



Code of Ethics

FEBRUARY 2021

Objectives



This Code has been adopted by the **Australian Association of National Advertisers (AANA)** as part of advertising and marketing self regulation. Its object is to ensure that advertisements and other forms of marketing communications are legal, honest, truthful and have been prepared with respect for human dignity, an obligation to avoid harm to the consumer and society and a sense of fairness and responsibility to competitors.

This **Code** is accompanied by a **Practice Note** which has been developed by the **AANA**. The **Practice Note** provides guidance to advertisers and complainants and must be applied by the **Ad Standards Community Panel** in making its determinations. In the event of any ambiguity the provisions of the **Code** prevail.

Definitions



In this Code, unless the context otherwise requires:

- ▶ **Advertising** means:
 - (a). any advertising, marketing communication or material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer,
 - over which the advertiser or marketer has a reasonable degree of control, and
 - that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct,
 - (b). but does not include:
 - labels or packaging for products
 - corporate reports including corporate public affairs messages in press releases and other media statements, annual reports, statements on matters of public policy
 - in the case of broadcast media, any material which promotes a program or programs to be broadcast on that same channel, station or network.
- ▶ **Medium** means any medium whatsoever including without limitation cinema, internet, outdoor media, print, radio, telecommunications, television or other direct-to-consumer media including new and emerging technologies.
- ▶ **Minor** means a person under 18 years of age.
- ▶ **Prevailing Community Standards** means the community standards determined by the Ad Standards Community Panel as those prevailing at the relevant time in relation to Advertising or Marketing Communication. Prevailing Community Standards apply to clauses **2.1 – 2.7** below on the following pages.

Section 1 Competitor Complaints



- 1.1 Advertising shall comply with Commonwealth law and the law of the relevant State or Territory.
- 1.2 Advertising shall not be misleading or deceptive or be likely to mislead or deceive.
- 1.3 Advertising shall not contain a misrepresentation, which is likely to cause damage to the business or goodwill of a competitor.
- 1.4 Advertising shall not exploit community concerns in relation to protecting the environment by presenting or portraying distinctions in products or services advertised in a misleading way or in a way which implies a benefit to the environment which the product or services do not have.
- 1.5 Advertising shall not make claims about the Australian origin or content of products advertised in a manner which is misleading.

Section 2 Consumer Complaints



- 2.1 Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.
- 2.2 Advertising shall not employ sexual appeal:
 - (a) where images of Minors, or people who appear to be Minors, are used;
 - or
 - (b) in a manner which is exploitative or degrading of any individual or group of people.
- 2.3 Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.
- 2.4 Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.
- 2.5 Advertising shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.
- 2.6 Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.
- 2.7 Advertising shall be clearly distinguishable as such.

Section 3 Other Codes



The **Code of Ethics** is the overarching code setting out standards that apply to Advertising or Marketing Communication across any medium. Depending on the nature of the product or service being advertised, these other **AANA** codes may also apply:

- ▶ **Food & Beverages Advertising Code**
- ▶ **Environmental Claims Code**
- ▶ **Wagering Advertising Code**

If the Advertising or Marketing Communication is directed primarily to children, the Children's Advertising Code may also apply.

Complaints under the AANA self regulatory system



Complaints about the content of an advertisement or marketing communication can be made under this **Code** and the other **AANA Codes to Ad Standards**. Complaints under **SECTION 1** are heard by the **Ad Standards Industry Jury**. Complaints under **SECTION 2** are heard by the **Ad Standards Community Panel**. If your complaint is about a program (not advertisement) on television or radio, please contact the relevant industry body.

You can make a complaint by:

- 🌐 Lodging a complaint online at:
www.adstandards.com.au
- ✉ Writing a letter (and sending via post or fax) to:
**Ad Standards PO Box 5110
BRADDON ACT 2612
Fax: (02) 6262 9833**

If you are making a complaint under **SECTION 1**, an application fee is payable. The **Industry Jury** complaints process is designed to determine complaints involving issues of truth, accuracy and legality of advertising on a user pays cost recovery basis. The **Industry Jury** is comprised of variable panels of lawyers who have certified to having experience and expertise in advertising and/or competition and consumer law.

If you are making a complaint under **SECTION 2**, once **Ad Standards** has received your complaint, it will determine whether it is eligible for consideration by the **Ad Standards Community Panel**. The **Community Panel** is a body of independent members of the community established to consider complaints. If accepted, the advertiser/marketer is notified and a response is requested. The complaint is then considered by the **Community Panel** and the advertiser and complainant are advised of the determination. A case report is then published.

CODE ADMINISTRATION

Effective Date: February 2021

Last update: Sept 2020

About the AANA

AANA is the Voice for Brands. Founded 90 years ago, AANA exists to inspire and promote responsible, innovative and respected marketing through a commitment to sustainable industry collaboration. As the peak industry body, our members represent some of Australia's biggest advertisers and the world's best known brands across all major sectors who contribute to an estimated advertising spend of more than \$15 billion a year including FMCG, automotive, banking, finance and insurance, travel, health and beauty, media and communications. On behalf of our members, the AANA's mandate is to maintain and evolve the advertising codes which underpin the system of self-regulation in Australia, safeguard the rights of its members to commercial free speech and protect consumers by ensuring marketing communication is conducted responsibly, while giving them the networks and pathways to career learning.

 Australian Association of National Advertisers, Suite 301, 100 William Street, Sydney NSW 2011

 +61 2 9221 8088

 +61 2 9221 8077

 admin@aana.com.au

 www.aana.com.au