
GENERAL NOTICE

NOTICE 172 OF 2009

The logo for ICASA (Independent Communications Authority of South Africa) features the letters 'I C A S A' in a bold, sans-serif font. The letters are arranged in a slightly curved line, with a circular graphic element behind them that resembles a globe or a stylized signal wave.

NOTICE OF INTENTION TO MAKE REGULATIONS AND CODE OF ADVERTISING PRACTICE SETTING OUT THE STANDARDS, PRACTICE AND PROHIBITIONS IN ADVERTISING, SPONSORSHIPS AND OTHER FORMS OF COMMERCIAL PROMOTION BY RADIO AND TELEVISION BROADCASTING SERVICE LICENSEES

- (1) The Independent Communications Authority of South Africa ("the Authority") hereby gives notice in terms of section 4 read with Sections 55(1) (2) (3) and 95 of the Electronic Communications Act, No. 34 of 2005 ("the Act"), of its intention to prescribe regulations and code setting out the code of conduct, standards, practice and prohibitions in/for advertising, sponsorship and other forms of commercial promotion in radio and television broadcasting services.
- (2) A copy of the proposed Regulation and Code will be made available on the Authority's website at <http://www.icasa.org.za> and in the ICASA Library at No. 164 Katherine Street, Pin Mill Farm, (Ground Floor at Block A), SANDTON between 10h00 and 16h00, Monday to Friday only.
- (3) Interested persons are invited to submit written comments or written representations with regard to the proposed Regulations and the Code. The Regulations (Annexure A) will be the Authority's regulatory tool whilst the Code (Annexure B) will be submitted to the Advertising Standard Authority of South Africa for inclusion in their Code of Advertising after proper consultation with the public. Submissions are to be received **by no later than 16h00 on the 27th of March 2009** by post, hand delivery, facsimile transmission, or electronically (in Microsoft Word) and marked specifically **Attention: Ms Mamedupe Kgatshe or Mr Sipiwe Hlongwane**. Further enquiries in that regard may also be directed to her via e-mail at: mkgatshe@icasa.org.za or shlongwane@icasa.org.za or **by facsimile: 011 566-3260/3246 or by telephone: 011 566 3259**; between 10h00 and 16h00, Monday to Friday only.

- (4) Any person who wishes to make a written representation is requested to indicate if s/he would also like to make oral submissions in the event that ICASA conducts public hearings in terms of Section 4(6) of the Act. The estimated duration of an oral submission at the hearing may not exceed one (1) hour.
- (5) Any written representation(s) submitted to ICASA pursuant to this notice, will be made available for inspection by interested persons at the ICASA library and copies of such representations will be obtainable upon payment of the prescribed fee.
- (6) At the request of any person who submits written representations pursuant to this notice, ICASA may determine that such representations or any portion thereof is confidential in terms of section 4D of the ICASA Act. Where the request for confidentiality is refused, the person who made the request will be allowed to withdraw such representations or a portion thereof.
- (7) With respect to written representations or portions thereof determined to be confidential in terms of paragraph 6 above, ICASA may direct that the public or any member or category thereof, not be present while any oral submissions relating to such representations or portions therefore are being made; provided that interested parties will have been notified in that regard and allowed to object thereto. The Authority will consider the objections and notify all interested parties of its decision.
- (8) The final regulations following the conclusion of the consultative process including any hearing that may be held, will be published in the Government Gazette and made available on the website referred to under (2) above.

PARIS MASHILE
CHAIRPERSON

ANNEXURE A

DRAFT REGULATIONS ON ADVERTISING, INFOMERCIALS AND PROGRAMME SPONSORSHIP FOR BROADCASTING SERVICE LICENSEES, 2009. (REVIEW OF THE 1999 REGULATIONS RELATING TO THE DEFINITION OF ADVERTISING AND THE REGULATION OF INFOMERCIALS AND PROGRAMME SPONSORSHIP IN RESPECT OF BROADCASTING ACTIVITIES)

SCHEDULE

1. DEFINITIONS

In these Regulations, any word or expression to which a meaning has been assigned in the Act, has the meaning ascribed to it unless the context indicates otherwise-

“**Act**” means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

“**advertisement**” means any material broadcast, in visual and/or audio form, for which the broadcaster receives a consideration, in cash or otherwise, and which promotes the interests of any person, product or service.

“**ASA**” means the Advertising Standards Authority of South Africa;

“**branded filler material which is of a public service nature**” means a visual and/or audio announcement transmitted by a broadcaster and aimed at imparting knowledge the dissemination of which is in the public interest, regardless of whether such announcement has the effect of promoting the interests of a commercial entity;

“**branded promotional spot**” means a promotional announcement transmitted by a broadcaster regarding a forthcoming programme or regarding a channel or station and which mentions or refers to an advertiser or a commercial entity;

“**children**” means persons under the age of 18 years;

“**commercial feature**” means a stand-alone feature, unrelated to a programme, and which may take the form of (but is not limited to) a commercial competition, advertising feature or advertising programme which is primarily intended to promote the interests of one or more

person, product, service or sponsor, regardless of duration, and excludes any programme competition;

“infomercial” means material of more than two minutes' duration, broadcast in visual and/or audio form, for which the broadcaster receives a consideration, in cash or otherwise, which is usually (but not necessarily) presented in a programme format, which promotes the interests of any person, product or service, which entails a direct offer of a product or service to a member or members of the public in return for payment, and which usually (but not necessarily) contains a demonstration of the use of the product or service concerned, and includes material known as teleshopping, home shopping, direct marketing and direct sales;

“news” means programming that is not current affairs by a broadcaster in which it reports on news events of immediate social, political or economic relevance and on matters of international, national and local significance;

“performance period” means the period between 05h00 and 23h00 every day;

“presenters' credits” means any acknowledgement of the provision of hair products, clothing, accessories, make-up or other goods or services to a production company or broadcaster by a third party;

“prime time” means television broadcasting services between the period of 18h00 and 22h00 every day; or sound broadcasting services between the period of 06h00 – 09h00 and 16h00 – 19h00;

“product placement” means the depiction of, or a reference to, a product or service in material (other than an advertisement) broadcast, in visual and/or audio form, in respect of which the broadcaster and/or the producer of the material concerned receives payment or other valuable consideration and which promotes the interests of any person, product or service;

“programme competition” means a competition that forms part of, or is linked to, a programme by way of a competition window, insert or slot, and which does not have the promotion of the commercial interests of a person, product or service as its primary purpose;

“programme sponsorship” means the direct or indirect financing, whether partial or total, of the production or transmission of broadcast programme material by an advertiser or

person with a view to promoting its own or another person's name, trade mark, image, activities or product;

“public service announcement” means a visual and/or audio announcement transmitted by a broadcaster and aimed at imparting knowledge or information the dissemination of which is in the public interest and/or which attempts to solicit support for, or create awareness of, any non-profit organisation or any other organisation which conducts activities in the public interest;

“self-promotion announcement” means a promotional announcement transmitted by a broadcaster which focuses on a forthcoming programme or on the broadcaster itself or one of its channels, to be transmitted by such broadcaster;

“sponsorship” means any contribution made by a public or private entity not engaged in television and/or radio broadcasting activities or in the production of television and/or radio programmes, to the financing of television and/or radio programmes with a view to promoting its name, its trademark, its image, its activities, its products or its services;

“sponsorship element” means marketing material which forms part of, or is superimposed on, broadcast programme material and includes (but is not necessarily limited to) on-screen corner logos, opening and closing billboards, stings, squeeze-backs, the on-air depiction of, or referral to, any brand, product or name, ribbons and crawls, naming rights, and product placements;

“supply agreement” means any agreement that forms part of a programme purchasing contract concluded between a broadcaster and a programme provider and which usually, but not necessarily, specifies the amount and frequency of promotional material which the broadcaster is obliged to transmit before, during or after the transmission of the purchased programme material.

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

2. PURPOSE OF THE REGULATIONS

The purpose of these regulations is to;

- (1) Review the Advertising, Infomercials and Programme Sponsorships Regulations of 1999;
- (2) Lay down detailed rules concerning the identification and scheduling of advertising, programme sponsorship and infomercials;

3. APPLICATION

- (1) These regulations apply to all broadcasting service licensees who provide a television and sound broadcasting service in the Republic.
- (2) Broadcasters are required to ensure that all broadcasts comply with these regulations and are required to have adequate procedures in place to comply. All broadcasters must ensure that relevant employees and programme-makers, including those from whom they commission programmes, understand the contents and significance of these regulations.
- (3) Every broadcaster must, in addition to complying with these regulations, comply with the Code of Advertising Practice of the ASA, as contemplated in terms of Section 55(1) of the ECA.
- (4) To the extent that there may be any inconsistency between these regulations and the Code of Advertising Practice of the ASA in respect of any matter which falls within the jurisdiction of the Authority, the provisions of these regulations prevail.

4. ADVERTISING

- (1) Spot commercials, public service announcements for which the broadcaster receives a consideration, any material that would constitute an infomercial but for the fact that it is of two minutes, duration or less, that part of sponsorship packages which is constituted by spot commercials, and commercial features will be regarded as being advertisements.
- (2) Public service announcements in respect of which the broadcaster does not receive any consideration, supply agreements, infomercials exceeding two minutes in

duration, branded filler material which is of a public service nature, sponsorship elements which form part of in-programme material, presenters' credits and (in relation to competitions and self-promotions) programme competitions, branded promotional spots and self-promotion announcements will not be regarded as being advertisements.

- (3) Any broadcaster who transmits a programme competition, a branded promotional spot, branded filler material, a self-promotion announcement or a sponsorship element in the form of the on-air depiction of, or referral to, any brand, product or name, must ensure that the primary purpose of the broadcast of such material is to promote the broadcaster or the programme concerned, rather than the commercial interests of the person, product or service referred to in the course of such transmission.
- (4) Transmission elements such as continuity announcements and station identification, in the form of on-screen logos, signature tunes and such similar elements, do not constitute advertisements.

5. PLACEMENT AND DURATION OF ADVERTISEMENTS

- (1) Except as otherwise provided by a condition of its licence, a licensee must not broadcast more than 12 minutes of advertising material in any clock hour in a broadcast day.
- (2) A Broadcasting Service Licensee must not:
 - (a) During any licence year, broadcast more than an average of 10 minutes of advertisements per hour on the licensed service;
 - (b) Broadcast advertisements in excess of 12 minutes in any one hour.
- (3) Commercial free-to-air broadcasting services licensees must not:
 - (a) During any licence year, broadcast more than an average of 10 minutes of advertisements per hour on the licensed service;
 - (b) Broadcast advertisements in excess of 12 minutes in any one hour.
- (4) Subscription broadcasting service licensees must not:
 - (a) During any licence year, broadcast more than an average of 10 minutes of advertisements per hour on the licensed service;

- (b) Broadcast advertisements in excess of 12 minutes in any one hour.
- (5) Community broadcasting service licensees must not:
- (a) During any licence year, broadcast more than an average of 10 minutes of advertisements per hour on the licensed service;
 - (b) Broadcast advertisements in excess of 12 minutes in any one hour.
- (6) Where a program occupies time in two or more consecutive clock hours, a licensee may exceed the maximum number of minutes of advertising material set out in subsection (1) during any of those clock hours if the average number of minutes of advertising material broadcast during the clock hours occupied by the program does not exceed 12 minutes.
- (7) In addition to the maximum of 12 minutes of advertising material set out in subsection (1), a licensee may broadcast, during each clock hour, a maximum of 30 seconds of advertising material that consists of unpaid public service announcements.
- (8) In addition to the maximum of 12 minutes of advertising material set out in subsection (1), a licensee may broadcast partisan political advertising during an election period.
- (9) The transmission of films made for television (excluding series, serials and documentaries), cinematographic works, current affairs and news programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least thirty minutes.
- (10) The transmission of children's programmes may be interrupted by television advertising and/or teleshopping once for each scheduled period of at least 30 minutes, provided that the scheduled duration of the programme is greater than 30 minutes;
- (11) No television advertising or teleshopping may be inserted during religious services.

6. IDENTIFICATION OF ADVERTISEMENTS

- (1) Advertisements on television must be transmitted only in blocks to be inserted between the programmes;
 - (a) Advertisement blocks may, however, interrupt sports programmes where breaks occur, or programmes which are transmissions of performances or events where there are intervals for the audience;
 - (b) Scheduling of such advertisement blocks must take into account the programme's natural breaks, duration and nature in such a way that the integrity and value of the programme will not be compromised nor the advertiser's rights infringed;
 - (c) On teletext clear image identification must be displayed

7. INFOMERCIALS

- (1) Broadcasters must not transmit any infomercials during prime time or during the transmission of, or in breaks during the transmission of, any children's programme.
- (2) Broadcasters must not transmit infomercials for more than two hours during the performance period in any one day.
- (3) The provisions on scheduling of infomercials may not apply to any dedicated infomercial channel which may obtain a broadcasting licence from the Authority in accordance with the applicable provisions of the Act.

8. TEleshopping

- (1) In programmes consisting of autonomous parts, or in similarly structured events and performances containing breaks, advertising and teleshopping messages shall only be inserted between the parts or during the breaks.
- (2) In case of broadcasting of sport events, advertisement and teleshopping may be inserted during the breaks foreseen by the official regulation of the sport being broadcast, or during its pauses insofar as the advertisement message does not interrupt the sport action.

- (3) Teleshopping, as a form of advertising, must not be counted for the purpose of establishing the 20 minutes of programming between one batch of adverts and another.

9. PROGRAMME SPONSORSHIP

- (1) Upon the Authority's request the broadcasters must furnish the Authority with copies of sponsorship contracts concluded by that broadcaster.
- (2) Any depiction of, or referral to, the name, logo, product or service of a person who provides a programme sponsorship to a broadcaster, whether before, during or after the broadcast of the relevant programme, must be subordinate to the content of the programme material to ensure that undue prominence is not given to that name, logo, product or service.

10. PENALTIES

Penalties referred to in section 17 H of the ICASA Act will be applied in the event of non-compliance with this regulation.

11. AMENDMENT AND REPEAL OF THE REGULATIONS

This Regulation hereby repeals the Advertising, Infomercials and Programme Sponsorships Regulations, 1999.

The Authority may from time to time review and amend this Regulation in consultation with the public.

12. SHORT TITLE AND COMMENCEMENT

This Regulation is called Regulations on Advertising, Infomercials and Programme Sponsorship for Broadcasting Service Licensees, 2009 and will come into operation upon publication in the Government Gazette.

ANNEXURE B

DRAFT SUPPLEMENTARY CODE OF PRACTICE ON ADVERTISING, SPONSORSHIPS AND OTHER FORMS OF COMMERCIAL PROMOTION FOR RADIO AND TELEVISION BROADCASTING SERVICE LICENSEES

SCHEDULE

1. DEFINITIONS

In this Code, any word or expression to which a meaning has been assigned in the Act, has the meaning ascribed to them unless the context indicates otherwise-

“**Act**” means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

“**advertising**” means any form of announcement broadcast in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private entity in connection with a trade, business, craft or profession in order to promote the supply of products or services, including immovable property.

“**audience**” means both television and radio audience;

“**children**” means persons under the age of 18 years;

“**commercial communication**” means any form of announcement on radio or television falling within the recognised character of advertising, sponsorship and teleshopping or any other form of commercial promotion;

“**current affairs programme**” means a program that is not a news bulletin but which focuses on and includes comment on and interpretation and analysis of issues of immediate social, political or economic relevance and matters of international, national, regional and local significance;

“**infomercial**” means material of more than two minutes' duration, broadcast in visual and/or audio form, for which the broadcaster receives a consideration, in cash or otherwise, which is usually (but not necessarily) presented in a programme format, which promotes the interests of any person, product or service, which entails a direct offer of a product or service

to a member or members of the public in return for payment, and which usually (but not necessarily) contains a demonstration of the use of the product or service concerned, and includes material known as teleshopping, home shopping, direct marketing and direct sales;

“misleading advertising” means advertising which contains any element of spoken or visual presentation which misleads or is likely to mislead, either directly or by implication, by act or omission, with regard to the merits of the product or service advertised or its suitability for the purpose recommended and which, by reason of its misleading nature, is likely to prejudice the interests of individuals or a competitor;

“news” means programming that is not current affairs by a broadcaster in which it reports on news events of immediate social, political or economic relevance and on matters of international, national and local significance;

“product placement” means the depiction of, or a reference to, a product or service in material (other than an advertisement) broadcast, in visual and/or audio form, in respect of which the broadcaster and/or the producer of the material concerned receives payment or other valuable consideration and which promotes the interests of any person, product or service;

“programme sponsorship” means the direct or indirect financing, whether partial or total, of the production or transmission of broadcast programme material by an advertiser or person with a view to promoting its own or another person's name, trade mark, image, activities or product;

“sponsorship” means any contribution made by a public or private entity not engaged in television and/or radio broadcasting activities or in the production of television and/or radio programmes, to the financing of television and/or radio programmes with a view to promoting its name, its trademark, its image, its activities, its products or its services;

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

“surreptitious advertising” means the representation in words or pictures of goods, services, the name, the trade mark or the activities of a producer of goods or a provider of

services in programmes when such representation is intended by the broadcaster to serve as advertising and might mislead the public as to its nature. Such representation shall, in particular, be considered to be intentional if it is done in return for payment or for similar consideration.

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

2. PURPOSE OF THE CODE

The purpose of this Code is to supplement the ASA Code of Advertising Practice, with specific reference to:

- (1) Laying down detailed rules concerning content and extent of advertising, sponsorship and infomercials and other forms of commercial promotion in programme services;
- (2) Prohibiting:
 - (a) surreptitious advertising; and
 - (b) advertising and promotion (including sponsorship) of some products, goods or services;
- (3) Providing clear guidance to:
 - (a) broadcasters as to the standards to which commercial communications must adhere to;
 - (b) the general public on the standards they can expect from commercial communications on broadcasting services; and
 - (c) broadcasters with a simple, flexible and comprehensive code that does not impede their right to communicate commercial messages.

3. APPLICATION

- (5) This Code applies to all broadcasting service licensees who provide a television and sound broadcasting service in the Republic.
- (6) Broadcasters are required to ensure that all broadcasts comply with this Code and are required to have adequate procedures in place to comply. All broadcasters must ensure that relevant employees and programme-makers, including those from whom they commission programmes, understand the contents and significance of this Code. All broadcasters must also have in place procedures for ensuring that programme-makers seek guidance from the Code.

4. STANDARDS AND PRACTICE APPLICABLE TO ADVERTISING BY BROADCASTERS

- (1) Advertisements must be lawful, decent, honest and truthful.

- (2) Advertisements must uphold generally accepted social values and prevailing notions of decency and morals.
- (3) Advertisements must be based on the principles of fair competition and responsibility towards society.
- (4) Advertisements must not influence editorial activity, contents and presentation.
- (5) Advertisements must not promote:
 - (a) discrimination in whatever form – on grounds of race, ethnic origin, religion, gender, age, disability or sexual preference, or by reducing an individual to a mere sexual object;
 - (b) violent, aggressive or antisocial behaviour;
 - (c) fear, unhappiness or suffering;
 - (d) behaviour that threatens consumers' safety and security in the home, at the workplace or in traffic,
 - (e) any other dangerous or irresponsible conduct, or such that may be harmful to health or the environment;
- (6) Hidden and misleading advertisements are forbidden.
- (7) Advertisements using subliminal methods are prohibited.
- (8) Advertisements may not show or refer to persons, be it in their private or public capacity, without such persons' prior consent. The same must apply to the showing of or reference to property belonging to a person in any way, which gives the impression of a personal recommendation.

5. STANDARDS AND PRACTICE APPLICABLE TO ON AIR PERSONALITIES

- (1) On air personalities must disclose the receipt of free merchandise or services if that merchandise or service is mentioned on air, even where there might not have been explicit agreement that the announcement was going to be made in exchange for the free products.

- (2) There must be some form of specific acknowledgement that a message is a paid commercial message when the message is integrated into the announcer's on-air banter.

6. IDENTIFICATION OF ADVERTISEMENTS

Advertisements must be clearly identifiable as such, their content and presentation distinguishing them from regular programmes.

7. STANDARDS AND PRACTICE APPLICABLE TO PRODUCT PLACEMENT

- (1) Broadcasters must ensure that:
 - (a) Product placement does not influence editorial activity, contents and presentation;
 - (b) presenters and journalists do not accept commissions or give in to those seeking publicity for commercial purposes;
 - (c) editorial favours are not given in return for far lesser discounts on advertisements.
- (2) Broadcasters must always signal the fact that product placement is taking place within a given locally produced programme, in return for payment or for similar consideration.
- (3) Exceptions will only be permitted in programmes which have been bought off-the-shelves or produced outside the Republic.
- (4) Every broadcaster must ensure that all infomercials transmitted by it are presented and labelled in such a manner that it will be clear to the audience that such infomercials do not constitute programme material.
- (5) Product placement within news and current affairs programming is prohibited.

8. STANDARDS AND PRACTICE APPLICABLE TO PROTECTION OF CHILDREN

- (1) Advertisements, infomercials and sponsorship directed at children must:
 - (a) be conducted in a manner that is socially responsible and does not cause physical or moral harm to children;

- (c) not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely to mislead or deceive children, abuse the trust of or exploit the lack of knowledge of children;
 - (d) not directly exhort children to buy or hire a product or service by exploiting their inexperience or credulity, directly encourage them to persuade their parents or others to purchase the goods or services being advertised, exploit the special trust children place in parents, teachers or other persons, or unreasonably show children in dangerous situations,
 - (e) not exploit the superstitious or without justifiable reason play on fear.
- (2) Advertisements for alcohol, cigarettes, non-prescription pharmaceutical products and dietary supplements may not be placed in connection with programmes directed at children.
- (3) Statements of price may not give children an unrealistic idea of the value of the product.
- (4) Advertisements must indicate the degree of skill required to use the product. Where the result of the use of the product is shown or described, the result presented in the advertisement must be reasonably achievable by an average viewer in the age group for which the product is designed.
- (5) Children must not recommend or provide testimonials endorsing products or services of any kind.
- (6) Broadcasters may not flight advertisements which indicate that chocolates sweets, soft drinks, snacks and similar products may replace regular meals.

9. STANDARDS AND PRACTICE APPLICABLE TO VULNERABLE PERSONS

The Vulnerable People

- (1) In this Code individuals considered to be vulnerable include but are not limited to children, senior citizens, a person subject to an abusive relationship mainly sexual or emotional, persons suffering from a terminal illness, mental or acute physical conditions/impairment, refugees, or persons addicted to drugs and or alcohol.

- (2) Advertisements, infomercials and sponsorship must avoid, for commercial purposes, all forms of exploitation of vulnerable persons.

10. STANDARDS AND PRACTICE APPLICABLE TO THE PUBLIC HEALTH CONSIDERATIONS (TOBACCO, ALCOHOL, MEDICINES)

- (1) All forms of advertising, infomercials and sponsorship of medicines and pharmaceuticals available on prescription, cigarettes and tobacco products to the general public is prohibited.
- (2) Advertisements for alcoholic products may not:
- (a) associate the consumption of alcohol with improved physical performance or driving.
 - (b) create the impression that the consumption of alcohol promotes success socially or sexually.
 - (c) suggest that alcohol has any therapeutic properties, nor that it may be used to solve personal conflicts.
 - (d) incite to excessive consumption of alcohol or present temperance or moderation in a negative light.
 - (e) attach particular importance to a high alcohol content as a positive quality in the beverage.

11. STANDARDS AND PRACTICE APPLICABLE TO INFOMERCIALS

Broadcasters must clearly label infomercials so that the viewing audiences may distinguish between infomercials and normal programming.

12. STANDARDS AND PRACTICE APPLICABLE TO PROGRAMME SPONSORSHIP

- (1) Sponsorship must not influence editorial activity, contents and presentation.
- (2) Sponsorship of news and current affairs on television is prohibited.
- (3) Weather forecasts and sports bulletins that form part of television news bulletins may be sponsored.

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- (4) Broadcasters must not accept any programme sponsorship from any person who is prohibited by any legislation from procuring the transmission by a broadcaster of any advertisement, infomercial or other marketing material.
 - (5) In all cases of programme sponsorship, the broadcaster may, before and after the transmission of the sponsored programme, state clearly the nature of the sponsor's association with the relevant sponsored programme. Preference must be given to descriptions such as "sponsored by" or "in association with" as opposed to descriptions such as "brought to you by" or "with compliments of".
 - (6) Identification of sponsorship from enterprises the activities of which include production or sale of pharmaceuticals may not be in the form of promotion of specific pharmaceuticals which are prescription drugs under the Medicines and Related Substances Control Act of 1997, as amended.
 - (7) Programmes may not be sponsored by enterprises whose principal activity is to produce or sell tobacco products or other goods primarily used in connection with smoking.
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