

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

### DEFINITIONS

<b>Child</b>	A minor younger than 16 years and who is still submitted to full time schooling ( Children and Youth Protection Act, art. 1 and The Compulsory School Act no. 66/1995, art. 3)
<b>Minor</b>	The minor is an individual of either gender who has not yet reached the age of 18 (Article 1 of the Act on the Protection of Children and Youth. Majority is set at 18 years accomplished; at that age one is capable of all actions of civilian life (article 1 and 2 of the Law in Respect of Majority no. 71/1997)
<b>Civilian majority</b>	As of 18 years (art.1 and 2 of the Law in Respect of Majority)
<b>Legal entitlement to contract</b>	Unauthorised contracts by minors are void (Article 77 of the Law in Respect of Majority)
<b>Youth protection</b>	Ministry of Social Affairs has the ultimate authority, Children and Youth Protection Act No. 58/1992. The Child Protection Committees in every county are responsible for preventive measures and as such have the authority to inspect facilities and implement remedies.
<b>Sex offences</b>	All publication, distribution or promotions of pornographic materials are sanctioned (art 210 of the General Penal Code). The same sanctions are applicable to persons who hand over pornographic material to minors younger than 18. Possession of photographs, films or comparable items showing representing scenes of a pornographic nature involving or representing children results in sanctions.
<b>Moral protection</b>	Access to certainpublic facilities Children and Youth Protection Act There is a general curfew in effect for minors younger than 16 years and a stricter one for minors younger than twelve years, art. 57. Admission to dances and other entertainment is strictly regulated; minors younger than 16 are only allowed to such events if it is organized by a school, youth groups or others who have a special permission, art. 58. The access to dancehalls and drinking establishments is prohibited to all single unaccompanied minors younger than 18. The access to cinemas is prohibited to minors under 16 or of a specific younger maturity in accordance with specific maturity when the film is assumed to have harmful influence on the mental or moral health of minors. (Act on Inspection of films and prohibiting of films of violence No.47/1995),
<b>Advertising</b>	

## LEGAL PROVISIONS

### GENERAL PROVISIONS

#### ALL MEDIA

##### The Competition Act No. 8/1993

Chapter VI about control with respect to unfair trade practices sets out the general rules of advertising in Iceland

Any activity in the course of business operation contrary to good business practice, or any activity, which is improper with regard to the interests of consumers, is prohibited, art. 20.

Advertisements intended to appeal to the Icelandic consumers must be in Icelandic language, art. 22.

##### Misleading advertising

Advertising may not be incorrect, incomplete or misleading and the same applies to other business methods if they can influence the demand or supply of goods, real property, services or other objects of trade offered in the course of business operation. Advertisement and other business methods may not be unfair to competitors or consumers. (art. 21.)

##### Advertising and Children

Advertisements shall be presented on the assumption that they will be seen and heard by children, and shall in no way be offensive to them, art. 22, second paragraph. Special care must be taken in advertisement because of the credulity of children and young persons and the impressions received by them. Children shown in advertisements shall not be presented in dangerous acts.

#### TELEVISION

##### Principles

The Broadcast Act No. 53/2000 contains rules on both radio and television and all media, which comprises identical provisions to those of article 16 of the European directive "Television without frontiers". The Broadcast Act makes no distinction between different forms of media; subsequently the rules and restrictions are applicable to both advertising on radio and television. Both private and government owned radio and television companies must comply with the provisions in the Broadcast Act

##### Art. 10 TVWF

Advertisements in general must be clearly identifiable as such, their content and presentation distinguishing them from regular programmes according to section 16 of the Act. Advertising shall be readily recognisable as such and kept quite separate from other parts of the programme service by optical and/or acoustic means. The same rule shall apply to teleshopping spots. Paragraph 3 and 4 of Article 16 of the Broadcast Act contain a general ban on surreptitious and subliminal advertising or teleshopping spots

##### Art. 11 TVWF: insertion of advertising

As a general rule advertising shall be broadcast in separate general advertising slots between programmes. The same rule shall apply to teleshopping spots

Advertising and teleshopping spots may also be inserted during programmes in such a way that the integrity and value of the programme, the integrity of the broadcast and the rights of the rights holders are not prejudiced, as follows

\* In programmes consisting of autonomous parts, or in sports programmes and similarly structured events, advertising and teleshopping spots shall only be inserted between the parts or in the intervals

\* The transmission of films, including films made for television, provided their scheduled duration is more than 45 minutes, may be interrupted once for each period of 45 minutes with advertising or teleshopping spots. A further interruption shall be allowed if their scheduled duration is at least 20 minutes longer than two or more complete periods of 45 minutes

\* Where programmes, other than those mentioned in (a), are interrupted by advertising or teleshopping spots, a period of at least 20 minutes should elapse between each successive advertising break within the programme

A special ban is applicable to advertising and/or teleshopping in particular programmes, 4th paragraph Art. 17 of the Act. Advertising or teleshopping spots may not be inserted in any broadcast of a religious service nor programme, news or news related programmes or children's programmes. Nevertheless, news related programmes may be interrupted if their scheduled duration is 30 minutes or longer

##### Art. 12 TVWF: human dignity

##### Art. 13 TVWF: tobacco

General ban: Any kind of advertising of tobacco and smokers' requisites is prohibited. Furthermore, it is prohibited to show the consumption or any kind of display of tobacco in advertisements or information concerning other kinds of products or services with illustrations on the goods (Act on the Prevention of the Use of Tobacco No. 74/1984 )

**Art. 14 TVWF:** medicinal products

Advertisements about drugs are prohibited. No special provisions are made regarding teleshopping for non-prescription drugs or treatments, as the veto on advertising drugs on television covers it. Therefore, the ban is general and applies to minors. Also, because of the general ban on television advertising of drugs, sponsorship by companies whose activities comprise the manufacturing or sale of drugs and medical treatments can only consist of stipulating the name or image of the company, but may not refer to the drugs or medical treatment in Iceland

**Art. 15 TVWF:** alcohol

Alcohol Control Act : Advertising is broadly defined in the second paragraph of article 20; all public announcements for marketing reasons, where it shows verbally or visually, any alcoholic brand or scene related to alcohol use, such as the name of an alcoholic brand, posters or other similar equipment, displays distribution of printed materials and product samples etc. There is a general prohibition on commercial advertising for alcoholic beverages. Moreover, all presentations about the consumption of alcohol or other use are banned

**Special protection of minors**

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

Minors are therefore protected against inappropriate advertising in the Broadcast Act. The nature and presentation of broadcast advertisements shall be such as not to cause moral or physical detriment to minors. Therefore, such advertising:

- \* shall not exhort minors to buy a product or a service by exploiting their inexperience or credulity
- \* shall not encourage minors to persuade their parents or others to purchase the goods or services being advertised
- \* shall not exploit the special trust minors place in parents, teachers or other persons
- \* shall not unreasonably show minors in dangerous situations

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

Programmes, including advertising containing material which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence may not be transmitted at times of broadcast when minors are likely to be able to view those programmes (Paragraph 1). Furthermore, programmes deemed unsuitable for minors pursuant to the first paragraph shall only be transmitted in a way that ensures by technical measures that minors in the area of transmission will not normally hear or see such broadcasts. When such programmes are broadcast they shall be preceded by a spoken warning or be identified by the presence of a visual symbol throughout their duration (art. 14 Broadcasting act)

**Sponsoring (Art. 17 TVWF)**

Sponsorship is defined in the Broadcast Act No. 53/2000 as any contribution made by a legal or natural person to the financing of broadcasting programmes or their distribution with a view to promoting its name, its trade mark, its image, its activities or its products

Sponsoring is prohibited on the news and related programmes. Whenever, a programme is sponsored the content of the programme shall not contain a special solicitation to buy or rent the sponsor's goods or services. Sponsored programmes must be easy to identify with an introduction, the name and or the trademark of the sponsor in the beginning of the programme and/or at the end

All other above-mentioned statements regarding advertising in general and or particularly minors and advertising are applicable. Sponsoring by parties, who are unauthorised to advertise their goods or services, is prohibited, e.g. tobacco brands. But, drug-manufacturers and retailers can introduce the name and image of their company with sponsorship provided that it does not cause the promotion of an individual product or medical treatment

**Teleshopping (Art. 19 TVWF)**

Teleshopping is defined in the Broadcast Act as direct offers televised to the public with a view to the supply of goods or services in return for payment. Teleshopping in this case includes immovable property as well as rights and obligations connected with such transactions

In general teleshopping must as all other forms of advertising be clearly promoted as such. Article 19 of the Broadcast Act contains the stipulations for teleshopping. Consequently, teleshopping must be presented for more than fifteen minutes simultaneously without disturbances and no more than eight teleshopping spots per day with total time of eight hours can be transmitted. Moreover, teleshopping is subjected to every provision in effect in the Competition Act and Broadcast Act about advertisement. Finally, the special provisions for certain goods or services are in effect, e.g. for tobacco products, drugs or alcoholic beverages

There are no specific provisions concerning minors and tele-shopping as the general provisions about advertising are applicable and should give adequate protection

**RADIO**

The provisions in the Broadcast Act No. 53/2000 are also applicable for radio

**PRINT**

Icelandic legislation contains no specific rules regarding advertising for this media. However, the general provisions in chapter VI. of the Competition Act No. 8/1993 apply.

**POSTERS**

Icelandic legislation contains no specific rules regarding advertising for this media. However, the general provisions in chapter VI. of the Competition Act No. 8/1993 apply

**CINEMA**

Icelandic legislation contains no specific rules regarding advertising for this media. However, the general provisions in chapter VI. of the Competition Act No. 8/1993 apply. Furthermore, detailed regulation about the contents of films is set forth in the Act on the Inspection of films and Prohibiting of Films Containing Violence No. 47/1995.

**INTERNET**

Icelandic legislation contains no specific rules regarding advertising for this media. However, the general provisions in chapter VI. of the Competition Act No. 8/1993 apply

## SPECIFIC LEGAL PROVISIONS

<b>3.1 ALCOHOL</b>	
<b>3.1.1 General rules</b>	<p>ATVR (a governmental company) has the exclusive right to the retail sale of alcoholic beverages.</p> <p>Drinking establishments:</p> <p>Ban on serving intoxicating beverages to persons younger than 20, art.18 of the Alcohol Control Act No. 75/1998.</p> <p>Minors younger than 18 are banned from working in drinking establishments, art. 18 of the Alcohol Control Act.</p> <p>Ban on allowing single non-accompanied minors younger than 18 in drinking establishments, art. 19 of the Alcohol Control Act.</p>
<b>3.1.2 Advertising</b>	<p>General ban on commercial advertising for alcoholic beverages and all presentations about the consumption of alcohol or other use is banned, art. 20 of the Alcohol Control Act.</p>
<b>3.1.2.1 In general</b>	<p>Advertising is broadly defined as all public announcements for marketing reasons where it is shown verbally or visually alcoholic brands or scenes related to alcohol use.</p> <p>Advertising in foreign publications are exempt from the general ban, as well as the use of the company brand name on the usual equipment for alcohol serving in restaurants.</p>
<b>3.1.2.2 Per Media</b>	
<b>Television</b>	The Alcohol Control Act implements a very strict and general ban on all forms of advertising, presentations and promotions on alcoholic beverages. Therefore, advertising or promotions regarding alcoholic beverages is prohibited in this media
<b>Radio</b>	The Alcohol Control Act implements a very strict and general ban on all forms of advertising, presentations and promotions on alcoholic beverages. Therefore, advertising or promotions regarding alcoholic beverages is prohibited in this media
<b>Print</b>	The Alcohol Control Act implements a very strict and general ban on all forms of advertising, presentations and promotions on alcoholic beverages. Therefore, advertising or promotions regarding alcoholic beverages is prohibited in this media. However, an exception is made from this ban in regards to foreign alcoholic advertisements in foreign printed materials. Such advertisements are permissible in foreign press, unless the main purpose of the literary work or the export is to advertise alcohol
<b>Posters</b>	The Alcohol Control Act implements a very strict and general ban on all forms of advertising, presentations and promotions on alcoholic beverages. Therefore, advertising or promotions regarding alcoholic beverages is prohibited in this media
<b>Cinema</b>	The Alcohol Control Act implements a very strict and general ban on all forms of advertising, presentations and promotions on alcoholic beverages. Therefore, advertising or promotions regarding alcoholic beverages is prohibited in this media
<b>Internet</b>	The same general ban on advertising, presentation and promotions on alcoholic beverages will likely be interpreted by Icelandic authorities to be applicable to Icelandic domains. For example a complaint was made by the Alcoholic Control Committee with regards to the contents of the website of the governmental retailer of alcohol (ATVR)
<b>3.2 TOBACCO</b>	
<b>3.2.1 General Rules</b>	<p>Ban on smoking in public places where children or youngsters of school age are allowed, lodged or taken care of art. 10 of the Act on the Prevention of the Use of Tobacco No. 74/1984</p> <p>Tobacco may not be sold or handed over to persons younger than 18 years of age, art. 2 of the Act on the Prevention of the Use of Tobacco No. 74/1984.</p>
<b>3.2.2 Advertising</b>	
<b>3.2.2.1 In general</b>	<p>Ban on advertising for tobacco products and, in general, on all advertising and sponsorship in that sector, art. 7 of the Act on the Prevention of the Use of Tobacco.</p> <p>The denomination of advertising is broad and includes for example media discussion, promotions and distribution of products samples to consumers.</p> <p>Media coverage is only permissible if the aim is to inform about the harmfulness of tobacco use.</p>
<b>3.2.2.2 Per media</b>	
<b>Television</b>	Act on the Prevention of the Use of Tobacco No. 74/1984 prohibits advertising and presentations regarding tobacco products in this media

<b>Radio</b>	Act on the Prevention of the Use of Tobacco No. 74/1984 prohibits advertising and presentations regarding tobacco products in this media
<b>Print</b>	Act on the Prevention of the Use of Tobacco No. 74/1984 prohibits advertising and presentations regarding tobacco products in this media. However, this ban does not apply to advertisements in foreign publications by foreign parties, if their main objective is not to advertise such products
<b>Posters</b>	Act on the Prevention of the Use of Tobacco No. 74/1984 prohibits advertising and presentations regarding tobacco products in this media
<b>Cinema</b>	Act on the Prevention of the Use of Tobacco No. 74/1984 prohibits advertising and presentations regarding tobacco products in this media
<b>Internet</b>	With regards to web sites belonging to Icelandic companies, the general ban on advertisements in the Act on the Prevention of the Use of Tobacco is likely applicable
<b>3.3 DRUGS AND HEALTH</b>	
<b>3.3.1 General rules</b>	The Medicinal Products Act No. 93/1994 makes no distinction between human and veterinary drugs, therefore all the same prerequisite is in effect for both types of drugs. In general, drugs and treatments are classified as non-prescription drugs and treatments and prescription drugs and treatments. As a result whether or not drugs can be advertised and if so under what restrictions is conditioned of the classification set forth in the pharmacology list. For example, contraceptives require a prescription in Iceland and cannot be generally promoted or advertised. The Medicinal Control Agency regulates the implementations of the rules set forth in the Medicinal Products Acts
<b>3.3.2 Advertising</b>	
<b>3.3.2.1 In general</b>	Drugs for human and veterinary consumption, the Pharmaceutical Act No. 93/1994 Ban on advertising for medical prescription drugs, art. 13 of the Pharmaceutical Act
<b>3.3.2.2 Per Media</b>	
<b>Television</b>	Ban on advertising for all drugs, art. 13 of the Pharmaceutical Act.  Contraceptives are assimilated with human drugs. Consequently, the provisions of the on prescription drugs in the Pharmaceutical Act apply. Veterinary drugs have the same prerequisite in effect for advertising as drugs for human.
<b>Radio</b>	non-prescriptions drugs can be promoted and advertised to the general public
<b>Print</b>	Non-prescriptions drugs can be promoted and advertised to the general public. Generally all advertisements and public announcements about non-prescription drugs can be presented in trade magazines for pharmacists and doctors. Moreover, prescription drugs and treatments can be promoted to the same professionals, but care must be made so that the promotion is unlikely to reach the general public
<b>Posters</b>	Non-prescriptions drugs can be promoted and advertised to the general public
<b>Cinema</b>	There are no special provisions regarding drug advertisements in this media in the Medicinal Products Act or other Icelandic legislation. Presumably, the same general ban on advertising that is stipulated for television will apply
<b>Internet</b>	There are no special provisions regarding drug advertisements in this media in the Medicinal Products Act or other Icelandic legislation. Presumably, the same general ban on advertising that is stipulated for television will apply

<b>Miscellaneous subjects</b>	<p>Deceitful statements about the food products quality is prohibited if in fact all other products of this kind have those same qualities, The Regulation on labels, advertisements and promotion for food products No. 588/1993.</p> <p>Ban on statements that food products have either medical healing powers or preventive measures, The Regulation on labels, advertisements and promotion for food products.</p>
<b>3.4 VEHICLES</b>	
<b>3.4.1 General rules</b>	<p>Drivers licence, Traffic law No. 50/1987.</p> <p>16 years : Motorised bicycles and learning license for motorised vehicles, art. 55, art. 57 of the Traffic law.</p> <p>17 years : motorcycles and motorized vehicles, art.48 of thr Traffic law.</p>
<b>3.4.2 Advertising</b>	The general rules of the Competition Act apply, as there are no special provisions in this matter.
<b>3.4.2.1 Traffic Counsel</b>	Has vast discretionary power according to art. 112 of the Traffic law to implement enhanced traffic routine through advertisements, education, etc.
<b>3.4.2.2 Per Media</b>	
<b>Television</b>	no special provisions
<b>Radio</b>	no special provisions
<b>Print</b>	no special provisions
<b>Posters</b>	no special provisions
<b>Cinema</b>	no special provisions
<b>Internet</b>	no special provisions
<b>3.5 EDUCATION</b>	
<b>3.5.1 General rules</b>	A minor is subject to schooling between the ages of 6 and 16 years, art. 3 of the Compulsory School Act No. 66/1995
<b>3.5.2 Advertising</b>	The school principal must agree to all outside activities in the school and all commercial or non-commercial promotions and advertising, art. 14 of the Compulsory School Act.
<b>3.5.3 Per Media</b>	
<b>Television</b>	no special provisions
<b>Radio</b>	no special provisions
<b>Print</b>	no special provisions
<b>Posters</b>	no special provisions
<b>Cinema</b>	no special provisions
<b>Internet</b>	no special provisions
<b>3.6 TOYS AND CHILDRENS THINGS</b>	
<b>3.6.1 General rules</b>	Obligation to add warning signs or precautions for usage in accordance with the EEA regulation, art. 7 of the Regulation on the safety of toys and dangerous artefact, No. 408/1994
<b>3.6.2 Advertising</b>	No specific provisions about advertising and toys and objects for children. The general rules about advertising stipulated in the Competition Act and the Radio Act apply.
<b>3.6.2.1 In General</b>	
<b>3.6.2.2 Per Media</b>	
<b>Television</b>	no special provisions
<b>Radio</b>	no special provisions
<b>Print</b>	no special provisions
<b>Posters</b>	no special provisions

<b>Cinema</b>	no special provisions
<b>Internet</b>	no special provisions
<b>3.7 FINANCIAL SERVICES</b>	
<b>3.7.1 General rules</b>	Banking access for minors: A minor is entitled to the custodianship of his parents which entails the right and duty to manage the minor's financial affairs, art. 29 of the Law in Respect of Children No. 20/1992 and various articles in the Law in Respect of Maturity No. 71/1997. A minor may be able to open a savings account, deposit and withdraw money depending on the source of the money, because art. 75 of the Law in Respect of Maturity makes a distinction on income earned by labour and und unconditioned gifts and other incomes. The minor can as a general rule contract legally about subjects connected to his wages or personal gifts. However, particular conditions stipulated in the in the Law in Respect of Maturity must be met in order for a valid contract when one of the contracting parties is a minor.
<b>3.7.2 Advertising</b>	There are no special rules about advertising and banks or other financial instituites, the general rules of art. 20 and 21 of the Competition Act convey the principle that advertising must not abuse or mislead consumers with wrong information
<b>3.7.2.1 In general</b>	Surveillance by the Financial Supervisory Authority, The Act on Commercial Banking No.113/1996
<b>Consumer Credit</b>	Advertisements or offers available to public must contain interest rate, cost of loan and annual rate, art. 13 of the Act of Consumer Credit No. 21/1994
<b>3.7.2.2 Per Media</b>	
<b>Television</b>	no special provisions
<b>Radio</b>	no special provisions
<b>Print</b>	no special provisions
<b>Posters</b>	no special provisions
<b>Cinema</b>	no special provisions
<b>Internet</b>	
<b>3.8 LEISURE</b>	
<b>3.8.1 General rules</b>	Sports: shall be taught in all primary and secondary schools in the country, art. 11 of the Legislative Act on Sports No. 64/1998.
<b>3.8.2 Advertising</b>	There are no special provisions about advertising in the Legislative Act on Sports.
<b>Per Media</b>	
<b>Television</b>	no special provisions
<b>Radio</b>	no special provisions
<b>Print</b>	no special provisions
<b>Posters</b>	no special provisions
<b>Cinema</b>	no special provisions
<b>Internet</b>	no special provisions
<b>3.9. Weapons</b>	
<b>3.9.1 General rules</b>	Ban on selling fire arms to individuals under 20 without a special permit issued by the State Commissioner of Polices, further restrictions are set forth in various provisions in the Weapons Act No. 16/1998.
<b>3.9.2 Advertising</b>	It should be presumed that advertising weapons is banned.



<b>Per Media</b>	
<b>Television</b>	no special provisions
<b>Radio</b>	no special provisions
<b>Print</b>	no special provisions
<b>Posters</b>	no special provisions
<b>Cinema</b>	no special provisions
<b>Internet</b>	no special provisions

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## SELF-REGULATION

### GENERAL RULES

Ethics Code of the Society of Iceland Advertising Agencies (SIA) and the Advertising Code of the International Chamber of Commerce regulate the advertising agency business internally. Further, the Ethics Committee implements the rules that are set forth in the two codes.

The advertising may not harm the consumer nor mislead nor deceive him.e loyal, etc.

The advertising may not harm minors and must respect certain criteria

Advertising must be loyal, in accordance with the normal accepted values, easy to identify, etc

The advertising may not harm the minors and must therefore respect certain criteria for their protection: it must not exploit their inexperience and gullibility to incite them to buy products, it may not directly incite minors to persuade their parents or others to buy products, nor may it represent minors in dangerous situations.

## SPECIAL PROVISIONS AND CODES OF CONDUCT

### **The Competition Council**

The role of the Competition Authority is to enforce the provisions and prohibitions of the Competition Act and to decide on appropriate measures taken against non-compliance with the laws.

Advertisements Committee counsels in matters involving alleged violations of art. 21 and 22 of the Act.

The sanctions for a violation of the Competition Act can comprise of prohibition, directives or conditioned authorisation

### **The Council for the Icelandic Broadcasting Service**

Participates in the elaboration of the regulation of RUV (an independent public service broadcaster, art. 19 of the Broadcasting Act No. 68/1985

### **Broadcasting Council**

Oversees all matters concerning the private sector of radio and television with continual supervision of the associations who have been granted license to broadcast.

### **Judicial Proceedings**

Gunine personal legal interests are necessary if a person or an entity wants to start legal proceedings in the district court or demand an injunction against advertising.

## OTHER ADVERTISING TECHNIQUES

### DIRECT MARKETING

There are no specific acts or rules which control direct marketing techniques.

Joint offers of products and services are permissible with a compliance to the provisions in chapter VI of the Competition Act on control with respect to unfair trading.

According to Article 14 of the Doorstep Selling and Distance Trading Act No. 96/199246/2000 unsolicited calls using automated calling system or telefax is prohibited unless the particular customer has made a prior request for such calls

## HANDLING OF COMPLAINTS

### **General**

Complaints about advertising can be made to variety of public agencies, committees, the SIA Ethics Committee and of course directly to the distributor of the advertising.