



Coimisiún
na Meán

Media Service Code and Media Service Rules:
Radio and Television Broadcasters

Commercial Communications:

Advertising, Sponsorship,
Teleshopping, Product Placement
and other forms of commercial
communication



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1. Preliminary and Interpretation

1.1 Introduction

- 1.1.1 Pursuant to Section 46N(1) of the Broadcasting Act 2009, (**“the Act”**), Coimisiún na Meán (**“the Commission”**) may make codes (**“media service codes”**) governing the standards and practices of broadcasters.
- 1.1.2 Pursuant to Sections 46N(2) and 46N(7) of the Act, the Commission may make media service codes providing for standards and practices to ensure, among other things, that commercial communications protect the interests of the audience, including children.
- 1.1.3 Pursuant to Section 46N(5) of the Act, the Commission shall make media service codes providing for the matters required to be provided for by Articles 5, 6(1), 6a(1) to (3), 7b, 8, 9, 10, 11, 15, Chapter VI, and Chapter VII (other than Article 26) of Directive (EU) 2010/13 (as amended by Directive (EU) 2018/1808) (the **“Audiovisual Media Services Directive”**) (except in so far as provision is made by media service rules).
- 1.1.4 Pursuant to Sections 46O(1), (2), (3), (4) and (9) of the Act, the Commission may make rules (**“media service rules”**) in relation to, among other things, the total daily times that shall be allowed for broadcasting of commercial communications. Pursuant to Section 46O(9), media service rules shall provide for the matters required to be provided for by Articles 6(1), 6a(1), 7, 7b, 8, 9, 10, 11, Chapter VI, and Articles 23(2), 24 and 25 of the Audiovisual Media Services Directive (except in so far as provision is made by media service codes).
- 1.1.5 In accordance with its statutory duties and obligations set out above, the Commission has prepared this media service code and these media service rules (together referred to as **“the Code and Rules”**). The Code and Rules consolidates and replaces the following instruments, which are revoked as of **[INSERT DATE]**, being the date the Code and Rules take effect:
- (a) the General Commercial Communications Code (Radio and Television Broadcasters), dated November 2024;
 - (b) the Children’s Commercial Communications Code (Radio and Television Broadcasters), dated December 2024;
 - (c) the Media Service Code and Media Service Rules (Advertising, Teleshopping, Signal Integrity & Information), dated November 2024, in so far as it relates to commercial communications;¹ and
 - (d) the Media Service Code and Media Service Rules (Advertising - Radio Broadcasters), dated December 2024.

¹ With the exception of the provisions of this Code and Rules under the following headings: ‘Signal Integrity’, ‘Information’ and ‘Cinematographic Works’, each of which are now addressed in Coimisiún na Meán’s consolidated programme code.



1.2 Scope and Jurisdiction

- 1.2.1 The Code and Rules give effect to Articles 6(1), 6a (1) to (3), 9, 10, 11, 19, 20, 21, 22, 23, 24 and 25 of the Audiovisual Media Services Directive in Ireland, in so far as they relate to broadcasting services.
- 1.2.2 The Code and Rules apply only to broadcasters under the jurisdiction of the State within the meaning of Section 2A of the Act.
- 1.2.3 Where a provision of the Code and Rules is expressly stated to apply only to a sound broadcaster or only to a television broadcaster, that limitation applies.
- 1.2.4 The Code and Rules are made without prejudice to the powers granted to the Minister for Culture, Communications and Sport and pursuant to Section 106 of the Act, to approve certain time limits for advertisements in sound broadcasting services provided by RTÉ and certain time limits for advertisements in television broadcasting services provided by RTÉ and TG4 subject to the limits and conditions set out in Section 19 of the Code and Rules.

1.3 Purpose and Preparation of the Code and Rules

- 1.3.1 The purpose of the Code and Rules is to ensure that broadcasters that are under the jurisdiction of the State comply with the requirements of the Audiovisual Media Services Directive and the duties set out under the Act (including those under Sections 46J, 46M and 46N) relating to the broadcasting of commercial communications on their services.
- 1.3.2 Pursuant to Section 46N(6) of the Act, the Commission has had regard to the following matters when preparing the provisions set out in the Code and Rules: -
 - (a) the degree of harm or offence likely to be caused by the inclusion of a particular matter in programme material.
 - (b) the likely size and composition of the potential audience for programme material.
 - (c) the likely expectation of the audience as to the nature of programme material, and the extent to which the nature of the programme material can be brought to the attention of potential members of the audience.
 - (d) the likelihood of persons who are unaware of the nature of programme material being unintentionally exposed to it by their own actions.
 - (e) the desirability of securing that a broadcaster informs the Commission of any change affecting the nature of the service and, in particular, of any change relevant to the application of media service codes.
 - (f) the desirability of maintaining the independence of editorial control over programmes.
- 1.3.3 The Code and Rules have been prepared in accordance with the procedures provided for by Section 46Q of the Act.



1.4 Regulatory Principles Relevant to the Code and Rules

- 1.4.1 In its interpretation, application and enforcement of the Code and Rules, the Commission must, in accordance with its public law duties, act lawfully, rationally and fairly.
- 1.4.2 More particularly, the Commission must act in accordance with:
- (a) its general statutory objectives and functions under the Act.
 - (b) the rights conferred by the Constitution, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights insofar as applicable under the European Convention on Human Rights Act 2003 and the EU Treaties.
- 1.4.3 Section 7(2) of the Act provides that, in performing its functions, the Commission shall endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld, and that the interests of the public, including the interests of children, are protected, with particular commitment to the safety of children. The Commission shall also endeavour to ensure the Commission's policies in relation to broadcasters best serve the needs of the people of the island of Ireland.
- 1.4.4 In addition, the Commission must endeavour to ensure that its regulatory arrangements:
- (a) address programme material and other content which are harmful or illegal;
 - (b) take account of technological and societal change; and
 - (c) operate proportionately, consistently and fairly.
- 1.4.5 Section 7(3) of the Act provides that, in addition, the Commission shall, inter alia:
- (a) promote and encourage environmental sustainability in the policies and practices of broadcasters.
 - (b) stimulate the provision of high quality, diverse, and innovative programmes by providers of broadcasting services and audiovisual on-demand media services.
 - (c) engage in evidence-based decision-making in the exercise of its functions, and promote evidence-based decision-making by those with which it consults.
 - (d) encourage compliance with the provisions of the Act, and the provisions of any code, rule or other statutory instrument made under it, in any manner the Commission considers appropriate, including by the publication of guidance as to how those provisions may be complied with.
- 1.4.6 Pursuant to Section 7(4) of the Act, in performing its functions, the Commission shall have regard to: the safety of children, and published policies of the Minister for Children, Disability and Equality in respect of that matter; the regulation of gambling, and published policies of the Minister for Justice in respect of that matter; climate change and environmental sustainability, and published policies of the Minister for Climate, Energy and the Environment in respect of that matter; and published policies of the Government in respect of any of those matters.



1.5 Severability

- 1.5.1 If any provision of the Code and Rules is found to be unlawful, invalid, prohibited, unenforceable or inapplicable (either generally or with respect to a particular broadcaster) in any respect, on the basis of any law (including the Constitution and European Union law), such finding shall not affect the lawfulness, validity, enforceability or applicability of any other provision of the Code and Rules or part thereof, unless the finding is declared to be applicable to such other or part thereof, or the same is the subject of the relief granted by a court.
- 1.5.2 Without prejudice to the foregoing, all of the other provisions and/or parts of the Code and Rules shall remain fully effective, applicable and enforceable. To the extent necessary, any provision or part of the Code and Rules found to be unlawful, invalid, prohibited, unenforceable or inapplicable shall be severed from the Code and Rules.

1.6 Waiver

- 1.6.1 The fact that the Commission does not respond to or comment upon any submission, assessment, proposal, report, compatibility statement or any analogous document submitted to it by a broadcaster shall not be deemed to be an acceptance or approval of the contents of any part of the same and shall not imply that the broadcaster has complied with its obligations under the Act and/or the Code and Rules.
- 1.6.2 Without prejudice to the foregoing, the fact that the Commission does not respond or comment on any such document shall not create an estoppel against, or constitute a waiver by, the Commission of any of its powers or rights pursuant to the Act and/or the Code and Rules.

1.7 Compliance and Enforcement

- 1.7.1 Pursuant to Sections 46N(10) and 46O(11) of the Act, a failure by a broadcaster to comply with the Code and Rules shall be a contravention for the purposes of Part 8B of the Act.
- 1.7.2 A broadcaster shall ensure that it has structures, systems, policies, procedures, and personnel in place to ensure compliance with the obligations contained in the Code and Rules.
- 1.7.3 Pursuant to Section 47(3) of the Act, a broadcaster is required to prepare and implement a code of practice for the handling of complaints relating to the failure of the broadcaster to comply with a media service code or media service rule.

1.8 Complaints

- 1.8.1 A person may make a complaint if they believe a broadcaster has not complied with the Code and Rules. The Commission advises complainants to make their complaint to the broadcaster in the first instance, as this is the quickest way to have a complaint considered and responded to.



- 1.8.2 Information on the complaints handling process, including the Commission's process, is available on the Commission's website (www.cnam.ie). The Commission can also be contacted on +353 1 963 7755 or at usersupport@cnam.ie.
- 1.8.3 In the case of certain classes of commercial communications, a non-statutory complaints process is operated by the Advertising Standards Authority, which assesses complaints against its Code of Standards for Advertising and Marketing Communications in Ireland (see <https://adstandards.ie>).

1.9 Advice

- 1.9.1 The Commission may provide general non-binding advice regarding the provisions of the Code and Rules on request or as and when it is deemed necessary. The Commission reserves the right to publish and amend advice from time to time as it sees fit.
- 1.9.2 Broadcasters may request advice on the Code and Rules by contacting the Commission via the email address codes@cnam.ie. A request for advice must include the relevant material linked to the request, clearly state the section or sections of the Code and Rules which the requestor believes are relevant, and set out the specific question on which the requestor would like a view.
- 1.9.3 The Commission accepts no liability for any decision (or consequences arising from any decision) made following receipt of non-binding general advice from the Commission.

2. Definitions

Terms not defined in the Code and Rules have the meanings given by the Act.

“advertising” means any form of announcement broadcast, whether in return for payment or for similar consideration or for self-promotional purposes, by a public or private undertaking or natural person in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment.

“alcohol-free product” means a non-alcohol product where alcohol-by-volume is 0.5% or less, and includes non-alcohol product variants of alcohol brands.

“audiovisual commercial communication” means a commercial communication consisting of images with or without sound which are designed to promote, directly or indirectly, the goods, services or image of a natural or legal person pursuing an economic activity; such images accompany, or are included in, a programme or user-generated video in return for payment or for similar consideration or for self-promotional purposes. Forms of audiovisual commercial communication include, inter alia, television advertising, sponsorship, teleshopping and product placement.

“broadcaster” means a provider of sound broadcasts or television broadcasts.



“broadcasting service” means a service which comprises a compilation of programme material of any description and which is transmitted, relayed or distributed by means of an electronic communications network, directly or indirectly for simultaneous or near-simultaneous reception by the general public, whether that material is actually received or not, and where the programmes are provided in a pre-scheduled and linear order, but does not include: (a) a service provided in a non-linear manner where each user of the service chooses a programme from a catalogue of programmes; or (b) any other service which is provided by way of the internet, if the service does not provide audiovisual programmes.

“call to purchase” means an instruction or direction to the audience to make a transaction in relation to a product or service. It will often involve the use of an imperative such as buy, purchase, lease, acquire, sign up or book, or other verbs which describe acquiring or purchasing goods or services.

“celebrities” means persons who are widely acclaimed, honoured and / or known to children. It does not include persons or characters that become known to children solely as a result of their participation in commercial communications.

“child or children” means a person or persons under the age of 18 years.

“children’s commercial communication” means a commercial communication that promotes products, services or activities that are deemed to be of interest to children, and/or that is broadcast in or around children’s programmes (whether or not the product, services or activities are deemed to be of interest to children).

“children’s programmes” means programmes that are commonly referred to as such and/or have, in the case of television, an audience profile of which over 50% are under 18 years of age. Where audience composition data is not available, the name, content, characteristics, target audience and scheduling of the programme, and any promotion of the programme (including any platform used for promotion), will be used to determine whether the programme is intended for children.

“commercial communication” means commercial communications, comprising images (with or without sound) or sound only: (a) designed to promote, directly or indirectly, the goods, services or image of a person pursuing an economic activity, and (b) included in or accompanying a programme or user-generated content in return for payment or for similar consideration, or for self-promotional purposes. Forms of commercial communication include, inter alia, advertising, sponsorship, teleshopping and product placement.

“community broadcaster” means a person holding a sound broadcasting contract under Sections 64, 68(1)(b) or 72 of the Act.

“comparative commercial communications” means commercial communications that contain explicit or implicit identification of a competitor or of products or services offered by a competitor.

“confectionery” means sweets, chocolates, sugar-based products, preserves, chocolate-covered bars (excluding biscuits), non-chocolate confectionery (e.g. cereal bars), and artificial sweeteners. Carbonated drinks, with the exception of carbonated non-flavoured water, are also included.

“cosmetic product” means any substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and



the mucous membranes of the oral cavity, with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours.

“cosmetic treatments and services” means surgical and non-surgical procedures where the primary aim is the change, restoration, normalisation or improvement of the appearance, function or well-being of an individual, at the request of the individual. These treatments are for aesthetic rather than medical reasons.

“cross-promotions” means announcements made in connection with programmes and ancillary products directly derived from those programmes, aired without payment or similar consideration on a broadcasting service other than the one airing the programmes, where the broadcasting services are owned and controlled by the same broadcaster. The term “ancillary” refers to products intended specifically to allow the audience to benefit fully from, or to interact with, those programmes and does not include commercial activities of the broadcaster unrelated to programmes or ancillary products.

“electronic cigarette” means a product that can be used for consumption of nicotine-containing vapour via a mouth-piece, or any component of that product, including a cartridge, a tank and the device without cartridge or tank. Electronic cigarettes can be disposable or refillable by means of a refill container and a tank, or rechargeable with single-use cartridges.

“refill container” means a receptacle that contains a nicotine-containing liquid, which can be used to refill an electronic cigarette.

“fast food” means food coming under the recognised character of fast food and/or inexpensive cooked food which is prepared and served quickly and is readily accessible for purchase by children. “Fast food” in this instance does not refer to the actual amount of time required to cook the food, but rather the speed and ease with which the food can be procured and consumed. It does not include prepared or convenience foods, or food which is purchased for preparation and cooking in the home.

“follow-on formula” means food intended for use by infants when appropriate complementary feeding is introduced and which constitutes the principal liquid element in a progressively diversified diet of such infants.

“food” means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be, ingested by humans. “Food” includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. It includes water after the point of compliance as defined in Article 6 of Directive (EU) 2020/2184. “Food” does not include feed; live animals (unless prepared for placing on the market for human consumption); plants prior to harvesting; medicinal products within the meaning of Directive 2001/83/EC; cosmetics within the meaning of Regulation (EC) No 1223/2009; tobacco and tobacco products within the meaning of Directive 2014/40/EU; narcotic or psychotropic substances within the meaning of the UN Single Convention on Narcotic Drugs, 1961, or the UN Convention on Psychotropic Substances, 1971; residues and contaminants; or medical devices within the meaning of Regulation (EU) 2017/745 of the European Parliament and of the Council.

“gambling” means whether in person or by remote means, betting, gaming or participating in a lottery..

“health claim” means any claim that states, suggests or implies that a relationship exists between a food category, a food or one of its constituents and health. The term also includes a reduction of disease risk claim,



meaning any health claim that states, suggests or implies that the consumption of a food category, a food or one of its constituents significantly reduces a risk factor in the development of a human disease.

“health-related product” means a product that is presented or advertised as having a benefit to human health, other than a medicinal product, a medical device, or a food or cosmetic product.

“HFSS food products” means food products that are assessed as high in fat, salt or sugar in accordance with the Nutrient Profiling Model developed by the UK Food Standards Agency as adopted by the Commission and set out at the Appendix to the Code and Rules.

“infant formula” means food intended for use by infants during the first months of life and satisfying by itself the nutritional requirements of such infants until the introduction of appropriate complementary feeding.

“interactive technique” means an advertising technique which allows the viewer or listener to interact with the television or radio broadcast by actively choosing the advertising content to which they wish to be exposed, and for as long as they wish. Interactive advertising allows the viewer or listener to provide information directly to the broadcaster or advertiser by means of a return path, and/or to participate in an interactive environment which is separate from the broadcast content.

“licensed characters” means characters and personalities that are licensed to feature in a commercial communication but which have no direct association with the product or service promoted, and include characters and personalities from, for example, a cinema release or video game.

“medical treatment” means a treatment or service intended to prevent, cure or alleviate a medical complaint, condition, symptom or disease. This includes, but is not limited to, psychiatry, psychotherapy and counselling.

“medicinal product” means any substance or combination of substances presented as having properties for treating or preventing disease in human beings, or any substance or combination of substances which may be used in or administered to human beings either with a view to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action, or to making a medical diagnosis.

“misleading commercial communication” means any commercial communication which in any way, including its presentation, deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behaviour or which, for those reasons, injures or is likely to injure a competitor;

“nutrition claim” means any claim which states, suggests or implies that a food has particular beneficial nutritional properties due to (a) the energy (calorific value) it provides, provides at a reduced or increased rate, or does not provide; and/or (b) the nutrients or other substances it contains, contains in reduced or increased proportions, or does not contain.

“product placement” means any form of audiovisual commercial communication consisting of the inclusion of, or reference to, a product, a service or the trade mark thereof so that it is featured within a programme in return for payment or for similar consideration.

“programme” means (a) a set of moving images with or without sound, or (b) audio material, in each case constituting an individual item, irrespective of its length, within a schedule or a catalogue established by a



broadcaster, including feature-length films, video clips, sports events, situation comedies, documentaries, children's programmes and original drama.

“programme characters” means characters and personalities from children's programmes currently broadcast and used to promote products or services in children's commercial communications. In this instance, “currently” means regular programming that is also due for return in the next broadcast season.

“sound broadcasting service or sound broadcast” means a service, within the meaning of Articles 56 and 57 of the Treaty on the Functioning of the European Union, where: (a) the principal purpose of the service is devoted to providing sound programmes, by electronic communications networks, to the general public, under the editorial responsibility of the provider of the service, in order to inform, entertain or educate; and (b) the service is provided for simultaneous or near-simultaneous listening to sound programmes on the basis of a programme schedule.

“split-screen technique” means a technique which allows the simultaneous presentation of editorial content and commercial information on the same screen, divided into two or more parts.

“sponsorship” means any contribution made by public or private undertakings or natural persons not engaged in providing audiovisual media services or video-sharing platform services or in producing audiovisual works to the financing of audiovisual media services, video-sharing platform services, user-generated videos or programmes with a view to promoting their name, trade mark, image, activities or products.

“subliminal techniques” means any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of, members of an audience without their being aware, or fully aware, of what has been done.

“surreptitious commercial communication” means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of services in programmes when such representation is intended by the broadcaster to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered as intentional if it is done in return for payment or for similar consideration.

“teleshopping” means a direct offer broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment.

“television broadcasting or television broadcast” (i.e. a linear audiovisual media service) means an audiovisual media service provided by a broadcaster for simultaneous viewing of programmes on the basis of a programme schedule.

“trailer” means a compilation of extracts from a forthcoming programme or programmes.

“virtual techniques” means advertising techniques which allow broadcasters to electronically insert virtual commercial messages into broadcasts by altering the broadcast signal itself, for example by replacing existing advertising boards on a field or by superimposing new (e.g. three-dimensional) images.



3. Exclusions

The following are not forms of commercial communication for the purposes of the Code and Rules and are not required to comply with the Code and Rules, but shall comply with the Commission's media service codes and media service rules relating to programme content:

- 3.1 trailers, which are considered programmes and not commercial communications where they relate to programmes carried on the same broadcasting service. Trailers for programmes on another broadcasting service aired without payment or similar consideration are considered cross-promotions where the broadcasting services are owned and controlled by the same broadcaster; and
- 3.2 public service announcements and charity appeals broadcast free of charge.



Media Service Code Provisions

Section 4: Prohibited Commercial Communications

4. Prohibited Commercial Communications

- 4.1 Broadcasters shall not broadcast a commercial communication that:
- 4.1.1 is a surreptitious commercial communication;
 - 4.1.2 uses subliminal techniques;
 - 4.1.3 is a misleading commercial communication;
 - 4.1.4 prejudices respect for human dignity;
 - 4.1.5 includes or promotes any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;
 - 4.1.6 encourages behaviour prejudicial to health or safety;
 - 4.1.7 encourages behaviour grossly prejudicial to the protection of the environment;
 - 4.1.8 is for cigarettes, other tobacco products, electronic cigarettes or refill containers;
 - 4.1.9 is for alcoholic beverages and is aimed specifically at children or encourages immoderate consumption of such beverages;
 - 4.1.10 is for medicinal products or medical treatments available only on prescription in the State or controlled drugs or psychoactive substances;
 - 4.1.11 constitutes teleshopping for medicinal products which are subject to market authorisation within the meaning of Directive 2001/83/EC (including prescription medicines), or teleshopping for medical treatment.
 - 4.1.12 is for infant formula intended for use by infants during the first six months of life;
 - 4.1.13 contains material which may reasonably be regarded as likely to incite to violence or hatred against any group, or against a member of a group, based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the European Union,² namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation. Nationality constitutes such a ground without prejudice to the special provisions of the Treaty on the Functioning of the European Union and of the Treaty on European Union.;
 - 4.1.14 includes conduct constituting public provocation to commit a terrorist offence within the meaning of Article 5 of Directive (EU) 2017/541;

² This includes but is not limited to members of the Traveller Community and Roma Communities.



- 4.1.15 may reasonably be regarded as causing harm or undue offence;
- 4.1.16 is likely to undermine the authority of the State; or
- 4.1.17 is directed towards a political end,³ has any relation to an industrial dispute, or addresses the merits or otherwise of adhering to any religious faith or belief, or of becoming a member of any religion or religious organisation, as prohibited under Sections 46M(2)(a) and 46M(2)(b) of the Act.

³ This prohibition does not apply to commercial communications broadcast on behalf of An Coimisiún Toghcháin (The Electoral Commission) in relation to a matter referred to in Section 32 of the Electoral Reform Act 2022 concerning a referendum. Broadcasters should be aware that other classes of commercial communication are prohibited, limited or otherwise restricted by legislative or regulatory provisions than those set out in this section of the Code.



Section 5: General Requirements (All commercial communications)

Due Diligence and Compliance

5.1 Commercial communications may be subject to separate regulation in addition to the provisions of this Code and Rules. This includes, but is not limited to, regulation by: -

- The Health Products Regulatory Authority (HPRA) (Medicinal and other products)
- The Central Bank (Financial products and services, including insurance)
- ComReg (Telecommunications and other products and services)
- The Gambling Regulatory Authority of Ireland (Gambling including betting, gaming and lotteries)
- Health Services Executive (Public Health (Alcohol) Act 2018, including related watershed on alcohol advertising).

Broadcasters shall take proportionate, reasonable and appropriate measures to satisfy themselves that all commercial communications created by or prepared for broadcast on their service, including those prepared by third parties, comply with relevant Irish and European legislation and with any rules, regulations and codes of practice issued from time to time by any relevant competent authority.

Audience Protection

5.2 Broadcasters shall ensure that:

- 5.2.1 commercial communications are scheduled appropriately, having regard to the time of broadcast, the type of programme, the likely audience and their expectations, and the nature of the product or service promoted;
- 5.2.2 commercial communications present all pertinent information relating to an offer clearly and in a manner that is not likely to mislead audiences via the content or presentation of the information;
- 5.2.3 reasonable measures are taken to ensure that commercial communications do not sound louder than adjacent programming. Broadcasters shall establish clear limits on the use of compression, limiting and equalisation as these apply to advertisements, in accordance with best practice;
- 5.2.4 sound effects are not used in commercial communications in such a manner as to mislead, confuse, or cause alarm or distress to audiences;
- 5.2.5 commercial communications do not induce unwarranted fear in audiences;
- 5.2.6 proportionate measures are taken to ensure that commercial communications likely to impair the physical, mental or moral development of children are only made available in a manner that children will not normally see or hear them;



- 5.2.7 commercial communications do not directly exhort children to buy or hire a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust children place in parents, teachers or other persons, or unreasonably show children in dangerous situations; and
- 5.2.8 any personal data of children collected or otherwise generated by any measures taken under subsection (f) above shall not be processed for commercial purposes, such as direct marketing, profiling and behaviourally targeted advertising.

Information and Claims in Commercial Communications

- 5.3 Broadcasters shall take proportionate and reasonable measures to ensure that:
 - 5.3.1 comparative commercial communications, including those relating to the environment or sustainability, objectively compare products or services that meet the same needs or are intended for the same purpose, are based on facts that can be substantiated, and that the subject matter of any comparison is not chosen so as to confer an artificial or unfair advantage on the promoter;
 - 5.3.2 products are not described as “free” unless supplied at no cost or no extra cost (other than actual postage or carriage);
 - 5.3.3 testimonials used are genuine, relevant and contemporary, and relate to the person giving the testimonial; and
 - 5.3.4 information detailing any claims included in commercial communications is presented in clear language and, where relevant, spoken at an appropriate speed so that the content of any additional information provided can be clearly understood.

Editorial Integrity and Transparency

- 5.4 Broadcasters shall ensure that:
 - 5.4.1 all commercial communications, including advertising and teleshopping, are readily recognisable and distinguishable from editorial content;
 - 5.4.2 without prejudice to the use of new advertising techniques, television advertising and teleshopping are kept quite distinct from other parts of the programme by optical and/or acoustic and/or spatial means;
 - 5.4.3 the insertion of commercial communications, including advertising and teleshopping, does not affect the integrity of a programme’s content or its scheduling. Advertising and teleshopping segments shall be inserted into programmes in such a way that takes into account the natural breaks in, and the duration and nature of, the programme concerned, and shall not prejudice the rights of the rights holders. This provision shall not apply to television channels exclusively devoted to advertising and teleshopping, or to television channels exclusively devoted to self-promotion;



5.4.4 presenters and on-air personnel do not advertise or endorse products or services during editorial content, except where editorially justified; and

5.4.5 persons who regularly present news programmes do not appear in commercial communications, except for appeals by registered charities or public service campaigns.

Third-Party Rights

5.5 Broadcasters shall ensure that living persons are not portrayed, impersonated, or referred to in commercial communications without their permission, unless the communication is for a publication, programme, or similar work featuring that person.

Section 6: Sponsorship

Editorial Independence

6.1 Broadcasters shall ensure that the content and scheduling of sponsored broadcasting services or programmes are in no circumstances influenced in such a way as to affect the responsibility and editorial independence of the broadcaster.

Distinction from Advertising

6.2. Broadcasters shall ensure that sponsorship arrangements do not constitute advertising as defined in the Code and Rules. In particular, broadcasters shall ensure that a sponsorship arrangement does not:

6.2.1 directly encourage the purchase or rental of goods or services;

6.2.2 include advertising copy, prices, endorsements, or a call to purchase as defined in the Code and Rules;

6.2.3 make special promotional references to a product or service including specific references to quantifiable sales and discounts such as 25% off, 2 for 1 offers, as well as references to the urgency or immediacy of the promotion; or

6.2.4 afford undue prominence to a product or service of the sponsor by giving a product or service greater prominence than editorially justified.

6.3. Broadcasters shall ensure that there is a clear separation between sponsorship and advertising for the audience.

Identification of Sponsorship

6.4. Broadcasters shall ensure that:

6.4.1 sponsored programmes are clearly identified as such at the beginning, during and/or at the end of programmes. Identification may be via acoustic or visual means including references to the sponsor's name, its product(s) or service(s) or a distinctive sign thereof, for example via a logo and/or any other symbol of the sponsor; and



- 6.4.2 sponsorship arrangements are limited to announcements declaring the sponsorship arrangement and announcements for sponsored competitions.

Prohibited Sponsorship

- 6.5. Broadcasters shall ensure that:

- 6.5.1 programmes or services are not sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products electronic cigarettes or refill containers;
- 6.5.2 sponsorship arrangements do not promote specific medicinal products or medical treatments available only on prescription in the State. Sponsorship arrangements by undertakings whose activities include the manufacture or sale of medicinal products and medical treatment may promote the name or the image of the undertaking only.

- 6.6. Broadcasters shall ensure that news programmes are not sponsored.

- 6.7. Television broadcasters shall ensure that:

- 6.7.1 news and current affairs programmes are not sponsored; and
- 6.7.2 a sponsorship logo is not shown during documentaries or religious programmes.

Sponsored Competitions

- 6.8. Broadcasters shall ensure that sponsored audience competitions within programmes do not constitute advertising as defined in the Code and Rules. Competition questions, entry mechanisms and prizes shall not give undue prominence to the sponsor, in particular its facilities, products or services.
- 6.9. Broadcasters shall ensure that participants in sponsored competitions have a fair chance of winning and shall make available to the audience all pertinent information in relation to the competition, including the terms and conditions applying, where they may be accessed and any provisions of those terms and conditions that place limits on the competition including participation in the competition.



Section 7: Product Placement (Television Only)

General Principle

- 7.1. Product placement shall be allowed in broadcasting services, subject to the requirements and exceptions set out in this Section.

Prohibited Product Placement

- 7.2. Broadcasters shall ensure that product placement is not included in:
- 7.2.1 news and current affairs programmes;
 - 7.2.2 consumer affair programmes;
 - 7.2.3 religious programmes; or
 - 7.2.4 children's programmes.
- 7.3. Broadcasters shall ensure that programmes do not contain product placement of:
- 7.3.1 cigarettes or other tobacco products, electronic cigarettes or refill containers, or product placement from undertakings whose principal activity is the manufacture or sale of such products;
 - 7.3.2 specific medicinal products or medical treatments available only on prescription in the State.

Requirements for Programmes Containing Product Placement

- 7.4. Broadcasters shall ensure that programmes containing product placement meet all of the following requirements:
- 7.4.1 the content and scheduling of the programme shall not be influenced in such a way as to affect the responsibility and editorial independence of the broadcaster;
 - 7.4.2 the programme shall not directly encourage the purchase or rental of goods or services, in particular by making special promotional references to those goods or services;
 - 7.4.3 the programme shall not give undue prominence to the product in question;
 - 7.4.4 viewers shall be clearly informed of the existence of product placement by an appropriate identification at the start and at the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer;
 - 7.4.5 the closing credits of a programme containing product placement shall include the name of the providers and the products or services provided; and
 - 7.4.6 that product placement identification complies with any requirements published by the Commission from time to time with respect to the form of the identification of product placement in a programme.
- 7.5. Broadcasters shall keep a record of the programmes in which product placement occurs, the placement in each programme. This information shall be retained for 90 days following the broadcast



of a programme with product placement. This information must also be available in respect of any independent programmes commissioned by the broadcaster.

7.6. Broadcasters shall ensure that the placement of products in programme content is editorially justified.

Scope and Application

7.7. This Section applies only to programmes produced after 19 December 2009.

7.8. Sections 7.4.4, 7.4.5, 7.4.6 and 7.5 shall only apply to programmes that have been produced or commissioned by the broadcaster or a company affiliated to the broadcaster.



Section 8: Children's Commercial Communications

This Section applies to children's commercial communications as defined in the Code and Rules i.e. commercial communications that promote products, services, or activities that are deemed to be of interest to children and / or that are broadcast in or around children's programmes.

The requirements in this section are in addition to, and do not replace, the General Requirements in Section 2 of the Code and Rules.

Additional Prohibited Commercial Communications

- 8.1 In addition to the prohibitions set out in Section 1 of Part 2 of this Code and Rules, children's commercial communications containing representations of and / or references to the following are prohibited:
- 8.1.1 gambling;
 - 8.1.2 products and services relating to weight reduction, limitation or control;
 - 8.1.3 introduction and dating services;
 - 8.1.4 services of a sexual nature;
 - 8.1.5 split-screen, interactive, and virtual techniques; or
 - 8.1.6 surgical and non-surgical cosmetic products.
- 8.2 Broadcasters shall ensure that children's commercial communications that contain references, either visual or acoustic, to Christmas, are not broadcast prior to November 1st each year.

Transparency and Separation

- 8.3 Broadcasters shall ensure that children's commercial communications are clearly separate from programme content and do not include excerpts from children's programmes that might blur the distinction between commercial communications and programme content.

Factual Presentation

- 8.4 Broadcasters shall ensure that children's commercial communications do not take advantage of children's inexperience, natural credulity and sense of loyalty.
- 8.5 Broadcasters shall ensure that children's commercial communications:
- 8.5.1 clearly indicate which parts, elements or accessories are included as part of the normal purchase of the product or service and differentiate between those which are only available at extra cost;
 - 8.5.2 ensure that on-screen messages and small print are clear, simple and legible and remain on screen for a sufficient length of time to enable a child to read it;
 - 8.5.3 give children an indication of the actual size of the product;



- 8.5.4 clearly indicate when batteries are required for the operation of the product and whether these are supplied with the product;
- 8.5.5 clearly indicate when a product requires assembly and what age level is generally required to assemble the product;
- 8.5.6 avoid the use of language, special effects or imaginative scenes which could confuse the child or lead them to believe that the product or service has capabilities or characteristics that it does not have in reality;
- 8.5.7 do not, in the case of toys or products that persons under the age of 15 could ordinarily be expected to possess, make direct comparisons between existing and 'improved' versions/models of the product, even when the statements or claims are valid.

Pricing Information

- 8.6 Broadcasters shall ensure that, in children's commercial communications, any price or pricing-related information is presented in a manner that is clear to a child viewer or listener, complete and accurate. In particular:
 - 8.6.1 prices shall be in euro and inclusive of VAT and any related charges;
 - 8.6.2 where the price of an advertised item is dependent on the purchase of another, or where multiple items appear and only some are priced, this shall be made clear; and
 - 8.6.3 where toys above a price threshold of €50 are promoted, the price shall be stated in the commercial communication.
- 8.7 Broadcasters shall ensure that children's commercial communications do not:
 - 8.7.1 use language that minimises the cost of a product or service to children (for example, words such as "only" or "just"); or
 - 8.7.2 offer prizes or rewards to children for attracting new purchasers for the product or service.

Undue Pressure and Exploitation

- 8.8 Broadcasters shall ensure that children's commercial communications do not:
 - 8.8.1 directly encourage or exhort children to ask adults to buy them the products or services being promoted;
 - 8.8.2 imply that possession or use of a product or service will make the child or his/her family superior, either physically, socially or psychologically;
 - 8.8.3 imply that possession or use of a product or service will contribute to or detract from the child's popularity or acquisition of friends;
 - 8.8.4 provoke anxiety in children over their bodily appearance; or
 - 8.8.5 expressly suggest or imply that a parent, guardian or adult who purchases or provides a product or service for a child, is better, more intelligent or more generous than one who does not.



Protection of Children

- 8.9 Broadcasters shall ensure that children's commercial communications only use children to comment on or endorse products and services that children could reasonably be expected to use and would usually be interested in themselves.
- 8.10 Broadcasters shall ensure that children's commercial communications do not:
- 8.10.1 encourage children to enter into unsafe situations or strange places or engage with strangers;
 - 8.10.2 show children in morally or physically dangerous situations, except where the sole purpose of the commercial communication is to promote safety;
 - 8.10.3 show children without appropriate safety equipment, without appropriate adult supervision, or failing to respect applicable safety rules, while engage in activities that require such equipment, supervision or rules.;
 - 8.10.4 encourage children to engage in, or portray children engaging in, anti-social behaviour, in particular bullying, taunting, or teasing other children, unless the sole purpose of the commercial communication is to discourage such behaviour;
 - 8.10.5 include scenes that could reasonably be expected to cause distress to children; or
 - 8.10.6 portray a child in a sexually provocative manner.
- 8.11 Broadcasters shall ensure that children's commercial communications do not include violence unless its inclusion is necessary as part of a public service message. When violence is included on that basis, broadcasters shall ensure that the communication is presented and scheduled responsibly so that it does not cause distress to children.

Diet and Nutrition

- 8.12 Broadcasters shall ensure that children's commercial communications:
- 8.12.1 are responsible in the manner in which food is portrayed and do not encourage an unhealthy lifestyle or unhealthy eating or drinking habits, including immoderate consumption, or excessive, compulsive or restrictive eating;
 - 8.12.2 when representing mealtimes, clearly and adequately depict the role of the product or service within the framework of a balanced diet;
 - 8.12.3 do not contain any misleading or incorrect information about the nutritional value of a product;
 - 8.12.4 do not make misleading or incorrect comparisons between foods;
 - 8.12.5 do not imply that particular foods are a substitute or replacement for fruit and/or vegetables;
 - 8.12.6 for fast food products, outlets and/or brands, display an acoustic or visual message stating 'should be eaten in moderation and as part of a balanced diet';
 - 8.12.7 for confectionery products, display an acoustic or visual message stating that 'snacking on sugary foods and drinks can damage teeth';



- 8.12.8 for cheese products, display an acoustic or visual message stating that 'Children should consume no more than a small matchbox size piece of cheese a day and lower fat choices are more suitable';
- 8.12.9 do not portray or refer to celebrities or sports stars to promote food or drink products (including HFSS food products and/or services), unless the commercial communication is part of a public health or education campaign.

High Fat Salt Sugar Products and Services

- 8.13 Broadcasters shall ensure that:
 - 8.13.1 commercial communications for HFSS food products and/or services shall not be permitted in or around children's programmes;
 - 8.13.2 children's commercial communications for HFSS food products and/or services shall not include licensed characters;
 - 8.13.3 children's commercial communications for HFSS food products and/or services shall not include health and nutrition claims; and
 - 8.13.4 children's commercial communications for HFSS food products and/or services shall not include promotional offers.
- 8.14 Section 8.13 shall not apply to children's commercial communications for cheese products. This exemption shall not apply to HFSS food products for which cheese is an ingredient.

Programme Characters

- 8.15 Broadcasters shall ensure that programme characters are not used to promote products or services (including HFSS food products and/or services) in children's commercial communications. This obligation shall not apply to children's commercial communications for products, events or services, directly associated with programmes in which the characters or personalities normally appear. In the case of children's commercial communications for products, events or services directly associated with the children's programme, these must not be broadcast for two hours prior to the beginning and following the end of the programme in question.



Sections 9 – 17: Sector-Specific Rules

9. Alcohol

- 9.1 In accordance with the Public Health (Alcohol) Act 2018, broadcasters shall only schedule commercial communications for alcohol during periods specified by that Act. Commercial communications for alcohol scheduled during permitted periods shall comply with this section and all other relevant sections of the Code and Rules.
- 9.2 Broadcasters shall ensure that commercial communications for alcoholic beverages shall not:
- 9.2.1 be aimed specifically at children or, in particular, depict children consuming these beverages;
 - 9.2.2 link the consumption of alcohol to enhanced physical performance or to driving;
 - 9.2.3 create the impression that the consumption of alcohol contributes towards social or sexual success;
 - 9.2.4 claim that alcohol has therapeutic qualities, or that it is a stimulant, a sedative or a means of resolving personal conflicts;
 - 9.2.5 encourage immoderate consumption of alcohol, or present abstinence or moderation in a negative light;
 - 9.2.6 place emphasis on high alcoholic content as being a positive quality of the beverages; or
 - 9.2.7 bear health claims or nutrition claims for beverages containing more than 1.2% AbV, other than those which refer to a reduction in alcohol or energy content.
- 9.3 Broadcasters shall not broadcast commercial communications for:
- 9.3.1 beverages containing alcohol content of 25% AbV or above (for example, vodka, whiskey, tequila, rum, gin and brandy); or
 - 9.3.2 alco-pops, pre-mixed spirit drinks and products of a similar nature.
- 9.4 Broadcasters are permitted to broadcast commercial communications promoting events or activities that have alcohol sponsorship. The sponsor of the event or activity, and the sponsor's products, may be referenced in the commercial communication but shall not be more prominent than the event or activity being promoted.
- 9.5 Broadcasters shall ensure that sports programmes and sports bulletins made or commissioned by the broadcaster, including competitions within sports programmes produced or commissioned by the broadcaster, do not directly promote alcohol brands.
- 9.6 Broadcasters shall ensure that solus or whistle-break advertising spots during sports programmes do not promote alcohol brands.
- 9.7 Broadcasters shall ensure that commercial communications for alcoholic beverages:
- 9.7.1 are not broadcast in or around children's programmes; and



9.7.2 are broadcast only in or around programmes with an adult audience profile of 75% or greater.

- 9.8 Broadcasters shall ensure that, where alcohol advertising is permissible, it is limited to a maximum of 25% of sold advertising time, and that only one in four advertisements for alcoholic beverages is permissible across the broadcast day. No more than two advertisements for alcoholic beverages may appear in any single advertising break.

Alcohol-Free Product

- 9.11 Broadcasters shall ensure that commercial communications for alcohol-free products =, do not through their presentation, scheduling, style and content appeal to, or target children. They shall not be broadcast in or around children's programming.

10. Health-Related Products, Treatments and Services

"Health-related products, treatments and services" in this section refers to health-related products, medical treatments, and cosmetic treatments and services, as defined in this Code and Rules. It does not include medicinal products or medical devices regulated by the HPRA.

- 10.1 Broadcasters shall ensure that commercial communications for health-related products, treatments and services do not:
- 10.1.1 state that the product, treatment or service will provide guaranteed outcomes or cures;
 - 10.1.2 include exaggerated or unrealistic claims that would mislead audiences;
 - 10.1.3 induce fear, or use alarming or misleading terms or imagery, in particular by suggesting that without treatment, the viewer may suffer or suffer more severely;
 - 10.1.4 encourage unnecessary, indiscriminate, irrational or excessive use of a product, treatment or service;
 - 10.1.5 give the impression that a medical consultation or surgical procedure is unnecessary, in particular by offering a diagnosis or by suggesting treatment by mail or electronic means;
 - 10.1.6 suggest that the health of the subject can be enhanced by using, or affected by not using, a product, treatment or service;
 - 10.1.7 contain unwarranted use of such words as "safe", "without risk", "harmless" or terms of similar meaning;
 - 10.1.8 suggest that the safety or efficacy of a product, treatment or service is due to the fact that it is natural;
 - 10.1.9 refer to a recommendation by scientists, health professionals, or persons who, because of their celebrity status, could encourage the use of a product, treatment or service;
 - 10.1.10 give the impression of professional advice or recommendation by persons presented, actually or by implication, as qualified to give such advice;
 - 10.1.11 refer to doctors unless appropriate in the context of the commercial communication; or



- 10.1.12 refer to a prize, competition or similar scheme, or offer a product, treatment or service as a prize in a competition.
- 10.2 Broadcasters shall not broadcast commercial communications for health-related products, treatments or services intended to treat any serious complaint, condition, symptom or disease, which should receive the attention of a registered medical practitioner. This does not apply to commercial communications for health-related products, treatments or services being provided by a registered medical practitioner.
- 10.3 Broadcasters shall ensure that commercial communications for hypnosis, hypnotherapy, psychotherapy, cosmetic treatments, cosmetic services (including surgical procedures) and similar services contain: -
- 10.3.1 only the address of the service provider and factual descriptions of the products, treatments and services available,
- 10.3.2 nothing that could be deemed a direct encouragement to use the services.
- 10.4 Broadcasters shall ensure that commercial communications for health-related products, treatments and services do not contain material which is directed exclusively or principally at children.

Medicinal Products

- 10.5 Broadcasters shall not broadcast commercial communications for medicinal products otherwise than in accordance with the Medical Products (Control of Advertising) Regulations SI 541/ 2007.

11. Cosmetic Products

- 11.1 Broadcasters shall ensure that commercial communications for cosmetic products do not contain material (including text, names, trademarks, pictures or figurative or other signs) implying that these products have characteristics or functions which they do not possess.

12. Food, Nutrition and Health

Health and Nutrition Claims

- 12.1 Broadcasters shall ensure that commercial communications attributing medicinal properties to foods are only made available where such foods are legally recognised as a medicinal product. Those communications shall comply with Section X of this Code and Rules.
- 12.2 Broadcasters shall ensure that nutrition claims and / or health claims in commercial communications are based on and substantiated by generally accepted scientific data and are consistent with generally accepted nutrition and health principles.
- 12.3 Broadcasters shall ensure that nutrition claims and / or health claims in commercial communications are not made available where the average consumer could not reasonably be expected to understand the beneficial effects as expressed in the claim.



- 12.4 Broadcasters shall ensure that the use of nutrition claims and / or health claims in commercial communications do not:
- 12.4.1 include false, ambiguous or misleading information;
 - 12.4.2 give rise to doubt about the safety and/or the nutritional adequacy of other foods;
 - 12.4.3 encourage or condone excess consumption of a food;
 - 12.4.4 state, suggest or imply that a balanced and varied diet cannot provide appropriate quantities of nutrients in general, subject to derogations provided for by European law; or
 - 12.4.5 refer to changes in bodily functions which could give rise to or exploit fear in the consumer, either textually or through pictorial, audio, graphic or symbolic representations.
- 12.5 Broadcasters shall ensure that commercial communications involving health claims shall include all of the following information:
- 12.5.1 a statement indicating the importance of a varied and balanced diet and a healthy lifestyle;
 - 12.5.2 the quantity of the food and pattern of consumption required to obtain the claimed beneficial effect;
 - 12.5.3 where appropriate, a statement addressed to persons who should avoid using the food; and
 - 12.5.4 an appropriate warning for products that are likely to present a health risk if consumed to excess.
- 12.6 Broadcasters shall ensure that the following health claims are not used in commercial communications:
- 12.6.1 claims which suggest that health could be affected by not consuming the food;
 - 12.6.2 claims which make reference to the rate or amount of weight loss; or
 - 12.6.3 claims which make reference to recommendations of individual doctors or health professionals and other associations, not registered/certified by a relevant competent authority.
- 12.7 Broadcasters shall ensure that reduction of disease risk claims in commercial communications comply with European and Irish legislation and shall also bear a statement indicating that the disease to which the claim is referring has multiple risk factors and that altering one of these risk factors may or may not have a beneficial effect.

Follow-on Formula

- 12.8 Broadcasters shall ensure that commercial communications for follow-on formula:



- 12.8.1 provide the necessary information about the appropriate use of the products, so as not to discourage breastfeeding, and do not suggest, either directly or by implication, the superiority of this product to breastfeeding;
- 12.8.2 clearly indicate the unsuitability of this product for infants under six months;
- 12.8.3 do not use the terms “humanised”, “maternalised”, “adapted”, or terms similar to them; and
- 12.8.4 are designed in such a way that they avoid any risk of confusion between infant formula and follow-on formula, and enable consumers to make a clear distinction between them, in particular as to the text, images and colours used.

High Fat, Salt and Sugar (HFSS) Food and Beverages

- 12.9 Broadcasters shall ensure that a maximum of 25% of sold advertising time, and only one in four advertisements for HFSS food and beverage products and/or services, are permissible across the broadcast day.

13. Slimming Treatments, Products and Services

- 13.1 Broadcasters shall ensure that commercial communications do not contain any offer of a treatment, product or service for slimming (i.e. weight reduction, limitation or control) which:
 - 13.1.1 is in itself likely to lead to harmful effects;
 - 13.1.2 is not directly associated with the following of a properly designed diet; or
 - 13.1.3 does not clearly state the manner in which slimming will be achieved.
- 13.2 Broadcasters shall ensure that commercial communications for slimming treatments, products and services do not contain material which is directed exclusively or principally at children.
- 13.3 Broadcasters shall ensure that commercial communications for foods for use in energy-restricted diets for weight reduction do not make reference to the rate or amount of weight loss which may result from their use.

14. Smoking Cessation Aids and Nicotine Pouches

- 14.1 Broadcasters shall ensure that commercial communications for products or services purporting to assist people to quit smoking indicate clearly that the product or service is only effective in conjunction with the positive application of the consumer’s willpower.
- 14.2 Broadcasters shall ensure that commercial communications for products or services purporting to assist people to quit smoking do not indicate that a cure will be brought about by the product or service.
- 14.3 Broadcasters shall ensure that commercial communications for nicotine pouches, including synthetic nicotine, do not through their presentation, scheduling, style and/or content appeal to, or target children. They shall not be broadcast during children’s programming.



15. Financial Services and Products

- 15.1 Broadcasters shall ensure that commercial communications for financial services and products are presented in terms which will not mislead, whether by exaggeration, omission or in any other way.

16. Gambling

- 16.1 Broadcasters shall ensure that commercial communications for the National Lottery comply with Advertising Code of Practice approved by the Regulator of the National Lottery.
- 16.2 Broadcasters shall not broadcast a commercial communication in respect of an entity that is not duly licensed by the Gambling Regulatory Authority of Ireland.
- 16.3 Broadcasters shall ensure that commercial communications do not contain anything which could be deemed to be a direct encouragement to gamble. This includes providing information detailing special offers, free bets as prizes in competitions, discounts, inducements to visit any gambling establishment (including online), or any promotional offer intended to encourage the use of services of this nature.
- 16.4 Broadcasters shall ensure that portrayals of gambling in commercial communications do not:
- 16.4.1 encourage behaviour that is socially irresponsible or could lead to financial, social, psychological or emotional harm;
 - 16.4.2 suggest gambling can be a solution to personal or professional problems or financial concerns;
 - 16.4.3 suggest that gambling can enhance personal qualities or contribute towards sexual attraction and success or social success; or
 - 16.4.4 depict or feature children gambling.
- 16.5 Broadcasters shall ensure that commercial communications for gambling do not contain material which is directed exclusively or principally at children and shall not be broadcast in or around children's programmes.

17. Premium-Rate Telecommunications Services

- 17.1 Broadcasters shall ensure that commercial communications for premium-rate telecommunications services clearly state all charges for accessing those services, in terms which do not mislead, whether by exaggeration, omission or in any other way.



Section 18: Advertising and Teleshopping: Placement and Insertion

Television Advertising and Teleshopping: Break Patterns and Insertions

- 18.1. Television broadcasters shall comply with the following:
- 18.1.1 the transmission of films made for television (excluding series, serials and documentaries), cinematographic works and news programmes may be interrupted by television advertising, teleshopping, or both, once for each scheduled period of at least 30 minutes;
 - 18.1.2 the transmission of children's programmes may be interrupted by television advertising once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes;
 - 18.1.3 advertising and / or teleshopping shall not be inserted during any broadcast of a religious service; and
 - 18.1.4 isolated advertising and / or teleshopping spots shall be admissible in sports events. Isolated advertising and teleshopping spots, other than in the transmission of sports events, shall remain the exception.

Teleshopping: Additional Requirements

- 18.2. Television broadcasters shall ensure that:
- 18.2.1 teleshopping windows are clearly identified as such by optical and acoustic means and shall be of a minimum uninterrupted duration of 15 minutes; and
 - 18.2.3 teleshopping is not included during children's programmes.

Radio Advertising Insertion

- 18.3. Broadcasters of sound broadcasting services shall ensure that advertising is not inserted during any broadcast of a religious service.

Exemptions: Dedicated Advertising Channels

- 18.4 Sections 18.1.1 to 18.1.3, 18.2.2 shall not apply to television channels exclusively devoted to advertising and teleshopping, or to television channels exclusively devoted to self-promotion.



Media Service Rules Provisions

Section 19: Advertising and Teleshopping: Time Limits

This section is without prejudice to the powers granted to the Minister for Culture, Communications and Sport and pursuant to Section 106 of the Act, to approve certain time limits for advertisements in sound broadcasting services provided by RTÉ and certain time limits for advertisements in television broadcasting services provided by RTÉ and TG4.

Daily and Hourly Advertising and Teleshopping Limits: Television Broadcasters⁴

- 19.1 Television broadcasters shall ensure that:
- 19.1.1 the proportion of television advertising spots and teleshopping spots within the period between 06.00 and 18.00 hours does not exceed 20% of that period.
 - 19.1.2 the proportion of television advertising spots and teleshopping spots within the period between 18.00 and 24.00 hours shall not exceed 20% of that period.
 - 19.1.3 with the exception of community television broadcasters, the maximum time permitted for television advertising spots in any one clock hour shall be 12 minutes.
 - 19.1.4 in the case of community television broadcasters, the maximum time permitted for advertising spots in any one clock hour shall be 6 minutes.
- 19.2 Section 19.1 shall not apply to:
- 19.2.1 announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes or with programmes and audiovisual media services from other entities belonging to the same broadcasting group;
 - 19.2.2 sponsorship announcements;
 - 19.2.3 product placements; or
 - 19.2.4 neutral frames between editorial content and television advertising or teleshopping spots, and between individual spots.
- 19.3 Sections 19.1 and 19.2 shall not apply to television channels exclusively devoted to advertising and teleshopping, or to television channels exclusively devoted to self-promotion.

Daily and Hourly Advertising Limits – Radio Broadcasters⁵

- 19.4 Subject to Sections 19.5 and 19.6, broadcasters of sound broadcasting services shall ensure that:

⁴ The provisions in this subsection are media service rules made pursuant to Sections 46O(1), (2), (3) and (9) of the 2009 Act.

⁵ The provisions in this subsection are media service rules made pursuant to Sections 46O(1), (2), and (4) of the 2009 Act.



- 19.4.1 the total daily time devoted to the broadcasting of advertisements does not exceed 15% of the total daily broadcasting time; and
- 19.4.2 the time given to advertising in any clock hour does not exceed a maximum of 12 minutes.
- 19.5 Community broadcasters of sound broadcasting services shall ensure that the time given to advertising in any clock hour does not exceed a maximum of 6 minutes.
- 19.6 Broadcasters of sound broadcasting services holding a contract under Section 68(1) of the Act shall not carry advertising.
- 19.7 For the purposes of 19.4, 19.5 and 19.6, the following will not be calculated as time spent broadcasting advertising:
- 19.7.1 announcements made by a broadcaster in connection with its own programmes and ancillary products directly derived from those programmes, or with programmes from other entities belonging to the same broadcasting group; and
- 19.7.2 sponsorship announcements.
- 19.8 In sound broadcasting services, mandatory regulatory disclosure statements shall not count toward advertising minutage, provided that it is clear to listeners that these statements are part of the overall commercial communication for a financial product or service, and the statements themselves do not include any content that constitutes advertising.



Appendix One: Nutrient Profiling Model

For the purpose of this Code, the Nutrient Profiling Model developed by the UK Food Standards Agency should be used to assess whether a commercial communication is for a product or service that is high in fat, salt or sugar and therefore subject to restrictions and regulation. There are three steps to working out the overall score of a food or drink.

1. Work out total 'A' points

A maximum of ten points can be awarded for each nutrient.

Total 'A' points = (points for energy) + (points for saturated fat) + (points for sugars) + (points for sodium). The following table indicates the points scored, depending on the amount of each nutrient in 100g of the food or drink:

Points Allocation 'A' Nutrients

Points	Energy (kJ)	Sat Fat (g)	Total Sugar (g)	Sodium (mg)
0	≤ 335	≤ 1	≤ 4.5	≤90
1	>335	>1	>4.5	>90
2	>670	>2	>9	>180
3	>1005	>3	>13.5	>270
4	>1340	>4	>18	>360
5	>1675	>5	>22.5	>450
6	>2010	>6	>27	>540
7	>2345	>7	>31	>630
8	>2680	>8	>36	>720
9	>3015	>9	>40	>810
10	>3350	>10	>45	>900

If a food or drink scores 11 or more 'A' points then it cannot score points for protein unless it also scores 5 points for fruit, vegetables and nuts.

2. Work out total 'C' points



A maximum of five points can be awarded for each nutrient/food component.

Total 'C' points = (points for % fruit, vegetable & nut content) + (points for fibre [either NSP or AOAC]) + (points for protein)

The following table indicates the points scored, depending on the amount of each nutrient/food component in 100g of the food or drink: -

Points Allocation 'C' Nutrients:

Points	Fruit, Veg and Nuts (%)	N&P Fibre (g)	Or AOAC Fibre ⁶ (g)	Protein (g)
0	≤40	≤0.7	≤0.9	≤1.6
1	>40	>0.7	>0.9	>1.6
2	>60	>1.4	>1.9	>3.2
3	-	>2.1	>2.8	>4.8
4	-	>2.8	>3.7	>6.4
5	>80	>3.5	>4.7	>8.0

3. Work out overall score

- If a food scores **less than 11 'A'** points then the overall score is calculated as follows:

Total 'A' points (energy + saturated fat + sugars + sodium) minus total 'C' points (fruit, veg and nuts + fibre + protein)

- If a food scores **11 or more 'A' points** but scores 5 points for fruit, vegetables and nuts then the overall score is calculated as follows:

Total 'A' points (energy + saturated fat + sugars + sodium) minus total 'C' points (fruit, veg and nuts + fibre + protein)

- If a food scores **11 or more 'A' points, and less than 5 points for fruit, vegetables and nuts**, then the overall score is calculated as follows:

Total 'A' points (energy + saturated fat + sugars + sodium) minus total points for fibre + points for fruit, vegetables and nuts (not allowed to score for protein)

⁶ One or other of the dietary fibre columns should be chosen to how the fibre content of the food or beverage was calculated by the manufacturer.



A **food** is classified as 'less healthy' where it scores **4 points or more and is subject to the restrictions in the Code.**

A **drink** is classified as 'less healthy' where it scores **1 point or more and is subject to the restrictions in the Code.**

For further detail on the application of this model, please refer to separate guidance provided by the Commission and published on www.cnam.ie.

