[IE] New Draft Television Advertising Code

IRIS 2006-9:1/22

Marie McGonagle
School of Law, National University of Ireland, Galway

At the beginning of August 2006, the Broadcasting Commission of Ireland (BCI) launched the second phase of a two-phase consultation process in relation to its new general code on television advertising. The BCI is required by section 19 of the Broadcasting Act 2001 (see IRIS 2001-4: 9) to provide advertising and other codes. The current code of advertising dates from 1995 and was amended slightly in 1999 to give effect to certain changes contained in the Television without Frontiers Directive. Phase 2 of the consultation process involves commenting on the draft code. The draft code modernises the existing code by including, for example, definitions (s.2) and rules regarding product placement (s.3.3.9), virtual advertising, interactive advertising and split-screen advertising (s.5). The underlying requirement is that all “commercial communication” (which is also defined) be legal, honest, decent and truthful, that it be prepared with a sense of responsibility to citizen/consumers and to society and that it not prejudice their interests (s.3.1). It must not prejudice human dignity, cause harm or serious or widespread offence (s.3.2), must be identifiable and separate from programme content and not affect the editorial integrity and value of programming (s.3.3, s.4). As in the existing code, surreptitious and subliminal advertising are prohibited (s.4.9, 4.10). So, too, is product placement, except where it is incidental or is included in programmes acquired outside of Ireland or in films made for cinema, provided that no broadcaster regulated in the State and involved in the broadcast of that programme or film directly benefits from it (s.3.3.9). Factual descriptions of betting services are permitted provided they do not encourage people to bet (s.8.7), while advertisements for premium rate telecommunications services must clearly state all charges involved in terms that do not mislead (s.8.8). The ban on product placement in particular has given rise to some disquiet in light of the proposal of the European Commission to permit it in the revised Television without Frontiers Directive.

Text of the draft code and of the consultation document, 28 July 2006

http://www.bci.ie/documents/draft_gen_ad_code.pdf

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026