

THE DUTCH ADVERTISING CODE

INFORMATION ABOUT THE WORKING PROCEDURES
OF
THE ADVERTISING CODE COMMITTEE
AND
THE BOARD OF APPEAL



Dutch Advertising Code Authority

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WORKING PROCEDURES OF THE ADVERTISING CODE COMMITTEE & THE BOARD OF APPEAL

I. THE ADVERTISING CODE AUTHORITY

For over 40 years the Advertising Code Authority has been the body dealing with the self-regulating system of advertising, which means that the advertising industry takes sole responsibility for the content and distribution of advertising messages. The three parties that constitute the advertising industry (advertisers, advertising agencies and the media) have formed an agreement regarding the rules with which advertising messages should comply. They also assume responsibility for the timely correction and/or suppression of conflicting advertising messages. The freedom of advertising is maintained, as the advertising industry takes sole responsibility. Consequently the government is prevented from issuing general advertising bans or imposing far reaching legal restrictions.

On behalf of the industry, and in the best interest of the consumer and advertiser, the Advertising Code Authority encourages sensible and responsible advertising in the Netherlands. The rules, advertising has to comply with, are to be found in the Dutch Advertising Code.

Anyone who feels that an advertisement violates the Dutch Advertising Code may submit a complaint to the Advertising Code Committee.

The Advertising Code Committee is the independent body, which swiftly and effectively decides whether an advertisement conflicts with the Advertising Code.

An appeal may be lodged with the Board of Appeal against a decision of the Advertising Code Committee.

2. THE DUTCH ADVERTISING CODE

The Dutch Advertising Code (hereinafter: the Advertising Code) contains a body of rules with which all advertising should comply. It is divided into a **General Section** and a **Special Section** (the **Special Advertising Codes**).

The former stipulates, among other things, that advertisements may not be misleading or untrue. This section also contains a number of subjective standards, one of which stipulates that advertising must not be gratuitously offensive or at odds with good taste and decency.

The **Special Codes** apply to advertising for specific products and services.

Advertising is defined as any form of public commendation of goods, services or concepts. The solicitation of services is also defined as advertising (see article 1 of the Advertising Code). The Advertising Code applies to all advertising, regardless of the medium used, unless explicitly stated otherwise.

3. AFFILIATED ORGANISATIONS

The following organizations are affiliated with the Advertising Code Authority and have approved and accepted the Dutch Advertising Code. They all have a representative in the board of the Advertising Code Authority.

1. Association of Dutch Advertisers (BvA)
www.bva.nl
2. Dutch Dialogue Marketing Association (DDMA)
www.ddma.nl
3. Federation of the Dutch Food Industry (FNLI)
www.fnli.nl
4. Dutch Home shopping organisation (NTO)
www.thuiswinkel.org
5. Dutch Publishers Association (NUV)

- Association of the Dutch Daily Press
- Dutch Organization of Magazine Publishers
www.nuv.nl
- 6. The Dutch Association for Dutch Bicycle and Motorcar Industries, Automotive Department (RAI).
www.raivereniging.nl
- 7. Organisation for Ether Advertising/National public broadcasters (STER)
www.ster.nl
- 8. Regional Broadcasting Consultative and Cooperative Board (ROOS)
www.roosrtv.nl
- 9. Association of Communication Consultancy Agencies (VEA)
www.vea.nl
- 10. Organisation of Local Broadcasters in the Netherlands (OLON)
www.olon.nl
- 11. Organisation of Call Centres (WGCC)
www.wgcc.nl
- 12. Consumers' Association
www.consumentenbond.nl

Other Organisations

The VNO NCW, a merger of the Federation of Netherlands Industry and Employers (VNO) and the Dutch Federation of Christian Employers (NCW) is involved in the Advertising Code Authority only as auditors.

Pursuant to the Dutch Media Act all broadcast licensees broadcasting advertising messages are compulsorily affiliated with the Advertising Code Authority.

Special Advertising Codes were drawn up in consultation with the following organizations:

1. Dutch Dialogue Marketing Association (DDMA)
2. The Dutch Email Marketing Association (Emma.nl)
3. Dutch Home shopping organization (NTO)
4. Federation of the Dutch Food Industry (FNLI)
5. National Association for the Exploitation of Casino Games and the members of the VAN Slot Machine Sector Organization
6. Dutch Association for Dutch Bicycle and Motorcar Industries, Automotive Department (RAI).
7. Cigarette Industry Association (SSI), the Dutch Shag Tobacco Industry Association (VNK) and the Dutch Cigar Industry Association (NVS)
8. Organization for the Moderate Use of Alcohol (STIVA)
9. Bakery and Sugar Industry Association (VBZ)
10. Organization of Call centres (WGCC)

4. ADVERTISING CODE COMMITTEE & BOARD OF APPEAL

The Advertising Code Committee is a body which determines whether advertisers and others responsible for creating advertisements comply with the rules of the Advertising Code. Anyone who feels that an advertisement violates the Advertising Code may submit a complaint to the Advertising Code Committee. After having heard the case of the advertiser, the Committee decides whether the advertisement in question conflicts with the Advertising Code. The Advertising Code Committee can also evaluate advertisements without a complaint having been submitted.

Should the complainant fail to agree with the decision of the Advertising Code Committee, he can lodge an appeal with the Board of Appeal.

The Advertising Code Committee consists of five members:

- one member appointed by the organizations of Advertisers affiliated with the Advertising Code Authority;
- one member appointed by the Consumers' Association;
- one member appointed by the Association of Communication Consultancies;
- one member appointed by the media organizations affiliated with the Advertising Code Authority;
- one member, being the chairman, appointed by the Advertising Code Authority.

The evaluation by the committee members is independent of the organization which appointed them.

The Board of Appeal is put together in the same way as the Advertising Code Committee.

5. COMPLAINT SUBMISSION

All complaints must be submitted in writing, mentioning complainant's name and address. Submission by e-mail is possible via the electronic complaint form (see www.reclamecode.nl). The complaint should contain at least the following information:

1. against which advertisement the complaint is addressed.

2. which medium/media is/are used.

- an advertisement on a bus shelter, billboard or hoarding should be described as clearly as possible in order to retrieve the advertisement concerned from the advertiser.
- should the complaint concern an advertisement on an internet site, the page(s) against which the objection is lodged shall be submitted and it shall be indicated which phrase or part thereof is objected against.
- if the complaint regards a printed advertising message, the advertisement concerned should be submitted to the Advertising Code Committee.
- where the objection concerns a broadcast advertisement (radio/TV), it should be depicted as clearly as possible in order to retrieve the advertisement from the broadcaster.

3. why he thinks the advertisement in question violates the Advertising Code, if possible mentioning the infringed articles of the Advertising Code.

The Committee may require the complaint and accompanying enclosures to be submitted in eight-fold.

The postal address for submitting a written complaint is:

Stichting Reclame Code
Att. Reclame Code Commissie
Postbus 75684
1070 AR Amsterdam.

6. CHARGES FOR FILING A COMPLAINT, OBJECTION OR APPEAL

I. Charges to be paid by individuals and special organizations

There is no charge to a private party submitting a complaint. Also Church, ideological, charitable, cultural, scientific or other organizations and institutions established in the Netherlands for the common benefit do not owe a fee for submitting a complaint.

This rule, however, is subject to two exceptions:

1. if the chairman has set aside the complaint, and the complainant has filed an objection to the entire Advertising Code Committee, he is charged a fee of € 12;
2. if the complainant files an appeal to a decision of the Advertising Code Committee with the Board of Appeal, he is charged a fee of € 23.

If the objection or appeal is entirely or partly well-founded, the sum is refunded according to the decision of the Advertising Code Committee or Board of Appeal, as the case may be.

II. Charges to be paid on behalf of a company or organization or by any individual acting in a professional capacity:

Any individual acting in a professional capacity or on behalf of a company or organization, who

1. files a complaint eligible for handling with the Advertising Code Committee, or
2. files an objection with the entire Advertising Code Committee to the setting aside of his complaint by the chairman, or
3. files an appeal against a decision by the Advertising Code Committee with the Board of Appeal is charged a € 228 fee.

This amount goes to the Advertising Code Authority.

If the complaint be withdrawn before receipt of the defence the aforementioned fees will be refunded.

Members of the entrepreneurs' organizations affiliated with the Advertising Code Authority and organizations in consultation with which a Special Advertising Code has been drawn up, contribute € 114,- for handling a complaint.

7. COMPLAINT HANDLING

I. General

A copy (including name and address of the complainant) is made of any complaint received by the Advertising Code Committee and is forwarded to the advertiser. Anonymous complaints will not be handled.

The advertiser is given 14 days to put forward a defence. A copy of the written defence is sent to the complainant.

Should the chairman of the Advertising Code Committee consider the measure justified, he can invite parties to file additional written statements. A date is then set for handling the complaint at the meeting of the Advertising Code Committee. If desired, the complainant and the advertiser can explain their standpoint orally at this meeting. The meetings are public if, and in so far as one or both parties give an oral explanation. Either party, however, can object, giving reasons, to a public hearing. A request for holding the hearing behind closed doors is granted only when there is good reason to refrain from holding a public hearing. The chairman of the Advertising Code Committee (or the Board of Appeal) decides on such a request. Parties can request a hearing behind closed doors ultimately as late as at the session itself.

The deliberations upon the decision are held behind closed doors.

The Committee lays down its decision in writing and sends it to the parties involved.

Should the chairman of the Advertising Code Committee consider a case urgent, he can rule that it be handled within 14 days.

II. Setting Aside

Some complaints are not accepted by the Advertising Code Committee. The chairman of the Committee can set aside a complaint if he feels that

- the Committee will not allow the complaint;
- the complaint should not be handled by the Advertising Code Committee, but pursuant to the procedure for cross-border advertising, should be sent on to another EASA member (see chapter 13).

If a complaint is set aside by the chairman, the complainant is informed to this effect in writing. If he feels that the complaint was wrongly set aside, he can lodge an objection with the entire Advertising Code Committee (see chapter 9).

III. Chairman's Allowance

The chairman is also authorized to grant what is known as a 'chairman's allowance'. The chairman can make use of this option when he feels that the complaint will prompt the Committee to make a private recommendation.

This may be the case:

- if the party at whom the complaint is directed has renounced the opportunity of putting forward a defence or
- if the party at whom the complaint is directed has admitted its validity or
- if after receipt of the defence, the chairman thinks that the complaint can be dealt with by means of a chairman's allowance.

If a complaint is allowed by the chairman, the complainant and advertiser are informed to this effect in writing. If the advertiser feels that the complaint has been wrongly allowed, he can lodge an objection (free of charge) with the entire Advertising Code Committee.

IV. Identical Complaints

If a large number of complaints should be submitted about a certain advertisement, the chairman can refuse to handle complaints of the same nature or purport filed after a certain date. The website of the Advertising Code Authority will mention which advertisement is involved. The decision of the Advertising Code Committee will be published on the website as soon as it is delivered.

8. DECISIONS ON COMPLAINT TAKEN BY THE ADVERTISING CODE COMMITTEE AND THE BOARD OF APPEAL

The Advertising Code Committee may allow or reject a complaint.

In the former case the Committee makes a 'recommendation', which means that it recommends the advertiser to discontinue this way of advertising. If the complaint concerns advertising which propagates concepts, the Committee delivers an 'opinion without commitment'.

The Committee's decisions are available to all and can therefore be communicated to the general public.

A **recommendation or an 'opinion without commitment'** can be given in two different ways:

a. Privately. The recommendation is only communicated to the parties involved, by the Committee itself.

b. Publicly. The recommendation is not only announced to the parties involved but also to third parties by means of a press release.

When the complaint is allowed by the Committee, it can moreover

- set conditions on the broadcast time of the radio and/or TV commercial submitted for evaluation;
- allow the party whose advertisement is found to violate the Advertising Code, a term during which the recommendation of the Committee is to be complied with;
- impose measures as described in the contracts concluded between the Advertising Code Authority and the organizations in consultation with which a Special Advertising Code was drawn up.

After 14 days, any decision by the Advertising Code Committee is irrevocable.

In urgent cases the decision is irrevocable after 7 days. If the complainant and/or advertiser disagree with the decision, an appeal can be lodged within 14 days and 7 days respectively with the Board of Appeal.

See chapter 11 for a description of the appeal procedure.

9. OBJECTION TO SETTING ASIDE AND TO A CHAIRMAN'S ALLOWANCE

Should the chairman of the Advertising Code Committee set aside the complaint and should the complainant disagree with this rejection, he can lodge an objection, giving reasons, within 14 days with the entire Advertising Code Committee. This means that the notice of objection must be in the possession of the Committee within 14 days after the date the complaint was set aside. There is a charge for handling an objection to the setting aside of a complaint (see chapter 6 for the amount). This fee must likewise be in the possession of the Advertising Code Authority within 14 days.

If the Chairman of the Advertising Code Committee allows the complaint and if the advertiser disagrees with this decision, the advertiser can lodge an objection, giving reasons, within 14 days with the entire Advertising Code Committee. No fee is charged for handling an objection to a chairman's allowance.

10. OBJECTION BY AN ORGANIZATION AFFILIATED UNDER THE MEDIA ACT TO REJECTION OF AN ADVERTISEMENT

If an organization affiliated with the Advertising Code Authority under the Media Act considers an advertisement offered to it impermissible under the Dutch Advertising Code for broadcasting on TV/radio or transmission by cable, it should bring this decision in writing, giving reasons, to the attention of the advertiser with due speed and no later than within two weeks after receipt of the advertisement.

The advertiser can lodge an objection to such a decision, in writing and giving reasons, to the Advertising Code Committee. The sum of € 228 is charged for handling the objection.

11. APPEAL PROCEDURE

Should the complainant and/or advertiser fail to agree with the decision of the Advertising Code Committee, they can lodge an appeal with the Board of Appeal. The appellant shall ensure that his appeal is in the possession of the Board of Appeal within 14 days, and in urgent cases, within 7 days after the decision was taken.

The appeal shall contain the following information:

- a. the name and address of the appellant;
- b. the date of the decision under appeal;
- c. the objections to the decision;
- d. the signature of the appellant (or his proxy).

The appeal shall be filed in eight-fold. The party lodging an appeal is charged a fee. See chapter 6 for the amount.

It is only after the Advertising Code Authority has received this appeal fee that the Board of Appeal can consider the appeal. It then sends a copy of the appeal to the opposing party, which is allowed 14 days to put forward a defence.

If desired, both parties can orally explain their standpoint at the hearing of the Board of Appeal. The decision of the Board of Appeal is sent to all parties, thereby definitively concluding the procedure.

12. DECISION ON AN APPEAL

The Board of Appeal can consider the appeal wholly or partly well-founded and wholly or partly quash the decision of the Advertising Code Committee, consider the appeal wholly or partly unfounded and wholly or partly uphold the decision of the Advertising Code Committee and/or refer the case back to the Advertising Code Committee.

13. CROSS-BORDER ADVERTISING

The Advertising Code Authority is affiliated to the European Advertising Standards Alliance (EASA) at Brussels (website: www.easa-alliance.org)

EASA objectives include ensuring that complaints about advertisements are handled swiftly and effectively. To realize this target EASA established the cross-border complaint submission procedure.

By definition, a complaint involving cross-border advertising is one submitted by an individual or organization about an advertisement which appears in complainant's country but originates in another country.

A complaint involving cross-border advertising shall be submitted in writing to the secretariat of the Advertising Code Authority.

If possible, the advertisement and any other information on which the complaint is based shall also be submitted.

The chairman of the Advertising Code Committee determines whether the complaint concerns cross-border advertising and should this be the case, and he finds no grounds for handling the complaint himself, it is referred to the EASA member, i.e. the country in which the advertisement originates or where the advertiser is established. The complainant is informed by the secretariat of the Advertising Code Authority on the development of his complaint.

THE DUTCH ADVERTISING CODE

A. GENERAL

1. Advertising is defined as: any form of public commendation of goods, services or ideas (referred to collectively as 'products'). The solicitation of services is also defined as advertising.

Explanation of Article 1

Advertising means commending something in public. This includes a television programme in which offers are made directly to the public with the intention to supply products for sale (= tele-shopping). Commendations not made in public do not fall within the definition. The same applies to announcements which lack any element of commendation. Examples are purely factual statements such as opening times, family announcements, and purely factual statements about the policy (or changes in policy) of public authorities or private sector companies.

The total message plays a role in assessing the element of commendation. Not only is the text a matter of concern, but also size, lay-out, use of colour and so forth. The mere statement of a name of the advertiser may in itself constitute advertising (e.g. sponsor panels).

The definition does not stipulate that the commendation is a paid advertisement. Although payment is usually the case, from the point of view of the public it makes no difference whether an advertisement is placed free of charge or for payment.

2. An advertisement shall conform to the law, the truth and the requirements of good taste and decency.
3. An advertisement shall not contravene the public interest, public order or morality.
4. An advertisement shall not be gratuitously offensive or constitute a threat to mental and/or physical public health.
5. The form and content of an advertisement shall not undermine confidence in advertising.
6. Without justifiable cause, an advertisement shall not arouse feelings of fear or superstition.
7. An advertisement shall not be misleading, in particular about the price, contents, origin, composition, properties or effectiveness of the products concerned. An advertisement shall be as clear and complete as possible in terms of such factors as its nature and form and the public at which it is aimed. The party selling the products shall also be indicated clearly.
8. Testimonials, commendations or statements by experts that are used in advertisements shall be based on the truth and tally with the latest accepted scientific views.
9. Scientific terms, statistical data and quotations shall be used with the utmost care in advertisements intended for the general public, in order to obviate confusion of ideas. If use is made of statistics which are valid only within certain limits, such limits shall be stated clearly. No technical terms, descriptions, illustrations or pictures that are manifestly intended to suggest in a quasi scientific or misleading manner the presence of non-existent properties of goods or services shall be used.
10. An advertisement shall be recognizable as such by virtue of its lay-out, presentation, content or otherwise, taking into account the public for which it is intended. Television commercials shall be clearly distinct from the rest of the programming by optical and/or acoustic means.

The use of subliminal techniques in audiovisual advertising is prohibited.

The use of elements from a broadcast programme in advertising on radio and television is also prohibited in the event it can be reasonably assumed that the viewers or listeners would be misled or confused by it.

The appearance in advertising on radio and television of people who may be deemed, by virtue of their participation in broadcast programmes, to have influence or instil confidence in certain sections of the public is prohibited.

Explanation of Article 10

Subliminal techniques refer to techniques which employ inserted images and/or sounds of very brief duration in an attempt to influence viewers or listeners, possibly without their knowledge or ability to perceive them.

11. If a 'guarantee' is mentioned in an advertisement, the scope, content and duration of the guarantee shall be made clear, in accordance with the relevant medium.

12. The imitation in any way of all or part of the advertisement of another party, as a result of which the public may be misled or confused about the product and/or identity of the advertiser, is prohibited.

13. Since 1 January 2006 this article is part of the Advertising Code directed at Children and Young People.

14. Comparative advertising is defined as any form of advertising in which a competitor, or goods or services provided by a competitor, are mentioned explicitly or implicitly.

Comparative advertising is permitted - as far as the comparison is concerned- provided it:

- a. is not misleading;
- b. compares products or services that meet the same demands or are intended for the same purpose;
- c. compares objectively one or more essential, relevant, checkable and representative characteristics of these goods or services, such as price;
- d. does not lead to the advertiser being confused with a competitor, or the brands, trademarks, other distinguishing characteristics, goods or services of the advertiser being confused with those of a competitor;
- e. does not harm the good name or make disparaging remarks about the brands, trademarks, other distinguishing characteristics, goods or services, activities or circumstances of a competitor;
- f. concerns in the case of products with a designation of origin, products with the same designation;
- g. leads to no unfair advantage resulting from the familiarity of a brand, trade name or other distinguishing characteristics of a competitor or the origin designation of competitive products; and
- h. does not present goods or services as an imitation or copy of goods or services with a protected trademark or protected trade name.

Any comparison that refers to a special offer shall indicate clearly and unambiguously the end and should the special offer not yet apply, the beginning of the period during which the special price or other specific conditions apply, or state that the special offer continues as long as stocks last or services can be provided.

15. At the request of the Advertising Code Committee or the Board of Appeal the advertiser shall demonstrate the correctness of the advertisement, should this be disputed for good reasons.

16. This article was repealed on 28 February 1999.

17. The Advertising Code shall not only be applied according to the letter of its provisions but according to their spirit as well.

18. In the case of Special Advertising Codes, the General Section of the Dutch Advertising Code shall remain fully in force.

B. SPECIAL ADVERTISING CODES

Where in these codes is referred to advertising, this is held to be advertising as defined in article 1 of the General part of the Dutch Advertising Code.

a. KOAG/KAG Approval Board

Advertising messages about drugs aimed at the general public shall be provided with a valid authorization stamp issued by the Inspection Board for the Public Commendation of Registered Drugs (KOAG) in conformity to its articles.

In the case of complaints about advertisements evaluated by the Inspection Board for the Commendation of Health Products (KAG) the Advertising Code Committee or Board of Appeal can take into account the decision of the KAG.

b. Courses

Advertisements for courses shall provide a faithful picture of the institution that organizes the course and under whose auspices the course is given, as well as of the course itself. The advertising shall refrain from any suggestion of results which cannot reasonably be expected and the mentioning of non-recognized 'degrees'.

c. Contests

Advertisements in printed media announcing a contest shall contain at least the following information:

- a. name and complete address of the organizer of the contest;
- b. the number of prizes and a description from which their monetary value is known or can easily be derived;
- c. the latest date of submission of the contest form;
- d. any exclusions from participation;
- e. date of results and manner in which they are to be announced.

d. Loans, Investments and Real Estate

Loans and investments

Advertisements for forms of saving, loans and/or investments shall contain no claims which can mislead the general public regarding the terms of the loan or securities on offer, actual or estimated earnings, or the terms of interest payments and redemption.

Real Estate.

Advertisements for transactions concerning real estate shall contain no misleading or grossly exaggerated claims concerning ownership or the transfer of ownership of the land and the premises which are, or will be built on it and related matters such as materials, facilities, location, required (statutory) formalities, rights, price and financing options. Exceptional care shall be exercised in advertising for real estate located abroad.

e. Outwork

Advertisements for outwork shall give a faithful description of the work concerned and state the expected remuneration. When proposals are made to charge for the use of machinery or raw materials or parts, or when the advertiser proposes purchasing the goods made by the outworker, the advertisement shall contain all relevant information. The name and address of the advertiser shall be stated in full.

f. Tobacco Products

Radio and television advertisements of tobacco products are prohibited, except for advertising in tobacco shops or in a tobacco sales outlet with a lockable entrance door in a grocery shop or department store, clearly separated from the rest of the shop (for specific definitions and exceptions see section 5 of the Dutch Tobacco Law).

ADVERTISING CODE FOR ALCOHOLIC BEVERAGES

GENERAL PROVISIONS

Field of application

The Advertising Code for Alcoholic Beverages applies to advertising for alcoholic beverages and non-alcoholic beverages when these are recommended for consumption together with alcoholic beverages. This Code applies to advertising intended specifically for the Netherlands.

Definitions

In this Code, the following definitions apply:

sector: the part of the business community involved in the production, import, distribution, sale and provision of alcoholic beverages;

alcoholic beverages: beverages containing a half (0.5) or more percent of alcohol by volume;

advertising of alcoholic beverages: any public commendation of alcoholic beverages and of non-alcoholic beverages in so far as the latter is commended for use in combination with alcoholic beverages, regardless of the medium used (including print, radio, TV, labels, packaging, the Internet) and including consumer promotion campaigns, direct mail, merchandizing, 'point-of-sale' material, and sponsorship;

minors: persons under the age of 18 years;

specifically aiming at minors: an advertisement for alcoholic beverages is deemed to be aimed specifically at minors, if it holds a noticeably greater appeal for minors than for adults;

broadcasting station for young persons: a broadcasting station of which over 25 % of the viewing and listening public are minors. Determination of the percentage of minors in the watching and listening public is based on the weighed average of the viewing and listening figures as compared to the entire programme selection of a given broadcasting station. The percentage shall be measured by a generally accepted viewing and listening survey.

The sector shall determine each year for the period from July of the one year up to and including June of the next year, which stations are to be designated as broadcasting stations for young persons;

catering industry promotions: promotions in catering establishments, where a promotion team, by order of a producer or importer, introduces one of the branded products of the producer or importer to the attending public;

ring tone: the sound produced when a telephone call or an SMS is coming in on a mobile phone;

games: all games which can be played digitally;

SMS: Short Message Service: the ability to send and receive mobile phone text messages. A message consists of words and/or numbers and/or an alpha-numeric combination.

GENERAL

Article 1

Since the irresponsible consumption of alcoholic beverages can cause problems, restraint shall be exercised in all advertising messages for such beverages. Advertisements of alcoholic beverages shall not show, suggest, nor stimulate any excessive or otherwise irresponsible consumption.

Article 2

Advertising messages for alcoholic beverages shall not negatively depict abstinence or the moderate use of alcoholic beverages, nor shall advertising present alcoholic beverages favourably compared to any non-alcoholic beverage.

Article 3

Par. 1

Advertising messages for alcoholic beverages shall cause no confusion about the alcohol percentage of alcohol in the beverage.

Par. 2

Advertising messages for alcoholic beverages, including brand name, type name and packaging shall not create the impression that the beverage in question is a soft drink, lemonade or other non-alcoholic beverage.

Article 4

Advertising messages for alcoholic beverages shall not suggest that the percentage of alcohol is in itself a favourable quality. Nor shall the suggestion be made that a lower percentage means a diminished risk.

Article 5

Advertising messages for alcoholic beverages shall not conflict with the requirements of good taste and decency, or harm human dignity and integrity.

CLAIMS**Article 6**

Advertising messages for alcoholic beverages:

Par.1

shall not refer to the uninhibiting effect of alcoholic beverages such as the reduction or disappearance of feelings of anxiety, inner conflicts or feelings of social inadequacy.

Par. 2

shall make no reference to possible health benefits as a result from the consumption of alcoholic beverages.

Par. 3

shall in no way suggest that the consumption of alcoholic beverages improves physical or mental performance.

Par. 4

shall in no way suggest that the consumption of alcoholic beverages enhances sporting performance.

Article 7

Advertising messages for alcoholic beverages shall in no way suggest that the consumption of alcoholic beverages affects professional performance favourably.

Article 8

Advertising messages for alcoholic beverages shall not create the impression that the consumption of alcoholic beverages can contribute to social or sexual success.

VULNERABLE GROUPS**Pregnant women****Article 9**

Advertising messages for alcoholic beverages shall not be aimed specifically at pregnant women.

Minors**Article 10**

Advertising messages for alcoholic beverages shall not be aimed specifically at minors and shall not make use of illustrations, a colour scheme or design, cartoons, symbols or idols, sound,

music, ring tones, SMS or language and expressions typical for minors, which hold a noticeably greater appeal for minors than for adults.

Article 11

Advertising messages for alcoholic beverages shall not show persons younger than twenty-five who drink alcoholic beverages or who encourage the consumption of alcoholic beverages.

Article 12

Advertising messages for alcoholic beverages shall not suggest that the consumption of alcoholic beverages is a sign of maturity and that abstinence is a sign of immaturity.

Article 13

The offer free of charge or at less than half the normal retail price of objects bearing advertising messages for alcoholic beverages to persons, who have not yet reached the legal age for purchasing the alcoholic beverage concerned, is not permitted.

HIGH-RISK SITUATIONS

Article 14

Advertising messages for alcoholic beverages shall not depict situations that encourage risky behaviour.

Article 15

The advertising of alcoholic beverages at events is not permitted if it can be reasonably assumed that drinking alcoholic beverages will facilitate disruption of the public order and/or that disruption of the event concerned will be promoted.

Article 16

The advertising of alcoholic beverages at events is not permitted, if the risk of physical injury to participants and/or spectators can be reasonably expected as a result of drinking alcoholic beverages.

Article 17

Advertising messages for alcoholic beverages shall not associate the consumption of alcoholic beverages and active participation in traffic using a vehicle of any kind. This provision does not apply if, and in so far as the advertising message contains a warning against driving or riding after consuming alcoholic beverages.

SPECIFIC FORMS OF ADVERTISING

Collective advertising

Article 18

Collective advertising for various types of alcoholic beverages is not permitted. Advertising for alcoholic beverages is only permitted with designation of the brand or trade name, and in the case of wine, also with designation of the place or region of origin.

Sports and events sponsorship

Article 19

The linkage of the brand name of an alcoholic beverage to an event is permitted. All the rules of this Code apply to sports and events sponsorship.

Free supply

Article 20

Unless at sampling events, advertising involving an alcoholic beverage being offered by a member of the sector or with the active participation of a member of the sector to private persons free of charge or for less than half the normal retail price, is not permitted, .

VULNERABLE GROUPS

Minors

Article 21

Advertising messages for alcoholic beverages shall not reach a public, which consists of over twenty-five percent (25%) of minors. For advertising messages except those on internet sites, the measure of reach is considered to be the generally accepted reach research.

For cinemas and events, the attendance figures shall apply as the measure of reach. With the exception of advertising messages on internet sites, the burden of proof in this matter lies with the advertiser, who must use the generally accepted listening and viewing figures.

Article 22

Advertising messages for alcoholic beverages shall not be broadcast on radio or television immediately before, during or immediately after programmes that, according to generally accepted listening or viewing figures, are heard or watched for more than twenty-five percent (25%) or more by minors.

Article 23

Broadcasting stations intended for young persons shall not advertise alcoholic beverages.

NEW MEDIA

Article 24

Advertising messages for alcoholic beverages shall not be sent to minors solicited or unsolicited, in the form of an SMS, nor in the form of ring tones or mobile telephone games, nor in the form of internet games or other computer games, particularly intended to reach minors.

Sponsoring of these games or product placement in the abovementioned games by the sector is not allowed.

Article 25

Par. 1

Internet sites of which the (brand) name of the alcoholic beverage is also part of the domain name shall contain a clearly visible mention of the legal minimum age limit for purchasing alcoholic beverages. These internet sites shall not include chat boxes.

Par. 2

On internet sites which specifically aim at minors no advertising messages for alcoholic beverages shall be placed.

PERSON-ORIENTED ADVERTISING

Catering campaigns

Article 26

Par. 1

The commendation of alcoholic beverages by catering industry promotion teams shall not be directed at minors. This form of commendation is not tolerated in places where minors form more than twenty-five percent (25%) of the audience at the time.

Par. 2

During promotional catering campaigns it is not permitted to offer alcoholic beverages free of charge or to sell them at less than half the normal retail price.

Par. 3

During promotional catering campaigns no more than one alcoholic beverage per person shall be offered at a reduced price.

Par. 4

During promotional catering campaigns it is not permitted to offer an alcoholic beverage at a reduced price and at the same time give away a 'premium', i.e. a free gift.

Outdoor advertising**Article 27**

Advertising for alcoholic beverages is not permitted on billboards, posters, bus shelters and hoardings that are in view of alcohol rehabilitation centres or educational centres that are attended primarily by minors, or along motorways or roads outside built-up areas.

SPECIFIC FORMS OF ADVERTISING**Article 28**

Advertising messages for alcoholic beverages shall not be borne by a sporting individual or sporting team, or displayed on vehicles that the individual or sporting team uses in the exercise of speed sports.

Trade fairs**Article 29**

During trade fairs exhibitors are permitted to offer the visitors who have reached the legal age for purchasing alcoholic beverages, an alcoholic beverage if requested.

Tap systems**Article 30**

Members of the sector are not permitted to make professional tap systems available free of charge or for a symbolic amount at manifestations, events and festivities.

EDUCATIONAL SLOGAN**Article 31**

In the case of advertising messages for alcoholic beverages that are broadcast on television, in cinemas, theatres and closed-circuit television every broadcast shall contain an educational slogan. The slogan should be clearly visible and encourage the consumer to adopt a responsible attitude towards alcohol consumption.

This Code became operative on 1 May 2005.

LETTER BOX ADVERTISING, DOOR-TO-DOOR SAMPLING AND DIRECT RESPONSE ADVERTISING CODE

General Provisions

Article 1

In this Code the following definitions apply:

- a. letter box advertising:** means all advertising material which is distributed through the letter box or post office box, whether by direct mail or door-to-door, which does not form an integral part of another medium such as newspapers or magazines;
- b. door-to-door sampling:** means the distribution of goods or samples by direct mail or door-to-door free of charge;
- c. direct response advertising:** all advertising in which the goods, services or information offered can be obtained direct from the offerer by means of a written, electronic or telephone response;
- d. advertiser:** the party who orders letter box advertising, door-to-door sampling or direct response advertising to be sent to promote sales of his goods or services or to propagate his concepts;
- e. distributor:** a party who, either on instructions or otherwise, distributes or causes to be distributed letter box advertising, direct response or sampling material;
- f. extended transaction:** a transaction relating to a series of goods and/or services for which the delivery and purchase obligations extend over a period of time.

Article 2

The advertiser shall identify himself in letter box advertising, door-to-door sampling and direct response advertising in such a way that he is easily recognisable and actually accessible to the recipient. The name and address of the advertiser shall be stated in the offer, for which purpose mention of a post box number is not sufficient.

CONTENT AND HANDLING OF THE OFFER

Article 3

The goods and/or services that are offered shall be depicted and/or described clearly and truthfully.

Article 4

Every offer shall contain a brief, simply formulated summary of the rights and obligations attached to acceptance of the offer, in particular concerning cash price, the costs and conditions for paying in instalments, any postal charges and other conditions such as whether or not the offer is on approval without obligation, so recipient knows what is on offer and which are his rights and obligations should he accept the offer.

Article 5

As regards vouchers, cash premium coupons and savings stamps, the advantage or reduction for the recipient shall be easily identifiable and verifiable by him, and the offer's term of validity and any other restrictions shall be indicated.

Article 6

The advertiser undertakes to take back damaged premiums or goods and to replace them with new specimens.

UNSOLICITED GOODS

Article 7

The sending of unsolicited goods is prohibited if:

- a. it is stated or suggested that the recipient is obliged to pay unless he refuses the goods or returns them;
- b. the recipient obtains the impression that he is obliged to accept the goods.

RIGHT OF RETURN

Article 8

Where the expression 'on approval without obligation' or 'no good, money back,' or similar expressions are used, the advertiser shall be obliged to accept the returned goods unconditionally during the period specified in the offer.

Article 9

Unless the offer expressly stipulates otherwise, the recipient shall be entitled to return goods ordered by him as a result of direct response advertising, letter box advertising or door-to-door sampling within seven days or so much later as stipulated in the offer, without further obligation on his part, unless explicitly stated otherwise.

Article 10

When returning goods in the cases referred to in Articles 8 and 9, any sums already received by the advertiser shall be returned within 30 days of the date the returned goods are received.

EXTENDED TRANSACTION

Article 11

The recipient shall be entitled to dissolve an extended transaction entered into by him if the goods delivered fail to meet his justified expectations, subject to any termination rules agreed for this purpose.

DISTRIBUTION AND DELIVERY

Article 12

The distributor is obliged to ensure that advertising material distributed by direct mail or door-to-door reaches the recipient in good order, subject to the provisions of article 14.

Article 13

This article was withdrawn on 1 April 1993.

Article 14

Should the recipient state in writing that he does not want addressed advertising, the advertiser shall ensure that this wish is honoured unconditionally, as soon as possible and in any case within a period of three months of receipt of the request.

Article 15

Samples of goods shall be safely packaged when delivered to the recipient. The advertiser shall remain responsible for the distribution of the samples.

Article 16

Samples and other material which may constitute a danger to physical health in the event of internal or external use shall be handed over by the distributor only to adults and only in person.

Article 17

Since 1 January 2006 this article is part of the Advertising Code directed at Children and Young People.

Article 18

When distributing advertising material, employees of a distributor shall be able on request to identify the distributor for whom they are working.

Note: For possible prohibitions on the distribution of unaddressed advertising material and products containing alcohol see the respective Special Advertising Codes.

This Code became operative on 1 April 1993

CODE FOR THE DISTRIBUTION OF UNADDRESSED PRINTED ADVERTISEMENTS

DEFINITIONS AND GENERAL PROVISIONS

Article 1.1

In this Code the following definitions apply:

- a. Advertising:** any public commendation of goods, services or ideas (together referred to as: products). The soliciting of services is also considered advertising.
- b. Advertising printed matter:** any printed matter which consists wholly or partly of advertising, with the exception of free distribution newspapers (free local papers).
- c. Samples:** goods or samples of goods which are distributed without any consideration, for the purpose of commending them.
- d. Unaddressed advertising printed matter:** printed advertising and/or samples which are distributed door-to-door free of charge without mention of the address (or post office box) of the recipient.
- e. Free local papers:** unaddressed printed matter which is distributed door-to-door free of charge at regular intervals in a geographically limited area and of which at least 10% of the contents consists of information and news, but no advertising, about the area of distribution in question, and which in addition also contains advertising messages.
- f. Sender:**
- in the case of unaddressed printed advertising material: the person or persons mentioned as sender on the unaddressed printed advertising material;
 - in the case of free local papers: the publisher mentioned in the paper concerned.
- g. Distributor:** the organization which distributes - or causes to be distributed - the unaddressed printed advertising material or the free local papers on behalf of the sender.

Explanation of Article 1.1.a

The term 'advertising' as defined in the Code means any public commendation irrespective of its origin. Thus no distinction is made whether an advertising message comes from a government agency, a non-profit organization or a company. If the message has no character of commendation, it is not considered advertising. This is the case, for example, in the distribution of purely factual information, which is generally also designated by the word 'information'. Whether or not a given message is advertising, is determined ultimately by the Advertising Code Committee and the Board of Appeal. The expression 'soliciting of services' refers to the recruitment of personnel or outworkers.

Explanation of Article 1.1.d

Advertising is unaddressed if the address of the recipient (post office box or home address) is not stated. It is not important whether a name is included in an address; printed advertising that is addressed to 'the occupant of' a specific address is therefore not considered unaddressed. It shall be borne in mind, however, that such printed matter does fall within the scope of the Infofilter scheme (see www.infofilter.nl), and that any person who has reported in writing to the Infofilter that he does not wish to receive unaddressed advertising shall also not receive printed matter that does not state his name but is directed to his address.

Explanation of Article 1.1.e

A free local paper differs from other newspapers in that it contains news and information about the area where it is distributed, besides advertising and possibly more general news. The relatively low percentage of 10% has been chosen deliberately.

Article 1.2.

The sender shall identify himself as such, so that he is readily accessible to the recipient. The name and address of the sender shall be mentioned in the unaddressed printed advertising and free local paper; the mention of a post office box number alone is not sufficient.

2. Stickers

2.1. The following stickers fall within the scope of this Code:

Sticker A: "NO UNADDRESSED PRINTED ADVERTISING MATERIAL,
NO FREE LOCAL PAPERS" (NO/NO)

Sticker B: "NO UNADDRESSED PRINTED ADVERTISING MATERIAL,
FREE LOCAL PAPERS ACCEPTED" (NO/YES)

as elaborated in the models included in Annex 1 of this Code.

2.2. The purpose of sticker A: by putting sticker A on or in the immediate vicinity of his letter box the occupant or user of the building concerned indicates that he does not wish to receive unaddressed printed advertising material or free local papers.

2.3. By putting sticker B on or in the immediate vicinity of his letter box the occupant or user of the relevant building indicates that he does not wish to receive unaddressed printed advertising material but does wish to receive free local papers in his letter box.

3. Compliance with stickers

3.1. Senders and distributors shall, both individually and in mutual consultation take all measures and provisions which are necessary:

- to ensure compliance with the wishes stated on the stickers referred to in Annex 1;
- for the further enforcement and implementation of this Code.

3.2. Senders and distributors shall keep count of the number of stickers used (or cause this to be done) and shall match the number of items of unaddressed printed advertising material and free local papers to this figure.

4. Distribution and Publicising of Stickers

4.1. The parties to this Code shall ensure that enough A and B stickers as referred to in Annex 1, are available to the public free of charge.

Explanation of Article 4.1

The distribution of stickers is arranged through the municipality and by way of the special telephone number 0900-2025095 (25 cents per minute). The sticker can be collected by the recipient of unaddressed printed advertising and/or free local papers at the town hall or at municipal agencies that have a public function and have been designated by the municipality. The quantity of stickers at a given location shall match the size of the population in the municipality concerned. The sticker can also be ordered by the recipient of unaddressed printed advertising material and/or free local papers by telephone, after which the stickers will be sent.

4.2. Parties to this Code shall ensure that the meaning and availability of the stickers is clearly brought to the attention of the public.

Explanation of Article 4.2

A PR plan has been developed for the introduction of the sticker system, which is intended to bring the sticker system effectively to the attention of interested parties.

5. Complaints

Any person who thinks he received unaddressed printed advertising material and/or free local papers in spite of the sticker being attached may complain in writing to this effect to the sender and/or distributor. The recipient of the complaint is obliged to investigate the complaint and to inform the complainant in writing within four weeks of the results of this investigation. Should the complaint be addressed to the sender, the latter shall, on first request, disclose the name and address of the distributor.

Explanation of Article 5

The right to complain applies to the stickers referred to in Annex 1. For resolution of complaints, contact should first be made by telephone with the sender or distributor. If the complainant desires to submit a complaint to the Advertising Code Authority, as provided in Article 6, he should complain in writing to the sender or distributor. In this case, both sender and distributor shall be assumed to be parties to the procedure as stipulated in Article 6.1. In the event of a procedure with the Advertising Code Authority, the complainant shall be able to submit a copy of the written complaint sent to the sender and/or distributor.

6. Supervision and Sanctions

6.1. Any complainant who has not been informed in time pursuant to Article 5 or considers the handling of his complaint unsatisfactory may then lodge a complaint with the Advertising Code Authority in accordance with its Articles and Rules. In the absence of a prompt response by the sender (or distributor, as the case may be) the complaint shall be lodged no later than four weeks after the lapse of the period described in article 5 and, in the event of an objection to a response received, within four weeks of receipt of the response, unless complainant can demonstrate that he could not reasonably have met this deadline.

Explanation of Article 6.1

The point of departure is that the complainant has four weeks for the second step of the complaint procedure. Should he exceed this period, he shall demonstrate that he was prevented from responding in time by, for example, illness, holidays or otherwise.

6.2. Should a complaint be allowed, the sanctions referred to in Articles 17 and 18, of the Rules concerning the Advertising Code Committee and the Board of Appeal shall apply.

6.3. Should a complaint be allowed, the Advertising Code Committee or the Board of Appeal may indicate whether the infringement of the Code is to be attributed to the sender or the distributor or both.

7. Entry into Force

This Code went into force 1 January 1993 and was revised 1 January 2004.

ANNEX 1

NO No unaddressed printed advertising material	YES Free local papers accepted
Available at the local government offices or call 0900-2025095 (€0,25 p.m.)	
NO No unaddressed printed advertising material	NO No free local papers accepted
Available at the local government offices or call 0900-2025095 (€0,25 p.m.)	

CODE FOR DISTRIBUTION OF ADVERTISEMENTS BY E-MAIL (E-MAIL CODE)

1. General provisions

1.1 This Code applies to the distribution of advertising messages by e-mail.

1.2. The following definitions apply to this Code:

a: advertising by e-mail: the public commendation by e-mail of goods, services or concepts, as well as the solicitation of services;

b: advertiser: the party who orders advertising by e-mail;

c: distributor: the party who, whether or not in the name of the advertiser, professionally distributes advertisements or causes them to be distributed by e-mail; the word "Distributor" does not apply to the provider of the networks or services for electronic communications to be used.

d: recipient: the person to whom advertising by e-mail is directed;

1.3 The advertiser is obliged to make sure that the recipient has given permission for sending him advertising messages by e-mail, or has ordered before a similar product as a client of the advertiser.

1.4 The content of the advertising message sent by e-mail shall comply with the general rules for advertising and in the event of remote sale specifically with the legal regulations concerning remote sale.

2. Identity and identification

2.1 Advertising by e-mail shall be clearly identifiable as such. Identification shall be made possible by the combination of sender's address and subject.

2.2 The advertiser shall identify himself in the e-mail in such a way that he is easily and actually accessible to the recipient. The name of the company - not an alias -, e-mail address as well as the postal address and/or telephone number of the advertiser shall be specified in the e-mail.

3. Size

3.1 The maximum size of an advertising message sent by e-mail is 50 Kb, unless the advertiser or distributor and the recipient have agreed otherwise. If (compressed) files are sent along, the real size of the (expanded) files has to be indicated in the e-mail.

3.2 Should an advertising message, sent by e-mail refer to a website where a file is 'parked,' the e-mail shall state the size of the file to be downloaded.

3.3 Attached files and/or scripts must be virus free and shall in no way cause damage to the recipient. The composer of the e-mail stays fully liable for all damage, arising from and directly referring to the damage causing e-mail.

Executable files shall not be sent along with the e-mail message.

4 Compilation of e-mail addresses

4.1 In the event the advertiser is compiling visitors' e-mail addresses on his website, the site visitor who has left his address on the website shall be clearly informed for which purposes his e-mail address will be used.

4.2. The site visitor shall have the possibility to in advance, by means of a positive action, indicate if he desires to receive e-mail.

The first sentence of this article is not applicable if:

a. the e-mail address is left in connection with the supply of products, provision of services and/or making donations;

b. the e-mail address is used by the advertiser for communicating his own commercial, ideal or charitable purposes in relation to comparable products, services or requests for donations;

c. the site visitor, leaving his e-mail address, is offered the opportunity to make a protest, as defined in article 5, section 1.

If the advertiser intends to pass on an e-mail address to third parties also, the site visitor shall first grant permission hereto, separately.

4.3 Passing on an e-mail address to third parties is only permitted, if the site visitor has been informed in advance, for which purposes his e-mail address will be used and if the address is passed on in accordance with the information supplied to the site visitor.

The information may be: names of companies or specified categories. Likewise it is permitted to indicate instead that the e-mail address will be exclusively passed on to third parties, who:

- a. have declared that they will comply with this Code and the privacy legislation and
- b. do comply indeed and
- c. send advertising e-mail messages exclusively under supervision of the compiler of the e-mail addresses concerned.

In addition to article 2.2 the identity of the agent, if applicable, must be indicated in any message sent by a third-party advertiser, as well as the identity of the third party-advertiser himself and the identity of the supplier of the addresses.

4.4 When compiling e-mail addresses otherwise than via websites, the owner of an e-mail address shall be given information about the use of the address and asked permission for passing the e-mail address on to third parties, in the same way as described in art. 4.1, 4.2 and 4.3.

4.5 The use of e-mail addresses is only permitted in the event that the recipient has in advance given permission, pursuant to the abovementioned articles.

5. The Right of Objection

5.1 It is not allowed to compile e-mail addresses, without the recipient having the opportunity to raise an objection against the forwarding of advertising messages.

5.2 The recipient shall have the opportunity to sign out in a simple way by means of a hyperlink, to be spared in future of advertising messages sent by the advertiser or the compiler of the e-mail addresses. Objection shall be made possible in a simple, clear and preferably uniform manner. The advertiser or third party-advertiser shall take care of immediate compliance, free of charge, with the request.

6. Complaints and supervision

6.1. Anyone who has the impression to have received e-mail advertising messages that conflict with this Code may submit a complaint by mail or send an electronic complaint form (downloadable at <http://www.reclamecode.nl/>) to the Advertising Code Committee in compliance with the articles and regulations of the Advertising Code Authority .

6.2. If an interest organisation receives five or more complaints about the same e-mail marketing campaign, the organisation may directly file a complaint on behalf of the complainants with the Advertising Code Authority, in compliance with the articles and regulations of this Authority. The complaint shall be submitted within four weeks after the e-mail campaign, unless the organisation can give a convincing explanation why herewith cannot reasonably be complied.

6.3 The complaint shall contain the name, address and place of residence of the complainant and also copies of the e-mail messages whereupon the complaint was based.

6.4 In this event that both the advertiser and the distributor are deemed to be parties in the procedure as referred to in article 6.1.

6.5 The Advertising Code Committee or Board of Appeal may, should the complaint be allowed, indicate whether the infringement of the Code can be attributed to the advertiser and/or the distributor.

7. Evaluation and entry in force

7.1 Considering the fast development this Code shall be annually evaluated by the parties who have introduced this Code and by the Advertising Code Authority.

7.2. This Code became operative on 15 June 2004.

ADVERTISING CODE FOR TELEPHONE INFORMATION SERVICES

1. Definitions

In this Advertising Code the following definitions apply:

Information services: Services which are accessible through an information number.

Information number: A number (or numbers and letters) with a prefix of 0800, 0900, 0906 or 0909 pursuant to Article 3c of the Number Plan for (ISDN) telephone services based on Article 4.1 of the Telecommunications Act.

Number plan: The Number plan for (ISDN) telephone services as it is established by the minister of Transport and Public Works on the basis of Article 4.1 of the Telecommunications Act and published in the Dutch Government Gazette.

Service code: The first four digits of the information number by which a category of information services of the Number plan is determined.

Paid number: An information number for which a fee is charged to the number caller by the telecommunication service or by the information service as the case may be.

Free number: An information number for which no fee is charged by the telecommunications service or by the information service as the case may be.

Telephone charge: The rate that the providers of telecommunications facilities charge to number users for obtaining access to information services.

Number caller: The party who obtains access to an information service by dialling an information number.

Number user: The party who provides information service through an information number. .

Number holder: The party to whom the body, as referred to in article 2 of the Law on the Independent Post and Telephone Authority (OPTA) has assigned an information number.

2. Aim and Reach

This Advertising Code is intended to promote the identification and reliability of advertising messages in which telephone information services are included.

3. Demarcation of 0800 Information Services

It is not permitted to mention a rate or charge a fee in an advertisement for providing information services under the 0800 service code.

4. Demarcation of 0900 Information Services

It is not permitted to offer information services under the 0900 service code in an advertisement if such services may be considered as:

- a) information services of an erotic or pornographic nature;
- b) information services that refer directly or indirectly to services of an erotic or pornographic nature;
- c) information services clearly intended to extend the duration of the call;
- d) information services that provide amusement;
- e) information services for which for which no fee is charged by the telecommunications service, nor by the information service.

5. Demarcation of 0909 Information Services

It is not permitted to offer information services under the 0900 service code in an advertisement if such services may be considered as:

- a) information services of an erotic or pornographic nature;
- b) information services that refer directly or indirectly to services of an erotic or pornographic nature;
- c) information services not primarily intended to provide or exchange socially relevant information, but to extend the duration of the call;
- d) information services for which no fee is charged by the telecommunications service, nor by the information service.

6. Demarcation of 0906 Information Services

Taking into account the other articles of this Advertising Code, it is permitted to offer information services under the 0906 service code in an advertisement as long as paid numbers are used.

7. Rules Applicable to all Information Services

7.1. In an advertisement the information number shall be clearly and unambiguously indicated.

- a. In the case of a visual message (including TV) unambiguity means that the service code and the rest of the information number under which the service is provided are clearly separated by a sign;
- b. The provisions of a) shall not apply if, in addition to a self-chosen mention, the service code is in any case clearly specified in the same message, followed by a hyphen and the word 'number';
- c. For exclusively audio messages, unambiguity means that a clear pause is made between the service code and the rest of the information number under which a service is provided.

Explanation of Articles 7.1b and 7.1c

Identification of an information service as such is threatened when the service code in the advertising message is not expressed unambiguously. The deviation in b) is intended for number users because a deviating notation benefits the capacity to remember the number. The harm done to the recognizability of the service in this way is compensated by separate mention of the constituent parts of the number, such as '09 06 59 56 (0906 number).

When the message is audio, as on the radio or telephone, the service codes shall, pursuant to c), be communicated as one word, hence 'O-eight hundred,' 'O-eight-O-O,' 'O-nine hundred,' or 'O-nine-O-O,' 'O-nine-O-six,' or 'O-nine-O-nine,' after which the rest of the information number may be spoken after a short pause.

7.2. On 1 January 2006 this article was included in the Children's and Young people' Advertising Code.

7.3. A number holder shall provide on request the name and address and place of residence of a number user, for which, if desired the number holder may charge the requester a reasonable fee.

7.4. Should various services be offered through an information number in an advertising message, the provisions of the service code of this information number shall apply to all such services.

8. Rules for paid numbers

8.1. In all advertising messages and preceding the start of an information service provided through paid numbers, the rate charged per minute or per call shall be given for the information service and the transmission hereof, should the transmission rate not be included in the rate for the information service.

8.2. Mention of the rate shall be free and unambiguous and clearly legible and/or comprehensible.

8.3. Terms such as 'free' and 'free of charge' or words of similar import shall not be used in advertising messages concerning the paid information number.

8.4. The information service shall comply with the claims of the advertising message.

Explanation of Article 8.1

It should be clear for the number caller which rate or rates are charged for the use of the information services. This can be made clear through quotation of a total rate per minute or per call in which the telephone rate is included (such as 'this information number costs 45 euro cents per minute). Another possibility is to quote the rate of the information service per minute or per call with a separate referral to (part of) the telephone rate (such as 'plus the charge for use of the

mobile phone). It is prohibited to quote a rate for the information service without mentioning that there is in addition a full or partial telephone charge, when this is in fact the case.

9. Coming into Force

This Code became operative on 1 January 2004.

ADVERTISING CODE FOR GAMES OF CHANCE OFFERED BY LICENSEES, BY VIRTUE OF THE GAMES OF CHANCE ACT

GENERAL PROVISION:

Advertising for the games of chance offered by Licensees by virtue of the Games of Chance Act is, without prejudice to the general section of the Advertising Code, subject to the following Special Advertising Code. This Code applies without prejudice to advertising games of chance organized by or by order of beneficiaries.

Explanation

The Advertising code for the Games of Chance has been signed by the Dutch licensees of games of chance and private operators of slot machines (associated in the VAN)

The Advertising Code for Casino Games and Slot Machines applies to any form of public commendation whose object and/or result is:

- to augment the name familiarity or reputation of games of chance providers;
- to promote participation in games of chance as referred to in the Games of Chance Act and the Slot Machines Decree.

I. DEFINITIONS

In this code the following definitions apply:

Beneficiary: party/co-party, receiving the benefit of the result of a game of chance

Game of chance: a game in which there is the opportunity to compete for prizes and premiums, where winners are randomly selected and, generally speaking, chances to win are not influenced by the players.

Game of Chance provider: organisation, licensed under the Dutch Games of Chance Act.

Minors: persons who have not yet reached the age of 18.

II. CONTENT OF THE ADVERTISING

Article II.1.

Advertising for games of chance shall only be aimed at a responsible participation and arousal of interest in the game of chance provided;

Advertisements shall not encourage excessive participation in games of chance, nor shall excessive participation in games of chance be set as an example or be trivialized.

Article II.2.

Advertisements shall not create the impression that participation in casino games and the playing of slot machines cannot have undesirable consequences.

Article II.3.

Advertisements shall not be misleading, particularly concerning:

- the features or odds of the games provided by the games of chance provided
- the possible obligations of the participant.

Article II.4.

Advertisements shall not appeal to the pursuit of profit by emphasizing the possibility of winning a large sum of money as the solution for financial or social problems.

Article II.5.

In advertisements for games of chance may not be suggested that prize winners are obliged to co-operate with a recruitment or advertising campaign, radio and/or TV programmes.

Explanation

Prize winners have no obligation to co-operate in advertising. Prize winners may be asked to co-operate in a recruitment or advertising campaign, radio and/or TV programmes. Should a prize

winner agree, the permission will be laid down in an agreement and is revocable until the date stated in the agreement.

Article II.6.

Advertising for games of chance aimed at participants, who have given permission for payment by direct giro or banking debit, shall not suggest an increase of the amount of draws including an increase of the deposit, which the participants are supposed to accept automatically, unless they explicitly express their wish not to accept the offer.

Explanation

If for a game of chance, for which an direct debit payment is issued, a deposit increase results from the fact that the amount of draws is increased, a so-called opt-in system is applied to the effect that this deposit increase may only be debited if the participants have explicitly agreed beforehand.

Article II.7.

Subject to what is stated in the Dutch Advertising Code the advertising for games of chance shall clearly mention where information can be obtained about:

- how to participate in a sensible way in games of chance and where to find assistance in case of addiction to games of chance.
- how the anonymity of the prize winners is guaranteed, if requested;
- how winners of big prizes can get independent advice about financial and legal matters;
- the development of the game, the chances to win a prize, the determination of profit, the possible withholding of games of chance tax and the way participation in a game of chance can be terminated.
- the notice participants who have given permission for payment by direct giro of banking debit, can expect one month ahead, about a price increase or other changes in the game conditions.
- how participants who have given permission for payment by direct giro of banking debit, will be properly and clearly informed about how to handle the increase of the amount of draws, in case they do not agree.
- volume and allocation of the profits of the games of chance. This point does not apply to operators of slot machines.

Explanation

It is sufficient if games of chance providers in their advertising messages refer to their own website, where all information, mentioned in this article, can be found.

Self employed private operators of slot machines are exempt from the obligations to account for the volume and allocation of the profit vis à vis the consumer.

III. VULNERABLE GROUPS

Article III.1.

Advertising for games of chance specifically directed at minors, at persons registered as being banned from entering or participating, as the case may be, or at other vulnerable groups is not permitted.

Article III.2.

In principle, no young people who are or seem to be under the age of 18 shall be depicted in advertisements for games of chance.

Explanation

By virtue of the law, minors shall not participate in games of chance and shall therefore not be depicted in advertisements for games of chance. However, it may happen that pictures of prize winners are taken spontaneously, when minors find themselves in their vicinity. For various minor lotteries lottery tickets are sold by minors, for the benefit of their organisation, school, or club. It is permitted to take pictures of these minors. However, the way they are portrayed shall never lead to encouraging minors to participate in a game of chance.

Article III.3.

Commercials for games of chance shall not be broadcast on television before 19.00 hrs.

Explanation

Providers of games of chance shall exclude broadcasting time before 19.00 hrs. in their sales agreements of TV commercials.

Article III.4.

No advertisements shall be placed in or through media or parts of media that are specifically intended for minors (inserts, supplements, special [radio and TV] programmes, cinema films etc.).

Article III.5.

Outdoor advertising messages of casino games and slot machines on billboards, posters, bus shelters and municipal advertising columns shall not be placed within view of educational establishments that are attended primarily by minors.

Explanation

Providers of games of chance shall exclude such locations in their agreements with outdoor advertising operators. If such advertising is placed near a location where incidentally an event for minors takes place, the advertising does not have to be removed.

Article III.6.

Advertising for games of chance distributed by direct advertising (mailings, digital and other newsletters etc.) shall not be aimed at minors or persons registered as being banned from entering or participating as the case may be.

Article III.7.

No sampling shall be carried out on minors or at meetings that are attended primarily or exclusively by minors.

IV. SPONSORSHIP

Article IV.1

Sponsorship activities by providers of games of chance are permissible, subject to the relevant provisions of this Code.

Article IV.2

Sponsorship by games of chance providers of activities organised by third parties or radio and/or television programmes, intended wholly or partly for minors, is not permitted, unless the sponsorship is exclusively meant to motivate minors to attract grown-up participants in the games of chance for the sake of their organisation, school or club.

V. COMING INTO FORCE

Article V.1

This code came into force on 15 February 2006 and shall be evaluated after two years and revised if necessary.

The Advertising Code for Casino Games and Slot Machines became invalid since the new Code became operative.

CODE FOR ENVIRONMENTAL ADVERTISING

Article 1. Applicability

This Code applies to all environmental claims, in other words, to all advertising messages referring implicitly or explicitly to environmental factors connected with the production, distribution, consumption or waste processing of goods, or with related services (hereinafter known collectively as 'products').

Explanation of Article 1

The provision governing the applicability of the Code for Environmental Advertising is broadly formulated. Advertising is defined as any public commendation of goods, services or concepts (collectively known as 'products').

Advertising is furthermore defined as the solicitation for services (see Article 1 of the General Code).

The Advertising Code Committee interprets 'any public commendation' broadly. The Code for Environmental Advertising therefore applies not only to advertisements in the press and on radio and television but also to all other forms of public commendation such as packaging and labels, outdoor advertising, cinema advertising and advertising through electronic media.

The Code also applies to the entire life cycle of all goods and services, i.e. from production (including the processing of raw materials) up to and including waste processing. Whether the Code is applicable in borderline cases is a matter to be decided by the Advertising Code Committee and the Board of Appeal. It should be borne in mind that each advertising message is assessed in terms of the General Code, even if it is not classified as an environmental claim and the Code for Environmental Advertising is therefore not applicable.

Article 2 No misrepresentation

Environmental claims shall contain no statements, pictures or suggestions that may mislead the consumer concerning environmental aspects of the products recommended or the contribution of the advertiser to maintaining and promoting a clean and safe environment in general.

Explanation of Article 2

Article 2 is also broadly formulated. An advertisement can be misleading not only because of factual statements but also through pictures or suggestions, or precisely because information or warnings are lacking. What matters ultimately is the total impression created by the advertising message.

In practice, the misleading element of advertisements is often the fact that minor advances are represented too emphatically as a breakthrough. Marginal improvements should be presented as such. Also see articles 4 and 5.

The article barring misleading advertising messages always applies, regardless of the fact whether environmental claims violate one or more other articles. Assessment is always made in terms of the other articles in addition to assessment in terms of article 2, since environmental claims may under no circumstances be misleading.

Article 3. Demonstrability

All environmental claims shall be demonstrably correct. The burden of proof rests with the advertiser. The more absolute the formulation of the claim is the more stringent are the requirements with respect to evidential material.

Explanation of Article 3

Freedom of communication means that businesses and private individuals are under obligation, in the event of complaints, to subsequently account for statements they have made and, if necessary, demonstrate that a communicated message is correct. The burden of proof therefore lies with the advertisers.

The more absolute the environmental claim, the more stringent is the requirement of evidential material. Absolute claims therefore require heavily convincing evidential material. Using current technology, it is unlikely that evidence can be produced to show that the products are absolutely harmless to the environment. This is why great restraint is needed in relation to absolute claims. It

should be realized in this connection that expressions such as 'environmentally friendly', 'clean', 'green' and 'good for the environment', if used without further substantiating evidence are likely to be interpreted quickly by the public as absolute claims.

Absolute claims, however, are not prohibited. An advertiser who can demonstrate that its absolute claim is correct should be permitted to use this claim.

It should also be noted that the Code for Environmental Advertising also applies to advertising messages that warn against environmental effects of particular goods or services. Advertising messages of this kind that are couched in absolute terms likewise demand very convincing evidential material.

Article 4 Constituent parts and aspects

Should environmental claims relate exclusively or virtually exclusively to particular constituent parts or aspects of the products recommended, this limitation shall be stated clearly.

Article 5 Absence or reduction of constituent parts

An environmental claim that relates to the absence or reduction of constituent parts that are environmentally harmful is permissible only in the following cases:

- if any replacement parts are less environmentally harmful and
- if no wrongful assertion or suggestion is made that comparable products do possess these environmentally harmful constituent parts.

Article 6 Comparisons

This article was withdrawn as of 1 October 2000.

Article 7 Designations and symbols

Environmental designations and symbols shall not be used unless the origin of the designation or symbol is clear and no confusion can arise on the meaning of the designation or symbol.

Explanation of Article 7

The debate on environmental hallmarks, designations and symbols is presently in full swing. Hallmarks issued by recognised institutions (which satisfy for example the requirements of the Council for Certification) could constitute important evidential material in demonstrating the correctness of an environmental claim.

In this article the possibility is left open that entrepreneurs (companies) introduce and use their own environmental symbols and the like. The symbols shall, however, comply with two criteria: the origin shall be clear and confusion about the meaning of the symbols shall be excluded.

The origin of the symbols can be made clear by mention thereof in the advertisement or by the use of a generally known symbol. The meaning of the symbol shall be clarified by the advertisement itself or otherwise by generally accessible information.

Article 8 Scientific works

Quotations from, and reference to scientific works shall be representative and verifiably correct. Should the scientific works not be generally accessible, the advertiser shall submit such works on request when a complaint is handled.

Article 9 Testimonials

Testimonials used in environmental claims shall be based on the expertise of the person or body giving them.

Explanation of Article 9

Famous football players may know a lot about football and housewives should be well qualified to assess whether a particular brand of margarine fries meat to the right shade of brown, but the opinions of a footballer or a housewife on the environmental aspects of certain products are not based on the expertise required for making an assessment.

Such quotations are therefore very likely to be misleading and must be avoided. The speaker quoted should be an expert in the field he is talking about.

Article 10 Waste processing, collection and recycling

Environmental claims that relate to separate refuse collection and/or waste processing are permissible only if the recommended method of collection or processing is sufficiently available to the target group for which the environmental claim is intended. Environmental claims which relate to the recycling of products or parts of products are permissible only if a sufficient proportion of the recommended products or parts are actually recycled.

Explanation of Article 10

A particular problem that can occur nowadays is that separate refuse collection and/or waste processing and/or recycling is feasible in theory but (still) not sufficiently available in practice. The authorities have an important task in this connection, but industry too has responsibilities. In a number of industries, consultations are already being held with the authorities about the problem of waste and/or rules have been introduced or covenants concluded.

These often provide for a phased approach. Such an approach and its success in practice are important criteria in determining whether facilities will be available to 'a sufficient extent'.

As always, an important factor is how absolute the possibilities of waste processing, separate collection and recycling are presented.

Article 11 Environmentally unfriendly behaviour

Advertising messages shall not set as an example environmentally unfriendly behaviour that is avoidable, nor shall such behaviour be encouraged.

Explanation of Article 11

The Code is intended to ensure and encourage a justified use of environmental claims. A logical corollary here is that advertisers refrain from needlessly encouraging or setting examples of behaviour that causes gratuitously damage to the environment, such as pictures of environmentally harmful waste being discarded in the countryside. The article is not intended to prohibit advertisements for products that are to some extent harmful to the environment, since ultimately that refers to almost all products. It is also not intended to make the provision of factual product information impossible.

Article 12 Government rules

Notwithstanding the provisions of the paragraphs 1 through 11, environmental claims are permissible if they comply with specific advertising rules issued by government authorities in connection with environmental issues.

Explanation of Article 12

This article is intended to prevent the accumulation of rules. The Code does not apply if the government has introduced specific rules concerning advertising on environmental matters.

This Code became operative on 1 January 1991 and was revised on 1 October 2000.

CODE FOR PASSENGER CARS

I. PURPOSE

The purpose of this Special Advertising Code is to attune advertising messages to government policy on traffic safety, the environment and energy savings. Policy of the automotive sector is not only aimed at ensuring that new cars are produced as safe, environmentally sound and economical as possible, but also at encouraging that they are used in a way which is as safe, environmentally sound and economical as possible.

II. GENERAL PROVISIONS

Area of Application

This Special Advertising Code applies to the advertising and other sales promoting activities for new passenger cars.

This Code maintains the following definitions:

- a. **The sector:** members of the Automobile division of the RAI Association.
- b. **Passenger cars:** cars intended for the transport of up to eight persons (not including the driver) as stipulated in the Automobile Transport Act, and driven by an internal combustion engine.
- c. **Advertising messages:** see the definition of advertising, as stated in Article 1 of the General Code.

III. PROVISIONS CONCERNING ADVERTISING MESSAGES

All advertising messages used in the automotive sector shall comply with the Code for Environmental Advertising. Furthermore, the following stipulations apply:

Article 1

In advertising messages speed, acceleration and engine power shall not be used as arguments to promote sales. Any mention of engine power shall be in kilowatts (kW).

Article 2

Any fuel consumption figures shall exclusively be mentioned in accordance with Ministerial Order on Labelling of Energy Use (Bulletin of Acts and Orders 2000-475).

Article 3

Advertising shall not appeal to, or elicit aggressive, environmentally-unfriendly or unsafe traffic behaviour. Terms which commend the car as an environmentally-friendly product shall be avoided in advertising messages. Qualifications concerning contributions to or the promotion of a clean environment shall under no circumstances be used in an absolute sense.

Article 4

The use of terms which commend the car as an absolutely safe product shall be avoided in advertising messages.

This code became operative on 1 May 1994 and was revised on 1 January 2004.

ADVERTISING CODE FOR TOBACCO PRODUCTS

DEFINITIONS

- 1.1. **Tobacco products:** products meant for smoking, snuffing, sucking or chewing and which consist, may be partially, of tobacco.
- 1.2. **Young people:** persons under the age of eighteen years.
- 1.3. **Inventory:** shelves for tobacco products, including counters and coves in tobacco shops and separate tobacco outlets.
- 1.4. **Sponsoring:** any public or private financial contribution to an activity or event, which is targeted to or will result in making more widely known or promoting a tobacco product.
- 1.5. **Tobacco outlet:** any place where tobacco products are for sale or otherwise not free of charge.
- 1.6. **Tobacco specialist shop:** an establishment, being a shop or part thereof, with its own lockable entrance, in which a total range of tobacco products of at least 90 brands is for sale or otherwise not free of charge and:
 1. with a floor area of at least 10 m², or
 2. with a floor area of less than 10 m², but which was registered before 1 January 2001 as a tobacco shop at the Chamber of Commerce.

AREA OF APPLICATION

2. This Advertising Code applies to advertising and sponsorship insofar as permitted in compliance with the Dutch Tobacco Act of 18 April 2002 and insofar as it is exclusively or also consumer-oriented.

GENERAL PROVISIONS

3. Advertisements shall contain no testimonials by a well-known person unless the reputation of this person relates to tobacco.
- 4.1. Advertisements shall contain the health warning "Smoking causes death", as laid down in the Labelling Decree for Tobacco Products, (Bulletin of Acts and Orders 2002-83).
- 4.2.1. The health warning is applied in accordance with the specifications for health warnings on tobacco products packaging, as laid down by law. The wording of the above mentioned health warning must cover 15 % of the total surface of the advertisement.
- 4.2.2. The wording of the articles 4.1 and 4.2.1. does not apply to the advertising messages on the inventory of tobacco products outlet points.
- 5.1. Advertising messages shall not stimulate the use of tobacco products or encourage the start of smoking, nor make an example of or trivialize modest use.
- 5.2. Advertising messages shall not give the impression, that the use of tobacco products has a stimulating or a calming effect.

HEALTH

- 6.1. Advertisements shall in no way establish a positive link between the use of tobacco products and health. The following, however, may be stated, without causing confusion and without creating the impression that the use of tobacco products can not lead to undesirable consequences:
 - a. the content of tar, nicotine and carbon monoxide, as it shall be stated on the packets of cigarettes and shag, according to the law;
 - b. the customary designations used by the manufacturer for the tar, nicotine and carbon monoxide content, provided the actual content is indicated and insofar the packets shown are not contrary to the legal provisions for tobacco products themselves;
 - c. the customary designations used by the manufacturer for describing taste, quality or composition, insofar the packets shown are not contrary to the legal provisions for tobacco products themselves;

SPORTS

7. Advertisements shall not demonstrate any connections between smoking and the practice of sports.

YOUNG PEOPLE

8.1. Advertisements shall not be intended to influence young people to form a favourable impression of the commended product.

8.2. Advertisements shall contain no representations or commendations which appeal specially to young people.

8.3. Advertisements shall depict no persons under the age of 30.

8.4. Advertisements shall establish no connection between smoking and maturity or immaturity, i.e. not create the impression that smoking is a sign of maturity and not-smoking, a sign of immaturity.

AUDIOVISUAL MEDIA

9. It is not permitted to convey advertising messages in electronic audiovisual media that appeal specifically to young people.

COMING INTO FORCE AND TRANSITIONAL PERIOD

10. This code came into force on 7 November 2002 and is valid for an indefinite period.

TELEMARKETING CODE

Code for telephone conversations between telemarketer and consumers

Article 1

The following definitions apply to this Code:

telemarketing:

The systematic use of a telephone conversation to commend consumer goods, services or concepts; this also includes the solicitation for services;

telemarketing agency:

The organization/organizational division that is occupied (among other things) with telemarketing;

telemarketer:

The person who does the actual telemarketing telephoning;

advertiser:

The company, institution or (non-profit) organization that carries out telemarketing activities itself or farms them out to telemarketing agencies;

consumer:

A natural person who does not act in the capacity of his occupation or business;

telemarketing conversation:

The telephone conversation in which telemarketing is practiced.

Infofilter:

The database of the 'Infofilter' (Stichting Infofilter) in which consumers who do not wish to engage in telemarketing conversations can record their particulars.

Updating:

Comparing the database of the telemarketing agency or of the advertiser with the Infofilter database so that consumers (not being existing clients of the advertiser), who are listed in the Infofilter database will not be phoned for telemarketing purposes.

Article 2

This Code applies to telemarketing directed at consumers who have a fixed residence in the Netherlands.

Article 3

Par.1:

Telemarketing shall conform to the law, specifically the Dutch Personal Data Protection Act, The Dutch Telecommunications Act and the sections of laws concerning agreements concluded by telecommunications and the relevant self-regulating provisions.

Par.2:

Telemarketing agencies shall inform advertisers about this code, about the most important regulations concerned and about the possible consequences of infringement upon these regulations.

Par.3:

The provisions of the present code prevail over the general conditions of the advertiser and/or the telemarketing agency.

Article 4

Par.1:

Telemarketing conversations are permitted unless the consumer, not being an existing client of the advertiser, has indicated through the Infofilter or directly notified the advertiser his desire not to be called.

Par.2:

The use of automatic call systems without human interference for the purpose of telemarketing is not permitted.

Par.3:

The telemarketer is not permitted to speak unsolicited into a telephone answering machine or voice mail system of the consumer.

Article 5

Par.1:

Upon the start of every telemarketing conversation the telemarketer shall ask, after having clarified the commercial objective of the conversation, whether he has phoned at a convenient time.

Par.2:

If the telemarketer has phoned at a convenient time he shall state who the advertiser is and what the purpose of the conversation is, if this has not become clear from the commercial objective. Next he shall indicate the probable duration of the conversation, should the telemarketer expect it to take longer than five minutes.

Should the call be at an inconvenient time, the telemarketer shall end the conversation immediately. The telemarketer is then allowed to ask, if he may call back at another time.

Article 6

Should the consumer indicate the desire to end the conversation prematurely, the telemarketer shall comply immediately.

Article 7

Par.1:

The code shall be observed not only in letter but also in spirit. During each telemarketing conversation, measures have to be taken in order to guarantee proper observance and in order to avoid irritation, where possible.

Par.2:

An improper and deceptive approach is not permitted. An improper and deceptive approach is defined among other things as follows: a sales approach under the pretext of (market) research or a survey. This also includes an approach with leading questions or stating untruths.

Article 8

Par.1:

Telemarketing conversations may be held only between 9 a.m. and 10 p.m. on working days, and from 10 a.m. to 4 p.m. on Saturdays. Telemarketing is not permitted outside these hours, on Sundays or on public holidays, unless with explicit approval to call back on the consumer's initiative.

Par.2:

Telemarketing agencies may deviate from the provisions of section 1 of this article, should public interest require this.

Par.3:

Should a consumer lodge a complaint based on the fact that the provisions of section 1 have been infringed, it remains with the telemarketing agency or the advertiser to prove the contrary.

Article 9

A telemarketing agency shall make no offer to a consumer of whom the telemarketer knows to be, or could reasonably have known to be a minor.

Article 10

Par.1:

Upon the start of every telemarketing conversation the consumer shall be given the opportunity to make a protest against further use of his electronic contact data by or on behalf of the advertiser. Should the consumer notify that he does not want to be phoned by or on behalf of this advertiser in future for the purpose of telemarketing, the advertiser and/or the telemarketing agency shall comply with this request.

Par.2:

Should a consumer request the telemarketing conversations to be terminated in future, he shall be notified of the possibility to register his personal data: name, address, place of residence and telephone number in the Infilter database, via www.infilter.nl (free of charge), via Stichting Infilter telephone number 0900-6661000 (25 cent/m) or via P.O. box 906, 1000 AX Amsterdam.

Article 11

The telemarketing agency or the advertiser is obliged to update his own database no longer than 2 months before carrying out a planned telemarketing campaign. Should a current telemarketing campaign last longer than two months, the telemarketing agency or the advertiser shall update his own database at least once every two months.

Article 12

Telemarketers shall be familiar with this Code. The actual text of this code shall be within reach whenever telemarketing conversations are held.

Article 13**Par.1:**

Any person who considers himself approached by telephone in a way that conflicts with this Code can complain to the advertiser or the telemarketing agency in writing. In that case, it shall be assumed that the advertiser as well as the telemarketing agency is party to the proceedings as stipulated in the second section of this article. The recipient of the complaint is obliged to investigate the complaint and to notify the complainant within four weeks on the results of this investigation. If the complaint is directed to the advertiser, he shall disclose at the earliest request the name and address of the telemarketing agency.

Par.2:

Any complainant who is not notified promptly pursuant to the previous section of this article, or who is not satisfied with the resolution of his complaint may lodge a complaint with the Advertising Code Authority, pursuant to the articles and regulations of this Authority. Should a prompt response by the advertiser (or the telemarketing agency) be lacking, the complaint shall be submitted by the complainant no later than four weeks after the elapse of the period stipulated in the previous section and in the case of an objection to a given response, within four weeks after receipt of that response, unless the complainant can demonstrate that this could not reasonably have been expected of him.

Par.3:

If an interest organisation receives five or more complaints about the same telemarketing campaign, this organization can lodge a complaint directly with the Advertising Code Authority on behalf of the complainants, pursuant to the articles and regulations of this Authority. The complaint shall be submitted no later than four weeks after the telemarketing conversation took place, unless the interest organisation can demonstrate that this could not reasonably have been expected of him.

Par.4:

The Advertising Code Committee or the Board of Appeal as the case may be, may indicate by means of allowance of a complaint, whether the infringement of the Code can be attributed to the telemarketing agency and/or the advertiser. Should the Advertising Code Committee make a public recommendation or give a public 'opinion without commitment', the name of the advertiser shall in any case be disclosed.

Article 14

This Code is based on the principle 'the caller pays.'

Article 15

This Code is in force from 2 December 2003.

ADVERTISING CODE FOR FOOD PRODUCTS

I. GENERAL PROVISIONS

Field of application

This Code applies to all advertising for foods specifically intended for the Dutch market.

Definitions

- a. Food(s):** any industrially prepared and as a rule packaged foodstuffs and drinks, intended for use by consumers.
- b. Children:** minors, who have not yet reached the age of 13.
- c. Portion size:** size of a portion related to weight and/or volume.
- d. Children's idol** persons as well as comic characters and/or animated figures, well known by their role in television programs, which are specifically intended and/or developed for children. Comic characters and/or animated figures developed by or by order of the advertiser himself do not fall within the definition of a children's idol.

II. ADVERTISING MESSAGES

General

- 1. In an advertising message for foodstuff, statements referring to taste, portion size and a possible contribution of the commended food to a healthy eating pattern shall be correct and complete.
- 2. In addition to the provisions of this code the present laws and regulations concerning labelling, nutritional value indications, and food and health claims apply to an advertising message for food products.
- 3. In an advertising message for foodstuff a health claim may only be used if it can be based on solid research results.
- 4. Commendation of a food product by referring to a certain quality which does not have a distinctive capacity within the relevant group of products is not allowed, if the referral is intended to distinguish the food product from other products in the same group in a misleading manner.

Explanation:

For the establishment of the relevant group of products is made use of the most recent assortment classification on subgroup level, made by the Central Bureau of the Foodstuffs Trade (in Dutch: Centraal Bureau voor de Levensmiddelenhandel, CBL).

E.g. The claim to be "fat free" is not relevant within the subgroup of products which never contain fat. Also the claim to be "sugar free" is not relevant within the subgroup of products which never contain sugar.

- 5. If in an advertisement a food product is shown as part of a meal, the shown meal shall comply with the Guidelines for Good Food, established by the Health Council of the Netherlands.
- 6. Advertisements shall not show excessive consumption of any food product.
- 7. An advertisement for food with a lower energy value than the original product may not lead to higher consumption of that product than of the food product with the original, higher energy value.

Children:

- 8. An advertisement for a food product, which is associated with a certain television program specifically intended for children, shall not be broadcast in the advertising blocks during and immediately after that programme.
- 9. In an advertisement specifically aimed at children the commendation of the product shall not make the impression that consumption of the commended food renders them a higher status and greater popularity within their age group than the consumption of any other food product.
- 10. A children's idol is not allowed to actively commend a food product and/or related 'premiums' (free gifts) or services in radio and/or television advertisements specifically aimed at children.

Specific forms of advertising at schools

- 11. It is not allowed to advertise foodstuff at primary schools except advertising supported by the government.

12. At schools for secondary education no promotional activities shall be held which are only intended to motivate the students to excessively consume the commended foods at the time.

13. At schools for secondary education only small packages of a food product shall be commended.

14. With respect to sponsorship the most recent version of "the Schools for primary and secondary education and sponsorship Covenant" applies.

Coming into force and evaluation

This Code became operative on 2 June 2005.

The transitional period for packaging material, developed prior to the date of this Code becoming operative, is 12 months.

The Code will be evaluated each year and if necessary revised.

ADVERTISING CODE FOR CONFECTIONERY (CVZ)

For the purpose of this Code, confectionery is defined as all foodstuffs and delicacies that do not form part of the regular meals and are consumed between meals because of the sweet taste produced by their simple carbohydrates (saccharose, invert sugar, glucose and fructose). The Code does not apply to ice cream, soft drinks, spreads and products containing sugar that form part of a normal meal.

1. Advertising shall not encourage excessive consumption, nor shall such consumption be held up as an example or be excused.
2. Advertising shall not suggest that confectionery can replace a meal.
3. Advertising shall in no way contain negative statements about people who, for any reason whatsoever, do not wish to consume confectionery or who wish to limit their consumption of confectionery.
4. Advertising messages shall not establish a link between the consumption of confectionery and health, with the exception of advertisements for products which come under the jurisdiction of the Inspection Board for the Commendation of Health Products (KAG) and are permitted by the KAG. Reference to relatively low sugar content shall not be used to create the impression that the chance of tooth decay is small.
5. Situations in which confectionery is consumed by a person immediately after brushing his teeth and before going to bed shall not be shown, nor shall consumption at such times be encouraged.
6. Television advertising for confectionery shall show a stylised image of a toothbrush approved by the Advertising Code Committee (either a positive slide image or a negative slide image- at the discretion of the advertiser):
 - a. during the entire commercial, in which case the image is at least one tenth the height of the film picture;
 - b. for three seconds of the commercial, in which case the image will be at least one eighth the height of the picture;
 - c. filling the entire picture for one and a half second of the agreed broadcasting time, whether or not the advertising message is shortened by a corresponding period.
7. Advertising in printed matter intended for, or which may be assumed will be read primarily by children under the age of 14 years or in printed matter, articles of which are specially intended for children under the age of 14 years, shall show the toothbrush emblem described in article 6 which shall measure 1 cm x 1.5 cm for A4 and A5 formats and proportionally larger or smaller for other formats.

This Code came into force on 1 November 1991 and was revised on 1 November 1992.

Note: The stylised image is to be obtained from the secretariat of the Bakery and Sugar Industry Association (VBZ), Rijswijk, Netherlands (070-3554700 or www.vbz.nl).

CODE FOR ADVERTISING DIRECTED AT CHILDREN AND YOUNG PEOPLE

Code for advertising messages specifically directed at children and minors/young people, wholly or partly.

An advertising message appropriate for minors/young people is not necessarily appropriate for children. The Advertising Code Committee and the Board of Appeal will take this into account when they have to decide whether this code has been violated.

In addition to this code all other provisions of the Dutch Advertising Code will remain in full force regarding advertising which is specifically directed at children and minors/young people, wholly or partly.

DEFINITIONS

Minor/young person: person under the age of 18

Child: person of 12 and under

Parent/ caretaker: the legal representative of the minor/young person.

Advertising directed at children: advertising which is specifically directed at children, wholly or partly.

Letterbox advertising: all advertising material which is distributed through the letter box or post office box, whether by direct mail or door-to-door, which does not form an integral part of another medium such as newspapers or magazines;

Door-to-door sampling: the distribution of goods or samples by direct mail or door-to-door free of charge;

Distance contract: contract which is concluded exclusively by the use of one or more forms of distance communication technology, as part of the distance sales or service system, set up by the seller or service provider.

Tele-shopping: a television programme where direct offers are made to the public to the effect of supplying products on payment of costs.

Tele-marketing: the systematic use of a telephone conversation to commend consumer goods, services or concepts; this also includes the solicitation for services;

II. GENERAL PROVISIONS

Article 1

Advertising directed at children shall not contain words, sounds or pictures which may somehow mislead children about the qualities and properties of the product offered.

Explanation of article 1

Advertising directed at children shall take into account their comprehension and expectations, especially regarding the playing pleasure, the size and the performance of the offered product.

Article 2

Advertising directed at children may not cause any moral or physical damage and should therefore comply with the following criteria for the benefit of their protection:

- a. it shall not encourage them to buy a certain product by exploiting their lack of knowledge or their credulity;
- b. it shall not directly incite their parents or others to buy the products advertised.
- c. it shall not abuse the trust of children in parents, teachers or others;
- d. it shall not depict children in hazardous situations.

Article 3

Advertising directed at children shall not suggest that the possession of or use of a certain product confers on them a physical or social plus vis à vis other children, nor shall the product in any way cause the demeaning of a child.

III. IDENTIFICATION OF THE ADVERTISING

General

Advertising shall be identifiable as such, by its layout, presentation content or otherwise, especially having in view the public for which it is intended (see article 10, Dutch Advertising Code).

(Youth) magazines or other printed matter

Article 4a

An advertisement (incl. the so-called advertorial) in a youth magazine or in other printed matter with a reach of over 25 % of children, shall be headed by the word 'advertisement' of 12 point size.

Explanation:

Points of departure for calculating the reach of magazines and daily papers among children are provided by the 'Youngsters survey', which is carried out every two year by research bureau Qrius (www.qrius.nl) by order of various companies and institutions.

Radio and television

Article 4b

Advertising on radio and tv shall be clearly separated from the rest of the programmes by optical and/or acoustical means.

Internet

Article 5

par.1

If an advertisement directed at children, is made visible on a website (= a banner) or via a website (=pop-up), the advertisement shall bear the word 'advertising message' or 'advertisement', clear and at a single glance perceptible. Should the message be smaller than 150 x 50 pixels, than the abbreviation 'adv.' may be used.

par. 2

If an advertising message contains a hyperlink, the page made visible by the hyperlink shall not contain any messages conflicting with this code.

E-mail

General

- The advertiser is obliged to make sure that the recipient has given permission for sending him advertising messages by e-mail, or has ordered before a similar product as a client of the advertiser. (see art. 1.3 E-mail Code)
- Advertising by e-mail shall be clearly identifiable as such. Identification shall be made possible by the combination of sender's address and subject. (see art. 2.1 E-mail Code)

Article 6.

- a. In the case of an advertisement directed at children via e-mail, any advertisement in the e-mail shall bear the word 'advertising message' or 'advertisement', clear and at a single glance perceptible.
- b. Should the message be smaller than 150 x 50 pixels, than the abbreviation 'adv.' may be used.
- c. In case the e-mail itself represents the advertising message, the word 'advertisement' shall be mentioned at the top of the body.

SMS (short message service)

Article 7

In case an advertisement is directed at children via SMS, the SMS shall mention the word 'adv', clearly and at a single glance perceptibly.

IV. SPECIAL STIPULATIONS FOR ADVERTISING MESSAGES SPECIFICALLY DIRECTED AT CHILDREN AND MINORS/YOUNG PEOPLE, WHOLLY OR PARTLY.

A. Content of the advertising message

B. Personal details

C. Providing services

D. Specific products

A. CONTENT OF THE ADVERTISING MESSAGE

Letterbox advertising, door-to-door sampling and sales promotions

Article 8.

It is forbidden to send or cause to send children addressed advertising material, which is held to possibly cause damage to the mental health of children.

Article 9

In the case of a distance contract (unlike tele-shopping), the seller or service provider shall urge a child to ask permission of his parents to make an agreement. The seller or service provider shall take all measures which can be reasonably expected from him, to make sure that this permission was given.

Article 10

In the case of tele-shopping children shall not be encouraged to make an agreement to buy or hire products.

Article 11

Persons starring in audiovisual programmes, who are for that reason held to have influence on children and enjoy their confidence, are not allowed to star in audiovisual advertising.

B. PERSONAL DETAILS

Article 12

Par. 1

When collecting personal details of a child, all effort shall be made to inform the child and/or his parent(s) of the purpose of collecting these data. Should commercial material be used, directed at the child or should otherwise a child's details be deliberately collected, the aforementioned information shall be clear, easily accessible and comprehensible for children.

Par.2

In adherence with the law, specific forms of elaborating personal details of a minor/young person under 16 require that the permission of the parent/caretaker be granted.

Par.3

If a game, prize or any other activity is offered with a sales promotional purpose, the child shall not be required to disclose any other personal details than strictly necessary for that purpose.

C. SERVICE PROVIDING

Telephone information services

Article 13

Advertising messages for telephone information services of an erotic or pornographic nature, implicitly or explicitly referring to services of that nature, shall not (also) be directed at minors nor use them for this purpose. Minors shall not directly or indirectly be encouraged by means of advertising messages to make use of these information services and such messages shall not refer to minors.

Telemarketing

Article 14

A marketer (the person who is professionally involved in telemarketing) shall make no offers to consumers whom he knows or could have known to be a minor (see Article 9 Telemarketing Code).

D. SPECIFIC PRODUCTS

The Dutch Advertising Code includes a number of Specific Advertising Codes which contain provisions referring to children and minors.

The following Specific Advertising Codes are involved:

- The Advertising Code for Alcoholic Beverages
- The Advertising Code for Tobacco products
- The Advertising Code for Games of Chance offered by Licensees
- The Advertising Code for Telemarketing
- The Advertising Code for Food Products
- The Advertising Code for Confectionery

This Code became operative on 1 January 2006.

C. GENERAL RECOMMENDATIONS

General recommendations

Over the years the Advertising Code Committee has made a number of general recommendations on the following topics:

- a. recruitment campaigns for salesmen/distributors
- b. magnetic health bracelets
- c. use of the words 'comparable selling price in the shop'
- d. statement of gross or net measurements
- e. the use of superlatives
- f. guarantees
- g. the use of the term 'recommended price'
- h. advertising for branches
- i. pictures of the product concerned
- j. lodging agencies
- k. personnel advertisements (withdrawn)
- l. children's fireworks

NB. On 5 June 1996 the authority of the Advertising Code Committee to make general recommendations was withdrawn. Currently rules shall only be formulated by the administrative body of the Advertising Code Authority.

a. Recruitment campaigns for salesmen/distributors

In the opinion of the Advertising Code Committee, advertisements used to recruit salesmen or distributors sometimes wrongly create the impression that applicants are being recruited for a job with prospects of a very attractive salary when in fact the work will be performed on a commission basis, whether or not the potential employee has been obliged to first make an advance investment or purchase, frequently entirely at his own risk.

For this reason, the Committee recommends advertisers and media to ensure that such advertisements:

1. clearly state:

a. the future relationship between the advertiser and the salesman/distributor: in particular, it must be explicitly stated whether or not this person will be working as an employee.

b. whether or not an investment or purchase has to be made by the salesman/distributor and if so, the size of the investment.

2. mention potential earnings with the greatest caution. Raising unreal expectations will be avoided. The Committee requests that parties concerned take the above into account and do not place advertisements that do not meet the requirements.

(November 1973)

b. Magnetic health bracelets

It has become clear to the Advertising Code Committee that magnetic health bracelets are increasingly advertised.

The majority of these advertisements state that the bracelets are beneficial to one's health and that wearing the bracelets has a beneficial effect on certain diseases, such as rheumatism, high and low blood pressure, neuralgia, lumbago, headache, nervousness and fatigue. The advertisements in question, also often refer to a certificate, issued by the Ministry of Public Health in the country of origin.

The Committee holds that this form of advertising is contrary to the Dutch Advertising Code, as a link between wearing the bracelet and the health of the wearer has not been scientifically established and it has also not been sufficiently established that the governmental certificates in question guarantee the beneficial effect of the bracelets.

The Committee recommends that advertisements advertising such magnetic bracelets should not be placed or should be refused if a link is made between health and medical grounds for wearing these bracelets and where governmental certificates are mentioned, unless these advertisements

are provided with a valid authorization stamp issued by the Inspection Board for the Public Commendation of Registered Drugs (KOAG) and the Inspection Board for the Commendation of Health Products (KAG).
(September 1974)

c. Use of the words 'comparable store sale price'

It has become clear to the Advertising Code Committee that advertisements and catalogues for products or free gifts ('premiums') that are not actually being sold in stores indicate the 'comparable store sale price' and specify the price in decimals. The Committee holds that this form of advertising is contrary to Article 7 of the Dutch Advertising Code, as it is impossible to determine the exact comparable store price of products that are not being sold in stores. Wherever a comparable store sale price of such products or premiums is mentioned, the value shall be given in round figures preceded by the word 'approximately'. The Committee recommends that advertisements that do not comply with the above should not be placed or should be refused, as the case may be.
(February 1975).

d. Statement of gross or net measurements

It has become clear to the Advertising Code Committee that advertisements indicating the volume or weight of the products offered, e.g. for refrigerators or deep freezers, fail to mention whether the given measurements are gross or net measurements. The Committee considers this form of advertising wrong and contrary to the Dutch Advertising Code. The Committee recommends that advertisements that mention volume or weight should clearly indicate whether the measurements are gross or net measurements and advertisements that do not comply with the above should be refused or not placed.
(September 1975)

e. Use of superlatives

The Advertising Code Committee took cognizance of the fact that in many advertisements where a price is mentioned the advertiser often states that its product is "the cheapest", "the least expensive" or as having "the lowest" prices in comparison to those of its competitors. Given the fact that in almost all cases, it will be physically impossible for an advertiser to perform a validity check and to produce evidence thereof, such a statement will almost always be misleading. The Committee therefore recommends that advertisements, which use superlatives with respect to price, are not placed or are refused, as the case may be.
(October 1975)

f. Guarantees

The Advertising Code Committee is regularly confronted with advertisements containing the words "guarantee" or "guaranteed" while the scope, purport, conditions and significance of the guarantee are not expressed in accordance with article 11 of the Dutch Advertising Code. This made the Committee address this earlier by drawing attention to this article and explicitly insisting on compliance herewith in its general recommendation of October 1974. Although the Committee has noticed increasing compliance with this article, advertisements in which the words "guarantee" or "guaranteed" are not or not sufficiently substantiated are still repeatedly submitted to the Committee. In this context, it has become clear to the Committee that the meaning of the words: "scope, purport, conditions and significance of the guarantee" is not always fully understood. For this reason, the Committee thinks it is necessary to bring this matter to the attention of advertisers, advertising agencies and the media again. The Committee will focus on the main issue, which is the existing legal obligation of the supplier to provide a reliable product, and that the word "guarantee" may not be used to reduce legal obligations or pretend that compliance with these legal obligations is an additional service.

The Committee stipulates the following with respect to the explanation of and compliance with article 11 of Dutch Advertising Code:

1. it is misleading to refer to a guarantee when primarily referring to a scheme intended to restrict the obligation of a producer or supplier to warrant the reliability of its products or its services;
2. likewise, the word 'guarantee' or 'guaranteed' may not be used in advertisements if it only intends to emphasize an essential quality of a product or service that is supposed to be an implicit quality of this product or service. Therefore, the producer or supplier does not hereby undertake an obligation in addition to those obligations it already has pursuant to the law, *i.e.* the obligation to provide sound, practicable goods or services;
3. if advertisements refer to a 'guarantee' without any further explanation, this should mean that the buyer has the right to a full guarantee with unrestricted cover for all parts and features of the product; any limitation in respect of the scope and significance of the guarantee shall therefore be explicitly mentioned;
4. the scope of the guarantee applies to the parts or features of the product or service covered by the guarantee;
5. the purport and scope of the guarantee shall mean how and the extent to which defects are remedied and damage repaired, respectively.
6. the terms and conditions of the guarantee shall always be stated. (March 1976)

g. Use of the term 'recommended price'

The Advertising Code Committee took cognizance of the fact that the concept 'recommended price' is increasingly being used in advertisements, where the statement is made that the advertiser in question is offering the product at a certain percentage below the 'recommended price'. Quite often though, it appears that no recommended price is set by the producer of the product in question.

In light of the fact that the average consumer will understand the 'recommended price' as being the price set by the producer or importer of the product and recommended to retailers, it is misleading to use the term 'recommended price' if it does not apply to the price set by the producer, but instead the price set by, for example, the branch committee or by the advertiser itself.

The Committee therefore recommends that advertisements used or placed in the future only use the term 'recommended price' if an official list of prices recommended by the producer of the advertised product exists and if the consumer is granted inspection of these lists, on request. (March, 1976)

h. Advertising for branches

The Advertising Code Committee recommends that companies and organisations that make use of several outlets for offering their products or services, take such measures that in the event advertisements are placed which refer to all outlets, the products or services in question are made fully available or deliverable at all these outlets, subject to specific and cited exceptions.

Explanation:

The Advertising Code Committee regularly receives complaints concerning advertisements by companies making use of several outlets for their products or services where the offer in question appears not to be or not to be fully available at one or more of the outlets. In some cases, this may be a matter of poor organisation, but it may also be caused by inadequately trained and accountable personnel at the location.

Although the Committee is usually prepared to accept that these advertisements were placed in good faith and understands the problems connected with setting up several outlets, the Committee believes that it should point out that the public can usually only check the content of an advertisement in one of the outlet points visited and naturally does not have to take into account any organisational aspects.

The Committee also deems it a matter of impermissible negligence, or to be misleading or another infringement of the code if the commendation of products or services in advertisements in

one or more outlets of an organisation does not or does not fully comply with the conditions or only complies under different conditions.

Furthermore, the Committee holds the view that organisational problems or other aspects of alleged *force majeure* may not be invoked if these advertisements did not expressly exclude these outlets in the offer or the supply, as the case may be. (November 1977)

i. Pictures of the product offered

The Advertising Code Committee recommends that if a product offered in an advertisement is accompanied by a picture (which intends to illustrate the product in question), the picture should give an exact reproduction of the product as advertised in words (designation or description). It has become clear to the Committee that advertisements frequently contain pictures of products that do not or do not fully match the characteristics of the products in question. The Committee deems this conduct impermissible.

Invoking the non-availability of the appropriate picture, a misunderstanding or a failure of the advertising agency called in or the publisher is deemed unacceptable by the Committee.

(April 1978)

j. Accommodation agencies

The Advertising Code Committee recommends that persons or organisations, acting professionally as an intermediary in the conclusion of housing tenancy agreements, mention their name and - if this is not yet part of the name - mention the words: "accommodation agency", "housing agency" or "rental housing agency" in their advertisements.

Explanation:

The Advertising Code Committee regularly receives complaints about the fact that advertisements - whether or not described in detail - give the impression that a private person is offering or requesting accommodation when in fact it is an accommodation agency, offering or requesting living space for third parties. According to the Advertising Code Committee, such advertisements are contrary to the provisions of article 7 of the Dutch Advertising Code.

(February 1982)

k. Personnel advertisements (withdrawn)

l. Children's fireworks

Several advertisements in which fireworks, e.g. sparklers and snaps, are referred to as "Children's fireworks" or "Children's packages" have been submitted to the Advertising Code Committee.

In these advertisements these types of fireworks are described as "harmless", "safe for small children", "definitely harmless" or "may be held by small children".

However, it has become clear to the Advertising Code Committee, that many accidents happen while setting off these 'children's fireworks' and that the use of the word 'children's' and/or the statement that the fireworks may be safely lit by children, is the main reason why they are not handled with proper care.

The Committee therefore recommends that advertisers, including persons who provide texts advertising fireworks to advertisers, omit any indication or suggestion of safety or harmlessness and the Committee also asks them to consider making explicit mention in the recommendation or on the packaging material of this apparently safe firework, that special care is required when setting off the fireworks.

Some advertisements use the wording 'approved fireworks'. However, any suggestion regarding such approval will be omitted if an independent body has not inspected these fireworks.

(October 1985)