

GUIDELINES ON ADVERTISING CONCERNING MEDICINES, TREATMENTS, HEALTH CLAIMS, NUTRITION AND DIETARY SUPPLEMENTS

1. These guidelines to be read in the light of the Third Schedule to the Broadcasting Act

1.1 These Guidelines shall be read in conjunction with paragraphs 15, 16 and 17 of the Third Schedule to the Broadcasting Act, Chapter 350 of the Laws of Malta.

2. Definitions

2.1 The meaning of any terms used in these Guidelines shall be that given under the Broadcasting Act.

3. General Requirements

3.1 Claims about any type of product or treatment falling under these Guidelines require very close scrutiny. It shall be the responsibility of the broadcaster to ensure that all advertisements about any medicinal product, service, preparation or remedy, comply with all the relevant legislation, in particular with the Food, Drugs and Drinking Water Act (Cap. 231), the Trade Descriptions Act (Cap. 313), the Broadcasting Act (Cap. 350) and the Consumer Affairs Act (Cap.378).

3.2 Advertisements for medicinal products or treatments for human use available only on prescription are not acceptable.

4. Express Reference to Department of Health permit number

4.1 It shall be the responsibility of the broadcaster to ensure that any advertisement about any medical preparation or remedy states the permit number of the Department of Public Health as required in terms of Legal Notice 85 of 1981. In the case of a television programme such permit number shall be visibly shown on the screen, whereas in the case of a radio programme the permit number must be expressly stated.

5. MANDATORY INFORMATION FOR MEDICINAL PRODUCTS

5.1 Advertisements for medicinal products shall include the following information:

- (a) The name of the product;
- (b) The name of the active ingredient, if it contains more than one;
- (c) A clear indication of what the product is for; and
- (d) Wording such as “always read the label” or “always read the leaflet” where appropriate.

5.2 The broadcaster shall ensure that a medicinal product is clearly identified as being a medicinal product.”

6. Medicines and Children

6.1 Advertisements for medicinal products and treatments shall not be directed exclusively or principally at children under the age of 16 years.

7. Avoidance of Impressions of Professional Support and Advice

7.1 The following are not acceptable:

- (a) Presentations by doctors, nurses, midwives, dentists, pharmaceutical chemists, veterinary surgeons etc. who as a result of their professional occupation promote a particular product; or
- (b) Statements which give the impression of professional advice or recommendation by people who feature in the advertisements and who are presented as being qualified to do so.

8. Unacceptable Descriptions

8.1 Advertisements for products which are foodstuffs or consumer products with medicinal properties shall for purposes of guidelines be considered as medicinals.

9. Diagnosis, prescription or treatment by correspondence

9.1 Advertisements shall not contain any offer by correspondence (including by post, e-mail, internet, telephone or facsimile) to diagnose, advise, prescribe or treat.

10. Self-diagnosis

10.1 Advertisements for medicinal products shall not contain any material that could, by description or detailed representation of a case history, lead to erroneous self-diagnosis.

11. Cure

11.1 No advertisement may employ any words, phrases, or illustration which claim or imply the cure of any ailment, illness, disease, or addiction as distinct from the relief of its symptoms.

12. Guarantee of Efficacy

12.1 Advertisements for medicinal products shall not claim or imply that the effects of taking the product are guaranteed.

13. Side Effects

13.1 Advertisements for medicinal products shall not suggest that the effects of taking the product are unaccompanied by side-effects. However it is acceptable to highlight the absence of a specific side-effect such as for example drowsiness.

14. Claims of recovery

14.1 Advertisements for medicinal products shall not refer to claims of recovery in improper, alarming or misleading terms.

15. Appeals to fear or exploitation of credulity

15.1 No advertisement may cause those who hear or see it unwarranted anxiety, if the advertisement states or in any way implies that if they fail to respond to the advertiser's offer then they may suffer from a disease or condition of ill health.

15.2 Advertisements shall not falsely suggest that any product is necessary for the maintenance of health or the retention of physical or mental capacities (whether by people in general or particular groups such as the elderly) or that health could be affected by not taking the product.

16. Encouragement of excess

16.1 Advertisements shall not imply or encourage indiscriminate, un-necessary or excessive use of any medicinal product or treatment.

17. Exaggeration

17.1 Advertisements shall not make any exaggerated claims, in particular through the selection of testimonials or other statements which are unrepresentative of a product's effectiveness, or by claiming that it possesses some special property or quality which cannot be substantiated.

18. Dietary Supplements

18.1 Advertisements for dietary supplements, including vitamins or minerals, shall not state or imply that

they are necessary to avoid dietary deficiency or that they can enhance normal good health.

18.2 Subject to qualified medical advice, claims for vitamins or minerals, may be accepted where they relate to restricted, unsupplemented or low-food-energy diets, women who are planning to become pregnant, or are pregnant or lactating, growing children and some people over 50.

19. Food advertising

19.1 Advertisements shall not encourage or condone excessive consumption of any food.

19.2 Advertisements shall not disparage good dietary practice and any comparisons between foods shall not discourage selection of foods such as fresh fruit and vegetables which current generally accepted dietary opinion recommends should form a greater part of average diet.

19.3 Advertisements, especially those targeted at children, shall pay regard to considerations of oral health and shall not encourage frequent consumption throughout the day or depict situations where it could reasonably be assumed that teeth are unlikely to be cleaned overnight after consumption.

19.4 Specific nutrition claims or health claims shall be supported by sound scientific evidence and shall not give a misleading impression of the nutritional or health benefits of the food as a whole.

19.5 More generalized claims or descriptions which imply nutritional or health benefits without stating the basis for them explicitly in the advertising are acceptable only if there is in fact a specific basis for them which is similarly supported by sound scientific evidence.

20. Sanitary Towels and Tampons

20.1 Particular care is required when scheduling advertisements for sanitary protection products.

20.2 The advertisement shall not contain anything likely to embarrass or undermine an individual's confidence in her own personal hygiene standards.

20.3 Care shall be taken to ensure that any detailed description of the product avoids anything which might offend or embarrass listeners or viewers.

20.4 No implication of, or appeal to sexual or social insecurity is acceptable.

20.5 Female voice-overs are more appropriate than male ones and men should not feature prominently in such advertisements.

20.6 Particular discretion is required where an advertiser wishes to communicate a product's suitability to very young women.

21. Anti-Aids and Anti-Drugs Advertising

21.1 Anti-AIDS and anti-drugs advertisements are only acceptable from bodies approved by the competent public health authorities.

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