Preliminary and General Norms

a) Purpose of the Code

The purpose of the Self-Regulatory Code is to ensure that advertising, in undertaking its especially useful role in the economic process, is undertaken as a service for the public, with special regard to its influence on the consumer.

The Code defines the activities in contrast with the aforesaid purposes, though in compliance with current legislative provisions; all of these rules, expressing the behaviour with which the advertising sector must comply, are the regulatory basis for the self-regulation of advertising.

b) Parties for which the code is binding

The Self-Regulating Code on Advertising is binding for users, agencies, advertising and marketing consultants, managers of advertising media of any type and for all those who have accepted it directly or by their association, or by the signature of a contract stated in point d), aimed at undertaking advertising.

c) Obligations of signatory parties

The signatory parties agree to observe and ensure acceptance by their associates of the norms of the Code and the self-regulatory Regulations, to give suitable distribution to the decisions of the judging body, and to adopt adequate measures towards associated who fail to comply with the judgement of that body or who are repeated offenders.

d) Clause of acceptance

In order to better ensure compliance with the decisions of the judging body, the signatory bodies agree to ensure that each associated party includes a special clause of acceptance of the Code, the Regulations self-regulatory and the decisions taken by the Jury in its contract, also with regard to their publication, as well as the injunctions of the Control Committee that have become definitive.

e) Definitions

For the effects of the Code, the term "advertising" includes the advertising and any other form of communication, also institutional, aimed at promoting the sale of goods or services whatever the procedures utilised, as well as the forms of communication regulated by Title VI. This does not include commercial policies and marketing techniques considered as such.

The term "product" includes any object of the advertising and is therefore understood to be also extended to the service, method, treatment, rights, obligations and similar. The nature of the product or of the service as such is not the object of the Self-Regulating Code.

The term "message" includes any form of presentation of the product to the public and is therefore understood to also be extended to the packaging, wrapping, label and similar.

The term "consumer" includes any party – a real person, legal person or collective body – to which the advertising is addressed or which might be able to receive it.

For the effects of the Self-Regulating Code the distribution for didactic purposes of promotional material does not form advertising when this is requested by public or private schools and the use takes place under the control of teaching personnel.

Title I Rules of behaviour
Art. 1 – Fairness of the advertising
The advertising must be honest, truthful and correct. It must avoid anything likely to discredit itself.

Art. 2 – Deceptive advertising
The advertising must avoid any declaration or representation that might deceive consumers, also by omissions, ambiguity or exaggerations not obviously excessive, especially with regard to the characteristics and effects of the product, the price, free distribution, conditions of sale, dissemination, the identity of the persons represented, prizes or awards.

In assessing the deceptive nature of the advertising, the parameter is the average consumer of the reference group.

Art. 3 – Terminology, quotes, technical and scientific testing, statistical data
Terminology, quotes and mentions of technical and scientific testing must be used in an appropriate manner. Technical and scientific testing and statistical data with limited validity may not be presented in such a way as to appear as having unlimited validity.

Art. 4 – Testimonials
Testimonials must be authentic, responsible and liable to checking.

Art. 5 – Guarantees
Obligatory guarantees cannot be reported with procedures giving the impression that their contents are greater or different.

If guarantees greater than or different from the obligatory ones are reported, the advertising must specify the contents and procedures of the guarantee offered, or provide a brief but significant indication together with the simultaneous quoting of written information sources available at the point of sale or included with the product.

Art. 6 – Demonstration of the truth of the advertising
Anyone who utilises advertising must be able to demonstrate, upon request by the Jury or of Control Committee, the truthfulness of the data, descriptions, affirmations, illustrations and the consistency of the testimonials used.

Art. 7 – Identification of the advertising
Advertising must always be recognisable as such. In media where, besides the advertising, other types of information and contents are communicated to the public, the advertising inserted must be definitely distinct, with the use of suitable methods.

Art. 8 – Superstition, credulity, fear
The advertising must avoid any form of exploitation of the superstition, credulity, and except for justified reasons, fear.

Art. 9 – Violence, vulgarity, indecency
The advertising may not contain affirmations or representations of physical or moral violence or material which, according to the taste and the sensitivity of the consumers, might be deemed indecent, vulgar or disgusting.

Art. 10 – Moral, civil and religious convictions and the dignity of the person
The advertising may not offend moral, civil and religious convictions. It must respect the dignity of the person in all its forms and expressions, and must avoid any form of discrimination.

Art. 11 – Children and adolescents
Particular care must be taken in advertisements addressed to children and adolescent or which could be received by them. These advertisements may not contain anything that might harm them mentally,
morally or physically, and may not exploit their natural credulity or lack of experience, or their sense of fairness. In particular this advertising may not induce anyone to:

- violate generally accepted norms of social behaviour;
- commit dangerous actions or expose themselves to dangerous situations;
- to believe that not possessing the product involved in the message signifies inferiority, or the failure by parents to undertake their duties;
- diminish the role of parents and of other educators in providing valid indications regarding diet;
- adopt habitual behaviour involving an unbalanced diet, or neglect the need to follow a healthy lifestyle;
- induce other persons to purchase of the product involved in the message.

The use of children and adolescents in the message must avoid any abuse of the natural sentiments of adults for younger people.

Art. 12 – Health, safety and the environment
Advertising regarding products which might involve dangers, in particular for the health, safety and the environment, especially when these dangers are not easily recognisable, must indicate them clearly. In any case, the advertising may not contain descriptions or representations which might induce the recipients to ignore the normal rules of prudence or diminish the sense of vigilance and responsibility towards dangers.

Art. 13 – Imitation, confusion and exploitation
Any excessive imitation of advertising by others must be avoided, even if this regards non-competing products, especially if this is likely to create confusion with advertising by others.

Any exploitation of the name, trademark, notoriety and corporate image of others must likewise be avoided, if this is intended for gaining unjustified profit.

Art. 14 – Denigration
Any denigration of the activities, enterprises or products of others, even if not named, is prohibited.

Art. 15 – Comparison
Comparison is allowed when this is useful for illustrating, with regard to the technical or economic aspect, characteristics and advantages of the goods and services involved in the advertising, by objectively comparing characteristics that are essential, pertinent, technically verifiable and representative of competitor goods and services, that satisfy the same needs or propose the same objectives.

The comparison must be fair and not deceptive, may not induce risks of confusion, or cause discredit or denigration. It may not acquire undue advantages from the notoriety of others.

Art. 16 – Variety
Advertising that is acceptable for a given medium or a given product may not necessarily be acceptable for others, considering the different characteristics of the various media and the various products.

In the cases stated in articles 17, 18, 21, 27, 28 and 46 below, advertisements that do not contain all information required are allowed when the advertisements are limited to general statements.

The compliance of an advertisement with the norms of the Code does not exclude the possibility for the media to reject, within their freedom to enter into contracts, an advertisement that does not comply with the stricter criteria that they may establish.

Title II Particular Norms
A) Sales systems

Art. 17 – Sales on credit
Advertising regarding sales on credit must clearly specify the amount of the initial payment and the subsequent instalments, the interest rate and the accessory charges, as well as the total price of the product. It must specify in particular the conditions to which the granting of the credit is subjected, i.e. conditions of reserved dominion and similar, as well as those for leasing or hiring with a redemption agreement.

Art. 18 – Remote sales
Advertising regarding remote sale must clearly describe the products offered for sale, the prices and conditions of payment, the costs of delivery and any other charges to the consumer, the conditions of supply and, when applicable, the conditions for annulment of the sale, as well as the existence of and procedures for exercising the right of withdrawal.
It must furthermore indicate the identity, offices and geographical address of the seller.

Art. 19 – Unrequested items
All advertising regarding unrequested items is prohibited, when these aim to oblige the recipient to pay unless the latter rejects the products provided or sends them back to the supplier.

Art. 20 – Special sales
Advertising regarding special sales of any type, and in particular regarding promotional sales, must clearly indicate the description of the favourable occasion for purchase, as well as the expiry of the offer. The latter indication is not required on the packaging.

Art. 21 – Events with prizes
Advertising regarding events with prizes, conducted through competitions or other awards events, must enable the public to clearly and easily understand the conditions of participation, terms of expiry and prizes, as well as (in competitions) their number and total value, the procedures of assignment and means by which results will be made known.

B) Merchandise sectors

Art. 22 – Alcoholic beverages
Advertising regarding alcoholic beverages may not counter the need to favour the affirmation of consumption models based on moderation, correctness and responsibility. This is to ensure the protection of the primary interest of persons, and in particular of children and adolescent, to have a family, social and working life protected from the consequences related to the abuse of alcoholic beverages.
In particular the advertising must avoid:
• encouraging and excessive and uncontrolled, and therefore harmful, use of alcoholic beverages;
• representing situations of obsessive attachment to the product and, in general, of dependence on alcohol, or inducing the belief that the use of alcohol can solve personal problems;
• addressing or making any reference, also indirect, to minors, and in any case representing the latter engaged in consuming alcohol;
• associating the driving of vehicles with the use of alcoholic beverages;
• inducing the public to believe that the consumption of alcoholic beverages may contribute to mental lucidity and to physical and sexual efficiency, and that the lack of such consumption involves a condition of physical, psychological or social inferiority;
• representing soberness and abstaining from the consumption of alcoholic beverages as negative values;
• inducing the public to neglect the different procedures of consumption that must be taken into account in relation to the characteristics of the single products and the personal conditions of the consumer;

• utilising the high alcohol content of a beverage as the main theme.

Art. 23 – Cosmetic products and products for personal hygiene
Advertising regarding cosmetic products and products for personal hygiene may not induce the belief that they have characteristics, properties and functions other than those of being applied to the surfaces of the human body, on the teeth and on the mucous membranes of the mouth, with the exclusive or prevalent purpose of cleaning, deodorising, scenting, correcting the aesthetic appearance or protecting these areas to maintain them in a good condition.

This advertising, therefore, while being able to present the aforesaid products as having subsidiary characteristics for the prevention of particular pathological situations, as long as this purpose has specific formulas and ingredients, does not induce the consumer to confuse cosmetic products or products for personal hygiene with drugs, with medical products and curative treatments.

Art. 23 bis – Dietary supplements and dietary products
The advertising regarding dietary supplements and dietary products may not boast properties that do not correspond to the particular characteristics of the products, or properties that the products do not actually possess.

Furthermore, this advertising must be conducted in such a way as not to lead consumers to commit nutritional errors and must avoid references to recommendations or certifications of any physician.

These rules shall also apply to dietary foods for infants, those wholly or partly replacing maternal nursing and serving for weaning or food supplements for children.

With regard, in particular, to advertising regarding dietary supplements proposed for weight control or the reduction and other specific types of supplements, the norms contained in the specific Regulations shall apply, and form an integral part of this Code.

Art. 24 – Physical and aesthetic treatments
Advertising regarding physical and aesthetic treatments of the person may not induce the belief that these treatments have therapeutic or restorative functions, or have the capacity to produce radical results, and must avoid references to recommendations or certifications of any physician.

Art. 25 – Medicinal products and curative treatments
Advertising regarding drugs and curative treatments must take into account the particular importance of the topic and be undertaken with the utmost sense of responsibility as well as in compliance with the technical sheet summarizing the characteristics of the product.

This advertising must remind the consumer of the need for suitable caution in the use of the products, with a clear and explicit invitation to read the notices on the package and not induce the incorrect use of the products.

In particular, the advertising to consumers regarding over the counter medical specialties must include the name of the drug and the common name of the active principle; the latter is not obligatory if the drug contains several active principles, or if the message has the sole purpose of giving a general reminder of the name of the product.

, the advertising regarding over the counter medicinal specialties or curative treatments may not:

• induce the belief that the effectiveness of the drug has no secondary effects, or that its safety or effectiveness is due to the fact that it is a natural substance;

• attribute to the drug or treatment and effectiveness equal to or greater than that of others;

• make the consultation of a physician or a surgical operation appear superfluous, or induce the public to an erroneous self-diagnosis;

• address children, exclusively or prevalently, or induce minors to utilise the product without adequate supervision;
• utilise the recommendations of scientists, medical personnel or persons widely known to the public, or the fact that is the marketing of the drug has been authorised, or make reference to certificate of recovery in an improper or deceptive manner;
• assimilate the drug with a dietary, cosmetic or other consumer product;
• induce the belief that the drug or curative treatment may improve the normal state of good health, or that their absence may have damaging effects; unless a vaccination campaign is involved;
• utilise in an improper, deceptive or frightening way of representations of alterations of the human body due to disease or injuries, or the action of the drug.

With particular regard to advertising of veterinary drugs, the norms contained in the specific Regulations shall apply, and form an integral part of this Code.

Art. 26 – Courses of instruction and methods of study or teaching
Advertising regarding course of instruction and methods of study or teaching may not contain any promise of work or exaggerate the possibilities of employment or remuneration offered to those who follow the courses or adopt the methods proposed; they may likewise not offer titles and qualification that are not officially recognised or in any case not obtainable with these means.

Art. 27 – Financial and real estate transactions
Advertising aimed at soliciting or promoting financial transactions and in particular transactions for savings and investment in moveable goods or real estate must provide clear and exhaustive information so as not to induce the public in error as to the proposing body, the nature of the proposal, the amount and characteristics of the goods or services offered, the conditions of the transaction, as well as related risks, in order to allow the recipients of the message, even if lacking specific preparation, to make aware choices of the use of their resources.
It shall, in particular:

a. In the indication of annual interest rates, avoid the use of terms such as "income" and "yield" in the sense of the sum total of income from capital and the increase of the assets value;

b. Not encourage the undertaking of commitments and the payment of advances without offering suitable guarantees;

c. Not project into the future the results of the past or state the yields obtained by calculating them on periods that are not sufficiently representative in relation to the particular nature of the investment and the fluctuations of the results.

Advertising for real estate transactions must be expressed in forms likely to prevent any deception deriving from the representation of securities investments as real estate investments, or stressing the economic aspect of the real estate without providing adequate indications as to the actual securities-related nature of the investment.

The provisions of this article shall also apply to advertising regarding banking and insurance activities, the latter when it is necessary to highlight the investment aspect.

Art. 28 – Organised travel
Advertising regarding organised travel, under any form, must provide complete and accurate information, with particular regard to treatment and the services included in the minimum price of participation. It must highlight an invitation to carefully consider the conditions of participation, payment and withdrawal, contained in the information documentation or the registration form.

Art. 28 bis – Toys, games and educational products for children
Advertising regarding toys, games and educational products for children may not induce the public into error:
• on the nature, services and sizes of the product involved in the advertising;
• on the degree of ability necessary to use the product;
• on the amount of expense, especially when the functioning of the product involves the purchase of complementary products.

In any case, this advertising may not minimise the price of the product or induce the belief that its purchase is normally compatible with any family budgets.

Title III Organ and their competences

Art. 29 – Composition of the Jury
The Jury is composed by a number of members between ten and twenty, appointed by the Institute for the Self-regulation of Advertising and chosen from experts on law, consumer problems and communication.

The members of the Jury shall hold office for two years and can be reconfirmed.

The Institute appoints from among members of the Jury the President and Vice-Presidents exercising the functions of the President in the latter’s absence.

The members of the Jury cannot be chosen from among experts who exercise their professional activity in the field of the self-regulation of advertising.

Art. 30 – Composition of the Control Committee
The Control Committee, the body guaranteeing the general interests of consumers, is composed of a number of members of between ten and twenty, appointed by the Institute and chosen from among experts on consumer problems, advertising techniques, means of communication and legal matters.

The members of the Control Committee shall hold office for two years and can be reconfirmed.

The Institute appoints from among the members of the Committee the President and the Vice-Presidents.

The Committee operates with division into sections of at least three members each, chaired by the Chairman or a Vice-Chairman. With regard to the composition and functioning of the Preliminary Opinions Section, the norms contained in the specific Regulations shall apply.

The members of the Committee cannot be chosen from among experts who exercise their professional activity in the field of the self-regulation of advertising.

Art. 31 – Principles for the judgement
The members of the Jury and of the Control Committee exercise their functions according to their free convictions and not representing category interest. In the undertaking of their tasks, the members of the Jury and of the Control Committee shall observe the utmost confidentiality.

Art. 32 – Functions of the Jury and of the Control Committee
The Jury examines the advertising submitted to it and issues its opinion on it according to this Code. The Control Committee:

• autonomously submits to the Jury, also following reports received, the advertising which in its view does not comply with the norms of the Code protecting the interests of consumers or advertising;
• expresses consultative opinions upon request by the President of the Jury;
• can invite the issuers on a preliminary basis to modify the advertising that appears not to comply with norms of the Code;
• can issue injunctions to desist pursuant to Art. 39;
• upon request by the interested party and according to the norms set forth in the specific Regulations, expresses on a preliminary basis its opinion on the compliance of the advertising submitted to on a definitive basis but yet broadcast, with the norms of the Code protecting the interest of consumers or advertising. The opinion is expressed with reservation as to the validity and completeness of the data and information provided by the requesting party. Upon this condition, approval commits the Control Committee not to act on its own behalf against the approved advertising. The parties for which a
preliminary opinion has been expressed shall refrain from any use of that opinion for commercial purposes.

The Jury and Control Committee may at any time request that those who utilise the advertising supply suitable documentation allow ascertainment of the truthfulness of the data, descriptions, affirmations, illustrations or testimonials used. For the evaluation of the documentation supplied, the Jury or Control Committee can avail themselves of the work of experts.

Except as provided for in this Code, the Jury and Control Committee shall exercise their functions without formalities.

Art. 32 bis – Consultants
The register of technical consultants of the Jury, appointed by the Institute for the Self-regulation of Advertising, is hereby established for persons clearly recognised as experts in the various sectors.

Art. 33 – Secretariat
The Secretariat of the Institute also undertakes the activity of secretariat for the Jury and Control Committee.

The Secretariat certifies the existence of proceedings before the Jury and, upon request by the interested parties, issuing written certification.

Art. 34 – Headquarters and meetings
The Jury, the Control Committee and Secretariat offices have their headquarters at the Institute.

The Jury and the Control Committee and their sections convene whenever the need arises, being convened by the President and Chairman, to be notified at least three days before the date set by them. This term may not be observed in cases of particular urgency.

The meetings of the Jury and of the Control Committee are not public.

The Jury is validly composed with the presence of at least 3 members; the Control Committee, in plenary session, of at least 5 members.

In the absence of the President and Vice-Presidents the chair shall be taken by the senior member with respect to appointment. The Jury and the Control Committee, the latter in plenary session, shall pass resolutions with the vote of the majority of the members present; in case of a tie, the vote of the President or Chairman shall be decisive.

In the sections of the Committee, the decisions must be taken unanimously; if this is not the case, the decision is submitted to the Committee in plenary session.

The sections of the Control Committee are validly constituted with the presence of at least three members.

In their meetings the Jury and the Control Committee are assisted by a Secretariat official required to respect confidentiality, and who leaves when the Jury votes on the resolutions.

Art. 35 – Administration
The administrative procedures regarding applications to the Jury and for the services provided by the Institute are decided by the Executive Council.

Title IV Procedural rules and sanctions

Art. 36 – Applications to the Jury and reports to the Control Committee
Anyone deeming to have been prejudiced by advertising activities contrary to the Self-Regulating Code can request the intervention of the Jury against those who, having accepted the Code in any of the forms indicated in the Preliminary and General Norms, have undertaken the activities deemed to have caused prejudice.
The interested parties must submit a written application indicating the advertising they intend to submit for evaluation by the Jury, illustrating their arguments, providing the relative documentation and the application fees established.

Individual consumers, and their associations, can report free of charge to the Control Committee any advertising deemed not to comply with the norms of the Self-Regulating Code that protect the general interests of the public.

Art. 37 – Proceeding before the Jury

Once the application has been received, the presidency of the Jury appoints from among the members of the Jury a relator, and eventually the technical consultant expert in the subject of the dispute, and orders the notification of the acts to the interested parties assigning them a term, not less than eight and not more than twelve free working days, for the depositing of the respective arguments and any documents, and convenes them before the Jury within the shortest term possible for the oral discussion that must focus above all on the aspects of the dispute that could not be analysed in writing.

In cases where the advertising involved in the application consists in a direct comparison, or regards a promotional offer with a duration equal to or less than thirty days, upon request by the applicant the term assigned to the defendant for the depositing of arguments and documents shall be eight free working days, and the hearing before the Jury shall take place, save for exceptional cases, no more than ten free working days from the submission of the application.

A specifically delegated representative of the Control Committee takes part in the discussion, and if necessary the technical consultant who may have been appointed.

The discussion cannot be postponed except for exceptional cases or by agreement by the parties.

In the proceedings, upon request by a party, the President of the Jury can request to the Committee a written consultative opinion, establishing the term for the depositing.

Once the discussion is over, the Jury:

a. Issues its decisions if it deems the issues to have been sufficiently analysed;

b. If it believes it necessary to acquire further elements for proof, it returns the acts to the relator, who acquires as soon as possible and without formalities the acts considered necessary for the analysis, after which he returns the acts to Jury for the continuation of the proceeding;

c. Should during the proceeding elements emerge showing the possible existence of violations not mentioned in the application being examined, these are ascertained, specified and declared automatically, save for the need to undertake the relative investigation.

The Jury may, at any time of the proceeding, request without formalities the opinions of the Control Committee on any issue.

Before the Jury, the parties can be assisted and represented by attorneys and consultants.

Art. 38 – Decision of the Jury

The Jury, at the end of the discussion, goes into the jury room and may invite the technical consultant who has been appointed to participate without voting rights.

The Jury issues its decision, immediately communicating it to the parties. When the decision states that the advertising examined is not in compliance with the norms of the Self-Regulating Code, the Jury orders the interested parties to desist from the same, in the terms indicated by the Regulations of the Code.

The decision, when appropriate, provides details on the elements ascertained.

In the shortest time possible, the Jury deposits the decision with the Secretariat which sends a copy to the parties and the interested bodies.

The decisions of the Jury are definitive.

Art. 39 – Injunction to desist
If the advertising examined seems evidently in contrast with one or more norms of the Self-Regulating Code, the Chairman of the Control Committee, with his own order, can issue an injunction to the parties to desist from the same.

The order, with brief motivations, is sent by the Secretariat to the parties, with the notification that each of them can advance motivated appeal to Control Committee within the non-extendible term of ten days.

The failure to submit appeal, the non-compliance with the stated term or the absence of motivation shall be verified by the Chairman of the Control Committee. In these cases, the injunction acquires effectiveness, and, with the relative certification of the Secretariat, is again notified to the parties so that they can comply within terms indicated in the corresponding Regulations of the Code.

If the appeal is made within the required term and is motivated, the injunction is deemed to be suspended. The Chairman of the Control Committee, taking into consideration the circumstances and reasons advanced by the parties, may decide, after consulting the Committee, to revoke the injunction and close the case, informing the parties. On the other hand, should the Control Committee deem that the reasons in the appeal are not convincing, the acts are transmitted to the President of the Jury with the relative motivation. If the latter also deems the reasons of the appeal to be unconvincing, he returns the acts to the Chairman of the Control Committee who proceeds pursuant to paragraph 3 above. If, on the other hand he believes a decision of the Jury to be desirable, he convenes the parties for the discussion of the dispute within the shortest possible time and in any case not beyond the terms provided for the ordinary procedure; with this step the injunction is considered to be revoked.

Art. 40 – Publication of the decisions

All the decisions are published by the Secretariat on the website and database of the Institute for the Self-Regulation of Advertising with the names of the parties involved.

The Jury can order single decisions to be made known to the public, in extract form, by the Institute, also with the names of the parties, in the manner and in the information media deemed suitable.

The text of the extract is drawn up by the relator and signed by the President.

The parties in relation to which the decision has been issued must refrain from any use of the decision for commercial purposes.

Art. 41 – Binding effect of the decisions of the Jury

The means of communication to which the notification is made, directly or through the Associations that have accepted the Self-Regulating Code, even if they have not participated in the proceeding before the Jury, are required to comply with the decisions.

Art. 42 – Non-compliance with decisions

Should those who are required to comply with the decisions of the Jury or of the Control Committee fail to do so within the time set forth in the specific regulations, the Jury or its President shall reiterate the order to cease the advertising concerned and order that the public be informed about the non-compliance, through the information media indicated, at the expense of the Institute for the Self-Regulation of Advertising.

To this end, anyone having an interest can submit an application at President of the Jury. The President, if the non-compliance has not occurred, shall order that the proceeding follow the ordinary procedure. Otherwise, a decision containing brief motivations, he shall ascertain the non-compliance and proceed pursuant to the first paragraph, informing the parties that they are entitled to submit a motivated appeal within the non-extendible term of 5 free working days, during which the measure is suspended. Failing the proper presentation of the appeal, or in case of its evident lack of justification, the decision becomes executive and is notified to the interested parties.

Otherwise, the President revokes the decision and summons the parties before the Jury for the discussion of the dispute within the shortest time possible and in any case not after the terms set forth for the ordinary procedure. The Jury, should it ascertain non-compliance, shall act pursuant to the first paragraph.
Title V Protection of creativity

Art. 43 – Creative projects
Should, in view of a possible future appointment for a task, a user request to an agency or professional, in the context of a competition, or a collective or individual consultancy, the presentation of one or more creative projects, that user must refrain from utilising or imitating the original and creative aspects of the project or projects not accepted or pre-selected for a period of three years from the date of the depositing of the relative material by the agency or the professional concerned, to be made in a sealed envelope at the Secretariat of the Institute for the Self-regulation of Advertising, according to the procedures set forth in the Regulations.

Art. 44 – Protection notices
For the purpose of the protection of the creative elements of the advertising, the isolated messages used as an anticipation and the protection of an advertising campaign must be deposited and published as set forth by the Institute for the Self-regulation of Advertising, according to the procedures set forth in the Regulations. The valid deposits can be consulted at the headquarters of the Institute and shown, for information purposes, on the website of the same.
The protection is effective for a period of eighteen months starting from the date of publication.

Art. 45 – Advertising undertaken abroad
The users who wish to protect advertising undertaken by them in other countries against possible imitations in Italy, can deposit examples of this advertising at the Secretariat of the Institute for the Self-Regulation of Advertising, according to the procedures set forth in the Regulations.
The depositing confers the right of priority valid for a period of five years from the date of the depositing.

Title VI Social communication

Art. 46 – Appeals to the public
Any advertisements aimed at making the public aware of topics of social interest, also specific, or those which solicit, directly or indirectly, the voluntary donation of contributions of any nature, aimed at achieving aims of a social nature, are subject norms of this Code.

These advertisements must state the identity of the author and the beneficiary of the request, as well as the social objective they intend to achieve.
The promoters of these advertisements can freely express their opinions on the topic involved, but must it must be clear that these are the opinions of the promoters and not ascertained facts.

On the other hand, the advertisements may not:
a. Unduly exploit human misery, harming the dignity of the person, or utilise shocking advertisements in such a way as to cause, without justification, alarm, sentiments of fear or of serious disturbance;
b. Attribute guilt or responsibility to those who do not intend to respond to the appeal;
c. Give a sensational representation of the degree or nature of the social problem for which the appeal is made;
d. Overestimate the specific or potential value of the contribution to the initiative;
e. Solicit minors to offer money.

These provisions shall also apply to advertising containing references to social causes.

REGULATIONS ON THE TIME TECHNICALLY REQUIRED TO IMPLEMENT THE SELF-REGULATORY DECISIONS
With reference to points c) and d) of the Preliminary and General Norms of the Self-Regulating Code on Advertising and taking into account that the aim of Art. 38 and 39 is to pursue the cessation, as soon as possible, of the advertising deemed not to comply with the Code, the Executive Council of the Institute has established 7 working days, and 5 working days in the cases set forth in Art. 37 para. 2 CA, as the obligatory term by which must the rejected advertising must cease, with regard to the following media: TV, radio, newspapers in black and white, billboards. The aforesaid terms are to be understood as the maximum limit and start from the working day after the issue of the decision of the Jury at the hearing. The Secretariat of the Institute, on the same day as the decision, notifies this measure to all the parties and all the media mentioned, which may become diligent parties to inform any other interested parties about the decision.

Should the order of cessation regard the packaging of the product, compliance must take place within the term of 120 days from the depositing of the motivation of the decision of the Jury.

For the measures of the Control Committee, the obligatory term starts from the day after the receipt of the injunction that has become definitive. Considering the peculiar characteristics of media other than those mentioned above, the order of cessation must be implemented within the time strictly indispensable from the technical point of view. Longer terms may be evaluated by the Jury for particular technical requirements.

The advertising party, in relation its responsibility for a prompt and concrete execution of the decisions taken with regard to its advertising, shall send written notification (also via fax) to the Secretariat of the Institute, by the working day after the one of the definitive decision by the self-regulatory bodies, stating that it has already taken measures to suspend the advertising concerned, not beyond the maximum terms stated above, on all the media included in the planning of the campaign.

REGULATIONS FOR THE PRELIMINARY OPINIONS OF THE CONTROL COMMITTEE

These Regulations govern the organisational and procedural procedures for the issue by the Control Committee of the preliminary opinions set forth in Art. 32 paragraph 2 point 5 of the Self-Regulating Code for Advertising.

1) A section in the Control Committee specifically dedicated to the issue of preliminary opinions, called "Preliminary Opinions Section", is set up. The Section is chaired by the Chairman of the Control Committee, one of its Vice-Chairmen, or a member of the Committee delegated for this purpose by the Chairman, and includes at least other two members, identified by the Chairman of the Control Committee by rotation among the members of the Committee who have specific competences in the individual subjects to be examined.

The applicant, once the request for the preliminary opinion has been deposited, is entitled to know the composition of the Section.

2) The Section has the general competence for the issue of the opinions set forth in Art. 32 paragraph 2 point 5 of the CA, with the effects stated therein. In especially delicate or complex cases, the President of the Section may transfer the issue of the opinion to the plenary session of the Control Committee, informing the applicant about this in advance.

The Section and the Control Committee may in any case avail themselves of experts.

3) The party intending to request un preliminary opinion shall submit to Secretariat of the Institute for Self-regulation a written request to this end, attaching to it the advertising on which the opinion will be requested, on paper and on electronic support, in a form as definitive as possible (for example: story-boards for television, complete scripts for the press etc.), or a detailed description in any case allowing the Committee of have full knowledge of all the characteristics of the advertising. The application may likewise be accompanied by documentation to support the compliance of the advertising with the
applicable norms of the Code. This option is an obligation in the case of claims regarding services, in order to confirm the truthfulness of the affirmations contained in the message.

Every request of preliminary opinion regards one advertising message only, and any changes made following the observations of the Committee. The request for a preliminary opinion shall be submitted together with the payment of the administrative fee laid down by the IAP Executive Council.

4) The Section, also through a member delegated for this purpose by the Chairman of the Control Committee, shall proceed without formalities to acquire from the interested party any information and clarification necessary or useful for issuing the opinion, using to this end the most rapid and suitable means of communication. The party requesting the opinion may in any case dialogue with the Section, both personally and through the means stated above, in order to better illustrate the aspects they consider to be relevant for the issue of the preliminary opinion.

5) The preliminary opinion is issued in written form and shall have adequate motivations, whether negative or favourable with reservations. It shall be issued in the shortest time possible and in any case within five working days from the date of arrival of the request to the Secretariat of the Institute for Self-regulation. In cases of particular complexity, the term can be extended up to eight working days.

REGULATIONS FOR DEPOSITING CREATIVE PROJECTS (Art. 43 CA)

In the case of an agency or professional intending to protect their creative project to be proposed in a competition, or a collective or individual consultation before the presentation of the project, the user shall:

a. Collect the copy of the texts and images (forming the creation to be protected) to be submitted to the user;

b. Attach to this collection a copy of the user’s invitation to participate in the competition, or a collective or individual consultation, and any other documentation deemed useful; and furthermore, a declaration certifying that the material corresponds to the material to be submitted to the user;

c. Insert the material stated in points a) and b) a presentation envelope, maximum size 40 × 30 cm, together with a list of the material;

d. Make the deposit, with the payment of the corresponding administrative fee, at the Secretariat of the Institute for the Self-Regulation of Advertising – via Larga 15 – Milan. This deposit must absolutely take place before the presentation of the project to the user, failing which the protection pursuant to Art. 43 CA shall not apply.

The Secretariat of the IAP, after receiving the material a sealed envelope, proceeds to:

e. Draw up in duplicate the certification of depositing, with the date and progressive number, the list of the material deposited and the signature of the official who has received the material;

f. Place the IAP stamp on the sealed envelope with the indication of the progressive number of the deposit a and copy of the certificate;

g. Hand over to the depositor a copy of the certificate certifying the deposit, after the administrative fee due has been paid;

h. Issue a receipt for the fee;
REGULATIONS FOR DEPOSITING PROTECTION NOTICES (Art. 44 CA)

With reference to Art. 13 and 44 of the Self-Regulating Code for Advertising, those who intend to protect a future advertising campaign by the anticipated dissemination of an individual advertisement, must deposit the essential elements of this creation, with a brief but significant description, eventually also visual, of the idea of the intended for protection, and disseminate the knowledge with the following procedures.

1) Those entitled to request the protection of a future advertisement must include in the request to the IAP the deposit of a publication of the announcement of protection on a newspaper indicated by the Institute (currently "Il Sole 24 Ore"), with a size of at least two modules, with the title "Deposit with the Institute for the Self-Regulation of Advertising".

The deposit of the advertisement published on the newspaper, and forming the object of the protection, must be made at the IAP Secretariat absolutely within 10 days from the publication in the newspaper. In case of absence of the required title "Deposit with the Institute for the Self-regulation of Advertising", the issue of the deposit certificate is subordinated to the re-publication of the ad in a correct form and its deposit, which must take place within 15 days from the first publication in the newspaper. On the other hand, no protection shall apply in case of failure to comply with the terms required with regard to the publication and depositing.

2) Together with the request of deposit, a copy of the newspaper and the payment of the relative administrative fee, the applicant can likewise deposit anything else deemed useful for the better documentation of the advertisement to be protected.

3) The right of priority acquired in this way is valid for a period of 18 months from the first publication, also in the case of subsequent regularisation, and can be held as claim against anyone who, through any media, imitates the advertisement to be protected.

4) The published ad must contain the indication one message only for one product only, while it need not necessarily contain indications identifying the name of the product or the company; in this case, however, the name of the agency, studio or consultant must be indicated.

5) All the deposited material, except for any further documentation stated in point 2), can be consulted at the headquarters of the Institute.

6) The Secretariat shall undertake, solely for information purposes, the publication on the IAP website of the ads deposited with the date of the publication.

REGULATIONS ON ADVERTISING UNDERTAKEN ABROAD (Art. 45 CA)

Users who wish to protect the advertising undertaken by them in other countries against possible imitations in Italy, can deposit examples of this advertising at the Secretariat of the Institute for the Self-regulation of Advertising.

Users shall:

• attach a copy of the material available (press notice, story-board, script, VHS, CD-rom, DVD) of the campaign already undertaken abroad;

• indicate the name of the product, merchandise sector, country where the campaign takes place;
• make the deposit with the payment of the relative administrative fee at the Secretariat of the Institute for the Self-regulation of Advertising – via Larga 15 – Milan.

The Secretariat of the IAP, after receiving the material, shall issue certification of the deposit and the corresponding bill.

All the deposited material can be consulted at the headquarters of the Institute.

The Secretariat shall undertake, solely for information purposes, the publication on the IAP website of the material deposited.

The right of priority acquired in this manner is valid for a period of 5 years from the date of the deposit.

REGULATIONS ON THE ADVERTISING OF DIETARY SUPPLEMENTS PROPOSED FOR WEIGHT CONTROL OR REDUCTION AND OTHER TYPES OF SUPPLEMENTS

1) The products in question cannot be presented as "thinning". The role of the supplements designed for weight control or reduction is that of "coadjuvants for high-calorie diets". Furthermore, the concept of thinning must not be emphasised as being a synonym of good health.

2) In the advertisements regarding the products in question, the invented name may not be used as a means for supporting or guarantee properties of the product that do not exist or which the user is unable to demonstrate.

3) In the advertisements regarding the supplements proposed for weight control or reduction, references to scientific approval or ad support may not be used.

The use of "personnel in the sector" (physicians, pharmacists, dietologist etc.) who, thanks to their authority and credit before the public for their professional role, could support a general effectiveness of the products and diminish the critical judgement in the choice of consumers in relation their individual needs, varying from one individual to another, is prohibited.

For the same reasons, quoting of any approval by scientific Societies or Associations is prohibited.

4) It must be specified, in the context of the advertisements, that the use of the products in question must be accompanied by a suitable low-calorie diet and a greater level of physical activity, eliminating excessively sedentary behaviour.

5) The advertising of the supplements proposed for weight control or reduction may not present impersonal diets developed by experts as being universally valid.

The basis of the norm is the conviction, long supported in the scientific community, that it is incongruous and irrational to develop and propose impersonal diets without taking into account the real condition of the single individual. Therefore, diets developed on a standardised basis may not be presented as universally valid. Should the advertising propose a standard diet, it must in any case contain a warning to consumers of the need of verify, with the intervention of a physician or dietologist, whether the diet is suited to their needs.

6) The advertising regarding the supplements proposed for weight control or the reduction may not utilised images or testimonials aimed at comparing the situation previous to the use of the product with the results achieved with the use of the product.

7) The advertising regarding supplements proposed for weight control or reduction must avoid absolute quantifications of the results obtainable in a given period of time (in terms of weight reduction, circumference and body measurements, fatty mass, adipose deposits etc.).
8) The advertising regarding the supplements proposed for weight control or reduction may not induce the belief of being able to achieve significant results in a short time and without giving up anything. The use of an integrator for the control or reduction of body weight may have a sense and produce effects in the direction wished only if this is in the context of a diet which, in order to be low-calorie, necessarily involves giving up something (reduction of energy input). It is therefore in contrast with the principle of truth to promise results without giving up anything. Furthermore, loss of weight that is too rapid is dangerous for the health. Consequently, promising loss of weight in a short time may not only engender mistaken expectation, but also induce mistaken behaviour.

9) Particular precautions must be taken with regard to quoting clinical and scientific studies in the advertising of the supplements proposed for weight control or reduction, considering the particular vulnerability of the type of public to whom these products refer. Therefore:

- the use of expressions like "clinically tested", or "clinical tests show that...", and similar ones is prohibited, since they may induce the recipient of the message into error as to the context and extent of the studies conducted, and in any case as to the nature of the product advertised, presenting it as being endowed with therapeutic or pharmacological properties;

- scientific data found in bibliographical research conducted on one or more of the ingredients of the product may not be quoted, when these do not reflect the actual conditions of action of the components involved with reference to the dosage used in the product and their interaction with other possible components of the product;

- together with the affirmations contained in the advertisement, the circumstantial and truthful quotation of the specific results of tests on tolerability or effectiveness made on the advertised products is allowed, as long as the tests have been conducted according to criteria and methods accepted by the scientific community.

10) The advertising of the supplements proposed for the control or the reduction of the weight must avoid any explicit mention of "ideal" conditions of weight, an "ideal" figure or similar ones.

In the advertisements the delicate nature of the topic should be considered, in terms of communication, with respect to food psychopathologies. The concept of "ideal" weight is now outdated due to therapeutic errors and serious psychological illness.

11) The advertising of the products in question may not correlate accumulation of fat with the retention of liquids.

12) The advertising of products in question may not correlate body weight with the accumulation of intestinal gas.

13) The advertising of the products in question may not depict the Mediterranean diet, rich in complex carbohydrates, in negative terms.

14) The supplements advertised for weight control or reduction can claim only a generic coadjuvant action, but cannot claim untrue or undemonstrated advantages that their use might bring to particular sub-groups of persons with specific problems (for example nervous hunger, slow metabolism etc.).

OTHER TYPES OF SUPPLEMENTS

15) The advertisements regarding products claiming anti-age properties may not induce anyone to underestimate the need to adopt a healthy lifestyle with the removal of risk factors, and cannot therefore attribute to the sole use of the product the effect of preventing or of delaying ageing.
16) The advertising cannot lead anyone to believe that the use of an integrator or other non-medicinal product it is possible to deal with male impotence.

Abuses are frequently recorded in claims of effects stimulating physical and sexual performance, especially for men. Some advertising directly claims effects on male impotence for products that are thus proposed as alternatives to medical treatment.

It should be stressed that in the absolute majority of cases, experimental evidence on the effectiveness, for animals and humans, are quite scarce, and in any case not sufficient to confirm the claimed effects.

The advertising must take into account the coadjuvant role that these products may have, as in the effects of any tonic, without inducing anyone to underestimate the need for medical checking for a specific evaluation of their condition and, where necessary, a correct therapeutic approach.

17) The advertising of supplements designed to favour the control of plasmatic lipids must clarify that the function of these products is to favour a normal lipid metabolism, in the context of an adequate diet. These products may never be presented as suited to the treatment of pathological situations requiring the evaluation and intervention of a physician.

18) The advertising of supplements cannot lead people to believe that the products involve a selectivity of use for sports practitioners, or in any case for those who undertake intensive physical activity, due to effects favourable on the muscle mass or performance.

The products expressly designed for sports practitioners, showing this specific indication on the label, represent a specific category of dietary products.

REGULATIONS ON THE ADVERTISING OF DRUGS FOR VETERINARY USE

While maintaining the respect of provisions contained in the Self-Regulating Code of the Advertising, the advertising of veterinary drugs not subject to obligatory prescription by a veterinary physician must:

• be undertaken in such a way that the promotional nature of the message is evident and that the product is clearly identified as a drug;

• include at least the name of the veterinary drug and the common name of the active principle (indication not obligatory if the drug consists of several active principles), as well as an explicit and clear invitation (in the periodical and daily press using characters with a size not less than 9) to carefully read the warnings shown in the instruction sheet and/or external packaging;

• in derogation to point b) the advertising can be limited to containing the name of the drug, should this have the exclusive purpose of reminding the public.

Furthermore, the advertising of the veterinary drugs cannot contain any element that:

a. Makes the consultation of a veterinary physician or surgical operation seem superfluous, in particular offering a diagnosis or proposing a cure by correspondence;

b. Induces people to believe that the veterinary drug is innocuous and endowed with a wide margin of use;

c. Induces people to believe, also making reference to drug supervisory body data, that the veterinary drug has no collateral effects or that its effectiveness is better than or equal to that of another veterinary drug;
d. Induces people to believe that the veterinary drug is without risks for the person who administers it, and in the case of drugs for external use, for the persons who come into contact with the animal treated;

e. Induces people to believe that the veterinary drug is without risks of environmental impact;

f. Induces people to believe that the lack of the veterinary drug may have prejudicial effects on the normal state of good health of the animal;

g. Includes a recommendation of scientists, scientific or cultural associations, health personnel or of persons widely known to the public;

h. Assimilates the veterinary drug to another consumer product;

i. Induces people to believe that the safety or effectiveness of the veterinary drug is due to the fact that it is a "natural" substance;

j. May lead to a mistaken diagnosis by the owner of the animal;

k. Make reference in an undue, sensational or deceptive manner to certificates of healing;

l. Utilise in a sensational and deceptive manner visual representations of alterations of the body of the animal due to disease or lesions;

m. Emphasise that the veterinary drug has received authorisation to be marketed.

REGULATION TO GUARANTEE THE IMPARTIALITY OF THE SELF-REGULATORY DECISION

The members of the Jury, the Control Committee and the technical consultants stated in Art. 32 bis of the Code shall refrain from: a) In the cases related to Art. 51.1 Civil Proceedings Code.; b) When they are engaged – or have been so in the past 12 months – in undertaking their professional activity in favour of the advertiser or the applicant; c) In the cases where there are serious reasons of convenience. In these cases, the obligation of abstention shall also apply in relation to cases involving enterprises that are direct competitors of the one with which the member is in a condition of incompatibility.

The members of the Jury, of the Control Committee and the technical consultants stated in Art. 32 bis of the Code must refrain from granting their image in advertising activities.

Each member of the Jury and the Control Committee, and the technical consultant, shall assess whether he or she has any of the conditions of incompatibility at the time of receiving the documentation on the dispute or the files to be examined, and in case of a positive evaluation in this respect, shall promptly notify this abstention to the President of the Jury examining the case or of the section of the Committee. A President who deems that he or she is in a situation of incompatibility shall notify the abstention to the President of the Jury or the Chairman of the Control Committee. If the latter are in a condition of incompatibility, the latter shall notify their abstention to the President of the Institute for Self-Regulation.

The members of the "Preliminary Opinions Section" of the Control Committee shall report their incompatibility as soon as they have been notified of the identity of the party that has submitted the application and the subject to which it refers.

The evaluation of non-compliance with the rules on the obligation of abstention is referred to the Executive Council which may, at its own discretion, adopt different measures, including the declaration of cessation of the appointment of a member of the Jury, the Control Committee or of technical consultant, taking into account the concrete effect of the individual’s work on the self-regulatory procedure. In any case, the measure adopted shall not be a cause for impugning the decision issued by the Jury or the Resolution made by the Control Committee with the participation of the person deemed to be incompatible.

The Executive Council shall express itself on an application by anyone having an interest, after consulting the member of the Jury or of the Control Committee or the technical consultant involved.