

SUBSIDIARY LEGISLATION 350.22

REQUIREMENTS AS TO STANDARDS AND PRACTICE APPLICABLE TO THE CONDUCT OF COMPETITIONS AND THE AWARD OF PRIZES

28th November, 2008

GOVERNMENT NOTICE 1051 of 2008.

The title of these requirements is the Requirements as to Standards and Practice applicable to the Conduct of Competitions and the Award of Prizes. Citation.

1. Purpose

1.1 These Requirements as to Standards and Practice have been made by the Broadcasting Authority in virtue of article 20(3) of the Broadcasting Act, Chapter 350 of the Laws of Malta.

1.2 The purpose of these Requirements is to provide for:

1.2.1 the general conduct of competitions held on the broadcasting media whether television or radio; and

1.2.2 the award of prizes to participants in those programmes carried on any means of broadcasting whereby such participants take part in competitions in any of the following ways:

- i. by televoting,
- ii. by phone-ins,
- iii. by being present for the programme as a member of the studio audience, or
- iv. by writing (including by e-mail or fax).

2. Definitions

2.1 "Participant" means any person who in any manner whatsoever participates in a competition held during the course of a programme on any means of broadcasting.

3. Conduct of Competition

3.1 Competitions should be conducted fairly and according to rules. Competition rules should be made known to participants and prizes should be described accurately.

3.2 The questions should preferably have a clear thematic connection with the programme in which they appear. If they refer to the products or services of the prize manufacturer or donor, they should be considered as an advertisement and the words "*Messagg Promozzjonali*" should appear on the screen in the case of television programmes, whilst in the case of radio programmes, the broadcaster should announce the competition with the words, "*Issa ngħaddu għall-kompetizzjoni li hi parti minn messagg promozzjonali*".

*REQUIREMENTS AS TO STANDARDS AND PRACTICE
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AND THE AWARD OF PRIZES*

2 | **S.L.350.22**

3.3 Where a prize includes the payment of a tax as is, for instance, the case of an airline ticket, it has also to be indicated that the payment of due taxes has to be made.

4. Mention of brand or prize donor

4.1 Advertisers may donate prizes which may be their own products and/or services. Where editorially justified, there may be mention of the brand of the prize or prize donor, which may include brief factual and/or visual references no longer than 7 seconds. Descriptions should avoid promotional statements.

5. Responsibility of the Broadcaster

5.1 The broadcaster on whose station a programme is transmitted during which prizes are awarded, shall be directly responsible for the competition including for the award of the prizes to the winning participant.

5.2. The broadcaster shall ensure that prize-winners are announced during the next edition of the programme following the conclusion of the competition or, in the case of a competition concluded at the end of a programme schedule, during the final programme in that schedule. The prize shall be awarded to the prize-winner within one calendar month of the announcement of the prize-winner/s of the competition.

5.3 It shall be the responsibility of the broadcaster to ensure that the prizes as advertised during such a programme are duly delivered to the winning participant.

6. Award of vouchers as prizes

6.1 When the prize consists of a voucher, then the winner of that prize shall be entitled to the full value of that voucher without the need of incurring any extra expense to have benefit of the voucher.

6.2 When the prize consists of a voucher but is given in goods and/or services, the goods and/or services given shall be equivalent to the total value of the voucher.

6.3 No discount on the purchase of a produce or service is allowed.

7. Cost of telephone call and sms to be made known

7.1 Where the cost of a telephone call or sms is higher than the normal published tariff, then any promotions for the competition however so carried or advertised shall state the cost of the call or sms, as the case may be. If a proportion of the cost of the call or sms, as the case may be, is intended for any non-profit making cause, then that proportion must also be specified.

8. Confidentiality

8.1 The broadcaster shall ensure that there shall be no breach of confidentiality and no participant shall be given any advantage over other participants.

9. Long or complex rules

9.1 Competitions shall not feature long or complex rules.

10. What information must be provided

10.1 Promotional material about the competitions must clearly provide information which is likely to affect a decision to participate, and shall in any case include the following:

- i. Any closing date,
- ii. Any significant terms and conditions, including any restriction on the eligibility to participate,
- iii. An adequate and unequivocal description of prizes to be won,
- iv. How and when prize-winners will be informed.

11. Closing date

11.1 Competitions must have a closing date, except where there are instant prize-winners.

12. Prohibition of employees etc.

12.1 Persons who are either employees of the broadcaster, advertising agents, the competition's sponsors, or people who are directly involved in the production or presentation of the programme in which the competition is carried, or who form part of the immediate family of such persons shall automatically be disqualified from participating in any competition carried on that station.

13. Quizzes

13.1 When a quiz is held, broadcasters are to ensure that no question is asked with regard to a specific commercial product or service and that any question asked does not, either directly or indirectly, relate to a commercial product or service.

13.2 For the purposes of this paragraph a commercial product or service includes reference to a brand name or a company or a commercial enterprise which imports, sells, distributes or otherwise produces any product or service.
