

REGULATION AND SELF-REGULATION ON ADVERTISING DIRECTED AT MINORS -United Kingdom

DEFINITIONS

Minors	A person who is not of full age may be described as a minor (Family Law Reform Act s12)
Full Age	A person attains full age on attaining the age of 18 (Family Law Reform Act 1969 s1(1))
Majority	The above provision of full age applies in the absence of any contrary intention for the construction of 'minor', 'infant', 'minority' in any statutory provision (Family Law Reform Act 1969 s1(2))
Legal entitlement to contract	A child's contract is generally avoidable, although it is binding on the other party. An exception to this is if the contract is to the child's benefit, in which case it will be binding (Minors' Contracts Act 1987)
Protection of children	Meaning the protection against harm to the child: on the one part creating criminal offences in respect of conduct which is harmful to children (cruelty, negligence) and on the other hand giving local authorities specific duties to investigate where there is reasonable cause to suspect that a child is likely to suffer significant harm (Children Act 1989)
Public sex offences	It is an offence for a person having responsibility for a minor who has attained the age of four years to allow that minor to reside in or frequent a brothel (Children and Young Persons Act 1933). It is also an offence for a person to encourage prostitution or to have unlawful sexual intercourse with a girl under the age of 16 (Sexual Offences Act 1956) or for a person to distribute, show or advertise any indecent photograph or film of a minor under 16 (Protection of Children Act 1978).
Protection against immaturity and inexperience	The protection of minors from their own immaturity and inexperience by enabling minors to go back on contracts (Report of the Committee on the Age of Majority 1967)

LEGAL PROVISIONS

GENERAL PROVISIONS

ALL MEDIA

1.1 Control of misleading advertisements Regulations 1998, SI 1998/915

Imposing a duty upon the Director General of Fair Trading to investigate a complaint referred to him by a self regulatory body. If satisfied that the advertisement is misleading he may apply to the court for an injunction.

1.2 Consumer protection legislation

The Act does not deal with advertising specifically nor does it afford particular protection to minors. However Part III of the Act, which came into force on 1 March 1987 (by virtue of the Consumer Protection Act 1987 (Commencement No 3) Order 1988, SI 1988/2076) makes it an offence to give a misleading price indication in respect of goods, services, accommodation or facilities, or to fail to correct any such be "additional charge(s)".

1.2.1 Sale of Goods Act 1979

Applies to all contracts of sale of goods and implies in every contract that the goods will conform to their description, be of reasonable quality and will be fit for the purpose the buyer intends. These provisions also apply to any goods sold to children.

1.2.2 Consumer Protection Act 1987

Makes it an offence to give a misleading price indication in respect of goods, services, accommodation or facilities.

TELEVISION

Principles

The Independent Television Commission (ITC) is the regulatory body responsible for licensing and regulating terrestrial, cable and satellite commercial channels in the UK. Pursuant to the Broadcasting Act 1990, the ITC is empowered to draw up and enforce a code of standards in television advertising and sponsorship. The BBC is governed by a Royal Charter and does not carry any advertising but BBC Worldwide is permitted to take advertising and these programmes are therefore required to conform to the ITC Codes.

* The ITC Code of advertising standards and practice ("CASP")

* The ITC Programme Code (The Family viewing policy)

* The ITC rules on the amount and scheduling of advertising

Art. 10 TVWF

Art. 11 TVWF: insertion of advertising

CASP: Scheduling rules are more detailed than those contained in Directive TVWF

* Not before 9pm : Advertisements in which personalities or other characters (including puppets, etc) who appear regularly in any children's television programme on any UK television channel, present or positively endorse products or services of particular interest to children must not be transmitted before 9pm

* Not within two hours preceding or succeeding transmission of a relevant programme : Advertisements for merchandise based on children's programmes must not be broadcast in any of the two hours preceding or succeeding transmission of the relevant programme or of episodes or editions of the relevant programme

* Other time restrictions: Advertisements which contain material which might frighten or cause distress to children must be subject to appropriate restrictions on times of transmission designed to minimise the risk that children in the relevant age group will see them. Trailers for 15 or 18 rated films must not be shown in or around children's programmes and, depending on content, may require more rigorous timing restrictions

Art. 12 TVWF: human dignity

Art. 13 TVWF: tobacco

Art. 14 TVWF: medicinal products

Medicines, vitamins and other dietary supplements may not be advertised in or adjacent to children's programmes (ITC rules on amount and scheduling of advertising)

Art. 15 TVWF: alcohol

Alcoholic drinks containing 1.2 per cent alcohol or more by volume may not be advertised in or adjacent to children's programmes or programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18 (ITC rules on amount and scheduling of advertising)

Special protection of minors

Art. 16 TVWF: advertising and minors

CASP: At times when large numbers of children are likely to be viewing, no product or service may be advertised and no method of advertising may be used which might result in harm to them physically, mentally or morally, and no method of advertising may be employed which takes advantage of the natural credulity and sense of loyalty of children

Art. 22 TVWF: protection of minors and public order

* CASP contains the general principles of advertising providing for example that television advertising must not mislead, cause serious offence or lead to harm, especially to children

* ITC Programme Code: Family Viewing Polict: These rules provide that material unsuitable for Children should not be broadcast at times when large numbers of children may be expected to be watching and sets up a progressive decline throughout the evening, 9.00pm being fixed as the time up to which nothing should be shown that is unsuitable for children

* Advertisements which might frighten or cause distress to children of particular ages or which are otherwise unsuitable for them (e.g., because they refer explicitly to sexual matters) must be subject to appropriate restrictions on times of transmission designed to minimise the risk that children in the relevant age group will see them. This does not preclude well-considered daytime slotting for such material but licensees should take account of factors such as school holidays, which may affect child viewing levels. In some cases, material which would be incomprehensible to pre-school children and could, therefore, reasonably be shown when they are viewing with parents, may be more problematic in relation to older children (ITC rules on the amount of advertising ...Treatments Unsuitable for Children (rule 4.2.3, very similar to the CASP rule)

Sponsoring (Art. 17 TVWF)

ITC Code of Programme Sponsorship:

No company with betting or gaming interests may sponsor programmes specifically designed for or aimed at children

Licensees should consider carefully the appropriateness of any sponsorship of children's programmes. In particular, for programmes addressed to younger children, it is important to remember that the status of a sponsorship relationship may be difficult for younger children to understand. Some parents may also have reservations about how far those producing goods and services for use by children should be able to use for commercial purposes children's enthusiasm for a particular programme or programme character through the particularly close association that sponsorship involves (Rule 17 Children's programmes

Teleshopping (Art. 19 TVWF)

* ITC Code of Advertising Standards and Practice: Features of programme length in which goods and services are described or demonstrated and offered for sale, purchase or hire to viewers are regarded by the Commission as advertisements and must comply with all requirements of this Code

* ITC rules on the Amount and Scheduling of Advertising: Section 8 of this Code contains general rules on teleshopping, teleshopping channels and self promotional channels

Teleshopping (also known as home shopping, advertorials, infomercials, etc.) is a form of advertising involving the broadcast of direct offers to the public with a view to the supply of goods or services, including immovable property, or rights and obligations, in return for payment

Teleshopping offers of any kind must contain the direct offer for sale to the public within the teleshopping transmission itself. Where the offer for sale is only contained elsewhere (eg: in a text service) the material may not be classed as teleshopping

For the avoidance of doubt, for the purposes of all aspects of compliance teleshopping spots and teleshopping windows are part of the service on which they appear, even when supplied by another licensee. Teleshopping spots and teleshopping windows count towards the teleshopping allocation of the service on which they appear

Where a teleshopping service is transmitted between other services or in intervals between two parts of one service, both licensees must make it clear in sound and in vision when their respective services begin and end.

Licensees are reminded that the requirements of the ITC Code of Advertising Standards and Practice apply in full to teleshopping spots, teleshopping windows or channels devoted to teleshopping, and to any claims made in them.

Up to 5 per cent of daily transmission time above the spot advertising maximum of 15 per cent of transmission time may be devoted to teleshopping spots. This 5 per cent may be increased by any balance of 15 per cent of transmission time not devoted to spot advertising

Teleshopping windows are extended teleshopping features with a minimum uninterrupted duration of 15 minutes. They may be broadcast on channels not exclusively devoted to teleshopping subject to specific rules (section 8.1.2(b))

See additional rules on:

CASP: Misleadingness, Toys and games, Competitions, Direct exhortation, Appeals to loyalty and inferiority, Prices, Safety , Danger, Exploitative Presentation, Clubs, Good Manners and Behaviour, Children as Presenters, testimonials,

ITC rules on the amount and scheduling of advertising: specific rules on Children and Young People

* The following may not be advertised in or adjacent to children's programmes or programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18 :

(i) alcoholic drinks containing 1.2 per cent alcohol or more by volume;

(ii) bingo;

(iii) religious matter subject to the rules in Appendix 5, Religious Advertising, of the ITC Code of Advertising Standards and Practice;

(iv) slimming products, treatments or establishments.

* The following may not be advertised in or adjacent to children's programmes or programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 16:

(i) lotteries;

(ii) pools.

* The following may not be advertised in or adjacent to children's programmes or programmes which are of particular appeal to children under the age of 10: female sanitary protection products.

* The following may not be advertised in or adjacent to children's programmes:

- (i) drinks containing less than 1.2% alcohol by volume when presented as low or no-alcohol versions of an alcoholic drink;
 - (ii) liqueur chocolates;
 - (iii) matches;
 - (iv) medicines, vitamins and other dietary supplements; and
 - (v) trailers for films or videos carrying an 18 or 15 certificate
- Post Watershed

RADIO

The Radio Authority is a statutory body set up by Government and it derives its powers from the Broadcasting Acts 1990 and 1996. The Authority licences and regulates all commercial radio services. These comprise national, local, cable national FM subcarrier, satellite and restricted services. The Radio Authority does not license or regulate any BBC Radio Services. Some categories of advertisement, such as advertisements directed specifically at children (i.e. those aged 15 and below), require advance central clearance by an organisation approved by the Radio Authority, currently the Radio Advertising Clearance Centre ("RACC")

The Radio Authority Advertising and Sponsorship Code:

* The general principles cover the clear identification of advertisements, the exclusion of advertisements from some types of programmes, misleading, protection of privacy, etc...

* For the purposes of this Code, unless otherwise stated, the Authority normally regards as children those aged 15 years and below.

* Licensees must exercise responsible judgements when scheduling categories unsuitable for children.

* Advertisements should not encourage people under 18 to call live conversation services (rule 20) (see also Premium – Rate Telephone Services below).

* Pursuant to rule 28 of this Code, advertisements likely to be heard by a significant number of children (i.e. those aged 15 and below) must not include any material which might result in harm to them either physically, mentally or morally.

* Specific rules are set under appendix 3 and include almost identical rules as in the aforementioned CASP regarding misleading, appeals to loyalty, direct exhortation children as presenters, testimonials, etc.

The Radio Authority Programme Code

The Broadcasting Act 1990 requires the Radio Authority to have special regard to programmes included in licensed services in circumstances such that large numbers of children and young persons may be expected to be listening to the programmes.

Proper regard for taste and decency and the manner of portrayal of violence should be considered.

For the purpose of this Code, children and young persons are those below adult age, that is under 18 years.

When programming is specifically directed at a young audience or there is evidence of a substantial young audience; care must be taken to avoid content such as strong language, explicit news reports, "phone-in" programmes which cover explicit violent or sexual topics in a frank manner; musical items with violent or sexually explicit lyrics, fictional material with strong language or violent scenarios.

Rule 3.5 of this Code covers interviewing of children which requires care. Children should not be interrogated to elicit views on private family matters, nor asked for expressions of opinion on matters likely to be beyond their judgment.

It is an offence to publish the names or addresses of persons aged 17 or under who are involved in Court proceedings

As regards appearances of children in programmes, the same rule as in the ITC rules on the amount and scheduling of advertising apply (see above, licence from the Education Authority).

The Radio Authority Programme Sponsorship Code

It contains general rules of sponsorship such as the definition of sponsorable programmes, editorial control rules, sponsor credit, etc.

Rule 9 relates to prohibited sponsors and refers specifically to minors. Programmes and features directed particularly at children (i.e. those aged fifteen and below) must not be sponsored by companies whose commercial interests involve sanitary protection, family planning, contraceptives, pregnancy-testing or anti-aids and anti-drugs products.

Programmes or features directed particularly at people under 18 must not be sponsored by companies whose commercial interests involve alcohol, cigars or pipe tobacco.

Companies with gambling interests may not sponsor programmes specifically designed for or aimed at children (i.e. those aged 15 or below)

SPECIFIC LEGAL PROVISIONS

ALCOHOL	
2.1.1 Intoxicating liquor	terms of the licence. The licensed premises shall not sell alcohol to a person under 18 and it is an offence for a person under 18 to buy alcohol from the licensed premises. These provisions do not apply to a person over the age of 16 for the consumption of beer, cider or perry with a meal in a part of the premises set aside for the service of meals. (Licensing Act 1964)
2.1.2 Repression of drunkenness	No specific provision govern this issue in respect to children. The licence holder is prevented from permitting drunkenness or riotous conduct, or from selling alcohol to a drunken person. (Licensing Act 1964)
2.1.3 Access of minors to licensed premises	No person under the age of 14 is allowed in the bar of a licensed premises during the permitted hours (s168 Licensing Act 1964). The license holder can apply for a children's certificate in relation to specific areas of the licensed premises i.e. where meals are available. By s170 Licensing Act 1964, no person under 18 may be employed to work in the licensed area.
TOBACCO	
2.2.1 Warning Statements	A notice must be displayed at all premises and on all vending machines at which tobacco is sold stating that it is illegal to sell tobacco products to anyone under the age of 16. (Children and Young persons (Protection from tobacco)Act 1992 s4(1))
DRUGS & HEALTH	
2.3.1 False or Misleading advertisements	It is an offence for a person to issue a false or misleading advertisement relating to medicinal products of any description. (Medicines Act 1968,s93) Designed to promote and ensure safety.
2.3.2 Drugs for human consumption	Imposes general prohibitions on the advertisement of certain medicinal products to the public. Also imposes restrictions on the content of advertisements of medicinal products e.g. the making of claims that a product guarantees a result or that medical consultation is unnecessary.(The Medicines (Advertising) Amended Regulations 1996) Also imposes specific provisions prohibiting aiming a medicinal product exclusively at children.
2.3.3 Food stuffs	It is an offence to attach a misleading label to food.(Food Safety Act 1990)(Council Directive 79/112/EEC)
2.3.4 Cosmetics	General regulations prohibiting a person from supplying or offering any cosmetic product which is liable to cause damage to human health when applied under normal conditions of use.(Cosmetic Products (Safety) Regulations 1996, S1 1996/2925)
VEHICLES	
	A person is disqualified from holding or obtaining a licence to drive any vehicle if they are under the relevant specified age (17 for normal motor vehicles)(Road Traffic Act 1988 s101). Driving tests must consist of theoretical and practical tests (Motor Vehicles (Driving Licences) Regulations 1994, SI 1994/2864. There are no specific provisions regarding advertising for vehicles targeting minors.
EDUCATION	
2.5.1 Access of minors to schools	A person is of compulsory school age between the ages of 5 and 16. (Education Act 1996) Children of compulsory school age shall attend first primary and then secondary school. A 'junior' pupil is defined as a child that has not yet reached the age of 12 and a 'senior' pupil as a child between 12 and 19.
2.5.2 Rules regarding advertising	There are no specific statutory provisions covering the advertisement of education.
TOYS & OBJECTS FOR CHILDREN	
2.6.1 General Rules	Generally speaking, toys and other objects fall within the ambit of sale of goods.
2.6.2 Rules regarding advertising	There are no specific statutory provisions covering the advertising of toys and other objects for children.

<p>2.6.3 Specific legislation: Toys</p> <p>Fireworks</p> <p>Harmful publications</p>	<p>Safety standards are imposed on the manufacture of toys. A toy is defined as any product clearly intended for use in play by children of less than 14 years of age. No person shall supply a toy without a CE mark attached to it.(Toy (Safety) Regulations 1995 SI 1995/204</p> <p>The sale of fireworks to a person under 18 is prohibited. (Fireworks (Safety) Regulations 1997</p> <p>Young Persons (Harmful publications) Act 1955)</p>
<p>FINANCIAL SERVICES</p>	
<p>2.7.1 Consumer Credit</p> <p>2.7.2 Banking</p> <p>LEISURE</p> <p>2.8.1 Access of minors to certain publications</p>	<p>It ia an offence to convey information in an advertisement which is false and/or misleading (Consumer Credit Act Part IV: Seeking Business s46). It is an offence for a person, with the intention of gaining financially, to send a document(s) or provide information inviting a minor to borrow money or obtain goods or services on credit (s50)</p> <p>The Banking Act 1987 as amended the Banking Act 1987 (Advertisements) Regulations 1988 provides that controlled advertisements must comply with a specified form and content including the rate at which interest will be payable for invited deposits.</p> <p>Unless accompanied by a person over the age of 16, a child under the age of 5, or under the age of 12 if after 7.00pm, is prohibited from admission to a cinema (Cinematography (Children)(No2) (Regs 2&3). The BBFC provides classification guidelines for exhibition of films and videos. Under the Video Recordings Act 1984 it is an offence to supply classified videos to the wrong age group.</p>
<p>ARMS & VIOLENCE</p>	
<p>GAMBLING</p>	
<p>TELEPHONE AND INFORMATION SERVICES</p>	
<p>2.9 The Independent Committee for the Supervision of Standards of Telephone Information Services ("ICSTIS")</p>	<p>CSTIS regulates and enforces the content of promotional material for public telecommunication premium rate services according to its Code of Practice. Specifically, in relation to children's services i.e. children or young persons under the age of 16, the Code sets out what promotional material for such services should contain, the maximum possible cost of the service and that the service should only be used with the agreement of the person responsible for paying the phone bill.</p>

PROPOSALS OF LAW

The Radio Authorities' revised draft of its Advertising and Sponsorship Code (Feb 2000) provides in Rule 9 that advertisements likely to be heard by children under the age of 16 must not include any material which might result in their physical, mental or moral harm.

SELF-REGULATION

GENERAL RULES



RULES PER MEDIA

1 Non-Broadcast - The ASA Codes.

The British Codes of advertising and sales promotion ("BCASP") provides that advertisements and promotions for or featuring children under the age of 16 should contain nothing that is likely to result in their physical, mental or moral harm (BCASP rule 47).

2.The Internet Watch Foundation ("IWF")

IWF is an independent organisation which implements jointly agreed proposals between the government, the police, the Internet Service Providers Association ("ISPA") and the London Internet Exchange they will report the site to the police and service provider(s).

RULES PER SECTOR

3.1 Alcohol

The various media Codes provide rules in relation to advertisements and alcohol. Specifically BCASP provides that advertisements for alcoholic drinks (i.e. which exceed 1.2% alcohol) should not be directed at people under 18 (rule 46).

3.2 Slimming

The various media Codes provide rules in relation to advertisements and slimming. Specifically, BCASP provides that adverts for any slimming regime or establishment should not be directed at, nor contain anything that appeal, to people who are under 18.

3.3 Cigarettes, tobacco products

The various media Codes provide rules in relation to advertisements and cigarettes, tobacco products. Specifically, The BCASP contains a Cigarette Code with specific clauses for the protection of minors: Advertisements should avoid employing any approach which is more likely to attract the attention or sympathy of those under the age of 18 Cigarette Code (clause 66.22)

OTHER ADVERTISING TECHNIQUES

<p>1.1 General Rules</p>	<p>Direct Marketing in non-broadcast media is governed by rule 52 of the BCASP and in broadcast media (radio/t/v) is governed by rule 36 of the ITC CASP and rule 25 of the RAASC</p>
<p>1.2 Proposed legislation</p>	<p>The EU Directive 97/7/EC (The "Distance Selling Directive") has been ratified but remains to be legislated into domestic law in the UK. Consequently, direct marketing is regulated by the above Codes of Practice for broadcast -the ITC Code and Radio Authority Code, and non-broadcast media - BCASP Code. These Codes will need to be amended, wherever necessary, to be in accord with the EU Directive once it becomes law in the UK.</p>
<p>1.3 Non-Broadcast Media</p>	<p>BCASP under rule 47.4 states that advertisements and promotions addressed to children should not make a direct appeal to purchase unless the product is one that would be likely to interest children and that they could reasonably afford.</p>
<p>1.4 Broadcast media</p>	<p>ITC CASP and Radio Authority Code prohibit advertisements which invite children to purchase products by telephone or mail (rule 36 ITC and Appendix 3, rule 7 Radio Authority). BCASP provides under rule 47.4 that advertisements and promotions addressed to children should not make a direct appeal to purchase unless the product is one that would be likely to interest children and that they could reasonably afford.</p>
<p>2 Promotional Sales Practices</p>	
<p>2.1 General rules</p>	<p>Promotions in non-broadcast media are governed by the BCASP. Within these Codes there is a separate Code dealing with promotions: the Sales Promotion Code ("SPC"). Promotions in broadcast media are governed by the ITC CASP and the RAASC. When a promoter is holding or compiling lists from an individual's data they must comply with the Data Protection Act 1998 UK.</p>
<p>2.2 Non-Broadcast Media</p>	<p>The SPC provides that, where appropriate, sales promotions are required to conform with the BCASP's specific rules on children, particularly rule 47.5 which states that promotions addressed to children should not encourage excessive purchases in order to participate.</p>
<p>2.2.1 Public Interest and Safety</p>	<p>Promoters should make all reasonable efforts to ensure that their promotions are safe and special care is needed where the promotions are addressed to children or when products intended for adults fall into the hands of children (rule 33.1 BCASP)</p>
<p>2.2.2 Alcohol and Tobacco</p>	<p>Such products should not appear in sales promotions addressed to people who are under 18 and Tobacco promotions should only be addressed to existing smokers (rule 34.2 BCASP).</p>
<p>2.2.3 Charity-Linked Promotions</p>	<p>Under rule 42.1(h) BCASP particular care should be taken with promotions claiming that participation will benefit registered charities when appealing to children.</p>
<p>2.3 Broadcast Media</p>	
<p>2.3.1 Alcohol</p>	<p>Advertisements for alcoholic drinks must not publicise sales promotions entailing multiple purchase which appear to encourage excessive consumption (ITC Rule 40 (k) and Radio Authority Appendix 2 Rule 5)</p>
<p>2.3.2 Medicines</p>	<p>No advertisement for a medical product or treatment may contain any reference to sales promotions (ITC Appendix 3 rule 31 and Radio Authority Appendix 4 Rule 38).</p>

HANDLING OF COMPLAINTS

Each of the various self-regulatory media Codes of Practice in the UK can impose sanctions against advertisements which breach their respective Codes.

The BCASP imposes obligation on advertisers and promoters to verify the truth of their claims fairly and honestly to the ASA. The ASA Council (unconnected with the advertising business) investigates complaints from any source against advertisements and promotions in non-broadcast media. The procedure commences with a written complaint made within three months of the advertisement/promotion. An investigation is undertaken by the ASA Secretariat and finally an adjudication delivered by the ASA Council. If the adjudication requires the advert or promotion to be withdrawn, for e.g. because it is misleading, the complainant does have the right of appeal. The ASA Council has the ability to impose sanctions for breaches of the BCASP including the denial of access to space by the media, contractors and service providers (rule 68 BCASP). Ultimately, the ASA Council can refer a continual breach to the Director General of Fair Trading whose department can have the offending advert/promotion discontinued by obtaining an injunction (Control of Misleading Regulations 1988).

ITC license holders must ensure that any advert they transmit complies with the ITC CASP and that they have adequate procedures to fulfil this requirement. The ITC monitors the compliance of the Code. The procedure commences with the viewer either lodging a written complaint to the ITC or electing to deal directly with the television company. Following investigation of any written complaint, the ITC's Director of Advertising and Sponsorship will make a final decision after proper consultation. The advertiser has a right of appeal against a decision of the ITC. The ITC has a variety of sanctions available, depending on the nature and the frequency of the breach of its Code, including the withdrawal of advertisements and requiring the company to broadcast an apology or correction.

The RAASC requires radio stations to have procedures for handling written complaints, including keeping written records for 12 months and informing members of the public that they may refer unresolved matters to the Radio Authority. The Radio Authority is a statutory body which issues guidelines that stations must not broadcast material which is unfair, inaccurate or likely to cause widespread offence. The complaints procedure requires the listener to deal directly with the station, failing any satisfactory outcome, they can then approach lodge a written complaint with the Radio Authority. The Radio Authority investigates the complaint and makes its ruling. The Radio Authority can impose a variety of sanctions against offending material depending on its nature, including imposing a penalty and having the advertisement withdrawn or amended.

The Portman Group monitors compliance with its Code. The Complaints Officer investigates documented complaints about any merchandising or packaging of drink products (which contain 0.5% or more of alcohol volume) which is in contravention of the Codes advertising standards particularly in relation to minors. Any decision of the Portman Group may be appealed. The sanctions available to ensure compliance, include having the offending company make appropriate changes to the name, packaging or merchandising of the drink in question.

The Medicines (Monitoring of Advertising) Regulations 1994, SI 1994/1993 ("Regulations") provide for a complaint procedure in relation to medicinal advertising. The complaints authority for each of the above Codes have a duty to investigate complaints lodged about medical product advertisements in breach of their respective Codes. Failing any reasonable action by the appropriate Codes complaint authorities or where there is a medicinal advertising breach of the Regulations complaints should be directed to the Health Minister. The Minister can take appropriate action, including recourse to the courts to obtain an injunction against the advertisement.