may be necessary to establish positively in the course of an advertisement that the presenter is not a professionally qualified adviser.
- 4.11 No reference may be made to any hospital test unless the Ministry of Health is prepared to vouch for its validity.
- 4.12 Prescription Drugs: Drugs requiring medical prescription should not be advertised.



## **5. Unacceptable General Claims**

### **5.1 Cure**

5.1.1 No advertisement should employ any words, phrases or illustration which claim or imply the cure of any ailment, illness or disease, condition, disability or infirmity affecting the body as distinct from the relief of its symptoms.

### **5.2 Diagnosis, Prescription or Treatment**

5.2.1 No advertisement should contain any offer to diagnose, advise, prescribe or treat by correspondence

5.2.2 No advertisement should refer to any skill or service relating to the treatment of any ailment, disease, injury or condition affecting the human body so as to induce any person to seek the advice of the advertiser or any person referred to in the advertisement.

### **5.3 Appeals to Fear**

5.3.1 Advertisements should not contain any statement or illustration likely to induce fear on the part of the reader, viewer or listener that he is suffering, or may without treatment suffer, or suffer more severely, from an ailment, illness or disease.

### **5.4 Conditions Requiring Medical Attention**

5.4.1 No advertisement should offer any product or service for a condition which needs the attention of a registered medical or other qualified practitioner.

## **5.5 Encouragement of excess**

5.5.1 No advertisement should encourage, directly or indirectly, indiscriminate, unnecessary or excessive use of products within the scope of this section of the Code.

## **5.6 Exaggeration**

5.6.1 No advertisement should make exaggerated claims, in particular through the selection of testimonials or other evidence unrepresentative of a effectiveness, or by claiming that it possesses some special property or quality which is incapable of being established.

5.6.2 Advertisements should not contain copy which is exaggerated by reason of the improper use of words, phrases or methods of presentation e.g. the use of the words 'magic', 'magical', 'miracle', 'miraculous' etc.

## **5.7 Refund of Money**

5.7.1 No advertisement should contain any offer to refund money to dissatisfied users of any product within the scope of this section, other than appliances or therapeutic clothing.

## **5.8 Testimonials**

5.8.1 No advertisement for a medicine or treatment should include a testimonial by a person well known in public life, sports, entertainment, professional bodies, etc.

5.8.2 No advertisement should rest on claims that a product does not contain a given ingredient which is in common use in competitive products in any way which may give the impression that the ingredient is generally unsafe or harmful.

## **5.9 Competitions**

5.9.1 Advertisements for medicines, treatments and appliances should not contain any reference to a prize competition or similar scheme.

5.9.2 An advertisement relating to goods for therapeutic use should not contain any offer of a free sample.

## **6. Unacceptable Claims: Particular Products**

6.1 Particular attention is drawn to the diseases and condition listed in Appendix Q to which no or limited reference may be made and the provisions contained therein.

## **6.2 Abortifacients**

6.2.1 Advertisements should not claim or imply that any products, medicines or treatment offered therein will induce miscarriage.

## **6.3 Analgesics**

6.3.1 Advertisements for analgesics should not make exaggerated claims about the speed with which a product can relieve pain.

6.3.2 Advertisements should not make exaggerated claims or implications about the certainty and speed with which the product can relieve the symptoms of the common cold or influenza, or reduce a fever or a raised body temperature.

## **6.4 Anti-Perspirants and Deodorants**

6.4.1 Advertisements should make no claims for products taken by mouth which claim body deodorant effect.

6.4.2 Advertisements for anti-perspirants should not make exaggerated claims to keep skin dry either absolutely, or for a specific period.

## **6.5 Antiseptics, Germicides and Disinfectants**

6.5.1 No advertisement for any product in these categories should claim or imply that:

(i) It offers complete protection against disease, or the danger of infection.

(ii) It is a substitute for cleanliness.

6.5.2 Advertisements should not exaggerate the dangers of the presence of germs in the normal domestic situation.

## **6.6 Bust Developers**

6.6.1 Advertisements for preparation and devices purporting to promote enlargement of the breasts are not acceptable.

6.6.2 Exercise and courses including exercise which may have an incidental effect on the bustline, may not be advertised in such a way as to place a predominant emphasis on any effect of improving, increasing or enlarging the bustline.

## **6.7 Contraceptives and Birth Control**

- 6.7.1 There is no objection under the Code to the advertising of contraceptive methods, either in general or in particular, provided a reference is made in appropriate cases to the fact that certain methods are available only on prescription.
- 6.7.2 The effectiveness or safety of particular methods in comparison with others should not be exaggerated.

## **6.8 Corns**

- 6.8.1 Products for the removal of corns may be advertised subject to medical approval of the product for this purpose.

## **6.9 Cosmetics**

- 6.9.1 Claims that a product contains special properties should be supported by acceptable evidence that the ingredient is indeed beneficial for the purpose referred to.
- 6.9.2 Advertisements should not contain any claim or implication that any preparation will promote rejuvenation of the skin or muscles or that hormones or vitamins remove or delay the formation of wrinkles.

## **6.10 Depilatories**

- 6.10.1 Advertisements for 'electric pencils' and similar products, offered for lay use, are unacceptable, as are claims for products the effectiveness of which is claimed to be based upon their 'radioactive' properties.

## **6.11 Gargles**

6.11.1 Antiseptic gargles should not be presented as cough treatment.

## **6.12 Ginseng**

6.12.1 No claims may be made in any advertisement which is based upon the inclusion in the advertised product of ginseng.

## **6.13 Hay Fever and Other Allergic Conditions**

6.13.1 Advertisements referring to hay fever or other allergic conditions causing coughs, sneezing or catarrh may not suggest that the product will clear up the condition itself unless it contains the appropriate antigens or be universally effective against the condition or allergy. Claims for products which do not contain antigens should be limited to the temporary relief of symptoms.

## **6.14 Headaches**

6.14.1 Advertisements should not claim or imply that the product advertised is suitable for the treatment of serious, frequent or regular attacks. This does not preclude claims that analgesic products may relieve the symptoms of migrainous headaches.

6.14.2 Advertisements should not encourage people to take medicines of any kind before headaches so as to prevent it.

6.14.3 No product may be advertised as a course of treatment for headaches. This does not preclude incidental reference to headaches in advertisements for products containing iron, which may be offered as a short course of treatment for women whose diet may sometimes be deficient in this mineral.

## **6.15 Hearing Aids**

- 6.15.1 Where an advertisement states the price of a hearing aid, the advertisement should specify the upper and lower limits of its overall price range.
- 6.15.2 The names of hearing aids should not in themselves exaggerate the product's effectiveness (e.g. such name as 'Magic Sound' and 'Miracle Ear' are not acceptable)

## **6.16 Hearing Aid Exhibitions**

- 6.16.1 Advertisements for such exhibitions should only be accepted where the organiser has given an undertaking that :
- (i) He will ensure the presence of at least one registered dispenser at all times throughout the period the exhibition is open;
  - (ii) He will offer for inspection a comprehensive range of models of hearing aids; and
  - (iii) He will make available for purposes of testing at least one pure tone and one speech audiometer.
- 6.16.2 The full name and address of the advertiser's head office should be prominently stated in any advertisement for a hearing aid show or exhibition, and no impression should be given that such events are other than commercially promoted.

## **6.17 Height Increase Courses**

- 6.17.1 Advertisements for products or courses of treatment purporting to increase height are not acceptable.
- 6.17.2 The ruling does not apply to advertisements for 'elevator' shoes and similar products.
- 6.17.3 General courses of physical development, one consequence of which may be to increase the apparent height through improvement of posture, may not be advertised in such a way as to place predominant emphasis upon increasing the height.

## **6.18 Herbal, Homeopathic and Acupuncture Remedies**

- 6.18.1 For the purpose of this Code claims made for herbal and homeopathic products and acupuncture treatment will be assessed in the light of expert opinion. No claims will be acceptable in advertisements by non-orthodox practitioners, or for products based upon their principles, which would not be allowed to orthodox practitioners or products based upon orthodox principles nor should any advertisement by or for non-orthodox products or practitioners seek to cast doubt on, or claim superiority to, orthodox practitioners or products.

## **6.19 Hypnosis, Hypnotherapy, Psychology, Psychoanalysis or Psychiatry**

- 6.19.1 Advertisements addressed to the general public should be restricted to visiting card particulars only, i.e. name, address and telephone number, hours of consultation, description of professional status, e.g. hypnotherapist.

## **6.20 Hormones and Cell Extracts**

6.20.1 Advertisements addressed to the general public should not contain any exaggerated claim to efficacy based merely upon the fact that a product includes hormones or animal cell extract.

## **6.21 Indigestion Remedies**

6.21.1 References to nausea, lack of appetite or aversion to food, which may well be symptoms of more serious conditions, are unacceptable in connection with claims for indigestion remedies.

6.21.2 Advertisements on infant food should at all times promote breast feeding as the choice form of feeding for infants and at no instance, should artificial infant feeding be implied as the preferred form of feeding over breast feeding.

## **6.22 Laxatives**

6.22.1 Laxatives should not be advertised for habitual or indiscriminate use, for the relief of abdominal pain or backache, for any benefit to complexion or appearance, or for the relief of indigestion, other than abdominal discomfort owing to constipation.

## **6.23 Piles (Haemorrhoids)**

6.23.1 Advertisement should not contain any offer of products for the treatment of haemorrhoids unless the directions for use on the container itself or its labels include advice to the effect that persons who suffer from haemorrhoids should consult a doctor.

## **6.24 Polyunsaturated Fats**

6.24.1 Advertisements addressed to the general public for food products (or food supplements) containing polyunsaturated fats or polyunsaturated fatty acids should not contain any claim that the inclusion of such fats in the diet or their substitution for other fats of different chemical constitution offers any specific health benefit.

## **6.25 Pregnancy Advisory Services and Counselling, Pregnancy Testing, Sterilisation, Vasectomy.**

6.25.1 Advertisements for services offering advice on abortion may not be accepted. Advertisements offering advice on sterilisation and vasectomy must have the clearance of the Ministry of Health.

6.25.2 No advertisement should contain a reference to pregnancy-testing unless the advertiser has received the clearance of the Ministry of Health. Advertisements for pregnancy-testing services which have received clearance are acceptable only in the form prescribed when clearance is given.

6.25.3 Advertisements for pregnancy test kits for home use may be acceptable, subject to the approval by the Ministry of Health.

## **6.26 Prescribed Drugs**

6.26.1 Drugs requiring medical prescription should not be advertised except as permitted by Law.

## **6.27 Prevention of Ageing**

6.27.1 No advertisement should contain any claim for rejuvenation or the prevention of ageing or that the process of ageing can be retarded based upon a product's procaine or any other content.

## **6.28 Protein Claims**

6.28.1 Protein claims in food advertising must conform to the Food Act 1983 and Food Regulations 1983.

6.28.2 References to proteins in other advertisements should avoid giving any impression that their inclusion in non-food products offers any nutritive benefit.

## **6.29 Rheumatic and Allied Pains**

6.29.1 Advertisements may not refer to any medicine, product, appliance or device in terms calculated to lead to its use for the treatment of any form of arthritis, or chronic or persistent rheumatism.

6.29.2 There is no generally accepted evidence that bangles (or other objects to be worn or carried) can alleviate rheumatic or muscular pains, and such claims for them are not acceptable.

6.29.3 Bath additives may be offered to encourage the taking of hot baths for their soothing effect on muscular pain or stiffness, but no claims should be made, such as references to spa water, which suggest that the additives themselves provide any medical benefit.

6.29.4 Advertisements should not contain any claims for the relief of backaches and rheumatic pains based upon the urinal antiseptic properties of the products advertised.

## **6.30 Scheduled Poisons**

6.30.1 No products which are poisons within the meaning of Poisons Act 1952 should be advertised.

## **6.31 Toothpastes and Other Similar Products**

6.31.1 Prevention of Decay

### (i) Fluoride Toothpastes

Certain formulations containing fluoride have been shown by independent medical research to reduce the incidence of tooth decay in children. Claims made for such products should not exaggerate the result or applicability of such research. Claims as to the effectiveness of such product should also be related to the need to brush the teeth regularly.

### (ii) Other Toothpastes

Claims may indicate that regular brushing with the toothpaste may help fight tooth decay.

6.31.2 Hygiene

### (i) Bad Breath

It should not be claimed that a toothpaste or other product will completely destroy bacteria causing mouth odour or that it will provide long lasting freedom from mouth odour.

(ii) Food Particles

No advertisement for a toothpaste, chewing gum or tablets intended to clean the teeth should suggest that the product will remove all food particles from the teeth or gums. It should not be claimed that chewing gum or tablets can take the place of brushing after meals.

**6.32 Vitamins and Minerals**

6.32.1 Advertisements should not state or imply that good health is likely to be endangered solely because people do not supplement their diets with vitamins. In particular no advertisement for a product containing vitamins or minerals should make any claims that:

(i) There is evidence of general or widespread vitamin or mineral deficiency.

(ii) A full varied and properly prepared diet needs to be supplemented by vitamin or mineral products.

(iii) Good looks and good health are better maintained or that irritability, 'nerviness' and lack of energy can be avoided merely through the consumption of additional vitamins and minerals.

(iv) The application of vitamins to the skin is in any way beneficial.

(v) The inclusion of vitamins in suntan lotions has any effect either in promoting suntan or preventing sunburn.

6.32.2 No advertisement addressed to the general public is acceptable for a vitamin preparation which contains folic acid in quantities which may cause it to have the effect of masking symptoms of pernicious anaemia.

6.32.3 Iron preparations: products offered for the symptoms of nutritional iron deficiency should provide an appropriate dosage of iron.

**6.33 Sexual Weakness and Loss of Virility**

6.33.1 Advertisements should not suggest or imply that any product, medicines or treatment offered therein will promote sexual virility or be effective in treating sexual weakness or habits associated with sexual excess or indulgence, or ailment, illness or disease associated with such habits.



## APPENDIX C - Advertising for Alcoholic Drinks

1. The alcoholic drinks industry and the advertising business accept responsibility for ensuring that advertising is always socially responsible and that their advertisements should not seek to:
  - (i) Encourage excessive consumption and over indulgence and nor suggest that drinking can overcome boredom, loneliness or other problems; and
  - (ii) Exploit those who are especially vulnerable because of age, inexperience or any physical, mental or social incapacity.
2. Normally, children should not be portrayed in advertisements for alcoholic drink; however, in a scene where it would be natural for them to be present (e.g. a family situation), they may be included, provided that it is made clearly that they are not drinking alcoholic beverages.
3. Advertisements should not be directed at young people nor in any way encourage them to start drinking. Anyone shown drinking should obviously be over 18.
4. Advertisements should not be based on a dare or impute any failing to those who do not accept the challenge of a particular drink.
5. Advertisements should not emphasise the stimulant, sedative, or tranquillising effects of any drink.
6. Advertisements should not give the general impression that a drink is being recommended mainly for its intoxicating effect; or that drinking is necessary for social success or acceptance.

7. Advertisements should not suggest that any alcoholic drink has therapeutic qualities or can enhance mental, physical or sexual capabilities, popularity, attractiveness, masculinity, femininity or sporting achievements.
8. Advertisements may give factual information about the alcoholic strength of a drink but this should not be the dominant theme of any advertisement. Alcoholic drinks should not be presented as preferable because of their high alcohol content or intoxicating effect.
9. The content of advertisements should never associate drink with driving.
10. Advertisements should not portray drinking alcohol as the main reason for the success of any personal relationship or social event.
11. Drinking alcohol should not be portrayed as a challenge, nor should it be suggested that people who drink are brave, tough or daring for doing so.
12. Particular care should be taken to ensure that advertisements for sales promotions requiring multiple purchases do not actively encourage excessive consumption.
13. Advertisements should not depict activities or locations where drinking alcohol would be unsafe or unwise. In particular, advertisements should not associate the consumption of alcohol with operating machinery, driving, any activity relating to water or heights, or any other occupation that requires concentration in order to be done safely.

## APPENDIX D - Advertising for Slimming Products and Services

### 1. Introduction: What is Slimming?

- 1.1 There is a good deal of confusion about slimming, about what given products can do, about whether some products work at all; and about the claims which are made for those products that can be shown to work effectively.
- 1.2 All advertisers, agencies and media are reminded that advertisements must conform not only to this Appendix but also the letter and spirit of all other relevant sections of the Code.
- 1.3 All advertising offered for publication on either a weight loss or a figure control platform has to be checked by publishers before it can be accepted for publication. To facilitate this prepublication checking, no new 'slimming' copy should be submitted unless at least 7 days are available for checking by media.
- 1.4 When a new product or new formulation is introduced or when new claims are made for an existing product, the advertiser or agency should submit full substantiation for all new claims at the same time as the copy or illustrations for the proposed advertisement, otherwise delays may be expected. Independent testimony will be required from medical practitioners registered in Malaysia as to any physiological effects claimed. Testimonials from users of a product do not constitute substantiation.
- 1.5 The advertiser must ensure that his audience is entirely clear which of the possible ways of achieving 'slimness' is provided or helped by his product. The word 'slim' is used, so far as human beings are concerned, to cover quite different basic situations: losing weight, and controlling the figure so as to achieve an impression of slimness either by the strengthening of muscles or by the wearing of garments.

## 2. Weight loss

### 2.1 General Principles

- 2.1.1 References to weight loss are to be taken as referring also to weight limitation and control. Weight limitation or control, by preventing the re-accumulation of excess fat, are also common objectives.
- 2.1.2 The only way for a person to lose weight, other than temporarily, is taking in less energy (calories) than the body is using, i.e. burning up the excess fat the body has stored. A diet is the only practicable self-treatment for achieving a reduction in this excess fat.
- 2.1.3 Diet plans, and aids to dieting of the kinds dealt with below, are therefore the products which may be offered in advertisements as capable of effecting any loss in weight. Claims, whether direct or indirect, that weight loss or slimming can be achieved by any other means are not acceptable in advertisements addressed to the public.
- 2.1.4 Temporary weight loss can be achieved by the expulsion of water from the body. This may not be represented in advertisements as a method of slimming.
- 2.1.5 Overweight in young people is sometimes associated with a defective action of the glands and they should be advised to consult their doctors before embarking upon a slimming diet.
- 2.1.6 Obesity is a condition requiring medical attention and treatment. No claims referring to obesity should be made in advertisements directed to the public.

2.1.7 There may be many reasons for being overweight, either medical or physical. Dieters should be advised, in either the advertisement or packaging, to consult their doctors before embarking upon a slimming course.

## **2.2 Diet Plans**

2.2.1 Evidence will be required from the advertiser to show that the suggested diet(s) will provide adequate amounts of proteins, vitamins and minerals, and that the diet is capable of achieving the results claimed for it, when followed by the kind of person for whom it is intended.

2.2.2 No claim, direct or indirect, should be made in advertisement for a diet that it contains any ingredient which in itself has the property of hastening the process of weight loss. There is no ground for supposing that any specific foods have particular properties which speed up the metabolic processes which cause excess fat to be 'burnt up' and thus weight to be lost.

2.2.3 Advertisements for 'crash' diets are unacceptable.

## **2.3 Aids to Dieting - General**

2.3.1 Diet aids, such as foods, food substitutes, or appetite depressants, may not be advertised except in terms which make clear that they can only be effective when taken in conjunction with or as part of a calorie controlled diet. Due prominence should be given in all advertisements to the part played by the diet.

2.3.2 Any diet provided in conjunction with diet aids, whether on pack, in advertisements or otherwise, will be required to conform to the advice given above on diet plans, and details of the diets proposed should therefore be enclosed, with appropriate substantiation, when clearance of advertising is being sought.

2.3.3 Advertisements for diet aids should also conform to the advice given above as to the non-acceptability of certain claims for the individual effectiveness of specific foods or other diet ingredients.

2.3.4 Where a claim made in an advertisement or on a label that any food is an aid to slimming; it must be substantiated, and a statement must be included that the food cannot aid slimming except as part of a diet in which the total intake of calories is controlled, whether by calorie counting, low carbohydrate/high protein or other means.

## **2.4 Foods**

2.4.1 Advertisements for foods offered as diet aids should give a quantitative statement of the ingredients contained in it on which the claim of special suitability is based.

2.4.2 Particular care should be taken to ensure that the advertisements for meal substitute do not imply that these products are effective if eaten in addition to normal meals rather than instead of them.

## **2.5 Appetite Depressants**

2.5.1 Advertisements for appetite depressants should make clear how they work and will only be regarded as acceptable when adequate evidence has been provided by advertisers that the product is safe and effective at the level of consumption as suggested.

2.5.2 Claims for the effect of appetite depressants should not be expressed in terms of food equivalent e.g. equal to two eggs.

## **2.6 Weight Loss Products in General**

2.6.1 No 'weight loss' products should be advertised on the basis of claims such as 'Eat as much as you like', 'Eat, eat, eat!', 'Eat and get slim' or anything similar tending to remove due emphasis from the primary importance of maintaining a balanced calorie-control diet.

## **3. Figure Control**

### **3.1 General Principles**

3.1.1 Figure control may be achieved in two ways: exercise and garments (e.g. corsets).

3.1.2 It is possible by exercise to add strength to muscles and thus to aid their ability to decrease bulges which may develop where the muscles are slack. An improvement in posture may also benefit the figure. Exercise may be active or passive.

### **3.2 Exercise**

3.2.1 No claims will be accepted for exercise based products on the basis that they may also lead to weight loss. Diet sheets or diet aids distributed together with exercises or other aids will not be taken as any ground for allowing weight loss claims to be made.

- 3.2.2 Exercise only operates slowly to improve muscle tone. Claims for exercise products therefore should not suggest dramatic improvements over short periods.
- 3.2.3 Some exercise programmes may impose strains from which the health of particular individuals might suffer. Advertisements for such products may be required to include advice to purchasers to check with a doctor the advisability of their undertaking the exercises proposed.
- 3.2.4 The effect of this category of product may not be described by the use of the word 'slim'. Where the name of the product itself, or of the manufacturer, contains the word 'slim', either alone or in combination, particular care should be taken in the copy to avoid any misunderstanding by the suggestion of possible weight loss benefits.

### **3.3 Garments**

- 3.3.1 Advertisers of corsets and similar products should always take particular care that no hint or suggestion occurs in either copy or illustration which might lead a reader to suppose that these products make any contribution to weight loss. Nor should there be any suggestion that they confer any permanent, physiological benefits comparable to those afforded by exercises.
- 3.3.2 The effect of this category of product may not be described by the use of the word 'slim' (unless so qualified as to make the true effect plain). Where the name of the product, itself, or of the manufacturer, contains the word 'slim' either alone or in combination, particular care should be taken in the copy to avoid any misunderstanding by the suggestion of possible weight loss benefits.

## **4. Combined Methods**

### **4.1 Slimmer's Clubs**

4.1.1 The purpose of these clubs is fundamentally to provide psychological support for those who find difficulty in sticking to a diet. There is no objection to the acceptance of advertisements for such clubs provided that the advertisements do not make claims inconsistent with the advice in the Code.

### **4.2 Clinics and Health Clubs**

4.2.1 Insofar as any clinic or club offers treatment aimed at the achievement of weight loss or figure control any claims made must conform to the advice given in the Code.

4.2.2 Many clubs and clinics offer treatments other than those for weight loss or figure control. Such treatments should not be referred to in advertisements in contexts which might suggest that they have any weight loss or figure control effect.

### **4.3 Courses**

4.3.1 Some advertisers offer 'slimming courses' which consists of books, records or tapes containing advice on how best to achieve either weight loss or figure control. Advertising for such courses should conform to the relevant advice given in the Code depending upon the methods recommended.

4.3.2 In addition, advertisements for courses should make clear that what is offered is advice in the form of a book, record or tape.

## **5. General Claims**

### **5.1 Use of the Word 'Slim'**

5.1.1 For the purposes of the Code, the word 'slim', and compounds such as slimming, will be taken in the context with which the Code is concerned to imply weight loss. The only exception which will be permitted is in connection with garments (see 3.7 above) this is restricted to references in contexts where no physiological or permanent effect is claimed or implied; and in connection with the names of the products and their manufacturers in the circumstances set out below in relation to figure control products.

### **5.2 Claims to Specific Weight or Inch Losses.**

5.2.1 Claims in the form (you can lose up to X kilograms or Y centimeters, look X kilograms lighter) are unacceptable. The measurements and weights of individuals and their degrees of application vary too widely for such claims to be other than misleading when made in general terms.

### **5.3 Claims for Efficacy within a Stated Period.**

5.3.1 For the reason given above in 5.2, claims in the form (you can start to slim in X days, how to slim in less than X weeks, lose X centimeters immediately) are unacceptable.

### **5.4 Claims that Individuals have Lost Specific Amounts of Weight and Number of Inches.**

5.4.1 Such claims should, where appropriate, conform to the advice given in the Code on Testimonials. In addition, such claims:

- (i) Should be fully compatible with authoritative medical or scientific opinion as to the likely efficacy of the method(s) involved.
- (ii) Should not be made without the permission of the individual concerned.
- (iii) Should state the period over which the benefit claimed was achieved.
- (iv) Should not be based upon unusual or unrepresentative individual experiences.

5.4.2 Substantiation will be required in all cases to show that these requirements have been met.

5.4.3 Where there are illustrations (or an illustration) of the individual concerned, these should not exaggerate any loss achieved and should in case of 'before and after' illustrations permit a fair comparison to be made.

5.4.4 In the case of figure control claims, the results on various parts of the anatomy should not be aggregated, but should be listed individually.

## **5.5 Exaggerated Claims**

5.5.1 Claims as to uniqueness, novelty or a greater degree of efficacy than other products should not be made unless there is adequate substantiation for the product's difference in significant respects from other available slimming products. Care should be taken not to suggest that given methods "cannot fail, must work". Because of the enormous variations between individuals in terms of weight, build and physical condition as well as in psychological preparedness, the most that can be claimed for any method is a high probability of success.

## **5.6 Vitamins**

5.6.1 Vitamins have no effect on slimming.

5.6.2 Well balanced diets are not deficient in vitamin or trace mineral elements. However, it is possible that certain slimming diets, particularly 'crash' diets and poorly planned diets may contain less than the recommended daily requirements of vitamins and minerals. Consequently, vitamin/mineral supplements may be offered to safeguard against such deficiencies but it must be made clear they do not contribute to weight reduction.

## **5.7 Illustration**

5.7.1 Where there is any claim or implication that a person depicted in an illustration has benefited from the product or service being offered, that illustration must conform to the advice given in 5.4 above.

5.7.2 Individuals should not be presented in such a way as to suggest that the subject has enjoyed any particular benefit of the kind discussed above.

## **5.8 Products, the efficacy of which for Slimming (Weight Reduction or Figure Control) has not yet been adequately substantiated should not be advertised.**

5.8.1 The following are instances of products and methods for which slimming (weight loss or figure control) claims are not acceptable:

- (i) Machines or vibrator machines including electrical muscle and nerve stimulators.

- (ii) Inflatable garments.
- (iii) Sauna and Turkish baths.
- (iv) Products based upon osmosis.
- (v) Bath essences, soaps.
- (vi) Products claiming artificially to increase the metabolic rate of the body.
- (vii) Diuretics, laxatives.
- (viii) Hypnosis.
- (ix) Products claiming to offer 'spot reduction' (i.e. to remove fat from specified parts of the body).
- (x) Products claiming to achieve slimming through the removal of 'cellulite'.
- (xi) Thermal pads.

5.8.2 It will not be regarded as sufficient to validate the advertising of any of these categories of products as efficacious in themselves for weight or figure control, that a diet plan or dieting aids or an exercise scheme or treatment is offered with them.

## **APPENDIX E - Financial Services and Products**

### **1. Explanatory Material**

- 1.1 Advertisements addressed to the public for capital or financial products or services, or financial information should take special care to ensure that the public are fully aware of the nature of any commitment into which they may enter as a result of responding to the advertisement.
- 1.2 Unspecific advertisements, that is to say those which are limited to indicating in general terms the availability of investment opportunities, are not acceptable unless explanatory material concerning the facilities or opportunities available will be provided free of charge to those who request them.

### **2. Details of Benefits**

- 2.1 In specific advertisements which contain details, including those given by way of example, the benefits which may accrue through investing in a given investment should be understood easily and must not take advantage of people's inexperience and gullibility.

### **3. Growth Rates and Rates Of Return**

- 3.1 Where an advertisement contains any forecast or projection of a specific growth rate, or any specific rate of return, it should make clear the basis upon which that forecast or projection is made; whether reinvestment of income is assumed; whether account has been taken, and if so how, of the incidence of any taxes or duties; and whether the forecast or projected return will be subjected to any deductions, either upon premature realization or otherwise.

- 3.2 Where growth or return is indicated through the use of money equivalents, the net annual rate which is thus assumed should be cited in effective percentage terms, and should be calculated upon the same basis as any other rate quoted in support of the claim.
- 3.3 When any advertisement quotes past experience in support of a forecast or projected growth rate it should not mislead in relation to present prospects and should indicate the circumstances and the period of such experience in such a way that the reliability of the forecast or projected growth rate can fairly be assessed.
- 3.4 All advertisements making claims whether specific or not as to growth rate of return should include a note, to be given due prominence, to the effect that past experience is not necessarily any guide to the future.
- 3.5 Where rates of returns are expressed as gross the tax position should be clearly explained.
- 3.6 Where claims to investment skill are based upon an asserted increase in the value of particular items purchased (or recommended for purchase) by the advertiser in the past, he should be able to adequately substantiate that the purchase or recommendation upon which this assertion is based was made at the time claimed, and that the present value asserted for the investment corresponds to the price actually obtained for identical items when sold in the open market in the period immediately preceding the appearance of the advertisement. No claim to increase in the value of investments or the collectibles should be based upon the performance within a given market of selected items only, unless substantiation for the claim can be provided.

#### **4. The Nature of the Contract**

- 4.1 The type of contract forming the basis of the product or service advertised (and especially any charges, expenses or penalties) should be made clearly, and wherever the nature of the investments underlying the contract or to which it is linked is material to its choice, a fair description of investment objectives and of such investments should be given.

#### **5. Tax**

- 5.1 Where a claim is made in an advertisement as to the return offered by a given investment, and the achievement or maintenance of the return quoted is dependent in part upon the assumed effects of tax or duty, the advertisement should make it clear that no undertaking can be given that the fiscal system may not be revised with consequent effect upon the return offered.
- 5.2 The phrases 'tax-free', 'tax-paid' and other phrases should not be used without qualification as to the particular tax and/or duties involved. In particular the advertiser should state as clearly as possible what liabilities may arise and by whom they will be paid.

#### **6. Other Restrictions**

- 6.1 Where an advertiser reserves the right under certain circumstances to defer repayment of any sum invested for which in normal circumstances immediate repayment might be demanded by the investor, the maximum period during which repayment may be withheld should be stated in the advertisement.

- 6.2 Where investors are offered planned withdrawal of capital as an income equivalent, e.g. by cashing of unit trusts, the advertiser should ensure that the effect of such withdrawals upon capital invested is clearly explained.
- 6.3 Advertisements which may lead to the employment of money in anything the value of which is not guaranteed, should indicate that the value of the investment can go down as well as up. Where values are guaranteed, sufficient detail should be included to give the readers a fair view of the nature of the guarantee.

## **APPENDIX F - Mail Order Advertising**

### **1. Definition of Mail Order Advertisement**

- 1.1 "Mail order advertisement" is to be taken as referring to all advertisements, except as expressly provided below in which an offer is made, whether directly or by implication, to dispatch goods, or have them delivered to the purchaser, upon receipt of a written order, accompanied by payment in whole or in part, without the necessity for the consumer to visit any retail establishment or to examine the goods prior to purchase. The rules in the ensuing paragraphs apply to all mail order advertisements including those by any advertiser who also conducts a normal retail business.
- 1.2 Where payment of RM1.00 or less is required by the advertiser for the provision of information (e.g. by way of all catalogue, brochure, price list or the like), the provisions of this Appendix, apart from 3.1, do not apply.

### **2. Conformity to the Main Code**

- 2.1 Mail order advertisers should conform to all applicable sections of the Malaysian Code of Advertising Practice and also to requirements 3 to 5 below.

### **3. Obligations of Mail Order Advertisers**

- 3.1 The name of the advertiser and an address at which he can be contacted should be given in full in the advertisement. Accommodation address may not be used. If a newspaper, magazine or Post Office box number is used, a full postal address for the advertiser should also be given in the advertisement.

Advertisers who offer goods by mail order should be prepared to meet any reasonable demand created by their advertising and should be prepared to demonstrate or supply samples of the goods advertised to the media owners to whom their advertisements are submitted.

- 3.2 The name of the advertiser should be prominently displayed at the given address in the advertisement.
- 3.3 Adequate arrangements should exist at that address for enquiries to be handled by a responsible person available on the premises during normal business hours.
- 3.4 Samples of the goods advertised should be made available there for public inspection, except as provided below in 3.5.
- 3.5 Where bespoke or made-to measure goods are concerned, or where it is the advertiser's proposal (in which case it must be clearly expressed in his advertisement) that manufacture should not be expressed by him unless sufficient public interest is manifested in the articles on offer, then models or examples of similar work should be made available in lieu of samples of the articles to be supplied.
- 3.6 The advertiser should refund all money paid for the goods and their dispatch in the following circumstances:
  - (i) Where goods are returned to the advertiser, undamaged, within seven days of receipt. If items are returned, the date of posting or the date of handing over to the carrier will be taken as the date on which the goods are returned to the advertiser. The advertiser should make it clear to consumers whether or not they may try out the goods, subject to these remaining undamaged. If no indication is given, it will be taken that trial by the consumer is permitted.

- (ii) A consumer shall be entitled to be reimbursed in consequence of a delay in fulfilment of the order.
- (iii) In either case cash refunds should be made immediately upon receipt of the returned goods or request for reimbursement. Credit notes or vouchers should not be supplied in lieu of cash refunds unless specifically requested.
- (iv) Except where the publisher requires otherwise, the advertiser is not expected to pay the cost of return postage (or carriage) from the consumer to himself, unless the goods supplied by him do not conform to description or are damaged on receipt, or he otherwise fails to satisfy his contractual obligations.

Where the product is advertised as carrying the benefit of a money back guarantee (however expressed) and if no limit is placed in the advertisement for the period during which such a guarantee is to be effective, the advertiser should be prepared to make a refund at any time throughout the reasonably anticipated life of the product.

3.7 The advertiser should be prepared to fulfil all orders placed as the result of a mail order advertisement either immediately upon receipt, or within such period as is either prominently stated in the advertisement or is required to be stated by the publishers. In no case, except those detailed below, should such period exceed 28 days:

- (i) Where security for the publisher's money is provided, whether through stakeholder or schemes, longer periods than 28 days may be permitted (at the discretion of publisher) to elapse before dispatch of the goods, provided that the advertiser's proposal thus to delay dispatch is prominently and clearly expressed in the advertisement.

(ii) Where an advertisement makes it clear that a series of items are to be dispatched in sequence and states the intervals between consignments, then, when advance payment for the whole series is involved, only the first delivery need be made within the 28-day period. Where a substantial sum is required in one advance payment, advertisers are required to provide security by means of stakeholder or similar schemes for that part of the purchaser's money which remains unsatisfied by the provision of goods, the outstanding money to be released to the seller at intervals he fulfils his contract with the buyer.

(iii) Unless advertisements for the supply by mail order prominently and clearly state the latest date on which (or period within which) dispatch will be effected, the following categories of goods may be exempted from the requirements of dispatch within 28 days:

- Plants.
- Bespoke and made-to-measure goods.
- Goods, the manufacture of which may not be commenced unless sufficient response is forthcoming (in which case the advertiser's statement of his intention should be clearly expressed in his advertisement).

3.8 When for whatever cause, an order cannot be fulfilled immediately and no date for dispatch is quoted in the advertisement, an acknowledgement of the order, quoting a reference for correspondence, should be sent by return of post. This acknowledgement should state the anticipated date at which the order will be fulfilled. If, when that date arrives, the advertiser is still unable to dispatch the goods, and in any event not later than 28 days from receipt of the original order, the advertiser should send

a further communication to the consumer enclosing a reply paid post card, and offering a refund of his money. A similar procedure should be followed where orders cannot be fulfilled within the period stated in the advertisement. If the consumer nonetheless elects to await the delivery of the goods, the progress of his order should be reported to him at intervals of not more than 14 days.

#### **4. Conformity of Goods to Description and Sample, and to Relevant Standards**

- 4.1 All goods despatched in response to orders received as a result of a mail order advertisement should conform both to the description of them given in that advertisement, and to any sample which may have been supplied to the publisher of the advertisement. Substitutes may only be supplied with the express consent of the person who ordered the goods for which they are placements.
- 4.2 All goods offered in mail order advertisements should aim to conform to relevant acceptable standards, particularly those relating to safety of consumer goods, and should not infringe any regulations made under the Trade Description Act. Electrical goods should comply with the Electricity Act 1949.
- 4.3 Advertisements for articles made of precious metal should state the amount and fineness of the metal involved in the pieces on offer.

#### **5. Goods Unacceptable for offer in Mail Order Advertisement**

- 5.1 'Lucky' charms, mascots or other goods which seek to exploit superstition.
- 5.2 Medical products except as provided in Appendix B of this Code.

## **APPENDIX G - Sales Advertisement**

Advertisements of 'sales of general consumer goods' conducted by certain types of traders have given rise to complaint. The main grounds have been misdescriptions of the character of the sales and of the goods, anonymity of the promoters, and unsubstantiated price comparisons. Some of the advertisers impose an additional sales charge at the time of the sale, and the advertisements have not made either the existence or the effect of the charge sufficiently apparent.

### **1. Comparative Prices**

1.1 Unless the advertiser is an established trader, i.e. one who has carried on business continuously for a period of at least six months at the place where the 'sale' is being held, his advertisements should not contain any price comparisons.

### **2. Descriptions of 'Sales and Goods'**

2.1 Claims or implications in an advertisement that goods are 'bankrupt', 'liquidated', 'damaged', or 'salvaged stock' or of similar description, should not be used to describe any 'sale' unless they may properly be applied to all the goods advertised.

2.2 If the sale is claimed to be 'By Order' – whose order is it? Expressions such as "By Order – must be sold" are not acceptable unless an order has been made by the Court, Official Receiver or Liquidator.

2.3 If 'Liquidator's Prices' are mentioned, the name and address of the Liquidator should be provided. Expressions such as 3-day Liquidation Sale or Liquidator's Prices are not acceptable where there is no liquidation in the legal sense to support the claim.

2.4 If expressions such as 'Bankrupt Stock', 'Bankrupt Sale', 'Bankrupt Prices' are used, evidence of the bankruptcy should be provided. In the absence of such evidence the advertisement should not be accepted.

2.5 If expressions such as 'Damaged by fire', 'Damaged by water', 'Salvage Stock' are used, confirmatory evidence should be required to show the date and the place of the occurrence, and that the actual goods to which expressions are applied were involved. (Some traders, having once acquired salvage stock, have thereafter continued indefinitely to represent that all their goods come from that same single source).

### **3. Name and Address of Itinerant Advertisers**

3.1 The name and permanent address of itinerant advertisers should be included in their advertisements.

3.2 Their advertisements are not acceptable unless they have provided media with the following information:

- (i) In the case of a limited company, the registered address.
- (ii) When the advertiser is not a limited company or registered business, his own name and a verifiable permanent address.

## APPENDIX H - Hair and Scalp Products

Advertisers should be able to provide scientific evidence, where appropriate in the form of trials conducted on people, for any claim that their 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.

## APPENDIX I - Advertising For Vitamins and Minerals

### 1. Introduction

1.1 This appendix applies to the following categories of advertisements:

- (i) Those for medicinal products whether licensed or exempt from licensing.
- (ii) Those for food products which claim or imply therapeutic or prophylactic qualities.
- (iii) Those for cosmetic or toiletry products which claim or imply therapeutic or prophylactic qualities.
- (iv) Those for any product which is advertised, whether wholly or in part, upon the basis that it may improve, restore or maintain the user's health or physical or mental condition.

1.2 This appendix does not apply to those advertisements for medicinal products which have been licensed and where the advertisement is consistent with the terms of such a licence.

### 2. Foods

2.1 There are also restrictions and requirements affecting advertisements for food under the relevant legislation.

2.2 Vitamins and minerals are essential for all ages for the maintenance of physical and mental health and well-being. The daily requirements of normal healthy individuals are generally available from a full, properly prepared and well balanced daily diet.

2.3 Vitamins and minerals are present in the foods which make up this diet and mention may be made of the vitamin and mineral contribution of a particular product.

### 3. General

3.1 Many healthy persons supplement their diet with either single or multi-vitamin/mineral supplements as a general safeguard. Advertisements for vitamin/mineral supplements may mention the vitamin or mineral contribution of the product but care should be taken to avoid the suggestion that:-

- (i) Supplements can take the place of a balanced diet;
- (ii) Consuming a vitamin supplement is necessary to avoid dietary deficiency;
- (iii) The consumption of additional vitamins or minerals will enhance normal good health;
- (iv) The addition of a vitamin supplement to a balanced diet will provide any therapeutic benefit to persons in normal good health; and
- (v) The addition of a vitamin supplement to the diet will enhance good looks, elevate mood, increase ability or performance.

### 4. Specific

4.1 While there is no evidence of general widespread vitamin or mineral deficiency there are instances where vitamin/mineral supplementation of the diet of an individual who is under medical supervision may be appropriate. In assessing the appropriateness of claims made for the content of vitamin and mineral products, the authorities will have regard to the specific evidence available and to the recommendation published. Those who may require vitamin supplementation include:

- (i) Those who live alone and often do not trouble to prepare fresh or adequate meals;
- (ii) Those who tend to eat nutritionally inadequate snacks, or foods which have been over cooked or kept hot for long periods thus losing most of their content of some vitamins and minerals;
- (iii) The elderly and others who, through various disabilities including apathy, fail to prepare or consume full varied and properly balanced meals.
- (iv) Children and adolescents who, because of fads, do not have a properly balanced diet;
- (v) People who embark upon a weight-reducing diet without professional advice;
- (vi) People convalescing from an illness who have leeway to make up in their nutrition;
- (vii) Athletes in training and those in very physically active occupations;
- (viii) Women of child-bearing age who may need supplementary iron;

(ix) Lactating women, who have increased dietary requirements of vitamin and minerals; and

(x) Pregnant women, who have increased dietary requirements of vitamins and minerals, who have been personally and professionally advised to supplement their diet.

## **5. Illness**

5.1 It should be noted that although there may be some depletion of vitamin stored during illness it may not be claimed that the replacement of such vitamin will influence recovery, either by speed or degree.

5.2 In serious illness, and in some diseases, an individual's intake or utilisation of dietary vitamins and minerals may be impaired and the intake needs to be augmented. The prescription of vitamins and minerals in those cases should be the province of the doctor, and self-medication should not be encouraged.

## **6. Cosmetics**

6.1 There is no generally accepted medical evidence that the application of vitamin to the skin is in any way beneficial or that it has any effect either in promoting suntan or preventing sunburn.

6.2 Advertisement claims for vitamins in cosmetics should be restricted to a statement that the product contains a specified vitamin or vitamins.

## **APPENDIX J - Motoring**

1. Advertisements for motor vehicles, fuel or accessories should avoid portraying or referring to practices that encourage or condone anti-social behaviour.

2. Advertisers should not make speed or acceleration claims the predominant message of their advertisements. However, it is legitimate to give general information about a vehicle's performance such as acceleration and midrange statistics, braking power, road-holding and top speed.

3. Advertisers should not portray speed in a way that might encourage motorists to drive irresponsibly or to break the law.

4. Vehicles should not be depicted in dangerous or unwise situations in a way that might encourage or condone irresponsible driving. Their capabilities may be demonstrated on a track or circuit provided it is clearly not in use as a public highway.

5. Care should be taken in cinema commercials where moving image may give the impression of excessive speed. In all cases where vehicles are shown in normal driving circumstances on public roads they should be seen not to exceed speed limits.

6. When making environmental claims for their product, advertisers should conform to the rules on Environmental Claims.

7. Prices quoted should correspond to the vehicles illustrated. For example, it is not acceptable to feature only a top-of-the-range model alongside the starting price for that range.

8. Safety claims should not exaggerate the benefit to consumers. Advertisers should not make absolute claims about safety unless they hold evidence to support them.

## APPENDIX K - Environmental Claims

1. The basis of any claim should be explained clearly and should be qualified where necessary. Unqualified claims can mislead if they omit significant information.
2. Claims such as 'environmentally friendly' or 'wholly biodegradable' should not be used without qualification unless advertisers can provide convincing evidence that their product will cause no environmental damage. Qualified claims and comparisons such as 'greener' or 'friendlier' may be acceptable if advertisers can substantiate that their product provides an overall improvement in environmental terms either against their competitors' or their own previous products.
3. Where there is a significant division of scientific opinion or where evidence is inconclusive this should be reflected in any statements made in the advertisement. Advertisers should not suggest that their claims command universal acceptance if that is not the case.
4. If a product has never had a demonstrably adverse effect on the environment, advertisements should not imply that the formulation has changed to make it safe. It is legitimate, however, to make claims about a product whose composition has changed or has always been designed in a way that omits chemicals known to cause damage to the environment.
5. The use of extravagant language should be avoided, as should bogus and confusing scientific terms. If it is necessary to use a scientific expression its meaning should be clear.

## APPENDIX L - Database Marketing

1. Advertisers should comply with all relevant data protection legislation. Guidance on this legislation is available from the Malaysian Communications and Multimedia Commission (MCMC). Although data protection legislation has a wide application, these clauses relate only to databases used for direct marketing purposes. The clauses should be observed in conjunction with the legislation; they do not replace it.
2. Advertisers should take all necessary steps to ensure that:
  - (i) Advertisements are suitable for those targeted;
  - (ii) Advertisements are not sent unsolicited to consumers if explicit consent is required;
  - (iii) Advertisements are not sent to consumers who have asked not to receive them or who have not had the opportunity to object to receiving them, if appropriate. Those consumers should be identifiable;
  - (iv) Databases are accurate and up-to date and, if rented, bought, etc, have been run against the most relevant suppression file operated by the relevant Preference Service. Reasonable requests for corrections to personal information should be acted upon within 60 days;
  - (v) Anyone who has been notified as dead is not mailed again and the notifier is referred to the relevant Preference Service; and
  - (vi) If asked in writing, consumers or the ASA (with consumers' consent) are given any information available on the nature and source of their personal details.



Responsibility for complying with the above sub-clauses may not rest directly with advertisers but with other data controllers. Those responsible will be expected to comply.

3. Unless it is obvious from the context, or if they already know, consumers should be informed at the time when personal information is collected:
  - (i) who is collecting it (and the representative for data protection queries, if different);
  - (ii) why it is being collected;
  - (iii) if it is intended to disclose the information to third parties, including associated but legally separate companies, or put the information to a use significantly different from that for which it is being provided, in which case an opportunity to prevent this should be given.
  
4. The explicit consent of consumers is required before:
  - (i) Processing sensitive personal data, including information on racial or ethnic origin, political opinion or religious or other similar beliefs, trade union membership, physical or mental health, sex life or any criminal record or allegation of criminal activity;
  - (ii) Advertising through fax.
  - (iii) Advertising through e-mail or SMS text transmission, save that advertisers may market their similar products to their existing customers without explicit consent so long as an opportunity to object to further such marketing is given on each occasion.

5. If after collection it is decided to use personal information for a purpose significantly different from that originally communicated, advertisers should first get the explicit consent of consumers. Significantly different purposes include:
  - (i) Disclosure of personal information to third parties for direct marketing purposes;
  - (ii) Use or disclosure of personal information for any purpose substantially different from that which consumers could reasonably have foreseen and to which they might have objected.
6. The extent and detail of personal information held for any purpose should be adequate and relevant and should not be excessive for that purpose.
7. Personal information must always be held securely and should be safeguarded against unauthorized use, disclosure, alteration or destruction.
8. Personal information should not be kept for longer than is necessary for the purpose or purposes for which it was obtained.
9. Consumers are entitled to have their personal information suppressed. Enough information should be held by companies, though not for direct marketing purpose, to ensure that no further marketing communications are sent as a result of information about those consumer being re-obtained through a third party. If they want to reduce all unsolicited contact, consumers should register their names and contact details on all relevant suppression files.

10. Consumers who have asked for personal information about them to be suppressed may be contacted if they ask to be reinstated.
11. Advertisers are permitted to use published information that is generally available provided the consumer concerned is not listed on a relevant suppression file.
12. Any proposed transfer of a database to a country outside Malaysia should be made only if that country ensures an adequate level of protection for the rights and freedom of consumers in relation to the processing of personal information or if contractual arrangements are in place to provide that protection.

## **APPENDIX M – Employment and Instructional Classes**

1. Where degrees and qualifications are offered, the recognition of which is doubtful, attention should be drawn to the advisability of verifying it with the relevant Ministry. As for the recognised degrees, the value should not be misrepresented.
2. Advertisement for situations vacant should correspond to genuine vacancies, the existence of which should be fully substantiated, and should not require those interested to send money for further details (Particular attention is drawn to Private Employment Agencies Act 1981). However, this does not prevent the offer for sale of directories of opportunities and the like, provided that the advertisement is clear as to the nature of what is offered.
3. Advertisements offering vocational training or other instructional courses should make no unconditional promises of future employment (whether by the advertiser or anyone else) or future remuneration for those taking the course and should, as appropriate, make clear the level of prior attainment needed to be able to derive benefit from the course and the length of the course. (In connection with the length of the course, particular care should be taken not to mislead by running together discrete periods of study so as to suggest earlier attainment of competence than is probable).

## **APPENDIX N - Property Advertising**

1. Advertisements for real property, whether for sale or for rent, should not mislead or exaggerate on such matters as:
  - (i) The land itself and any buildings erected or to be erected thereon;
  - (ii) The physical nature – including furnishings and amenities – and appearance of buildings and flats, and their surroundings;
  - (iii) The legal title and formalities;
  - (iv) Rights and easements of any kind;
  - (v) Planning, building and sanitary requirements;
  - (vi) Taxes, rates and other imposts; and
  - (vii) The prices, terms of payment and loan facilities;
2. Particular care is called for in the case of advertisements for real property located abroad. Advertising material containing detailed description of such property should include comprehensive and accurate information as stated above.

## **APPENDIX O - Advertising for Audiotext Services**

### **Introduction: What are Audiotext Services**

Audiotext services are interactive telecommunications services offered via a telephone service. Typically, the services use a prefix 600 number in which customers are charged a premium over and above the normal connection charges. Such service providers offer, among other things, information, ring tone downloads and friendship services or chatlines.

### **General Rules on Advertising for Audiotext Services**

1. Rules governing the advertising of such services have been drawn up principally in the best interest of users generally.
2. Advertisements for chat and similar interactive services must be clear and unambiguous that such services are available.
3. Advertisers should clearly indicate to system users whether or not their services are free of charge, and should not charge users unless such warnings have been provided beforehand. Advertisements should indicate the cost of the services.
4. Where an advertisement does not specifically mention the availability of chat, that service must not be made available on the 600 number. That is, a service provider offering ring-tone downloads must not also make available a chat services as an option when customers call the advertised 600 number.

5. Advertisements for chatline and related services must include the company's name and office number.
6. Chatline advertisements should always include:
  - (i) The legal age limit for callers
  - (ii) Warnings on the dangers of meeting up with strangers encountered through chatlines
7. Where an advertisement gives the website address (uniform resource locator or url) for non-chat services, that page must not have links or 600 numbers to chat services.
8. Advertisements for chatlines and related services should not contain lewd, sexually suggestive or offensive material.
9. Advertisement of services aimed at children or young persons must carry the following warning message "This call costs RMX.XX per minutes/per call. Callers under 18 must seek parents or guardians approval before calling."

## **APPENDIX P - Other Specific Categories**

- 1. Commemorative and Other Items Produced in Limited Editions**
  - 1.1 The number of articles to be produced in any limited edition should be stated in all advertising and promotion material containing any claim that the edition is limited. Where an edition is limited by the number of persons applying within a given period of time, it should be described as an edition limited by time, and the advertiser should offer to inform all purchasers of the number of articles eventually produced.
  - 1.2 Advertisements for articles made by precious metal should state the amount and the fineness of the metal involved in the pieces on offer.
  - 1.3 Advertisements which make claims about the investment potential of the articles on sale should also make it clear that there can be no guarantee of any future increase in value.
  - 1.4 Advertisements for these products should be of interest as a collector's item with emphasis being placed primarily upon factors such as scarcity or aesthetic quality and not, or not solely, upon practical considerations (e.g. utility).
  - 1.5 Advertisements should not trade upon any lack of knowledge among the general public as to the nature and extent of the market for items of the kind advertised about the criteria for assessment employed within that market.

1.6 Information in the advertisements about the period during which the offer is available should be unambiguous where an offer is made in more than one stage, the final closing date should be clearly stated at an early point in the advertisement, and prior to any information regarding other dates by which the initial orders are being limited.

1.7 Claims as to the 'scarcity' and 'rarity' or items not produced directly by or for the advertiser should be capable of substantiation by reference to the testimony of those expert in the particular market and should, in appropriate cases, take into account the situation worldwide.

## **2. Homework Schemes**

2.1 Homework scheme means a scheme in which a person is invited to make articles or perform services at home for remuneration.

2.2 Advertisements for homework schemes should contain an adequate description of the scheme and the reward to be expected. Where it is proposed to charge for machine or raw materials or components, or where the advertiser offers to buy back the goods produced by the homework, relevant information should be included in the advertisement. The full name and the address of the advertiser should be plainly stated.

2.3 Advertisements for homework schemes are not acceptable unless, when offered to media, they are accompanied by full details of the work involved and of the conditions imposed upon the homeworker.

## **3. Inclusive Tours**

3.1 Advertising material containing detailed descriptions of inclusive tours should be clear as to:

- (i) The firm or organization which is responsible for the tour;
- (ii) The means of transport, whether charter or scheduled (including whenever possible name of carrier, type and class of aircraft or other means of transport);
- (iii) Destination and itinerary;
- (iv) Exact duration of the tour and of the stay at each locality;
- (v) The type and standard of accommodation, meals and facilities offered;
- (vi) Any special arrangements offered (entertainment, sight-seeing, etc.);
- (vii) The total price of the tour as advertised (at least minimum and maximum prices) and those items which are included therein (airport taxes and other fiscal charges, incidental transportation, portorage, tips, etc.); and
- (viii) Cancellation conditions.



**APPENDIX Q - LIST OF DISEASES TO WHICH NO REFERENCE, OR ONLY LIMITED REFERENCE MAY BE MADE IN ADVERTISEMENTS. HOWEVER, THE LIST IS NOT EXHAUSTIVE AND WOULD INCLUDE ANY OTHER DISEASES THAT MAY BE IDENTIFIED FROM TIME TO TIME.**

**Illness/Condition**

Alcoholism

Amenorrhoea

Anaemia (pernicious)

Ankles, diseased

Appendicitis

Arteriosclerosis

Artery troubles

Arthritis

Asthma

Barmer's Rash

Bilharzia

**APPENDIX Q - LIST OF DISEASES TO WHICH NO REFERENCE, OR ONLY LIMITED REFERENCE MAY BE MADE IN ADVERTISEMENTS. HOWEVER, THE LIST IS NOT EXHAUSTIVE AND WOULD INCLUDE ANY OTHER DISEASES THAT MAY BE IDENTIFIED FROM TIME TO TIME.**

**Illness/Condition**

Bladder stones

Bleeding disease

Breast disease

Bright's disease

Cancer

Carbuncles

Cardiac symptoms, heart troubles

Cataract

Cholera

Convulsions

Dengue (fever)

**APPENDIX Q - LIST OF DISEASES TO WHICH NO REFERENCE, OR ONLY LIMITED REFERENCE MAY BE MADE IN ADVERTISEMENTS. HOWEVER, THE LIST IS NOT EXHAUSTIVE AND WOULD INCLUDE ANY OTHER DISEASES THAT MAY BE IDENTIFIED FROM TIME TO TIME.**

**Illness/Condition**

Dermatitis

Diabetes

Diphtheri

a

Disseminated sclerosis

Dropsy

Drug addiction

Ear (any structural or organic defect of the auditory system)

Epilepsy

Enlarged glands

Erysipelas

Eye (any structural or organic defect of theoptical system)

**APPENDIX Q - LIST OF DISEASES TO WHICH NO REFERENCE, OR ONLY LIMITED REFERENCE MAY BE MADE IN ADVERTISEMENTS. HOWEVER, THE LIST IS NOT EXHAUSTIVE AND WOULD INCLUDE ANY OTHER DISEASES THAT MAY BE IDENTIFIED FROM TIME TO TIME.**

**Illness/Condition**

Fits Frigidity

Fungus

Gallstones

Gangrene

Glaucoma

Hernia

Hypertension

Impetigo

Indigestion where the reference is to chronic or persistent

Infantile diarrhoea



**APPENDIX Q - LIST OF DISEASES TO WHICH NO REFERENCE, OR ONLY LIMITED REFERENCE MAY BE MADE IN ADVERTISEMENTS. HOWEVER, THE LIST IS NOT EXHAUSTIVE AND WOULD INCLUDE ANY OTHER DISEASES THAT MAY BE IDENTIFIED FROM TIME TO TIME.**

**Illness/Condition**

Insomnia, where the reference is to chronic or persistent

Infertility

Itch (except itch caused by insect bite)

Kidneys (disorders or diseases of the)

Lazy eye

Leprosy

Locomotor or any other ataxi

Lupus

Menopausal ailments

Meningitis (all types)

Mental disorder

Migraine

**APPENDIX Q - LIST OF DISEASES TO WHICH NO REFERENCE, OR ONLY LIMITED REFERENCE MAY BE MADE IN ADVERTISEMENTS. HOWEVER, THE LIST IS NOT EXHAUSTIVE AND WOULD INCLUDE ANY OTHER DISEASES THAT MAY BE IDENTIFIED FROM TIME TO TIME.**

**Illness/Condition**

Miners Phthisis

Nephritis

Obesity

Obsteoarthritis

s Paralysis

Pneumonia

Phlebitis

Prolapse

Psoriasis

Purpura

Pyorrhoea

Rheumatism

**APPENDIX Q - LIST OF DISEASES TO WHICH NO REFERENCE, OR ONLY LIMITED REFERENCE MAY BE MADE IN ADVERTISEMENTS. HOWEVER, THE LIST IS NOT EXHAUSTIVE AND WOULD INCLUDE ANY OTHER DISEASES THAT MAY BE IDENTIFIED FROM TIME TO TIME.**

**Illness/Condition**

Rheumatoid arthritis

Ringworm

Ruptures

Scabies

Scarlet fever

Sexual non-function

Skin disease

Sleeplessness

Smallpox

Squint

Sycosis (Barber's Itch)

**APPENDIX Q - LIST OF DISEASES TO WHICH NO REFERENCE, OR ONLY LIMITED REFERENCE MAY BE MADE IN ADVERTISEMENTS. HOWEVER, THE LIST IS NOT EXHAUSTIVE AND WOULD INCLUDE ANY OTHER DISEASES THAT MAY BE IDENTIFIED FROM TIME TO TIME.**

**Illness/Condition**

Tetanus

Trachoma

Thrombosis

Tuberculosis

Tumours

Typhoid

Ulcer (duodenal gastric, pyloric, stomach)

Urinary infections

Varicose veins

Venereal disease

Vertigo

Whooping cough

**APPENDIX R - LIST OF MALAYSIA STATUTES AFFECTING  
OR RELEVANT TO ADVERTISING (AS AT 31ST DECEMBER 2007)**

Title	Reference
Accountants Act 1967 (Revised 1972) – Malaysia Act	94
Adoption Act 1952 (Revised 1981) – Malaysia Act	257
Boys Scouts Association of Malaysia (Incorporation) Act 1968 – Malaysia Act	38/1968
Business Names Ordinance – Sarawak Cap.	64
Business, Professions and Trade Licensing Ordinance • Sabah Cap.	33
Civil Aviation Act 1969 – Malaysia Act	3
Commodities Trading Act 1985	324
Common Gaming Houses Act 1953 – Revised 1983	289
Communications and Multimedia Act 1998	588
Companies Act 1965 (Revised 1973) – Malaysia Act	125
Control and Restriction of the Propagation of Non-Islamic Religions Enactment 1981 • Kelantan Enactment • Terengganu Enactment	11/1981 1/1980
Control of Imported Publications Act 1958 (Revised 1972) – Malaysia Act	63

**APPENDIX R - LIST OF MALAYSIA STATUTES AFFECTING  
OR RELEVANT TO ADVERTISING (AS AT 31ST DECEMBER 2007)**

Title	Reference
Copyright Act 1969 – Malaysia Act	10
Dangerous Drugs Act 1952 (Revised 1980) – Malaysia Act	234
Defamation Act 1957	286
Dental Act 1971 – Malaysia Act	51
Election Commission Act 1957 - (Revised 1970) – Malaysia	31
Act Election Offences Act 1954 - (Revised 1969) – Malaysia	5
Act Emblems and Names (Prevention of Improper Use) Act 1963	19/1963 11/1961
• <b>F. M. Act</b>	8/1977
• Kedah Enactment 1961	2/1981
• Kelantan Enactment 1977	1/1966
• Malacca Enactment 1981	1/1961
• Negeri Sembilan Enactment 1966	8/1961
• Pahang Enactment 1966	7/1966
• Penang Enactment 1961	9/1963
• Perak Enactment 1966	14/1979
• Perlis Enactment 1963	4/1962
• Sabah Enactment 1979	11/1976
• Selangor Enactment 1962	

**APPENDIX R - LIST OF MALAYSIA STATUTES AFFECTING  
OR RELEVANT TO ADVERTISING (AS AT 31ST DECEMBER 2007)**

Title	Reference
Film (Censorship) Act 1952 (Revised 1971) – Malaysia Act	35
Finance (Banking and Financial Institutions) Act 1986	330
*Food Act 1983 – Malaysia Act	-
Gambling Ordinance – Sarawak Cap	138
Gaming Ordinance – Sabah Cap	50
Geneva Conventions Act 1962 – F. of M. Act	5/1962
Girl Guides Ordinance 1953 – F. of M. Act	61/1953
Housing (Control and Licensing Developers) Enactment 1978 – Sabah Enactment	24/1978
Housing Developers (Control and Licensing) Act 1966 (Revised 1973) – Malaysia Act	118
Indecent Advertisements Act 1953 (Revised 1981) – Malaysia Act	259
Internal Security Act 1960 (Revised 1972) – Malaysia Act	82
Legal Profession Act 1976 – Malaysia Act	166
Lotteries Act 1952 – Revised 1983	288

**APPENDIX R - LIST OF MALAYSIA STATUTES AFFECTING  
OR RELEVANT TO ADVERTISING (AS AT 31ST DECEMBER 2007)**

Title	Reference
Malaysian Red Cross Society (Incorporation) Act 1955 – Malaysia Act	47/1965
*Martial Arts Societies Act 1976 – Malaysia Act	170
Medical Act 1971 – Malaysia Act	50
Medicine (Advertisement and Sale) Act 1956 • Revised 1983	290
Midwives Act 1966 • Malaysia Act • Sabah Cap. • Sarawak Cap.	54/1966 78 133
Minor Offences Act 1955 – Revised 1987	336
Moneylenders Ordinance 1951 • F. M. Ordinance • Sabah Cap. • Sarawak Cap.	42/1951 81 114
National Anthem Act 1968 – Malaysia Act	20/1968
National Emblems (Control of Display) Act 1949 (Revised 1977) – Malaysia Act	193
Nurses Act 1950 (Revised 1969) – Malaysia Act	14
Official Secrets Act 1972 – Malaysia Act	88

**APPENDIX R - LIST OF MALAYSIA STATUTES AFFECTING  
OR RELEVANT TO ADVERTISING (AS AT 31ST DECEMBER 2007)**

Title	Reference
Penal Code – F.M.S. Cap	45
Pesticides Act 1974 – Malaysia Act	149
Poisons Act 1952 – F. of M. Ordinance	29/1952
Poisons (Sodium Arsenite) Ordinance 1949 • F. M. Ordinance	15/1949
Post Office Act 1947 (Revised 1978) – Malaysia Act	211
Private Employment Agencies Act 1981	246
Price Control Act 1946 (Revised 1973) – Malaysia Act	121
Printing Presses and Publications Act 1984	301
Private Health Care Facilities and Services Act 1988	586
Public Health Ordinance 1960 • Sabah Ordinance • Sarawak Ordinance	7/1960 24/1962
Registration of Businesses Act 1956 (Revised 1978)	197
Registration of Pharmacists Act 1951	371
Registration of Engineers Act 1969 (Revised 1974) • Malaysia Act	138
Road Transport Act 1987	333

**APPENDIX R - LIST OF MALAYSIA STATUTES AFFECTING  
OR RELEVANT TO ADVERTISING (AS AT 31ST DECEMBER 2007)**

Title	Reference
*Sale of Food and Drugs Ordinance 1952 • F. of M. Ordinance	28/1952
Sedition Act 1948 (Revised 1969) – Malaysia Act	15
Service Commission Ordinance 1957 • F. of M. Ordinance	74/1957
St. John's Ambulance of Malaysia (Incorporation) Act 1972 – Malaysia Act	74
State Arms and Flags Enactments • Johore Enactment No.	57
Trade Descriptions Act 1972 – Malaysia Act	87
*Trade Marks Act 1976 – Malaysia Act	175
Undesirable Publications Ordinance – Sabah Cap.	151
United Kingdom Designs (Protection) Act 1949 (Revised 1978) • Malaysia Act • Sabah Cap. • Sarawak Cap.	214 152 59
Veterinary Surgeons Act 1974 – Malaysia Act	147