[IE] New General Commercial Communications Code

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On 28 March 2017, the Broadcasting Authority of Ireland (BAI) launched its new General Commercial Communications Code. It replaces the previous code introduced in 2010 under section 42 of the Broadcasting Act 2009 (see IRIS 2011-7/29). The new code follows a public consultation held in 2016 on the draft code (see IRIS 2016-8/23).

The new code is divided into 22 sections and sets out the general rules and principles, definitions, and requirements regarding particular products and services on both radio and television. However, the code does not cover services provided over the Internet, nor does it cover on-demand audiovisual services made available in the Republic of Ireland. The Code covers inter alia the advertising of food, alcohol, medicines, health services, financial services and products, cosmetic treatments, gambling, premium-rate telecommunications' services, teleshopping and prohibited communications. The new code has a series of changes to its rules, including an expansion of the rules to "gambling" and not just betting services. Rule 20.4 of the code states that commercial communications that seek to promote services to those who want to gamble shall not contain anything deemed to be a "direct encouragement to gamble", which replaces the previous prohibition on "encouragement to bet".

The new code also contains a new prohibition in relation to commercial communications for electronic cigarettes (Rule 4.4); however, this does not apply to electronic cigarettes and refill containers that are considered as medicinal products or medical devices. Moreover, the code also clearly defines the difference between product placement and sponsorship: if a product or service is built into the action of the programme, it is product placement; if sponsor announcements or references are shown during a programme but are not part of the plot or narrative of the programme, they qualify as sponsorship.

The new code will come into effect on 1 June 2017.

Broadcasting Authority of Ireland, General Commercial Communications Code, March 2017

http://www.bai.ie/en/download/131870/

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Broadcasting Authority of Ireland, BAI launches revised General Commercial Communications Code, 28 March 2017

http://www.bai.ie/en/bai-launches-revised-general-commercial-communications-code/

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