

MEMORANDUM FOR THE CABINET BY THE  
HON. THE PRIME MINISTER

Principles to be followed in Broadcasting  
Advertisements on Sound and Television

The principles to be followed in broadcasting advertisements on sound and television (Annex 1) which were concurred in by Hon. Ministers late in 1962 were approved by His Excellency on the 17th December, 1962.

2. The Malta Broadcasting Authority now propose to delete section 9 of the approved "principles" and to substitute it by the following:

"(9) No advertisements shall be included in or associated with :-

- (a) Religious services or programmes;
- (b) Formal State occasions;
- (c) Programmes broadcast to schools;
- (d) Ministerial Broadcasts;
- (e) Party Political Broadcasts;
- (f) News Bulletins;
- (g) Programmes prescribed by the Malta Broadcasting Authority."

3. The Malta Broadcasting Authority further propose to add the following new sections:

"(10) an interval of at least 2 minutes must elapse between programmes in categories (a) (b) (c) (d) and (e) and the advertising that may precede or follow them.

(11) The amount of time given over to advertising shall not exceed 8 minutes per hour of broadcasting averaged over each week; provided there may not be more than 10 minutes of advertising in any one clock hour.

(12) There may be up to 3 minutes of advertising in intervals between programmes; provided this period is limited to 1 minute when it immediately precedes or immediately follows an advertising magazine.

(13) In the case of Television, natural breaks to be used for insertion of advertising in the course of programmes may not exceed:

- (a) in a 30-minute programme, one interval for up to 2 minutes of advertising;
- (b) in a 30 - 60-minute programme, two intervals for up to 2½ minutes each.

(14) ...

(14) The minimum period which must elapse between successive periods of advertising is 3 minutes."

Sections 10 to 15 of the "advertising principles" to be renumbered 15 to 20 respectively.

4. The Malta Broadcasting Authority finally propose to delete proviso (d) to section 15 (renumbered 20) and to substitute it by the following:

"(20)(d) No advertisements for tobacco or alcoholic liquors may appear in the advertising intervals immediately before, during or immediately after programmes designed for children in the case of sound broadcasting and no advertisements for tobacco or alcoholic liquors may appear until 1½ hours after the day's transmission has started on Television."

5. As regards the proposed amendments listed at paragraph 3, the Government is bound to allow the company to broadcast adverts up to a maximum of 8 minutes per hour calculated over a period of one week. The cumulative time period cannot be reduced even though it appears excessive. The company could however conceivably broadcast, at a specific time, adverts for 30 minutes at a stretch. The proposed amendments therefore afford a welcome restriction on the indiscriminate accumulation of advertising.

6. In so far as advertising during natural breaks is concerned, an aggregate interval of 5 minutes in a 35-minute programme may, in fact, still be considered to be somewhat excessive. It is therefore suggested that the proposed section 13 should be recast as follows:

"13. In the case of Television natural breaks to be used for insertion of advertising in the course of programmes may not exceed:-

- (a) in a 40-minute programme, one interval for up to 2 minutes of advertising;
- (b) in a 41 - 60-minute programme, 2 intervals for up to 2½ minutes each.

7. As regards the proposed amendment to subsection 15 (d) (renumbered 20 (d)) it seems obvious that, where possible, ways and means should be found to avoid adverts of alcoholic and tobacco products to reach children. Newspapers meant for children never carry such adverts and it is felt that similar criteria should be applied to sound and television broadcasts during periods when children normally listen or view in. To achieve this the proposed amendment may not be altogether sufficient. To-day local television broadcasts start at 6.30 p.m. with the children's programme. The present time-table may however be altered at any time and there may also be special circumstances such as the showing of a football match which may involve the showing of the children's programme after 1½ hours from the commencement of the

television broadcast. It may therefore be considered advisable to have the subsection recast as follows:

20 (d) No advertisements for tobacco or alcoholic liquors may appear in the advertising intervals immediately before, during or immediately after programmes designed for children in the case of sound broadcasting and no advertisements for tobacco or alcoholic liquors may appear before 8.30 p.m. during the straight period from the 1st November to the end of the following February and before 9 p.m. during the straight period from the 1st March to the 31st October."

8. Hon. Ministers are invited to agree to the amendments to the "Principles to be followed in broadcasting advertisements on Sound and Television" as proposed by the Malta Broadcasting Authority (paras 3 and 4 above) subject to the further amendments proposed at paras 6 and 7.

14th January, 1965.

MALTA BROADCASTING AUTHORITYPrinciples to be followed in Broadcasting  
Advertisements on Sound and TelevisionPREAMBLE

1. The general principle governing all advertising broadcast in Malta is that it should be legal, clean, honest and truthful.
2. The Broadcasting Authority and/or its Contractors reserve the right to reject any material which does not conform with the spirit of these principles, even though it may not offend any of the specific grounds set out hereunder.

DEFINITION

3. The word "advertisement" implies any item of publicity inserted in the programmes broadcast in conformity with the Malta Broadcasting Ordinance, 1961, in consideration of payment to the Authority's Contractors.

GENERAL

4. Advertisements shall be subject to the provisions of the Malta Broadcasting Ordinance (Ordinance No. XX of 1961).
5. All advertisements shall be clearly distinguishable as such and be separate from the rest of the programme.
6. Advertisements shall not be inserted otherwise than at the beginning and end of a programme or in natural breaks which occur in a programme.
7. No advertisements shall be included which contain any reference to industrial, political or religious controversy.
8. The Authority and/or its Contractors may reject any advertisement which it considers unsuitable for broadcasting.
9. No advertisements shall be included in or associated with programmes of a religious nature and there shall be an interval of at least 2 minutes before and 2 minutes after such programmes during which no advertisements shall be carried.
10. Nothing shall be included in any programmes broadcast by the Authority and/or its Contractors, whether in an advertisement or otherwise, which states, suggests or implies, or could reasonably be taken to state suggest or imply, that any part of any programme broadcast by the Authority and/or its Contractors, which is not an advertisement has been supplied or suggested by any advertiser.

Provided ...

Provided that nothing in this subsection shall be construed as prohibiting the inclusion in the programmes broadcast by the Authority and/or its Contractors, of programmes which have been accepted and approved by the Authority and with which an advertiser, in consideration of payment, may be allowed to associate himself without exercising control over the contents of such programmes, such association taking the form of announcements, immediately before the commencement or immediately after the end of any such programme or in natural breaks therein, of the name or goods and services of the sponsor.

#### FALSE OR MISLEADING ADVERTISEMENTS

11. No advertisement, taken as a whole or in part, shall contain any spoken or visual presentation of the product or service advertised, or statement of its price, which directly or by implication misleads.

#### IN PARTICULAR

- a) SPECIAL CLAIMS - No advertisement shall contain any reference which is likely to lead the public to assume that the product advertised, or an ingredient, has some special quality or property which is in fact unknown, unrecognised or incapable of being established.
- b) SCIENTIFIC AND TECHNICAL TERMS - Statistics, scientific terms, quotations from technical literature and the like must be used with a proper sense of responsibility to the ordinary listener. The irrelevant use of data and jargon must never be resorted to in order to make claims appear more scientific than they really are. Statistics of limited validity should not be presented in such a way as to make it appear that they are universally true.
- c) IMITATION - Any imitation likely to mislead listeners, or viewers even though it is not of such a kind as to give rise to a legal action for infringement of copyright or for "passing off", must be avoided.

#### DISPARAGING REFERENCES

12. No advertisement shall contain any statement intended to promote sales by unfair comparison with or reference to competitive products or services.

#### TESTIMONIALS

13. Documentary evidence of testimonials may be required as a condition of the acceptance of advertisements. The irresponsible use of testimonials must be avoided.

GUARANTEE ...

GUARANTEE

14. The word "guarantee" should be used with caution and sparingly and only in relation to some specific description or quality and the detailed terms of any such guarantee must be available for inspection. Where the guarantee is associated with an offer to return the purchase price, it must be made quite clear to what it applies and in what way it protects the purchaser.

ADVERTISING IN CHILDREN'S PROGRAMMES

15. No product or service may be advertised and no method of advertising may be used, in association with a programme intended for children or which large numbers of children are likely to hear or see which might result in harm to them physically, mentally or morally, and no method of advertising may be employed which takes advantage of the natural credulity and sense of loyalty of children.

IN PARTICULAR

- a) No advertisement which encourages children to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels, etc., is allowed.
- b) No advertisement for a commercial product or service is allowed if it contains an appeal to children which suggest in any way that unless the children themselves buy or encourage other people to buy the product or service they will be failing in some duty or lacking in loyalty towards some person or organisation whether that person or organisation is the one making the appeal or not.
- c) No advertisement is allowed which leads children to believe that if they do not own the product advertised, they will be inferior in some way to other children or that they are liable to be held in contempt or ridicule for not owning it.
- d) No advertisements for tobacco or alcoholic liquors may appear in the advertising intervals immediately before, during or immediately after programmes designed for children.