

## **REVISED CODE FOR COMMERCIAL ADVERTISING ON DOORDARSHAN**

**Definition---** In this code, unless the context otherwise requires:-

- (i) “Government” means, Government of India.
- (ii) “Director General” means, the Director General, Doordarshan or any officer duly authorized by him on his behalf and includes the Director, Doordarshan Kendra.
- (iii) “Advertiser” means any individual or organization including a commercial concern which has offered any advertisement to telecast over television.
- (iv) “Advertising Agency” means any organization which is accreditation to or registered with Doordarshan as such.
- (v) “Advertisement” includes any item of publicity for goods or services inserted in the programme telecast by Doordarshan with a view to increase sales.
- (vi) “Spot Advertisement” means any direct advertisement mentioning products/ services, their merits and other related details.
- (vii) “Advertising Association” means an Association or Society or any other body of whose constituent members are advertising agencies registered or accredited to Doordarshan.

### **SCOPE**

- (a) The Director General, Doordarshan shall be the sole judge of the suitability or otherwise of an advertisement for telecast and his/her decision in this regard shall be final.
- (b) Doordarshan time shall be sold to the Advertisers/ Advertising Agencies at the sole discretion of the Director General, Doordarshan according to the prescribed rate.
- (c) The advertisement should be clearly distinguishable from the programme by using suitable wipes/blank, in order to avoid the message of the programme getting mixed up with the content and images of the advertisement.

## **I. INTRODUCTION**

Advertising is an important and legitimate means for the seller to awaken interest in his goods and services. The success of advertising depends on public confidence. Hence no practice should be permitted which tends to impair this confidence. The standards laid down here should be taken as minimum standards of acceptability which would be liable to be reviewed from time to time in relation to the prevailing norms of viewer's susceptibilities.

The following standards of conduct are laid down in order to develop and promote healthy advertising practices in Doordarshan. Responsibility for the observance of these rules rests equally upon the Advertiser and the Advertising Agency.

All those engaged in advertising are strongly recommended to familiarize themselves with the legislation affecting advertising in this country, particularly the following Acts and the Rules framed under them:-

- (1) Drugs and Cosmetics Act, 1940.
- (2) Drugs Control Act, 1950.
- (3) Drugs and Magic Remedies (objectionable Advertisements) Act, 1954.
- (4) Copyright Act, 1957.
- (5) Trade and Merchandise Marks Act, 1958.
- (6) Prevention of Food Adulteration Act, 1954.
- (7) Pharmacy Act, 1948.
- (8) Prize Competition Act, 1955.
- (9) Emblems and Names (Prevention of Improper Use) Act, 1950.
- (10) Consumer Protection Act, 1986.
- (11) Indecent Representation of Women (Prohibition) Act, 1986.
- (12) AIR/ Doordarshan Code.
- (13) Code of Ethics for advertising in India issued by the Advertising Standards Council of India.
- (14) Code of Standards in relation to the advertising of medicine and treatments. (See Annexure I)
- (15) Standards of practice for Advertising Agencies. (See Annexure II)

(The list is illustrative and not exhaustive).

## **II. THE CODE**

### **General Rules of Conduct in Advertising**

1. Advertising shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the people.

2. No Advertisement shall be permitted which-

- (i) derides any race, caste, colour, creed and nationality;
- (ii) is against any of the directive principles, or any other provision of the Constitution of India;
- (iii) tends to incite people to crime, cause disorder or violence, or breach of law or glorifies violence or obscenity in any way;
- (iv) presents criminality as desirable;
- (v) adversely affects friendly relations with foreign States;
- (vi) exploits the national emblem, or any part of the constitution or respected leaders, state dignitaries, Gods and Prophets belonging to various religions
- (vii) relates to or promotes cigarettes and tobacco products, liquor, wines and other intoxicants either directly or indirectly.
- (viii) in its depiction of women violates the constitutional guarantees to all citizens such as equality of status and opportunity and dignity of the individual. In particular, no advertisement shall be permitted which projects a derogatory image of women. Women must not be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The portrayal of men and women should not encourage mutual disrespect. Advertiser shall ensure that the portrayal of the female form is tasteful and aesthetic, and is within the well established norms of good taste and decency.
- (ix) shows institutions like Armed Forces, Paramilitary Forces, Police, Traffic Police etc. in poor light.

3. Advertisement message being presented as news can be accepted provided it carries a super 'This is an advertisement' throughout the advertisement. The size of the 'Super' shall be of minimum 36 pixel height and it should be in the same language as the audio of the advertisement.

4. No advertisement shall be permitted the objects whereof are wholly or mainly of a religious or political nature, advertisements must not be directed towards any religious or political end or have any relation to any industrial dispute.

5. Advertisement for services concerned with the following shall not be accepted.

(i) Unlicensed employment services;

(ii) Sooth-sayers etc. and those with claims of hypnotism;

(iii) Betting tips and guide books etc. relating to horse-racing or other games of chance.

6. Doordarshan accepts the advertisements of educational institutions/colleges. However, it must be ensured that the institutions/colleges are genuine so as to ensure that students do not get misled.

Doordarshan will also accept advertisements relating to holiday resorts and hotels.

Doordarshan also accepts the advertisements relating to real estate including sale of flats/land, flats for rent both commercial and residential.

Doordarshan has also allowed the telecast of :

(i) Foreign products and foreign banks including financial services;

(ii) Jewellery and precious stones;

(iii) Mutual funds approved by SEBI;

(iv) Hair dyes;

(v) Matrimonial agencies.

However, to ensure that viewers do not get misled by false claims, it has been decided that all such advertisements must carry a statutory message at the end in the form of super imposition or caption as follows:

“VIEWERS ARE ADVISED TO CHECK THE GENUINENESS OF THE CLAIMS MADE”

7. The items advertised shall not suffer from any defect or deficiency as mentioned in Consumer Protection Act, 1986.

8. No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality which is difficult of being proved.

9. No advertisement shall contain the words ‘Guarantee’ or ‘Guaranteed’, etc. unless the full terms of the guarantee are available for inspection by the Director General, Doordarshan, and are clearly set out in the advertisement and are made available to the purchaser in writing at the point of sale or with the goods. In all cases terms must include details of the remedial action available to the purchaser. No advertisement shall contain a direct or implied reference to any guarantee which purports to take away or diminish the legal rights of a purchaser.

10. Scientific or statistical excerpts from technical literature etc., may be used only with a proper sense of responsibility to the ordinary viewer. Irrelevant data and scientific jargon shall not be used to make claims appear to have a scientific basis they do not possess. Statistics of limited validity should not be presented in a way as to make it appear that they are universally true.

11. Advertisers or their agents must be prepared to produce evidence to substantiate any claims, testimonials or illustrations. The Director General reserves the right to ask for such proofs and get them examined to his full satisfaction. In case of goods covered by mandatory quality control orders, the advertiser shall produce quality certificate from the institutions recognized by the Government for this purpose.

12. Advertisements shall not contain disparaging or derogatory references to another product or service.

13. Imitation likely to mislead viewers shall be avoided.

14. Visual and verbal representation of actual and comparative prices and costs shall be accurate and shall not mislead on account of undue emphasis or distortion.

15. The picture and the audible matter of the advertisement shall not be excessively 'loud'. This is to ensure that between the programme and the advertisement there is a smooth change-over avoiding jerkiness or shock to the viewers.

16. Information to consumer in matters of weight, quality or prices of products where given shall be accurate.

17. Advertisements indicating price comparisons or reductions must comply with relevant laws.

18. No advertisement shall be accepted which violates AIR and TV Broadcast Code which is reproduced below:-

#### General AIR/TV Code

- (1) criticism friendly countries;
- (2) attack on religions or communities;
- (3) anything obscene or defamatory;
- (4) incitement to violence or anything against maintenance of law and order;
- (5) anything amounting to contempt of court;
- (6) aspersions against the integrity of the President and Judiciary;
- (7) anything affecting the integrity of the Nation; and
- (8) criticism by name of any person.

19. Any pretence in advertising copy must be avoided and such copy shall not be accepted by Doordarshan Kendras. The 'simulation' of appearance or voice of a personality in connection with advertisements for commercial products is also prohibited unless bona fide evidence is available that such personality has given permission for the simulation and it is clearly understood that stations telecasting such announcements are indemnified by the advertiser or advertising agency against any possible legal action.

20. No advertisement for a product or service shall be accepted if it suggests in any way that unless the children themselves buy or encourage other people to buy the products or services, they will be failing in their duty or lacking in loyalty to any person or organisation.

21. No advertisement shall be accepted which leads children to belief that if they do not own or use the product advertised they will be inferior in some way to other children or that they are liable to be condemned or ridiculed for not owning or using it.

22. Any advertisement which endangers the safety of the children or creates in them any interest in unhealthy practices, shall not be accepted.

23. Children shall not be shown begging or in undignified or indecent manner.

24. No advertisement likely to bring advertising into contempt or disrepute shall be permitted. Advertising shall not take advantage of the superstition or ignorance of the general public.

25. No advertisements of talismans, charms and character reading from photographs or such other matter as well as those which trade on the superstition of general public shall be permitted.

26. Advertisements relating to or promoting astrology, numerology, palmistry and similar other forms of predictions shall not be permitted on Doordarshan.

27. Advertising shall be truthful, avoid distorting facts and misleading the public by means of implications and omissions. For instance, it shall not mislead the consumer by false statements, as to:

(i) the character of the merchandise, i.e. its utility, materials, ingredients, origin etc.

(ii) the price of the merchandise, its value, its suitability or terms of purchase.

(iii) the service accompanying purchase, including delivery, exchange, return, repair, upkeep etc.

(iv) personal recommendations of the article or service. The quality or the value of competing goods or the trustworthiness of statements made by others.

28. No advertisement shall be permitted to contain any claim exaggerated as to lead inevitably to disappointment in the minds of the public.

29. Methods of advertising designed to create confusion in the mind of the consumer as between goods by one maker and another maker are unfair and shall not be used. Such methods may consist in:

(i) the imitation of the trademark or name of competition or the packaging or labelling of goods; or

(ii) the imitation of advertising devices, copy, layout Or slogans.

30. Indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all advertisements. This also applies to such advertisements which in themselves are not objectionable as defined above, but which advertise objectionable books, photographs or other matter and thereby lead to their sale and circulation.

31. No advertisement in respect of medicines and treatments shall be accepted which is in contravention of the code relating to Standards for advertising of medicines and treatments as per Annexure-1.

32. Advertisements shall not portray animals or birds in a cruel, insensitive, disturbing or obnoxious manner. Such advertisements shall conform to the prevention of Cruelty to Animal Act, 1960.

33. No advertisement which promotes directly or indirectly production, sale or consumption of infant milk substitutes, feeding bottle or infant foods shall be permitted.

34. For all the advertisements the size of the “Supers” shall be of minimum 12 pixel height and stay not less than 4 seconds duration on the screen for up to 2 lines of “Supers”. For every additional line of “Super” additional 2 seconds of hold time would be required. Script of the “Supers” should be in the same language as the audio of the advertisement.

**Note I:** In all other respects, the Director General will be guided for purposes of commercial telecasting in Doordarshan by the Code of Ethics for advertising in India as modified from time to time

**Note II:** Notwithstanding anything contained herein, this Code is subject to such modifications/directions as may be made / issued by the Director General from time to time.



**Note III:** All advertising agencies shall adhere to the standards of practice as prescribed by Advertising Agencies Association of India, Mumbai, as given in Annexure II.

### **III PROCEDURE FOR THE ENFORCEMENT OF THE CODE**

1. Complaints or reports on contraventions of the Code, received by Doordarshan may in the first instance be referred by Director General to the Advertisers' Association (s) concerned with request for suitable action.
2. If complaints under the Code cannot be satisfactorily resolved at association(s) level they shall be reported to the Director General who will then consider suitable action.
3. For any complaint under the Code received by Doordarshan Concerning a party outside the purview of the various member association(s), the Director General will draw attention of such party to the complaint and where necessary, take suitable action on his/her own.

**ANNEXURE I**

**CODE OF STANDARDS IN RELATION TO**

**THE ADVERTISING OF MEDICINES**

**AND TREATMENTS**

This code has been drafted for the guidance of advertisers, manufactureres, distributors, advertising agents, publishers and suppliers or various advertising media. The harm to the individual that may result from exaggerated, misleading or unguaranteed claims justified the adoption of a very high standard and the inclusion of considerable detail in a Code to guide those who are concerned with this form of advertising. Newspaper and other advertising media are urged not to accept advertisements in respect of any product or treatment from any advertiser or advertising agent who disregards the provisions of this Code in any form of advertising or publicity relating to that product or treatment. The provisions of this Code do not apply to an advertisement published by or under the authority of a Government, Ministry or Department, nor to an advertisement published in journals circulated to Registered Medical Practitioners, Registered Dentists, Registered Pharmacists or Registered Nurses.

## **SECTION 1**

### **GENERAL PRINCIPLES**

#### **1. Cure:**

No advertisement should contain a claim to cure any ailment nor should any advertisement contain a word or expression used in such a form or context as to mean in the positive sense of extirpation of any ailment, illness or disease. We may accept advertisements for medicines which are available over the counter e.g. medicines for acidity, headache, fever, cold, cough etc. Also for tonics, vitamins, iron and calcium supplements etc. A super should be placed which should read as follows- "If symptoms persist kindly consult a doctor."

#### **2. Illness etc. properly requiring medical attention:**

No advertisement should contain any matter which can be regarded as offer of medicine or product for, or advice relating to, the treatment of serious diseases, complaints, conditions, indications or symptoms which should rightly receive the attention of a Registered medical practitioner (see Sec. 2).

#### **3. Misleading or exaggerated claims:**

No advertisement should contain any matter which directly or by implication misleads or departs from the truth as to the composition, character or action of the medicine or treatment advertised or as to its suitability for the purpose for which it is recommended.

#### **4. Appeals to fear:**

No advertisement should be calculated to induce fear on the part of the reader that he is suffering, or may without treatment suffer from an ailment, illness or diseases.

#### **5. Diagnosis or treatment by correspondence:**

No advertisement should offer to diagnose by correspondence disease, conditions or any symptoms of ill-health in a human being or request from any person or a statement of his or any other person's symptoms of ill-health with a view to advertising as to or providing for treatment of such conditions of ill-health by correspondence. Nor should any advertisement offer to treat by correspondence any ailment, illness, disease or symptoms thereof in a human being.

**6. Disparaging references:**

No advertisement should directly or by implication disparage the products, medicines or treatments of another advertiser or manufacturer or registered medical practitioner or the medical profession.

**7. College, clinic, institute, laboratory:**

No advertisement should contain these or similar terms unless an establishment corresponding with the description used does in fact exist.

**8. Doctors, hospitals etc.:**

No advertisement should contain any reference to doctors or hospitals, whether Indian or foreign, unless such reference can be substantiated by independent evidence and can properly be used in the manner proposed.

**9. Products offered particularly to women:**

No advertisement of products, medicines or treatments of disorders irregularities peculiar to women should contain expression which may imply that the product, medicine or treatment advertised can be effective in inducing miscarriage.

**10. Family Planning:**

Advertisement for measures or apparatus concerning family planning would be permissible in so far as they conform to the generally accepted national policy in this behalf.

**11. Illustrations:**

No advertisement should contain any illustration which by itself or in combination with words used in connection therewith is likely to convey a misleading impression, or if the reasonable inference to be drawn from such advertisement infringes any of the provisions of this Code.

**12. Exaggerated copy:**

No advertisement should contain copy which is exaggerated by reason of improper use of words, phrases or methods of presentation e.g. the use of words—magic, magical, miracle, miraculous.

### **13.Natural remedies:**

No advertisement should claim or suggest contrary to the fact, that the article advertised is in the form in which it occurs in nature of that its value lies in its being a 'natural' product.

### **14.Special claims:**

No advertisement should contain any reference which is calculated to lead the public to assume that the article, product, medicine or treatment advertised has some special property or quality which is in fact unknown or unrecognized.

### **15.Sexual weakness, premature ageing, loss of virility:**

No advertisement should claim that the product, medicine or treatment advertised will promote sexual virility or be effective in treating sexual weakness or habits associated with sexual excess or indulgence or any ailment, illness or disease associated with those habits. In particular such term as 'Premature ageing,' 'loss of virility' will be regarded as conditions for which medicines, products appliances or treatment may not be advertised.

### **16.Slimming, weight reduction or limitation or figure control:**

No advertisement should offer any medical product for the purpose of slimming, weight reduction or limitation or figure control. Medical products intended to reduce appetite will usually be regarded as being for slimming purposes.

### **17.Tonics:**

The use of this expression in advertisements should not imply that the product or medicine can be used in the treatment of sexual weakness.

### **18. Hypnosis:**

No advertisement should contain any offer to diagnose or treatment complaints or conditions by hypnosis.

## SECTION 2

Restrictions imposed by statute on advertising on Medicines and Treatments:

1. Rule 106 of the Drug Rules, 1945, provides that no drug may convey to the intending user thereof any idea that it may prevent or cure one or more of the diseases or ailments specified in schedule 'J'.

### Schedule 'J'

<b>Blindness</b>	<b>Bright's disease</b>	<b>Cancer</b>
<b>Cataract</b>	<b>deafness</b>	<b>Delayed Menstruation</b>
<b>Diabetes</b>	<b>Epilepsy</b>	<b>Hydrocele</b>
<b>Infantile Paralysis</b>	<b>Leprosy</b>	<b>Leucoderma</b>
<b>Lockjaw</b>	<b>Locomotor Ataxia</b>	<b>Insanity</b>
<b>Tuberculosis</b>	<b>Tumors</b>	<b>Venereal diseases (in general)</b>
<b>Female Diseases (in general)</b>	<b>Fevers (in general)</b>	<b>Fits</b>
<b>Glaucoma</b>	<b>Goiter</b>	<b>Gonorrhoea</b>
<b>Soft Cancer</b>		
<b>Heart Diseases</b>	<b>High Blood Pressure</b>	<b>Lupus</b>
<b>Obesity</b>	<b>Paralysis</b>	<b>Plague</b>
<b>Rupture</b>	<b>Sexual Impotence</b>	<b>Small Pox</b>

2. No drug may purport of claim to procure or assist to procure, or may convey to the intending user thereof any idea that it may procure or assist to procure miscarriage in women.

### Definition

'Drug' includes for internal or external use for human being or animals all substances intended to be used for or in the treatment, mitigation, or prevention of disease in human being or animals, other than medicines and substances exclusively used or prepared for use in accordance with the Ayurvedic or Unani system of medicines.

**ANNEXURE II**

**STANDARDS OF PRACTICE FOR**

**ADVERTISING AGENCIES**

**(As approved by the Advertising Agencies**

**Association of India, Mumbai)**

1. Every member of the Association shall carry on his profession and business in such a manner as to uphold the dignity and interests of the Association.
2. Every member shall refrain from canvassing Advertisers or prospective Advertisers in such a way as to reflect detrimentally upon Advertising Agents in particular.
3. Canvassing is permitted subject to the condition that a member may be known to the client of another member its own capabilities as an Advertising Agency but may not submit a specific report or detailed recommendations concerning the clients advertising unless so requested by him in writing.
4. No member shall pay or undertake to pay or allow to an advertiser or his agent or representative, the whole or any portion of the standard rate of commission resulting or to result to such member from any advertising medium or promise or procure or undertake to procure advertising, or at a reduced rate or supply free or partly free to any advertiser, any advertising material, including finished drawings, or other art work, photographs, blocks, stereos, matrices or the like, typesetting or printing or defray in whole or in part the salary of any employee of an advertiser or grant any allowances, discount or the like or render any service having the effect of rebating the commission allowed by an advertising medium. The sharing of commission with member or overseas agency or with agent by this Association shall, however, be permitted.
5. The practice of submitting speculative campaigns is unhealthy to the growth of the advertising services and no speculative campaign shall be submitted by any member of the Advertising Agencies Association of India. By speculative campaign, It is meant, producing a campaign unsolicited by an advertiser and equally producing a campaign where the advertiser, and that such information shall be circulated by the Secretary of the Association if any such

queries were made by prospective advertiser, and that such information shall be circulated by the Secretary to all members.

6. Any member relinquishing an Account on the ground of slow payment, doubtful credit or incurring a bad debt, shall immediately notify the Secretary of the Association and such information shall be circulated in strictest confidence for information and protection of the members.

7. No business shall be accepted which is conditional upon the payment of commission fee or reward to third party not a full time employee of the members either for introducing the business or for services in connection with the account thereafter. This rule, however, shall not preclude a member from employing copy writers or production men at fees commensurate with the values of their work.

#### Obligation to Clients

1. Member Agencies must continue to render full Agency Service in reasonable conformity to the Association Agency Service Standards.

2. Members shall retain either commission granted by media owners or charge the clients a service for which shall never be less than 15% of the Clients gross expenditure.

3. Not shall they supply material for advertising on any basis that can be considered as direct or indirect or secret rebating. Where no commission is allowed by the Media Owner, the member will charge his clients minimum of 15% on the gross cost.

4. Members will not accept discounts or commission, other than the regular agency commission allowed by the publishers without clients knowledge and consent.

5. Member shall at all times use their best efforts to obtain for their clients the lowest rates to which such clients are entitled.

#### Obligation to Suppliers

Members shall take all steps to assure themselves as to the financial soundness of their clients.



## Obligation to Fellow Agencies

1. Members are required to use fair methods of competition; not to offer the services enumerated above or services in addition to them without adequate remuneration or extension of credit facilities or banking services.

2. Member shall neither prepare nor place any advertisement in any medium, which :

(a) is knowingly a copy or a plagiarism of any other advertisement of any kind whatsoever;

(b) makes attacks of a personal character, or makes uncalled for reflections on competitors or competitive goods;

(c) is indecent, vulgar, suggestive, repulsive or offensive either in theme or treatment;

(d) is objectionable medical advertising that makes remedial or curative claims, either directly or by inference, not justified by the facts of common experience.

(e) concerns a product known to the member to contain habit forming or danger drugs; or any advertisement which may cause money loss to the reader, or injury in health or morals or loss of confidence in reputable advertising and honourable business or which is regarded by the Executive Committee of the Advertising Agencies Association of India, as unworthy. In the event of a member providing to the satisfaction of the Executive Committee that a client has withdrawn his Account on the grounds of the member's refusal to undertake unethical Advertising (as described above) no other member shall accept any business whatever from the said client.