Code of Marketing Communication Self-Regulation Italy

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Preliminary and General Rules

a) Purpose of the Code
The Code of Self-Regulation aims to ensure that marketing communication, while performing an extremely useful role in the economy, is carried out as a service to the public, with special consideration given to its influence on consumers.
The Code defines activities that, while legal, are in contrast with the aforesaid; the rules reflect the behaviour that communication must conform to, and constitute the legal basis for marketing communication self-regulation.

b) Complying Parties
The Code of Marketing Communication is binding for advertisers, agencies, advertising and marketing consultants, media of any kind, and for anyone who has accepted the Code directly or by membership of an association, or through an agreement to execute marketing communication as described under para. d).

c) Obligations of signatories
Signatories undertake to observe the Code and its Regulations and to ensure compliance by their members, to efficiently disseminate the rulings of the Jury and to adopt appropriate measures towards members who fail to comply with or repeatedly disregard the Jury's decisions.

d) Acceptance clause
To more effectively ensure compliance with the decisions of the Jury, signatories undertake to ensure that their members and associates shall include a special clause in their contracts specifying acceptance of the provisions of the Code, its Regulations and the rulings of the Jury including publication of the latter, as well as acceptance of final desist orders issued by the Review Board.

e) Definitions
For the purposes of the Code, the term "marketing communication" shall refer to advertising and all other forms of communication including corporate and institutional messages whose aim is to promote the sale of goods or services irregardless of the modalities used, as well as forms of communication regulated by Title VI. The term does not refer to sales policies or marketing techniques as such.

The term "product" refers to the object of marketing communication and therefore also includes services, methods, treatments, rights, obligations and the like. The self-regulatory code does not refer to the nature of the product or service being offered.
The term "message" refers to any form of public presentation of the product and therefore includes the outer packaging, wrapping, labelling etc.
The term "consumer" refers to any individual, legal person or any group of individuals to whom the marketing communication is addressed or is liable to receive it.
For the purposes of the Self-Regulatory Code, the distribution of promotional material for educational aims, as requested by public or private schools and supervised by teaching staff, does not constitute marketing communication.

Title I
Rules of behaviour

Art. 1 – Fairness in marketing communication

Marketing communication must be honest, truthful and correct. It must avoid anything likely to discredit it.

Art. 2 – Misleading marketing communication

Marketing communication must avoid statements or representations that could mislead consumers, including omissions, ambiguity or exaggeration that are not obviously hyperbolical, particularly regarding the characteristics and effects of the product, prices, free offers, conditions of sale, distribution, the identity of persons depicted, prizes or awards.

In assessing whether or not a marketing communication is misleading, the benchmark is the reasonable consumer belonging to the relevant target group.

Art. 3 – Terminology, quotations, technical and scientific tests, statistical data

Terms, quotations and references to scientific and technical tests must be used appropriately. Technical and scientific tests and statistical data with limited validity must not be

presented in such a way as to make them appear generally valid.

Art. 4 – Testimonials

Testimonials and other forms of recommendation of a product, with a promotional intention, should be distinguishable as such as well as authentic and responsible.

Art. 5 – Guarantees and warranties

Mandatory guarantees cannot be communicated in such a way as to convey the belief that they offer rights greater or different to those provided by law, when they do not.

Should guarantees or warranties be communicated that are greater or different to those that are mandatory, such marketing communication must specify the contents and conditions of the guarantee or warranty offered, or alternatively provide a brief but comprehensive description thereof together with reference to the written sources of information available at the point of sale or supplied with the product.

Art. 6 – Substantiation

The contents of marketing communication must be capable of substantiation; such substantiation should be available to the Jury or Review Board to prove the truthfulness of the data, descriptions, statements, illustrations used and the consistency of any testimonies.

Art. 7 – Identification

Marketing communication must be clearly distinguishable as such. In the media and in marketing communication where news and other editorial matter are presented to the public, the marketing communication must be clearly distinguishable through the adoption of appropriate measures.
With reference to certain forms of marketing communication on the Internet, the most important and suitable measures are indicated in the Digital Chart Regulations.

Art. 8 – Superstition, credulity, fear

Marketing communication should not play on superstition, credulity or, except in justifiable cases, fear.

Art. 9 – Violence, vulgarity, indecency

Marketing communication should not contain statements, audio or visual treatments depicting physical or moral violence or, that may be considered indecent, vulgar or repugnant to prevailing standards.

Art. 10 – Moral, Civil, and Religious Beliefs and Human Dignity

Marketing communication should not offend moral, civil and religious beliefs. Marketing communication should respect human dignity in every form and expression and should avoid any form of discrimination, including that of gender.

Art. 11 – Children and young people

Special care should be taken in messages directed to children**,** i.e. less than 12 years of age, and young people or to which they may be exposed. Such messages should avoid material that could cause psychological, moral or physical harm, and should not exploit the credulity, inexperience or sense of loyalty of children or young people.

In particular, such marketing communication must not suggest:

- violating generally accepted rules of social behaviour;
- acting dangerously or seeking exposure to dangerous situations;
- that failure to posses the promoted product means either their own inferiority or their parents' failure to fulfil their duties;
- that the role of parents and educators is inadequate in supplying healthy nutritional advice;
- adopting poor eating habits or neglecting the need for a healthy lifestyle.

Marketing communication for food products and beverages directed to children, or to which they might be exposed, is also subject to the provisions contained in the specific Regulation, which forms an integral part of this Code.

Marketing communication must not include a direct exhortation to children to buy the promoted product or to persuade other people to purchase it.

The portrayal of children and young people in marketing communication must avoid playing on the natural sentiments of adults towards the young.

Visual depictions of children, or persons resembling children, engaged in or seeming to engage in sexually explicit conduct are forbidden.

Art. 12 – Environmental and Social communication

Advertising claiming or suggesting environmental or social benefits must be based on truthful, pertinent data and, in the case of environmental claims, scientifically verifiable data.

Such advertising must ensure a clear understanding of which aspect of the product or activity the claimed benefits refer to.

Any claims relating to future environmental performance must be supported by appropriate documentation that is publicly available and verifiable.

It is not permitted to claim that a product, service or activity has a neutral, reduced or positive environmental impact in terms of greenhouse gas emissions on the basis of offsetting those emissions.

Art. 12bis –Safety

Marketing communication involving products that may potentially endanger health, safety or the environment, especially when such dangers are not immediately recognisable, should indicate such dangers clearly.

In any case marketing communication should not contain descriptions or representations that may lead consumers to be less cautious than usual or less watchful and responsible towards their own health and safety, including body images inspired by aesthetic models clearly associated with eating disorders that are harmful to health.

With regard to gambling and betting activities involving cash winnings, only communication campaigns on “responsible gambling” are permitted, aimed at preventing and combating gambling-related disorders, in accordance with the procedures and limitations set forth in the relevant Regulation, which forms an integral part of this Code.

Art. 13 – Imitation, Confusion and Exploitation

Marketing communication should not copy or slavishly imitate that of others even if it concerns non-competitive

products, especially if there is the risk of generating confusion with the marketing communication of others.

Moreover, any exploitation of the name, trademark, notoriety and corporate image of other marketers should be avoided, if it is intended to generate an undue advantage.

Art. 14 – Denigration

Marketing communication should not denigrate the activities, companies or products of others, even if not specifically named.

Art. 15 – Comparative advertising

Comparative advertising is permitted when it helps to explain the technical or financial features and benefits of promoted products and services, objectively comparing the relevant basic, technically verifiable and representative features of competitive goods and services, that meet the same needs or are intended for the same purpose.

Comparisons should be fair and not be misleading, nor generate the risk of confusion, or discredit or denigrate others. Comparisons should not draw unfair advantage from the notoriety of others.

Art. 16 – Variability

Marketing communication which is acceptable for one medium or product may not necessarily be acceptable for another, due to the different characteristics of the various media and products.

In the cases referred to in articles 17, 18, 21, 27, 28 and 46 below, messages that are limited to general statements are permitted to omit all the relevant necessary information.

Compliance of a marketing communication with the provisions of the Code does not rule out the right of the media to decide, based on their contractual autonomy, to reject it on the grounds that it breaches stricter criteria they may have put in place.

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Title II
Special rules

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A) Sales systems

Art. 17 – Sale by instalment

Marketing communication concerning sales by instalment should clearly specify the amount of any deposit or payment on account and of all subsequent payments, the interest rate and ancillary charges, and the total price of the product. It should also specify the terms under which financing is granted, conditions of ownership and property, and leasing or rental with redemption rights.

Art. 18 – Distance selling

Marketing communication relating to distance selling should clearly provide a description of the products offered for sale, the price, payment terms, delivery/handling charges and all other charges payable by the consumer, conditions of supply and, if applicable, cancellation or return clauses must also be indicated, as well as the existence and procedures for withdrawal from the sale.

The name, address, registered offices and geographical location of the marketer should also be specified.

Art. 19 – Unsolicited supply of goods

Any marketing communication associated with the practice of sending unsolicited products to consumers, suggesting that recipients are obliged to pay for goods unless they are refused or returned to the supplier, shall be forbidden.

Art. 20 – Special sales

Marketing communication relating to special sales of any kind, in particular promotional sales, should clearly specify the additional benefit deriving from the purchase, as well as the duration of the offer. The duration of the offer does not need to appear on the packaging.

Art. 21 – Prize promotions

Marketing communication relating to prize promotions involving competitions or premium operations, should provide consumers with clear and simple information on eligibility to participate, closing dates and prizes; for competitions the information should include the number and total value of prizes, the procedure for awarding prizes and the media to be used for publicising the results.

B) Product categories

Art. 22 – Alcoholic Beverages

Marketing communication concerning alcoholic beverages should not be in contrast with the obligation to depict styles of drinking behaviour that project moderation, wholesomeness and responsibility. This principle aims to safeguard the primary interest of the population in general, and of children and young people in particular, in a family, social and working environment safeguarded from the negative consequences of alcohol abuse.

In particular, marketing communications must not:

- encourage excessive, uncontrolled, and hence harmful consumption of alcoholic beverages;
- depict an unhealthy attachment or addiction to alcohol, or generally lead people to believe that resorting to alcohol can solve personal problems;
- target or refer to minors, even only indirectly**,** or depict minors or people who clearly appear to be minors, consuming alcohol;
- make direct use signs, symbols, drawings, fictitious characters or real people of primary appeal to minors, that may arouse the direct interest of minors;
- associate the consumption of alcoholic beverages with the driving of motorised vehicles;
- induce the public to believe that the consumption of alcoholic beverages promotes clear thinking and enhances physical and sexual performance, or that the failure to consume alcohol implies physical, mental or social inferiority;
- depict sobriety and abstemiousness as negative values;
- induce the public to disregard different drinking styles associated with the specific features of individual beverages and the personal conditions of consumers;
- stress high alcoholic strength as being the principal feature of a beverage.

Art. 23 – Cosmetics and Personal Hygiene Products

Marketing communication relating to cosmetics and personal hygiene products should not encourage the belief that such products have characteristics, properties or functions other than to be applied to the external parts of the human body, mouth or teeth for the exclusive or primary purpose of cleaning, freshening, changing their appearance or protecting them, in order to keep them in good condition or correcting body odours.

Such marketing communication, therefore, may present these products as having additional features preventing particular pathological conditions, provided they actually contain specific ingredients or formulations with such effects; under no circumstances, however, should consumers be led to consider cosmetic or personal hygiene products as substitutes for medication, medical aids, medical devices or therapeutic treatments.

Art. 23 *bis* – Food supplements and health foods

Marketing communication relating to food supplements and health foods should not claim to have properties that do not correspond to the actual characteristics of the products, or that the products do not actually possess.

Furthermore, such marketing communication should not encourage consumers to make nutritional errors and should avoid referring recommendations or statements of a medical nature.

These rules also apply to infant formula and baby foods, products designed to wholly or partially substitute mother's milk, products used for weaning and food supplements for children.

In particular, as regards marketing communication relating to food supplements for weight loss or control and other specific supplements, the provisions contained in the relevant Regulations, which form an integral part of this code, shall apply.

Art. 24 – Physical and Aesthetic Treatments

Marketing communication relating to physical and aesthetic treatment should not encourage the belief that such treatments have therapeutic or restorative functions, or can achieve radical results; reference to recommendations or statements of a medical nature must be avoided.

Art. 25 – Medicinal Products and Curative Treatments

Marketing communication relating to medicinal products and curative treatments should consider the sensitivity of the matter and display the utmost sense of responsibility; it must also accurately reflect the details contained in the fact sheet summarising the product specifications.

Such marketing communication should draw the consumer's attention to the need for caution in using the product, explicitly and clearly encouraging consumers to read the package warnings and advising against the improper use of the product.

In particular, marketing communication relating to over-the-counter products should include the name of the medicinal product as well as the common name of the active ingredient; this latter information is not compulsory if the medicinal product contains more than one active ingredient or the communication is intended solely as a generic reminder of the product's name.

Moreover, marketing communication relating to over-the-counter medicinal products and curative treatments should not:

- suggest that the efficacy of the medicine is devoid of side effects or that its safety or efficacy profiles are due to the fact that it is a natural substance;
- claim that the efficacy of the medicine or treatment is equal to or better than others;
- suggest that a medical consultation or surgical procedure is unnecessary or lead consumers to make an incorrect self-diagnosis;
- exclusively or principally address children or lead minors to use the product without appropriate adult supervision;
- make use of recommendations by scientists, health professionals or persons well-known to the public, or refer to the fact that the medicinal product has been approved for sale, or improperly or misleadingly report certificates of recovery;
- compare the medicinal product with a foodstuff, cosmetic or other consumer product;
- suggest that the medicinal or the curative treatment can improve normal good health, or that avoiding a certain product or treatment can be harmful, unless the message refers to vaccination campaigns;
- use improper, misleading or frightening depictions of changes in the human body caused by disease or injury, or due to the effects of the medicinal product.

As regards marketing communication relating, in particular, to veterinary medicines, the rules contained in the relevant Regulations shall apply, and form an integral part of this Code.

Art. 26 – Instruction Courses and Study or Teaching Methods

Marketing communication relating to instruction courses and study or teaching methods should not contain any promise of work or exaggerate employment or salary opportunities for those persons who follow such courses or adopt the proposed methods, nor should it offer degrees or qualifications which are not recognised or not obtainable by such methods.

Art. 27 - Financial, banking and insurance products and services, investment transactions and crypto assets

Marketing communication aimed at soliciting or promoting financial, banking and insurance products and services and investment transactions, including in securities or real estate property, and in crypto-assets, as well as any such communication about trading directly or indirectly in other crypto-assets should provide clear and comprehensive information to avoid misleading consumers regarding the promoter, the nature of the proposal, the quantity and characteristics of the goods or services being offered, the terms of the transaction, and the relevant risks, to ensure that the recipients of the message, even if inexperienced in this field, can make informed choices about the use of their resources.

In particular, such communication should:

1. avoid, when referring to yearly interest rates, using terms such as “income” and “return”, to indicate the sum total of unearned income plus increases in property values;

2. refrain from suggesting that consumers make commitments and pay deposits without appropriate guarantees;

3. not project future performance on the basis of past performance, or communicate returns based on calculations over periods that are not sufficiently representative with reference to the particular nature of the investment and to the fluctuations in results;

4. must enable the recipients of the message to easily identify: the nature of the transaction, clarifying whether the transaction is financial, the specific risks involved in the transaction, and the associated costs in terms of fees and/or interest rates payable;

5. if the proposal is not, or only partially, subject to the rules on financial, banking and insurance products and services and investment transactions, this should be made explicit, with a warning about reduced consumer protection and the possible lack of supervisory and control powers for the supervisory authorities.

Any reference to environmental and social sustainability must be clear, accurate and not misleading and must be consistent without contradicting or creating ambiguity with the information provided in the pre-contractual disclosure, on the website, in periodic reporting and in any other form of disclosure.

Art. 28 – Package Tours

Marketing communication of any kind relating to package tours should provide comprehensive and accurate information, particularly regarding the services included in the minimum price for participation. The communication should strongly suggest that consumers carefully consider the terms and conditions of participation, payment and cancellation as indicated in the brochure or registration form.

Art. 28 *bis* – Games, Toys and Educational Products for Children

Marketing communication relating to games, toys and educational products for children should not be misleading as to:

- the nature, performance and dimensions of the promoted product;
- the degree of skill required to use the product;
- the total expenditure, especially when the operation of the product requires the purchase of accessory products.

In any case, this type of marketing communication should not play down price of the product or imply that its purchase is generally compatible with all family budgets.

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Title III
Governing bodies and competence

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Art. 29 – Composition of the Jury

The Jury is composed of members appointed by the Istituto dell'Autodisciplina Pubblicitaria, and chosen from among experts in law, consumer affairs and communication.

The members of the Jury remain in office for a two-year term and can be reconfirmed.

The Institute chooses the President and Vice-Presidents, who stand in for the President in his absence, from among the members of the Jury.

The members of the Jury cannot be chosen from among experts who practice their professional activities in the area of marketing communication self-regulation.

Art. 30 – Composition of the Review Board

The Review Board, aimed to protect the general interests of consumers, is composed of members appointed by the Institute, and chosen from among experts in legal affairs, advertising, consumer affairs and media.

The members of the Review Board remain in office for a two-year term and can be reconfirmed.

The Institute chooses the President and Vice Presidents from among the members of the Review Board.

The Board can be divided into smaller groups of at least three members, and such sub-groups are chaired by the President or a Vice President.

The members of the Review Board cannot be chosen from among experts who practice their professional activities in the area of marketing communication self-regulation.

Art. 31 – Principles of Judgment

The members of the Jury and the Review Board perform their duties according to their convictions and not in the interests of classes of subscribers to the Code. In the execution of their task the members of the Jury and the Board are expected to observe the utmost discretion.

Art. 32 – Function of the Jury and of the Review Board

The Jury examines the marketing communication submitted to it and judges it according to the provisions of this Code.

The Review Board:

- autonomously submits to the Jury any marketing communications that have been reported to it or that it believes to be non-compliant with the provisions of the Code safeguarding consumer interests or marketing communication in general;
- provides non binding opinion on request of the President of the Jury;
- may request amendments to any planned marketing communication that appears to breach the provisions of the Code;
- can issue desist orders, pursuant to art. 39;
- can provide a copy advice, on the request of interested parties, under the provisions contained in the relevant Regulation, as to whether the final but not yet publicised marketing communication submitted to it actually complies with the provisions of the Code safeguarding consumer interests. The Board's opinion is expressed subject to the validity and completeness of the data and information supplied by the applicant. Under such conditions, the Board undertakes to refrain from intervening ex-officio against approved marketing communications. Parties to whom a

copy advice has been issued shall not exploit the said opinion for commercial purposes;

- may perform any other function assigned by the Board of Directos and communicated on the Institute's website.

The Jury and Review Board can, at any time, ask the marketer to supply documentation in support of the truthfulness of the data, descriptions, statements, illustrations or testimonials used. The Jury and Review Board may avail themselves of experts to evaluate the documentation thus produced.

Except for the provisions set out in this Code, the Jury and Review Board perform their duties without formalities.

Art. 32 *bis* – Expert witnesses

A list of expert witnesses shall be chosen from among acknowledged authorities on specific matters and appointed by the Istituto dell'Autodisciplina Pubblicitaria to support the Jury.

Art. 33 – Secretariat

The Secretariat of the Institute also carries out secretarial duties for the Jury and Review Board.

The Secretariat certifies the existence of cases pending before the Jury and, on request of interested parties, issues written statements to this effect.

Art. 34 – Location and meetings

The Jury, the Review Board and the Secretariat are all located in the offices of the Institute.

The Jury and the Review Board and its sub-groups meet whenever required. The meetings are convened by their respective Presidents with at least three days' advance notice.

Such notice may be shortened in the event of emergency situations.

The meetings of the Jury and the Review Board are not open to the public.

The Jury is validly constituted with the presence of at least three members; the Review Board, in plenary session, with at least five members.

In the absence of the President and the Vice-Presidents, the meeting is chaired by the most senior member. The Jury and the Review Board, the latter when a plenary session is sitting, make their decisions based on the majority vote of the members present. In the event of a tied vote, the President of the meeting casts the deciding vote.

Decisions by sub-groups of the Review Board must be taken unanimously; if unanimity is not possible, decisions are delegated to a plenary session of the Board.

Sub-groups of the Review Board are validly constituted with the presence of at least three members.

The meetings of the Jury and the Review Board are supported by a member of the Secretariat who is sworn to secrecy and must leave the meeting while the Jury is deliberating.

Art. 35 – Administration

The administrative procedures to be adopted concerning petitions to the Jury and services provided by the Institute are decided by the Board of Directors.

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Title IV
Procedural rules and sanctions

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Art. 36 – Petitions to the Jury and complaints to the Review Board

Anyone who believes he or she has suffered prejudice from marketing communication activities contrary to the Code may request the intervention of the Jury against those who, having accepted the Code in one of the forms set out in the preliminary and general rules, have undertaken activities alleged to have caused damage to the petitioner.

Petitioners should submit a written request containing a description of the marketing communication which is being submitted to the Jury, the reasons for the petition, supporting documentation and the relevant administrative charges.

Individual consumers and consumer rights associations may submit complaints free of charge to the Review Board regarding marketing communication allegedly breaching the rules of the Code that safeguard the general interests of the public.

Art. 37 – Proceedings Before the Jury

Upon receipt of a petition, the President of the Jury appoints a referee from among the members of the Jury, and if the case demands it, an expert witness pursuant to section 32/*bis* with specific expertise on the matter at hand. The President arranges for copies of the petition to be sent to the parties, assigning them a deadline of between eight and twelve clear working days for filing their comments and possible documents, and convenes the parties before the Jury at the earliest for a verbal discussion of the dispute.

Where the disputed marketing communication consists in a direct comparison or concerns a promotion lasting thirty days or less, the petitioner may ask for the resisting party to be required to file comments and documents within eight clear working days, and for the hearing before the Jury to take place, barring special circumstances, within no more than ten clear working days of filing the petition.

Along with the expert witness, when appointed, a representative of the Review Board also participates in the discussion, and before the reply from the parties, expresses their position in light of the regulations embedded in the Code to safeguard the consumer. The parties may address the expert witness to clarify specific scientific aspects of the dispute or to ask the expert witness – before the reply from the parties – to define the criteria deemed by the latter to accurately frame these aspects.

The petitioner may request that if an expert witness is appointed, the Jury devote an entire meeting to the discussion hearing, with all additional charges payable by the petitioner.

The hearing cannot be postponed except under extraordinary circumstances or if all parties are in agreement.

In proceedings at the request of the parties the Review Board communicates its conclusions in written form prior to the discussion hearing. These conclusions may be justifiably amended based on the outcome of the discussion.

Once discussions have ended, the Jury:

a. issues its decision, if it considers the case sufficiently debated;

b. If it decides additional evidence is required, refers all available material to the referee who, immediately and without procedural formalities, arranges for further evidence and documentation to be supplied; the referee then returns all materials to the Jury for the resumption of the case;

c. in the event that new evidence emerges during the proceedings that may constitute a violation of the Code not covered by the petition, the Jury acknowledges, notifies and rules ex-officio on said facts unless further investigation is ordered.

At any time during the proceedings the Jury may ask, without procedural formalities, for the opinion of the Review Board on any matter.

Both parties may be assisted or represented by their lawyers or consultants before the Jury.

Art. 38 – Decision of the Jury

Once the discussion has ended, the Jury withdraws to the Board room and, under exceptional circumstances, in order to clarify any remaining doubts, may invite the expert witness, if appointed, to participate without voting rights.

If the Jury deems that the technical material it has acquired is insufficient to make a ruling, it calls in an officially appointed expert witness (Consulenza Tecnica d'Ufficio), asks the question and sets a deadline for filing the report. During the deliberations of the officially appointed expert witness, the adversary principle of hearing both sides is imposed and the right to defence is ensured.

The Jury announces its decision and immediately communicates its findings to the parties involved. If the decision establishes that the marketing communication does not comply with the provisions of the self-regulatory code, the Jury orders the offending parties to refrain from using it within the term set forth in the relevant Regulations.

In the summary of the decision, information on the censured aspects of the communication can be provided, if necessary.

At the earliest possible opportunity the Jury files its verdict with the Secretariat which than sends copies to the parties and to any other interested organisations.

The Jury's decisions are final.

Art. 39 – Desist Order

Should any marketing communication submitted for examination appear to clearly violate one or more articles of the self-regulatory code, the President of the Review Board may order the marketer to desist from publishing it.

The desist order, with a summary of the grounds justifying the ruling, is communicated to the parties by the Secretariat, with advice that each party has up to seven days to challenge the decision with the Review Board.

If the President of the Review Board verifies that no challenge has been filed, the deadline has passed and no grounds for challenging have been offered up, the order becomes final. The Secretariat certifies the enforceability of the ruling which is then communicated to the parties concerned for compliance within the terms set forth in the relevant Regulations.

Should the ruling be opposed with grounds and within the deadline, the desist order is regarded as pending. The President of the Review Board, having considered the facts and reasons put forward by the challenging parties, may decide, after listening to the Board's opinion, that the desist order should be withdrawn and the case dismissed, with the parties being advised accordingly.

Conversely, should the Review Board consider the reasons for opposition to be unconvincing, the case is handed over to the President of the Jury together with the relevant grounds. Should the President of the Jury also deem the reasons for opposition to be unconvincing, the case is sent back to the President of the Review Board who takes the steps described in para. 3 above. On the other hand, if the President of the Jury believes that the Jury should decide, the parties are called to appear before the Jury for discussions at the earliest possible opportunity but no later than the time frame envisaged for standard procedures; in such cases the desist order is revoked.

Art. 40 – Publication of the Decisions

Decisions are published by the Secretariat, posted on the website and filed in the database of the Istituto dell'Autodisciplina Pubblicitaria with the names of the parties concerned.

The Jury may order that individual decisions be disclosed to the public, in summary, including the names of the parties, in the manner and through whichever media channels are deemed appropriate, by the Institute, at the expense of the losing advertising party which shall immediately cover all charges. Should the losing party fail to fulfil this requirement, the winning party – upon IAP's request, shall pay all outstanding amounts with right of recourse.

The excerpt is drafted by the referee and signed by the President.

The parties cannot use the decision for marketing purposes.

Art. 41 – Binding nature of Jury decisions

The media through which marketing communication is disseminated which directly or through their trade associations accept the self-regulatory code, even if not involved in the proceedings before the Jury, are obliged to observe its decisions.

Art. 42 – Non-Observance of Decisions

Should the party bound to comply with the decisions of the Jury or the Review Board fail to do so within the time frame set out in the Regulations, the Jury or its President reiterate the order to discontinue the offending marketing communication and order notice of such non-compliance to be made public, in summary, including the names of the parties, in the manner and through whichever media channels are deemed appropriate, by the Institute, at the expense of the losing party which shall immediately cover all charges. Should the losing party fail to fulfil this requirement, the winning party – upon IAP's request, shall pay all outstanding amounts with right of recourse.

To this end, interested parties may present a petition to the President of the Jury. If the non-compliance is not obvious, the President may decide that the situation should be dealt with by standard procedure. Alternatively, the President issues a ruling and brief explanation confirming the non-compliance and, as per the first paragraph above, advising the parties of their right to file a substantiated objection

within a maximum of five working days, pending which the measure is suspended.

In the event of failure to file a challenge within the official deadline, or of presentation of a manifestly ungrounded objection, the ruling becomes enforceable and is communicated to all parties.

Alternatively, the President of the Jury may revoke the ruling and call the parties to appear before the Jury to discuss the dispute at the earliest possible opportunity but no later than the time frame envisaged for standard procedures. If the Jury confirms the non-compliance, it takes the steps described in the first paragraph above.

Title V
Protection of creativity

Art. 43 – Creatives projects

Marketers planning to hire an advertising agency or professional consultant to join them on one or more creative projects to participate in a tender, or in a joint or individual consultancy, should refrain from using or imitating any creative or inventive aspects of the project(s) that are rejected or not selected, for three years as of the filing date of such material by the advertising agency or professional consultant concerned according to the terms of the Regulation.

Art. 44 – Protection Notices

In order to protect the creative elements of a marketing communication, isolated messages released in anticipation of and to safeguard a future communication campaign must be filed and published in compliance with the rules and regulations of the Istituto dell'Autodisciplina Pubblicitaria. The filings in force are published on IAP website.

The protection is granted for a period of twelve months starting as of the date of filing and can be extended for an additional period of 12 months upon request to be filled before the expiration of the first 12 months' period of protection.

Art. 45 – Marketing communication carried out abroad

Marketers wishing to protect marketing communication carried out abroad from the threat of imitation in Italy, may file copies of such communication with the Secretariat of the Istituto dell'Autodisciplina Pubblicitaria, as per the Institute's regulations.

The filing confers priority rights valid for a period of five years as of the date of filing.

Title VI
Social marketing communication

Art. 46 – Appeals to the public

The rules of this Code apply to any message aimed at raising the awareness of the public as to issues of social relevance, whether specific or general, or which directly or indirectly solicits donations of any kind for the purpose of achieving objectives of a social nature.

Such messages should clearly identify both the author and the beneficiary of the appeal, and specify the social objective being sought.

The promoters of such messages may freely express their opinions on the issue at hand, but there must be a clear indication that the opinions being expressed are those of the promoters, and are not based on fact.

In any case such messages should not:

a. unduly exploit human suffering by offending human dignity, or use shock tactics that might generate unwarranted panic, fear, or distress;

b. generate feelings of guilt or responsibility upon persons who decide not to support the appeal;

c. exaggerate the degree or nature of the social issue which the appeal is targeting;

d. overestimate the specific or potential value of contributions to the initiative;

e. solicit donations from minors.

The above provisions also apply to marketing communication featuring references to social causes.

REGULATIONS CONCERNING MARKETING COMMUNICATION RELATING TO FOOD SUPPLEMENTS FOR WEIGHT LOSS OR WEIGHT CONTROL AND OTHER TYPES OF SUPPLEMENTS

1) Such supplements should not be presented as "slimming" products. The role of food supplements intended for weight control reduction is that of an "aid to low-calorie diets". Moreover, the concept of slimness being synonymous with good health should not be emphasised.

2) Messages promoting such products should not use fanciful names designed to suggest or guarantee properties that the products do not possess, or which the marketer cannot prove.

3) Messages promoting supplements intended for weight control or weight loss should not refer to scientific endorsements or approval.

Messages should not refer to "industry professionals" (doctors, pharmacists, dieticians, etc.) who, on the basis of their authority and standing in the eyes of the public by virtue of their professional role, could endorse the general effectiveness of the products and decrease the consumer's objectivity in choosing products to meet individual needs which vary from individual to individual.

For similar reasons, endorsements by scientific societies or associations cannot be cited.

4) Messages should specify that the products in question must be used in conjunction with a suitably low-calorie diet and an increased level of exercise, and avoiding an overly sedentary lifestyle.

5) Marketing communication relating to weight control or weight loss supplements should not present generic weight loss plans prepared by experts as universally valid.

This rule is based on the conviction, long supported by the scientific community, that it is illogical and irrational to offer consumers generic weight loss plans without taking the background and characteristics of every individual into due account. Therefore, standardised diets must not be claim to be universally valid. Should marketing communication propose a standard diet, consumers must also be told to consult a doctor or dietician to ensure that the diet is appropriate for the consumer's needs.

6) Marketing communication relating to supplements intended for weight control or weight loss should not use pictures or testimonials aiming to compare the situation before using the product with the results achieved after using it.

7) Marketing communication relating to supplements intended for weight control or weight loss should avoid quantifying results achievable over a specific time frame (in terms of weight loss, smaller circumferences, fat mass, fatty tissue, etc.).

8) Marketing communication relating to supplements intended for weight control or weight loss should not suggest that significant results can be achieved quickly and without sacrifice.

The use of food supplements intended for weight control or weight loss can be effective and produce the desired affects only as part of a diet programme which, to be low-calorie, necessarily requires sacrifices (restricted energy intake). The promise of results without sacrifice is in contrast with the principle of truthfulness.

Moreover, excessively rapid weight loss is dangerous to human health. Consequently, the promise of rapid weight loss could not only generate unrealistic expectations but also encourage unhealthy behaviours.

9) Special precautions must be taken in marketing communication for food supplements intended for weight control or weight loss that cite clinical and scientific trials, in view of the vulnerability of target consumers. Therefore:

- messages should not use terms such as "clinically tested", or "clinical trials prove that..." that may mislead recipients as to the scope and size of the studies conducted, or the nature of the promoted product, presenting it in such a way as to suggest that it has therapeutic or pharmacological properties;
- messages should not quote scientific data taken from bibliographic research conducted on any of the product's ingredients that fails to reflect the effective action of the ingredients in respect of the amounts used in the product and any possible interactions with other ingredients;
- it is possible to support statements contained in the message with detailed and truthful citations of specific tolerance or efficacy testing results conducted on the promoted products, provided the testing is carried out in compliance with criteria and methodologies approved by the scientific community.

10) Marketing communication relating to supplements intended for weight control or weight loss should avoid explicitly mentioning such concepts as the "ideal" weight, "ideal" figure, etc.

Messages must reflect the sensitive nature of the topic, in terms of communications, with respect to eating disorders.

The concept of the "ideal" weight is now obsolete, having given rise to treatment errors and serious mental illnesses.

11) Marketing communication relating to such products should not associate the build-up of fat with water retention.

12) Marketing communication relating to such products should not associate body weight with flatulence.

13) Marketing communication relating to such products should not cast discredit on the complex carbohydrate-rich Mediterranean diet.

14) Messages promoting food supplements for weight control or weight loss may only claim generic effectiveness as an aid, but cannot claim untrue or unproven effects benefiting particular sub-groups of consumers affected by specific problems (e.g. emotional eating, slow metabolism, etc.).

OTHER TYPES OF SUPPLEMENTS

15) Messages relating to products that claim anti-ageing properties should not lead consumers to underestimate the need to adopt a healthy lifestyle and eliminate risk factors; such products should therefore avoid suggesting that such products can prevent or delay the ageing process.

16) Marketing communication should not encourage the belief that a food supplement or non-medicinal product can cure male impotence.

This rule is often breached by communications claiming to enhance physical and sexual performance, especially in men. Some messages go so far as to claim effects on male impotence for products therefore presented as an alternative to therapeutic treatments.

It must be stressed that in most cases, experimental evidence on the efficacy of such products on animals and humans is extremely inadequate and insufficient for supporting such claims.

Messages should reflect the fact that these products may have adjuvant toning effects, without leading consumers to underestimate the need for medical advice on their condition and, if necessary, appropriate medical treatment.

17) Marketing communication relating to food supplements aimed at controlling plasma lipids should specify that these products serve to promote normal lipid metabolism as part of a suitable diet programme. These products should never be presented as appropriate for treating pathological disorders requiring professional medical attention.

18) Marketing communication relating to food supplements should not encourage the belief that such products are intended for athletes or people engaging in intense physical activity, due to their positive effects on muscle mass or physical performance.

Products formulated especially for athletes, and indicating such effects specifically on the label, represent a particular category of dietary products.

REGULATIONS CONCERNING THE COPY ADVICE OF THE REVIEW BOARD

These Regulations outline the process and procedures adopted by the Review Board to issue copy advice pursuant to article 32, paragraph 2, point 5 of the Code of Marketing Communication.

1) The Review Board has established a special sub-group devoted to issuing copy advice, called the "Copy Advice Section".

The Section is presided over by the President of the Review Board, one of the Deputy Chairmen, or a member of the Committee empowered to do so by the President, and includes at least two other members chosen in turn by the President of the Review Board among Board members with specific expertise in the matters at hand.

Once applicants have filed a request for a preliminary opinion, they are entitled to know the members of the Section.

2) The Section is generally responsible for issuing copy advice in compliance with article 32, paragraph 2, point 5 of the Code, with the effects envisaged therein. In particularly sensitive or complex cases, the President of the Section may refer the issuance of opinions to the full Review Board after notifying the applicant to this effect.

The Section and the Review Board may in any case avail themselves of experts.

3) Parties intending to apply for a copy advice should forward a written request to this effect to the Secretariat of the Istituto di Autodisciplina, attaching the marketing communication for which an opinion is being sought both in paper and electronic form, in the closest possible version to the final form (e.g. story-boards for television commercials, complete scripts for print ads, etc.), or at least a detailed description such as to enable the Board to acquire the fullest possible understanding of all the features of the marketing communication. The application may also include any documentation evidencing compliance of the communication with the relevant rules of the Code. Such documentation is compulsory for claims of product performance, in order to check the truthfulness of statements contained in the message.

A separate request for a copy advice should be filed for each marketing communication, and in the event of any changes made to the communication following findings issued by the Board. The relevant administrative charges as set by the IAP Board of Directors should be paid upon filing requests for copy advice.

4) The Section, as a whole or through a member specifically appointed by the President of the Review Board should acquire any and all information and clarifications that may be needed or helpful for issuing opinions, without formalities and employing the fastest and most fitting communication channels. Parties who have requested preliminary opinions may contact the Section either personally or via the aforesaid communication channels, with a view to better illustrating aspects of particular relevance to the issuance of preliminary opinions.

5) Copy advice are issued in writing; opinions that are negative or favourable with reservations will be adequately explained. Copy advice are issued as promptly as possible, and no later than 5 working days as of receipt of the request by the Secretariat of the Istituto di Autodisciplina. Particularly complex cases may require up to 8 working days.

REGULATIONS ON THE TIME REQUIREMENTS FOR THE ENFORCEMENT OF SELF-REGULATION DECISIONS

With reference to paragraphs c) and d) of the Preliminary and General Rules of the Code of Marketing Communication Self-Regulation and considering that articles 38 and 39 are aimed at achieving the speediest discontinuance of marketing communication in breach of the Code, the Board of Directors of the Institute has established that marketing communications found to be in breach should be discontinued within five working days. This is the absolute deadline which shall be start elapsing from the first working day following the hearing handing down the Jury's decision.

On the day of the ruling the Secretariat of the Institute communicates the decision to all the parties and media involved, who will take it upon themselves to advise any other interested parties of the decision.

Considering the particular features of the magazines, enforcement of the order to cease and desist shall be as timely as technically possible.

The order to cease and desist pertaining to the product and packaging (including every aspect of the presentation packaging) and the product display unit shall normally be executed within 120 days of the Jury's decision, on the understanding that the advertiser shall take steps to comply with the order as promptly as possible. Products and display units placed on the market by the advertiser prior to this deadline may be sold while stocks last.

Should the Jury decide that a message fails to comply with the provisions of art. 42, because it conveys a message already declared to be in contrast with the rules of the Code, the order to cease and desist shall be immediately enforced. However, if the message is on the packaging the order to cease and desist shall be enforced within 30 days; this rule applies whether the message found to be in breach was already present on the packaging and the order to cease and desist was not enforced within 120 days, or whether the message was conveyed by other means and subsequently added to the packaging.

As to the decisions of the Review Board, enforcement must begin from the deadline for filing an objection.

In any case, the Jury may allow more time for enforcement in the event of particular technical requirements.

Marketers are responsible for the timely and effective enforcement of decisions concerning their marketing communication and shall advise the Secretariat of the Institute in writing (e-mail) by the end of the first working day following the date of the final Self-Regulation ruling, that they have taken steps to withdraw the message in question as per the deadlines indicated above, on all the media included in the planned marketing campaign.

REGULATIONS FOR SAFEGUARDING FUTURE MARKETING AND ADVERTISING CAMPAIGNS (see Art. 44 of the Self-Regulatory Code)

With reference to articles 13 and 44 of the Code of Marketing Communication Self-Regulation, future communication campaigns can be protected through the

prior disclosure of an isolated message. This requires that the essential creative elements of the idea be briefly but

accurately described, if necessary with pictures, then filed and published as set out below:

1) The applicant shall:

fill in the online "Pre-emption form", indicating the creative elements for which protection is sought, enclosing evidence of payment of the relevant fees. The form is available on IAP's website (in Italian: *Le idee depositate*).

2) The creative elements to be protected must be contained in a single advertisement for products or services whose names need not be specified; naming the company is also optional. However, if such information is not provided, the name of the advertising agency or consultant must be indicated.

3) Pre-emption rights become effective as soon as the IAP has received the complete and correct application form as per point 1) above; the rights are registered by the IAP Secretariat and are valid for 12 months against parties subject to compliance with the Code who are deemed to have imitated the advertisement covered by protection in any medium.

4) Before expiration, the protection can be extended for a further period of 12 months starting as of the day following the date of expiration of the first period of protection, according to the procedure provided under point 1)

5) All filings are published as quickly as possible on the IAP website –"Advertisements filed for the protection of future campaigns" (in Italian: *Elenco depositi a tutela di future campagne*).

REGULATION GUARANTEEING THE IMPARTIALITY OF SELF-REGULATORY JUDGEMENTS

Pursuant to Art. 31 of the Code, members of the Jury and Review Board, or consultants (expert witnesses) shall not participate in deliberations in the following cases: a) those falling under the scope of Art. 51.1 c.p.c.; b) cases in which they are currently involved, or have been involved in the last 12 months, in respect of providing their professional services to the advertiser or applicant; c) cases in which there is a serious conflict of interest (incompatibility). Participation in deliberations shall not be allowed in such cases, or in cases directly involving competitors of the party with respect to whom the member or consultant is in a situation of conflict of interest (incompatibility).

Members of the Jury and Review Board, and expert witnesses (technical consultants) as defined by article 32 *bis* of the Code should refrain from appearing in advertisements and marketing communications.

Members of the Jury and Review Board and expert witnesses are obliged to consider whether a conflict of interest (incompatible) situation exists upon receiving the documents relative to the dispute or the case submitted for examination, and, if such a situation does exist, should without delay notify the Chairman of the panel or relevant section of the Review Board, that they will not participate in deliberations. Should the Chairman agree that the member or advisor is in a conflict of interest situation, the Chairman of the Jury or the Chairman of the Review Board should be duly informed. In turn, if both Chairmen agree that there is a conflict of interest situation, they should notify the Chairman of the Istituto di Autodisciplina of the member's inability to participate in the deliberations.

Members of the "Copy Adivce" section of the Review Board should notify any conflict of interest situations as soon as they discover the identity of the party presenting the application and the matter to which it refers.

The Board of Directors is responsible for evaluating breaches of conflict of interest rules, and may at its own discretion adopt measures including the decision to terminate the offender's appointment as a member of the Jury or Review Board, or as an expert advisor (consultant), taking into due account the concrete influence of the individual's behaviour on the outcome of the self-regulatory process. In any case, such measures as may be adopted do not constitute grounds for challenging the decision of the Jury or the deliberation of the Review Board in which the member deemed to be in a conflict of interest situation has participated.

The Board of Directors issues its decisions in response to applications from any interested parties, after hearing the member of the Jury or Review Board or expert witness (consultant) involved.

DIGITAL CHART REGULATIONS ON THE RECOGNIZABILITY OF MARKETING COMMUNICATION DISTRIBUTED OVER THE INTERNET

Marketing communication distributed over the Internet, regardless of the form, must immediately display its promotional nature through suitable measures, without requiring any additional action from the user. Disclosures of the promotional nature must be maintained even when the content is shared or reposted on other online platforms and interfaces, including social media. In the following articles, the recognisability requirement is considered unequivocally satisfied if the specified measures are adopted.

INFLUENCER MARKETING

1) Endorsements: contractual relationship between a brand and an influencer

1.1. When the accreditation of a product or brand by a celebrity, influencer, blogger or other similar Internet users—whether human or virtual—who, through their actions, might potentially influence the purchasing choices of the public (hereinafter, collectively, "influencers"), constitutes marketing communication as the result of an agreement with the advertiser, for which the influencer receives compensation (such as money, goods, invitations, services or other benefits), the label **"pubblicità" or "advertising"** must be clearly and visibly included in every piece of content distributed online, in the manner specified below for each content type. Alternatively, one of the following labels may be used:

- "promosso da ... brand" or "promoted by ... brand";
- "sponsorizzato da ... brand" or "sponsored by ... brand";
- "adv/ad+ brand"

The labels—dependent on the context—must be easily readable within the content. This must be achieved not only by proper placement but also by using graphic effects like contrasting background colours, appropriate font sizes and—for video disclaimers—superimposition on-screen.

a. Posts

One of the above labels must be displayed as the first piece of information. If hashtags are used, one of the above labels must be included as one of the first three hashtags.

b. Audio
If an audio broadcast distributed online constitutes marketing communication, one of the above labels must be included in the content description. Additionally, a verbal statement at the beginning of the broadcast must indicate that the content is promotional.

c. Video
If a video distributed online constitutes marketing communication, one of the above labels must be included:

(i) As the first written piece of information in the video description; and
(ii) As a written disclaimer superimposed on the opening scenes.

For live streaming videos, these disclosures must also be repeated during the broadcast.

1.2. Limited-time content
For limited-time content, such as stories, one of the above labels must be clearly superimposed over the visual elements of each piece of promotional content.

1.3. Call to action
For a call to action, the advertiser and/or influencer must encourage users to disclose the promotional nature of content related to a brand/product/service they publish in response to an invitation from these parties (user-generated content — UGC). This must be done by applying the measures mentioned above, as specified for each content type.

1.4. Events
If an influencer attends an event as part of a commissioning agreement with a brand, any content distributed online by the influencer that references a product or brand connected with the event must include one of the labels specified above, as specified for each content type.

2) Tools
The tools provided by video-sharing platforms or social media are suitable for making the promotional purpose of the content evident, provided they comply with the provisions of these Regulations.

3) Sending products/invitations to events/use of services in the absence of an agreement between influencer and brand

3.1. Occasional sending of products
If there is no commissioning agreement between the influencer and the advertiser, and the advertiser only occasionally sends products for free or at a discount, any online content by the influencer that mentions or features these products must include—instead of the labels mentioned above—a disclaimer such as: "prodotto inviato da ... brand," "product gifted by ... brand," or "product sent by ... brand."
For proper positioning of the disclaimer, the rules set out in Article 1 must be followed.
The advertiser must clearly and unequivocally inform the influencer, at the time the product is sent, of the obligation to include this disclaimer.
In this case, the advertiser is only responsible for informing the influencer about this obligation.

3.2. Invitations to events/use of services
When the relationship between the influencer and the advertiser is not based on a commissioning agreement but is limited to an invitation by the advertiser to attend an event or benefit from a service, any content distributed online by the influencer that references a product or brand in connection with the event or service must include a disclaimer such as: "invitato/a da ... brand" / "invited by ... brand."
For proper positioning of the disclaimer, the rules set out in Article 1 must be followed.
The advertiser must clearly and unequivocally inform the influencer, at the time of the invitation, of the obligation to provide this disclosure.
In this case, the advertiser is only responsible for informing the influencer about this obligation.

4) Discount codes, affiliate marketing
When using discount codes or affiliate marketing practices, where the influencer is rewarded with a commission and/or other benefit for delivering a specific result to an advertiser, the influencer must include a clearly visible disclosure in the published content that contains the discount code or affiliate link. This disclosure must indicate the promotional nature of the content, such as: "link affiliato + brand" / "affiliate link + brand," along with the labels specified in Article 1.

5) Self-promotion
When an influencer promotes works they have authored or performed in, or products or services bearing a brand identical to their name, no disclosure is required, as the promotional nature of the content is clearly and directly attributable to the influencer. In all other cases, a disclosure must be included in the distributed content to make its promotional nature evident, following the rules in Article 1.

OTHER FORMS OF DIGITAL COMMUNICATION

6) In-feed units
In-feed units that constitute marketing communication must clearly indicate their promotional nature through the inclusion of labels placed in positions and presented in a manner that ensures their clear visibility. Examples include:

- "Pubblicità/Advertising," "Promosso da ... brand/Promoted by ... brand," "Sponsorizzato da ... brand/Sponsored by ... brand," "Contenuto Sponsorizzato/Sponsored content," "Post Sponsorizzato/Sponsored post," "Presentato da ... brand/Presented by ... brand."

These labels must also be combined with specific graphic effects, such as frames, drop-shadows, text highlighting and/or shading.

7) Paid search units
Paid search units must clearly indicate their marketing nature by being graphically separated from organic search content and by including labels (e.g., "Pubblicità/Advertising") that explicitly inform users the content is promotional. These labels must be placed near the sponsored search result and be clearly visible.

8) Recommendation widgets
Promotional content distributed in the form of recommendation widgets must clearly indicate its marketing nature by adopting one of the following measures:
–An indication that the box contains sponsored content;
–An indication alongside each individual piece of content specifying the name or logo of the advertiser and stating that the content is sponsored.

If the content is developed by a "technology developer" (the party that created the widget), in addition to including the above indications, the origin of the content must also be specified by mentioning the developer's name.

9) In App advertising

If the content of an App is wholly or partially of a marketing nature, users must be notified through appropriate measures that the content has been sponsored by the advertiser.

10) Advergame

The promotional nature of an advergame must be clearly indicated using specific labels, such as:
– "Promoted by ... brand/Promosso da ... brand" or "Sponsored by ... brand/Sponsorizzato da ... brand."
These labels must be displayed in the opening or closing frames of the game.

REGULATION GOVERNING MARKETING COMMUNICATION FOR FOOD PRODUCTS AND BEVERAGES TO PROTECT CHILDREN AND ENSURE HEALTHY EATING

1. Purpose and scope

1.1. This Regulation governs marketing communication for food products and beverages directed to children or to which they might be exposed.

1.2. One of the aims is to ensure that, while performing an extremely useful role in the economy, marketing communication is carried out as a service to the public. Given the influence such marketing communication has on children and their eating habits, the Code of Self-Regulation for marketing communication places great importance on protecting them through specific provisions - Article 11 - and this Regulation.

2. Definitions

For the purposes of this Regulation, the term “marketing communication” shall refer to advertising and all other forms of communication to promote the sale of food products and beverages regardless of the modalities used. This not only includes advertising but also, for example, promotions, sponsorships, direct marketing, and online marketing messages.
The term "child" includes any natural person up to the age of 12.
The term "message" refers to any form of public presentation and therefore includes the outer packaging, wrapping, labelling and so on.

3. Fairness principle

Marketing communication for food products and beverages directed to children, or to which they might be exposed, must be honest, truthful and correct.
Such communication must avoid any material that could cause psychological, moral or physical harm, and must not exploit their natural credulity, inexperience or sense of loyalty.

4. Presentation of food products and beverages

Marketing communication for food products and beverages directed to children or to which they might be exposed must avoid statements or representations that could mislead children, including omissions, ambiguity or exaggerations that are not obviously hyperbolic, particularly regarding the nutritional characteristics and effects of the product, prices, free offers, conditions of sale, distribution, the identity of persons depicted, prizes or awards.

Such marketing communication must not suggest that failure to consume the product might mean either their own inferiority or a failure by their parents or educators to fulfil their duties.

It must not belittle the role of parents and other educators in providing good dietary advice.

It must not suggest adopting poor eating habits or neglecting the need for a healthy lifestyle.

Educational messages promoting a healthy and balanced diet, and physical exercise are encouraged.

5. Audiovisual marketing communication for food products and beverages containing fats, trans-fatty acids, sugars, sodium or salt

Audiovisual marketing communication directed to children, or to which they might be exposed, must not emphasise the positive nutritional qualities of food products or beverages high in fats, trans-fatty acids, sugars, sodium or salt as the excessive intake of these substances is not recommended as part of an overall diet; however, it is possible to highlight those nutritional aspects linked to substances other than those indicated above. Highlighting the presence, absence, reduction or replacement of one or more ingredients or their components within the limits of current regulations is permitted.

6. Identification

Marketing communication for food products and beverages directed to children, or to which they might be exposed, must be clearly distinguishable as such. When a medium presents information and other content together with marketing communication, appropriate measures must be adopted to ensure the marketing communication is readily distinguishable as such.

When characters, marks or drawings familiar to minors are used, it must be clear it is a marketing communication so that it is not confused with the related editorial content.

7. Additional provisions

In addition to the preceding provisions and those in article 11 of the Self-Regulation Code, marketing communication for food products and beverages directed to children must comply with the following rules:

7.1. Any performance claims must have adequate scientific grounds and must reflect the claimed characteristics and properties of the product.
7.2. Approvals, references, recommendations or statements of a medical nature that give products health properties must not be used, beyond what is allowed by current regulations.
7.3. Under no circumstances is it acceptable to show situations suggesting excessive or unbalanced consumption that contrasts with correct eating habits.
7.4. Adults must not be shown endorsing incorrect eating habits.
7.5. Correct eating habits must not be ridiculed potentially resulting in such habits not being followed or incorrect eating habits being adopted.

7.6. Visual depictions that might suggest not consuming the product could lead to rejection by friends or exclusion from a peer group or community are forbidden.
7.7. Communications that could suggest an incorrect lifestyle or belittle the importance of an active lifestyle must not be disseminated.
7.8. Messages containing a direct exhortation to children to purchase or consume must not be disseminated.
7.9. Messages containing a direct exhortation to children to suggest to parents, other adults or other children to purchase the promoted product must not be disseminated.
7.10. Scenes must not be shown in which children consume food alone in front of a screen, thus encouraging a particularly inactive lifestyle.

REGULATIONS GOVERNING COMMUNICATION CAMPAIGNS AGAINST GAMBLING-RELATED PROBLEMS

These Regulations govern the communication campaigns and initiatives referred to in Article 15, paragraphs 2 and 3, of Legislative Decree No. 41 of 25 March 2024, aimed at preventing and combating gambling-related disorders and promoting responsible gambling.

1. Scope and purpose

These Regulations, without prejudice to the powers of the Communications Regulatory Authority (AGCOM), are intended to promote responsible gambling communications consistent with the objectives of safeguarding and protecting players, in particular the most vulnerable individuals, and with the prevention and combating of gambling disorders. They are also intended to prevent such communications from being used to circumvent, even indirectly, the ban on advertising gambling and betting for cash prizes.

2. Informative and preventive function

Responsible gambling communications must:
a) be clearly recognisable to the public as such;
b) favour a factual and preventive approach, designed to encourage informed and moderate gambling behaviour;
c) direct those concerned towards support and assistance channels for issues related to gambling.
d) not contain calls to action, promises or depictions of winning, nor any exhortations – even indirect ones – to take part in gambling;
e) use clear and understandable language;
f) adopt a realistic tone that does not assign blame.

Furthermore, they may:
a) highlight behaviours that may indicate a risk of uncontrolled gambling;
b) provide information on the tools available to prevent or limit risks to health and finances, and encourage their use;
c) include, in an easily understandable form, a warning about the risks and specific behaviours associated with an unbalanced approach to gambling.

3. Minimum information requirements

Responsible gambling notices must clearly and prominently display at least the following information:
a) details of support services, such as the single national freephone number 800 940 789, which is dedicated to all forms of addiction, including substance and behavioural addictions;
b) information on the option to activate self-exclusion tools and set spending and time limits, emphasising that these tools are designed to protect the player; any other information required by sector-specific legislation.
The presence of a risk warning or a statement regarding responsible gambling is not in itself sufficient where the communication, considered as a whole, is likely to promote or normalise gambling.

4. Risky behaviour and behavioural indicators

In order to facilitate the early recognition of behaviour likely to develop into uncontrolled gambling, as well as to promote greater awareness of the risks, specific potentially harmful behaviours may be mentioned in responsible gambling communications.
To this end, where relevant, reference may be made to the behavioural risk indicators identified in the CEN standard EN 18144, which relates to risk indicators in gambling.

5. Elements incompatible with the aim of prevention

The use of words, symbols, sounds, dynamics or other representational elements typical of gambling – such as odds, jackpots, bonuses or reward mechanisms – must be avoided.
Player protection tools, such as limits, breaks and self-exclusion, must be described in general and neutral terms, without reference to offers or services provided by individual operators. No images or screenshots of gambling websites or applications must be included, nor any elements associated with the gambling experience, such as interfaces, buttons or calls to action.
For the purposes of distinguishing between responsible gambling communications compliant with these Regulations and promotional messages, whether direct or indirect, the following elements, falling into one of the categories below, constitute indicators of clear and predominant promotional purposes:
a) the presence of incentivising content, such as winnings, bonuses, odds or financial benefits;
b) direct or suggestive references to the gambling offer;
c) the presence of calls to action;
d) graphic or narrative emphasis on the brand or gaming products;
e) the placement of the message in contexts likely to encourage the normalisation of gambling or to reduce the perception of the risks associated with it, including through the trivialisation of financial losses, the portrayal of gambling as an ordinary social occasion or as a habitual source of daily pleasure.

6. Licensed gaming operators' trademarks and logos

The operator's logo and/or brand may be included in responsible gambling communications to enable the recipient to identify the licensed operator promoting the message; however, such inclusion must be free from any promotional value, advertising emphasis or references to the gambling offering, and must not be presented in a suggestive manner or in a way that constitutes an invitation to gamble. The text of the communication must not contain any references to the licence holder, nor any invitations to gamble on the licence holder's platform.
The logo and/or brand must play a secondary role in relation to the message of prevention and protection and must not constitute the central element or the main focus of the communication, nor be used in a suggestive manner through graphics, sound or narrative. They must not be accompanied by commercial slogans or taglines, nor by references to gaming products, betting odds, bonuses or promotions.

The use of the gaming product is not permitted. Should the licence holder's brand name coincide verbatim with the name of a gaming product, its use in the communication is not permitted.

7. Links, QR codes and other references

Communications must not contain URLs, links, QR codes or other references to gambling websites or applications that are for promotional purposes or that are capable of enabling access to licence holders' gambling websites, gambling offerings, bonuses, betting odds or promotions.

References to neutral information pages dedicated exclusively to player protection tools (such as self-limitation, self-exclusion and spending and time limits) are permitted, even if hosted on websites linked to the licence holder, provided that such pages do not display the licence holder's brand and/or logo and are dedicated exclusively to player protection tools, provided that the landing page contains no promotional or informational content regarding gaming products, odds, bonuses or other contractual terms and conditions of the offer, and does not allow navigation to the gaming area or access to the gaming account.

8. Minors and vulnerable individuals

Prevention and risk education initiatives aimed at minors in the 11–13 and 14–17 age groups, where implemented, are delivered exclusively within educational and institutional settings, in coordination with support services for issues relating to gambling.

All other provisions of these Regulations apply to communications broadcast via general-interest media, aimed at an unspecified audience.

9. Brand ambassadors and influencers

The use of brand ambassadors, influencers and other public figures in responsible gambling communications must take place exclusively within a communicative context clearly focused on moderation, risk awareness and the promotion of responsible behaviour, through the inclusion of personalised messages on individual behaviour, explicit references to support tools and, where appropriate, testimonials from people with direct experience of problem gambling. With regard to communication via social media and video and audio-sharing platforms, the guidelines set out in the Digital Chart Regulations apply.

In all cases, the responsible gambling message must take precedence over any other message conveyed by the individual chosen for their public profile; the use of brand ambassadors already associated with other activities – even those of an independent nature – that utilise the licencee's brand must be avoided.

10. Formats and dissemination methods

Depending on the channel used, and in accordance with the principle set out in Article 16 of the Code, technical methods appropriate to the characteristics of the medium and the communication must be adopted.

In any case, the format and method of dissemination must enable the content relating to prevention and protection to be effectively understood, taking into account the duration of the message, the characteristics of the medium and the manner in which the audience receives it, whilst considering the target audience and the risk that the communication may reach vulnerable individuals.

Where short formats are used (such as billboards, short videos, L-shape) which, due to their production method and duration, are not suitable for fully conveying the anti-gambling message, for the purposes of compliance with these Regulations, their use may be assessed as components of an integrated, multi-format communication system, provided that they clearly and immediately refer to extended content, an institutional website or a freephone number, thereby preserving the effectiveness of digital channels without compromising the completeness of the information provided.