

## REGULATION AND SELF-REGULATION ON ADVERTISING DIRECTED AT MINORS - Austria

### DEFINITIONS

<b>Child</b>	A child is an individual who has not yet reached the age of 7 years (Civil Code, sec 21 para 2).
<b>Minor</b>	A minor is an individual who has not yet fully reached the age of 19 (Civil Code, sec 21 para 2). The majority is set at 19 years accomplished; at that age one is capable of all actions of civilian life.
<b>Civilian majority</b>	As of 19 years (Civil Code, sec 21).
<b>Civilian minority</b>	Until 19 years (Civil Code, sec 21).
<b>Legal entitlement to contract</b>	A child is incapable of contracting without the express or implied consent of his legal representative (Civil Code, sec 151 para 1 and sec 865). A minor who has reached the age of 14 may contract in regard of things which have been left at his disposal or in regard of income gained through his own work as long as his personal needs are not affected (Civil Code sec 151 para 2). He/She may also conclude a contract for rendering services (Civil Code sec 152). A child concluding a contract which is usually concluded by children of his age and refers to a matter of minor importance, is legally bound regardless of the requirements of para 2 (Civil Code sec 151 para 3).
<b>Youth protection</b>	Juveniles Employment Act.
<b>Sex offences</b>	evidence of an intention to gain financially. The Act also protects persons under the age of 18 in various ways from being exposed to such material.
<b>Moral protection</b>	Access to public places and certain establishments are regulated by the youth protection laws of the Bundesländer. eg the Niederösterreichisches Jugendgesetz provides the following:  Sec 13 para 2: Juveniles may be present in public places between 5 pm and midnight, at other times only with the consent of their parents. Sec 13 para 3: Children and juveniles may be present in amusement arcades only if accompanied by their parent or guardian. Sec 14 para 1: Children may be present in pubs between 10 pm and 5 am only if accompanied by a supervisor. At other times they may be present in such places only with the consent of their parents. Sec 14 para 2: Juveniles may be present in pubs until midnight, after that only with the consent of their parent or guardian. Sec 14 para 3: Children and juveniles may not be present in night clubs and wine bars.  Sec 15: Children and juveniles may attend cinema showings, TV showings and theatre performances only if they have the minimum age according to the NÖ LichtschauspielG.
<b>Advertising</b>	Advertising is defined in sec 5 para 3 of the Rundfunkgesetz (RFG) as all communication related to the exercise of trade, craft or other profession which is broadcast for remuneration or any other form of payment or as self-advertising with the purpose of promoting the sale of goods or the delivery of services, immovables included, rights and obligations for consideration.

## LEGAL PROVISIONS

### GENERAL PROVISIONS

#### 1. In general

Advertising is defined in sec 5 para 3 of the RFG as all communication related to the exercise of trade, craft or other profession which is broadcast for remuneration or any other form of payment or as self-advertising with the purpose of promoting the sale of goods or the delivery of services, immovable property included, rights and obligations for consideration.

#### Misleading advertising

Advertising is regulated by way of the Act against Unfair Competition. In its sec 1 and 2 the Act bans all kinds of deceitful or misleading trade practices which naturally include misleading advertising. Thus advertising has to be true and must not be contemptuous towards competitors of the person using the advertisement. Also, this Act lays down the requirements for comparative advertising.

#### 2. Through media

### TELEVISION

#### Principles

The Broadcasting Act (RundfunkG – RFG; encl 15) contains all regulatory matters in respect of the ORF

The Act has been amended twice to comply with the Directive TV without Frontiers, the first amendment entering into force with the adherence of Austria to the European Economic Area (EEA) in 1994, the second amendment in 1999 incorporating the 1998 amendments to the Directive TV without Frontiers

In addition to the RFG, satellite and cable TV is now the subject of the Cable and Satellite Broadcast Act (Kabel- und SatellitenrundfunkG – KSRG)

#### Art. 10 TVWF

According to Sec 5a para 1 RFG advertising must not be misleading, or detrimental to the interests of the consumers

Surreptitious advertising is illegal. Surreptitious advertising is defined in Sec 5a para 2 RFG as the representation in words or pictures of goods, services, names, trademarks or activities of a producer of goods or provider of services in programmes when such representation is intended by the broadcaster to serve advertising and might mislead the public as to its nature. Such representation is considered to be intentional if it is done in return for payment or for any other remuneration

KSRG stipulates in its Sec 18 that advertising and teleshopping must not be misleading, nor detrimental to the interests of the consumers. Surreptitious advertising and similar practices in the context of teleshopping as well as subliminal advertising and teleshopping are illegal. Sec 18 para 3 defines commercial advertising as all communication in connection with the exercise of trade, craft or other professions, which is broadcast in return for payment, for similar remuneration or for self-promotional purposes to promote the sale of goods or the delivery of services, immovable property included, rights and obligations for remuneration (self-promotional purposes are defined by Sec 2 para 1 no 10 as all broadcasts, which promote products, services, pro-grammes and shows of the broadcaster).

KSRG stipulates in its Sec 20 that advertising spots may be broadcast only in groups/blocks

Advertising and teleshopping must be readily recognizable as such and clearly separated from other programmes by acoustic or optical means: Sec 22 KSRG

Art. 11 TVWF: insertion of advertising	<p>Advertising spots may be inserted only in groups/blocks between different programmes. Movies must not be interrupted by advertising spots: Sec 5b RFG</p> <p>particular provides that references of the broadcaster to its own programmes and to accompanying material, which originates directly from these programmes, as well as to public service programmes and to calls for charities do not count as advertising</p> <p>KSRG</p> <p>programme: Sec 5a para 3 and 4 RFG</p>
Art. 12 TVWF: human dignity	<p>grounds of race, sex, religion or nationality</p> <p>TV advertising must not prejudice respect for human dignity, - include any discrimination on grounds of race, sex or nationality, be offensive to political or religious beliefs, encourage behaviour prejudicial to health and safety, - encourage behaviour prejudicial to the protection of environment or promote illegal activities</p> <p>Sec 15 KSRG adopts the wording of Sec 2a of the RFG as regards the protection of human dignity, fundamental rights and discrimination because of race, sex, religion and nationality</p> <p>General requirements for TV advertising and teleshopping are laid down in Sec 21 KSRG. TV advertising and teleshopping must not</p> <ul style="list-style-type: none"> <li>* prejudice respect for human dignity,</li> <li>* include any discrimination on grounds of race, sex or nationality,</li> <li>* be offensive to political or religious beliefs,</li> <li>* encourage behaviour prejudicial to health and safety or</li> <li>* encourage behaviour prejudicial to the protection of the environment</li> </ul>
Art. 13 TVWF: tobacco	<p>Each of the broadcasting laws has its own rules:</p> <p>Sec 5 para 6 of the RFG bans all advertising for (spirits and) tobacco.</p> <p>Sec 23 of the KSRG bans all advertising (and teleshopping) for cigarettes and other tobacco products.</p> <p>Sec 7 para 2 of the RRG bans all advertising for tobacco products (and spirits).</p>
Art. 14 TVWF: medicinal products	<p>Sec 24 of the KSRG bans all advertising for drugs and medical treatments which are available on a prescription basis only. Advertising for other drugs and medical treatments must be distinguishable as such, honest, true and verifiable. It must not be harmful to viewers. Sec 51 of the Pharmaceutical Drug Act is unaffected hereby.</p> <p>Advertising for drugs as regards the radio and TV channels of the ORF is regulated in sec 5d of the RFG.</p>
Art. 15 TVWF: alcohol	<p>Sec 5 para 6 of the RFG bans any advertising for spirits (and tobacco).</p> <p>Sec 5e RFG lays down the criteria for advertising for alcohol:</p> <p>It must not be specifically directed at minors and in particular must not show minors drinking alcohol.</p> <p>There must not be any connection between an improvement of the physical performance and the consumption of alcohol or the driving of a car and the consumption of alcohol.</p> <p>The impression must not be given that the consumption of alcohol promotes social or sexual success.</p> <p>The advertising must not suggest that alcohol has a therapeutic, stimulating, calming or such an effect which resolves conflicts.</p> <p>Irresponsible consumption of alcohol must not be promoted, moderate use of alcohol or temperance must not be shown in a negative way.</p> <p>The percentage of the alcoholic content must not be shown as a positive characteristic of the beverage.</p>

Sec 26 of the KSRG bans all advertising and teleshopping for spirits. Moreover it lays down the same criteria for advertising and teleshopping for alcoholic beverages as sec 5e RFG.

### **Special protection of minors**

**Art. 16 TVWF:** advertising and minors

Sec 5f RFG stipulates that advertising must not physically or morally harm minors and must consequently respect the following criteria for their protection

\* It must not directly exhort minors to purchase a product or service by taking advantage of the minor's inexperience and credulity.

\* It must not directly encourage minors to persuade their parents or third parties to buy the goods or services being advertised.

\* It must not exploit the special trust minors have in their parents, teachers or other persons.

\* It must not unreasonably present minors in dangerous situations

Sec 27 para 1 KSRG stipulates that advertising must not physically or morally harm minors and must consequently respect the following criteria for their protection

\* It must not directly exhort minors to purchase a product or service by taking advantage of the minor's inexperience and credulity.

\* It must not directly encourage minors to persuade their parents or third parties to buy the goods or services being advertised.

\* It must not exploit the special trust minors have in their parents, teachers or other persons.

\* It must not unreasonably present minors in dangerous situations

**Art. 22 TVWF:** protection of minors and public order

programmes can be detrimental to the physical, mental or moral development of minors, it has to be ensured by selecting the time of the broadcast or by any technical measure, that minors will not normally hear or see such broadcasts. Sec 2a para 4 RFG: The non encoded broadcast of programmes pursuant to para 3 last sentence has to be preceded by an acoustic warning or identified by visual means throughout their duration

will not normally hear or see such broadcasts. The non en-coded broadcast of such programmes has to be preceded by an acoustic warning or identified by visual means throughout their duration

**Sponsoring (Art. 17 TVWF)**

All three broadcasting laws lay down provisions in respect of sponsored programmes (the term used by the Austrian Acts is "Patronanzsendungen") with almost the same wording. eg the RFG:

Sec 5g para 1 of the RFG defines sponsored programmes as works of an audio-visual nature to which a public or private undertaking not active in the field of audio-visual production makes a financial contribution with the aim of promoting the name, the trademark, the image, the activities or the products of that undertaking.

Sec 5g para 2 lays down the requirements:

affected.

Sponsored programmes have to be marked as such by broadcasting the name and the logo of the client at the beginning and the end of the programme.

They must not incite the purchase, the rental or the lease of goods or the use of services of the client or a third party, in particular not by giving hints promoting the sale of these goods or services.

Sec 5g para 3 RFG prevents undertakings from sponsoring programmes whose main activity is the production or distribution of goods or delivery of services, for which there is a ban on advertising pursuant to the provisions of this Act or any other act.

Sec 5g para 4 RFG: News programmes and political magazines must not be sponsored programmes.

**Teleshopping (Art. 19 TVWF)**

**Principles**

General requirements for TV advertising and teleshopping are laid down in sec 21 KSRG. TV advertising and teleshopping must not:

undermine the human dignity,

discriminate because of race, sex or nationality,

violate one's political or religious conviction,

encourage behaviour which threatens health and safety or

encourage behaviour which threatens the environment.

Moreover, advertising and teleshopping must be distinguishable as such and clearly separated through acoustic or optical means from other programmes: sec 22 KSRG. Sec 28 KSRG lays down the maximum duration for advertising and teleshopping.

**Special protection for minors**

It must not directly incite minors to buy a product or service by taking advantage of the minor's inexperience and gullibility.

It must not directly incite minors to persuade their parents or third parties to buy the products or services involved.

It must not exploit the special confidence minors have in their parents, teachers or other persons.

It must not, without motive, present minors in dangerous situations.

**RADIO**

**Principles**

either through voice or image. The person paying for the advertisement must not exercise any influence on the editorial content of a programme: sec 5a para 3 and 4 RFG. The Regionalradiogesetz (RRG) regulates advertising in sec 7 in various ways, the general requirement being that advertising must not be misleading or harmful to the consumer. The Act stipulates that subliminal and clandestine advertising are banned. Advertising must be distinguishable as such and clearly separated from other programmes by acoustic means.

Although they are not strictly legislation in the sense of the word, the Terms and Conditions of the ORF applied to TV and radio advertising on its channels enjoy much more importance than the terms and conditions of an addition to the requirements of the RFG these terms and conditions stipulate that advertising must not only observe the relevant provisions of various other acts, in particular the RFG, the Act against Unfair Competition and the Media Law Act, but also must be in accordance with "good taste".

**Special protection for minors**

As regards the protection of minors sec 5f RFG stipulates that advertising must not physically or morally harm minors and must consequently respect the following criteria for their protection:

It must not directly incite minors to buy a product or service by taking advantage of the minor's inexperience and gullibility.

It must not directly incite minors to persuade their parents or third parties to buy the products or services involved.

It must not exploit the special confidence minors have in their parents, teachers or other persons.

It must not, without motive, present minors in dangerous situations.

Sec 7 para 6 RRG provides that the broadcast of church services, programmes with a religious content, children's programmes, news programmes and news magazines must not be interrupted by advertising. The Act prohibits presenters of news programmes and political magazines from appearing in advertisements.

The Terms and Conditions of the ORF contain a number of provisions with the specific aim of youth protection: Advertising must not cause physical or moral detriment to minors. Advertising which aims at minors exercising psychological force on their parents or guardians to purchase is banned. For the protection of minors advertising has to meet the following criteria:

Advertising must not call upon minors to purchase or consume.

Advertising must not call upon minors to persuade their parents or third parties to purchase the advertised good or service.

Advertising must not exploit the way in which minors trust their parents, teachers or other persons.

Advertising must not show minors in dangerous situations without motive.

Advertising must not show imitations of minors.

**PRINT**

**POSTERING**

**CINEMA**

**INTERNET**

## SPECIFIC LEGAL PROVISIONS

### 3.1 ALCOHOL

#### 3.1.1 General rules

18 para 2: Spirits must not be given to juveniles over the age of 16 for their personal consumption.

reason.

Sec 16 para 2: If not accompanied by an adult juveniles under the age of 16 may be present in the rooms of a pub until midnight, juveniles over the age of 16 until 1 am.

#### 3.1.2 Advertising

##### 3.1.2.1 In general

General ban on all misleading, confusing or denigrating advertising: Act against Unfair Competition.

##### 3.1.2.2 Per media

###### Television

Each of the broadcasting laws as well as the Terms and Conditions of the ORF have rules :

Sec 5 para 6 of the RFG bans any advertising for spirits (and tobacco).

Sec 5e RFG lays down the criteria for advertising for alcohol:

It must not be specifically directed at minors and in particular must not show minors drinking alcohol.

There must not be any connection between an improvement of the physical performance and the consumption of alcohol or the driving of a car and the consumption of alcohol.

The impression must not be given that the consumption of alcohol promotes social or sexual success.

The advertising must not suggest that alcohol has a therapeutic, stimulating, calming or such an effect which resolves conflicts.

Irresponsible consumption of alcohol must not be promoted, moderate use of alcohol or temperance must not be shown in a negative way.

The percentage of the alcoholic content must not be shown as a positive characteristic of the beverage.

Sec 26 of the KSRG bans all advertising and teleshopping for spirits. Moreover it lays down the same criteria for advertising and teleshopping for alcoholic beverages as sec 5e RFG.

###### Radio

Sec 7 para 2 of the RRG bans all advertising for (tobacco products and) spirits.

The Terms and Conditions of the ORF provide in respect of advertising for alcohol - both on its TV and radio channels - for the following (pt 4c): Any advertising in the context of children, juveniles or drivers is prohibited.

Any advertising which is not related to the product is banned. Any advertising for alcoholic beverages has to meet the following criteria:

There must not be any connection between an improvement of the physical performance and the consumption of alcohol.

There must not be any impression that the consumption of alcohol promotes social or sexual success.

There must not be any suggestion of a therapeutic, stimulating, calming or such an effect of alcohol which resolves conflicts.

Irresponsible use of alcoholic beverages must not be promoted and moderate use or temperance must not be shown in a negative way.

The percentage of the alcoholic content must not be used as a positive characteristic.

Advertising must not call upon consumers to consume alcohol along the lines of "Drink...".

<b>3.2 TOBACCO</b>	
<b>3.2.1 General Rules</b>  <b>3.2.2 Advertising</b> <b>3.2.2.1 In general</b>          <b>3.2.2.2 Per media</b> <b>Television/radio</b>          <b>Others</b>	<p>The youth protection laws of the Länder: eg Tiroler Jugendschutzgesetz:  Sec 18 para 1: Alcoholic beverages and tobacco must not be given to children and juveniles under the age of 16 for their personal consumption.</p> <p>Advertising for tobacco products is specifically regulated in the Tobacco Act (TabakG).  Sec 11 para 1: Advertising for tobacco products is legal only if it complies with paragraphs 2-5 and must not be connected to advertising for any other product.  Advertising for tobacco products is legal only on billboards, in the cinema and in newspapers/magazines. It must contain a warning on the dangers of tobacco consumption. Moreover advertising on billboards is limited to a general audience is prohibited. There are a number of bans.</p> <p>Each of the broadcasting laws has its own rules:  Sec 5 para 6 of the RFG bans all advertising for (spirits and) tobacco.  Sec 23 of the KSRG bans all advertising (and teleshopping) for cigarettes and other tobacco products.  Sec 7 para 2 of the RRG bans all advertising for tobacco products (and spirits).  see Tobacco Act.</p>
<b>3.3 DRUGS AND HEALTH</b>	
<b>3.3.1 General rules</b>  <b>3.3.2 Advertising</b> <b>3.3.2.1 In general</b> <b>3.3.2.2 Per media</b> <b>Television/radio</b>          <b>Press</b>	<p>All advertising for drugs is regulated by the Pharmaceutical Drugs Act: in particular sections 50 - 56.</p> <p>Advertising for drugs as regards the radio and TV channels of the ORF is regulated in sec 5d of the RFG.  Sec 24 of the KSRG bans all advertising for drugs and medical treatments which are available on a prescription basis only. Advertising for other drugs and medical treatments must be distinguishable as such, honest, true and verifiable. It must not be harmful to viewers. Sec 51 of the Pharmaceutical Drug Act is unaffected hereby.  Sec 7a of the RRG has the same purpose and uses the same words as sec 24 KSRG.  Moreover, advertising for drugs is regulated in the Terms and Conditions of the ORF.</p>



<b>3.4 VEHICLES</b>	
<b>3.4.1 General rules</b>	The Driving License Act deals with the protection of minors in various ways, usually by requiring a certain age for a certain type of license. Sec 6 is the most fundamental provision in this regard requiring the applicant to be 18 years old to be awarded a license in class B (cars) and 21 years to be awarded a license in class A (motor cycles).
	16 years : Motorised bikes 18 years : cars
<b>3.4.2 Advertising</b>	
<b>3.4.2.1 In general</b>	
<b>3.4.2.2 Per media</b>	
<b>Television/radio</b>	
<b>Others</b>	
<b>3.5 EDUCATION</b>	
<b>3.5.1 General rules</b>	Compulsory Education Act: Compulsory education starts at the age of 6 and lasts for 9 years.
<b>3.5.2 Advertising</b>	
<b>3.5.2.1 In general</b>	Sec 46 para 3 of the Schooling Act (Schulunterrichtsgesetz) provides that advertising for purposes other than school is legal in schools, at school events and at events related to school only, if the functioning of the Austrian school pursuant to sec 2 of the School System Act is not affected hereby.
<b>3.5.2.2 Per media</b>	
<b>Television/radio</b>	
<b>Others</b>	
<b>3.6 TOYS AND CHILDRENS THINGS</b>	
<b>3.6.1 General rules</b>	The Toys Regulation and Toys Marking Regulation. Sec 17 Tiroler Jugendschutzgesetz.
<b>3.6.2 Advertising</b>	
<b>3.6.2.1 In general</b>	
<b>3.6.2.2 Per media</b>	
<b>Television/radio</b>	
<b>Others</b>	
<b>3.7 FINANCIAL SERVICES</b>	
<b>3.7.1 General rules</b>	Sec 93 para 9 of the Act provides that any bank that has been excluded from the system of investor compensation must post a bill in its premises referring to that fact as well as include a warning in its standard contracts and
<b>3.7.2 Advertising</b>	Sec 35 para 2 of the Banking Act stipulates that all advertising for loans – provided it contains figures on the interest rate or the costs of the loan – must include the actual and the fictitious annual interest rate, if necessary by way of example.
<b>3.7.2.1 In general</b>	Surveillance by the Bankenaufsicht.

<p><b>3.7.2.2 Per media</b> <b>Television/radio</b> <b>Others</b></p>	<p>All advertising for private loans on TV is prohibited</p>
<p><b>3.8 LEISURE</b></p>	
<p><b>3.8.1 General rules</b> <b>3.8.2 Advertising</b> <b>3.8.2.1 In general</b> <b>3.9.2.2 Per support</b> <b>Television/radio</b> <b>Others</b></p>	
<p><b>3.9 ARMS/VIOLENCE</b></p>	
<p><b>3.9.1 General rules</b>  <b>3.9.2 Advertising</b> <b>3.9.2.1 In general</b> <b>3.9.2.2 Per media</b> <b>Television/radio</b> <b>Television</b> <b>Others</b></p>	<p>Sec 11 of the Arms Act specifically deals with juveniles and makes it impossible for them to be in possession of arms, live and fake ammunition. There are certain exceptions for minors dealing with arms while being trained for a profession and also for minors using arms for hunting and sports purposes.</p> <p>Advertising for ams or guns is prohibited on TV</p>
<p><b>3.10 POLITICS</b></p>	
<p><b>3.10.1 General rules</b> <b>3.10.2 Advertising</b> <b>3.10.2.1 In general</b> <b>3.10.2.2 Per media</b> <b>Television/radio</b>  <b>Others</b></p>	<p>According to sec 5a para 1 RFG presenters of news programmes and political magazines must not appear in advertising, either through voice or image. The person paying for the advertisement must not exercise any influence on the editorial content of a programme: sec 5a para 3 and 4 RFG.</p>

**3.11 TELECOMMUNICATIONS**

**3.11.1 General rules**

The telecoms industry has adopted a code of conduct in regard to value added services. In principle this code is self-regulating but becomes binding by way of being included in each operator's licence. It sets out various conditions with the aim of protecting minors.

**3.11.2 Advertising**

**3.11.2.1 In general**

Sec 23: Advertising is regulated in the same way as the content of value added services (sections 9-11). Particularly all content which incites the breach of law, advises on such a breach or facilitates such a breach is banned. Sec 24 protects children and juveniles from certain types of advertising: Telecom operators take all reasonable measures (particularly by choosing suitable media) to ensure that teenagers are not exposed to advertising for services other than children's services.

**3.11.2.2 Per media**

**Television/radio**

**Others**

## PROPOSALS OF LAW

Referendum to Improve the Situation of Families.

Proposal of law for the enactment of a Federal Act for the Promotion of Youth.

Parliamentary Enquiry on School Sponsoring.

## SELF-REGULATION

### GENERAL RULES

sectors such as alcohol, tobacco and vehicles. The most important principles are the following:

Advertising must be legal and comply with the requirements laid down by law.

Advertising must comply with the principle of fairness as generally agreed in business.

Advertising must be distinguishable as such.

Advertising shall not exercise any direct or indirect force on consumers to purchase.

Advertising shall respect privacy.

Advertising shall be honest and true.

Advertising with children and advertising directed at children must not have any content which can be harmful to children in a physical, psychological or moral way. Advertising for goods such as tobacco, alcohol, drugs and other goods related to food and health must not be directed at children. Advertising must not force children to buy in a direct or indirect way. Advertising directed at children must be conscious of its pedagogical effect.

Advertising must not mislead children.

In relation to children, the code of the Advertising Council stipulates, for example that:

Advertising should not directly invite children to purchase products or to influence other persons accordingly

Advertising should not make children feel inferior if they do not possess a particular product

Advertising should not encourage children to behave undesirably or anti-socially

Within the self-regulatory structure of Austrian Commercial Communications, all forms of advertising and children are regulated on the basis of the ICC Code of Advertising Practice

## SPECIAL PROVISIONS & CODES OF CONDUCT

**ALCOHOL**

The Code of Conduct of the Advertising Industry has established the following guidelines in respect of advertising for alcohol: Advertising shall not encourage excessive or abusive use of alcohol. Advertising for alcohol shall not be directed at children. Certain depictions such as the driving of a car or the operation of a machine in connection with the consumption of alcohol are not be used. Advertising shall not give the impression that alcohol has a therapeutic effect and helps in solving private and social problems.

**TOBACCO**

The Code of Conduct of the Advertising Industry has established the following guidelines in respect of advertising for tobacco: Advertising for tobacco has to comply with the agreed principles of self-regulation. Advertising shall not give the impression that the use of tobacco increases social acceptance. Advertising for tobacco shall not discriminate against non-smokers.

**DRUGS/HEALTH**

The Code of Conduct of the Pharmaceutical Industry lays down numerous requirements for the advertising of drugs.

**VEHICLES**

The Code of Conduct of the Austrian Advertising Industry has established the following guidelines in respect of advertising for vehicles: Advertising shall not show any driving scenes which are not legal resp. which incite (particularly safety equipment) shall not lead to believe that any dangerous traffic situation can be overcome with the help of it and thereby encourage risky driving. Advertising shall not promote a way of driving which wastes energy or pollutes the environment.

**EDUCATION**

**LEISURE**

**FINANCIAL SERVICES**

**LEISURE**

**ARMS/VIOLENCE**

**POLITICS**

**TELECOMMUNICATIONS**

**SCHOOLS**

The Code of Conduct of the Telecoms Industry is binding on each operator by being included in its license: see above.

Advertising and sponsorship are permitted in schools (§46 - 3 of the Schulorganisationsgesetz). This can only be decided by the head of the school. The provision states that "in the school, at school events or events directly connected to the school, advertising/sponsorship that does not relate to school/teaching is permitted in so far as it does not adversely affect the school's duties". It is however strictly forbidden to advertise products that could lead to addiction ( i.e. alcohol, tobacco products or computer games not suitable to the pupils age. The OWR has produced a general set of rules relating to Advertising and Children within its general code of advertising.

## OTHER ADVERTISING TECHNIQUES (LEGISLATION AND SELF-REGULATION)

<b>DIRECT MARKETING</b>	As a matter of principle, direct marketing is legal. All activities, however, are subject to the rules of the Act against Unfair Competition. Moreover, direct marketing activities may be regulated by public law. In such a case, anyone engaging in direct-marketing has to comply with the relevant statutes, such as trade and pricing regulations or data protection laws.
<b>PROMOTIONAL SALES PRACTICES</b>	Similarly to direct marketing, promotional sales activities are legal to the extent that they may infringe certain provisions of the Act against Unfair Competition. In particular sec 9a of the Act bans certain types of gifts given away to consumers or entrepreneurs.
<b>PUBLI-REPORTAGE</b>	
<b>COMMERCIAL ACTIVITIES IN SCHOOLS</b>	Advertising and sponsorship are permitted in schools (§46 - 3 of the Schulorganisationsgesetz). This can only be decided by the head of the school. The provision states that "in the school, at school events or events directly connected to the school, advertising/sponsorship that does not relate to school/teaching is permitted in so far as it does not adversely affect the school's duties". It is however strictly forbidden to advertise products that could lead to addiction ( i.e. alcohol, tobacco products or computer games not suitable to the pupils age).