

ABC TELEVISION NETWORK

ADVERTISING STANDARDS AND GUIDELINES



**ABC, Inc.
DEPARTMENT OF BROADCAST STANDARDS AND PRACTICES**

2016

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INTRODUCTION

OVERVIEW

All material broadcast over the ABC Television Network must conform to governmental laws and regulations and to the standards and policies of ABC, Inc.

It is the policy of ABC to present advertising that is truthful, tasteful, and not misleading or deceptive. This policy is not only mandated by our obligation to operate in the public interest and by state and federal laws, but as a matter of good corporate citizenship.

These *Advertising Standards and Guidelines* are for use by advertisers, their agencies and legal counsel, and for personnel at the ABC Television Network. In many cases, the policies involve specialized areas where scientific knowledge or legal considerations must be taken into account. Advertising should be honest and in good taste. Claims should be substantiated and qualifying information about the attributes or use of a product should be disclosed whenever qualifying information is required to avoid misleading consumers.

ROLE OF THE DEPARTMENT OF BROADCAST STANDARDS AND PRACTICES

The Department of Broadcast Standards and Practices (“BS&P”) is responsible for reviewing all advertising material on the ABC Television Network. Broadcast Standards and Practices personnel screen and clear all entertainment programming, all commercial content, public service announcements, interstitials and on-air promotional spots, with the exception of programs and promotions produced by ABC News.

Broadcast Standards and Practices is an independent department of ABC reporting directly to the office of the General Counsel, Media Networks, and operating objectively, free of any allegiance to Sales or Programming departments. As a result, there is a system of checks and balances in determining the acceptability of program and advertising material. The Department also serves as a resource for ABC-owned television stations, whose managers are responsible for their own decisions.

These guidelines represent the guiding principles of the ABC Television Network and are not intended in any way to substitute for or diminish the direct involvement or judgment of Broadcast Standards and Practices.

GENERAL STANDARDS

ABC reserves the right to accept or reject at any time advertising for any product or service submitted for broadcast; require deletion or revision of any material in advertising copy which violates the ABC Television Network’s standards, policies, or guidelines; federal, state, or local laws or regulations; or is otherwise contrary to the public interest; and reject any advertising where the advertised product, program, or service could negatively affect its audience.

In order to determine the acceptability of advertising material submitted for broadcast, Broadcast Standards and Practices has the right to investigate the advertiser and the accuracy of all statements and claims made in advertising copy. When affirmative claims are made for a product or service, the law requires the advertiser to have substantiation or documentation providing a reasonable basis for the claims. An advertiser must have substantiation for all reasonable interpretations of express and implied claims in its advertising.

All advertising messages should be prepared with proper consideration to the type of product being advertised, the time of broadcast, and the audience to whom the advertising is directed.

ABC reserves the right to require revision of any advertising matter to meet emergency circumstances or situations of unusual significance.

PROCEDURES: COMMERCIAL SUBMISSIONS

Advertisers should submit to BS&P storyboards/scripts, and subsequently rough cuts and finals, for each commercial intended for air on the ABC Television Network sufficiently in advance of broadcast to permit careful review. Final commercials should be accurately labeled and slated. Alternate formats of final commercials, e.g., High Definition (“HD”) must also be submitted for review and approval, assigned a unique ISCI code or Ad-ID, clearly identified, and properly labeled. All HD versions of commercials must be center-cut protected.

Broadcast Standards and Practices *does not* routinely review advertising which is not intended for national broadcast on the ABC Television Network. To qualify for national broadcast, products and services must generally be available in at least 50% of the country.

Substantiation must be submitted for all claims. Agencies should submit information substantiating their claims with the initial submission of proposed advertising.

A Broadcast Standards and Practices Review Specialist reviews all commercial submissions. After reviewing a proposed commercial, BS&P may accept or reject the advertising, request revisions, or request additional substantiation for claims. BS&P’s decisions may be appealed to Department management.

The Department of Broadcast Standards and Practices treats all information and materials submitted by an advertiser or its duly authorized representative related to commercial clearance as strictly confidential.

Any commercial aired on the ABC Television Network may be challenged. (See “Challenges” for a discussion of ABC challenge procedures.)

ALCOHOLIC BEVERAGES

STANDARD

Beer, wine, and malt beverage advertising is acceptable, subject to federal, state, and local laws and the applicable guidelines set forth here. Hard liquor advertising will be considered on a case-by-case basis, subject to federal, state, and local laws and the applicable guidelines set forth here. Any commercial for or featuring alcoholic beverages may be subject to scheduling restrictions based upon the nature of the advertised product, audience composition, and other factors.

GUIDELINES

I. General

- A. All alcoholic beverage advertising must include a “drink responsibly” or similar message in audio and/or video.
- B. The following elements are generally unacceptable:
 1. Direct or indirect references to, or depictions of, the strength of the product, (including statements of alcoholic content) unless used solely to establish that the product contains alcohol. General references to a reduction in alcoholic content in a given product type is acceptable, provided that there is no implication or conclusion about the safety or amount that may be consumed by reason of such reduction.
 2. Representations or sound effects of drinking.
 3. Depictions of unsafe or illegal activities, such as presentations that give the impression of, or promote, excessive consumption of these products; portraying or encouraging use of these products by young people who have not reached, or appear not to have reached, the legal drinking age; presentations that do not conform to generally accepted standards of safety, such as the use of these products either before or during situations involving hazardous activities or requiring a high degree of alertness.
 4. Advertising that represents personal achievements, athletic ability, sexual attractiveness, maturity, etc., as deriving from the consumption of these products. Advertising that depicts current professional athletes, or actors representing such athletes, will be reviewed on a case-by-case basis. These advertisements should not mislead viewers to believe that the consumption of alcoholic beverages will: increase their athletic prowess, health, or conditioning; enable them to perform at a level comparable to that of a famous athlete; or not inhibit athletic performance. Advertising shall not depict athletes, or actors representing such athletes, consuming or preparing to consume alcoholic beverages nor shall it depict individuals

(famous athlete or otherwise) consuming or preparing to consume alcoholic beverages prior to or during an athletic activity or event.

5. Advertising that expresses or implies that the consumption of these products will produce an alteration of mood.
- C. The gratuitous use of alcoholic beverages as props in non-alcoholic beverage commercials should be avoided. If otherwise acceptable, the use of props or language primarily associated with hard liquor will generally trigger the same restrictions as if the commercial was promoting a hard liquor product.
- D. Advertising for nonalcoholic products containing the brand name of a hard liquor product or a distiller is generally not acceptable.

II. **Beer, Wine, and Malt Beverages**

- A. Such products may be no more than 24% alcohol by volume, and by definition may not be hard-liquor based.
- B. Pursuant to the Federal Alcohol and Tobacco Tax and Trade Bureau, advertising for beer, wine, and malt beverages must disclose the corporate name, city, and state of the brewer, producer, packer, wholesaler, or importer responsible for its broadcast.
- C. So long as the content of the commercial is deemed otherwise acceptable, such advertising may air in programming where the audience composition is predominantly of legal drinking age.
- D. Advertising for malt beverages must disclose in audio and/or video that the product is a malt beverage.
- E. The advertising of malt beverages containing the name of a distiller or hard liquor brand is acceptable, provided that the content is otherwise acceptable; and the product or its advertising is not primarily a device to promote hard liquor.

III. **Hard Liquor**

- A. The advertising of hard liquor will be considered on a limited case-by-case basis.
- B. Hard liquor is defined as any beverage legally classified as a distilled spirit, which includes, but is not limited to: whiskey, gin, vodka, rum, brandy, cordials, liqueurs, fortified wines, and mixed products which contain hard liquor, including liquor-based coolers, even if the percentage of alcohol in them is less than that contained in beer, wine, or malt beverages.
- C. Pursuant to the Federal Alcohol and Tobacco Tax and Trade Bureau, advertising

for hard liquor must disclose the corporate name, city, and state of the brewer, producer, packer, wholesaler, or importer responsible for its broadcast, as well as the percentage of alcohol by volume.

- D. Hard liquor advertising, if otherwise acceptable, will generally be scheduled in post-10PM ET (9PM CT) and NBA programming only, as long as the audience composition is at least 72% legal drinking age.

IV. *Alcoholic Beverages in Other Advertising*

- A. In advertising for businesses which sell alcohol in addition to other products/services, such as hotels, restaurants, airlines, etc., references to and/or visuals of alcoholic beverages are acceptable without restriction when limited to generic/unbranded visuals and/or language such as “cocktails,” “mixed drinks,” “drinks,” etc., provided beverages other than alcoholic beverages are available. Relevant scheduling restrictions will apply to such advertising that contains branded references to alcoholic beverages.

V. *Mixer Products*

- A. Advertising for mixer products is generally acceptable. Advertising that mentions a hard liquor brand will be considered on a case by case basis, and relevant scheduling restrictions may apply.

AMERICAN FLAG

STANDARD

ABC recognizes the “Flag Code,” which serves as a guide to the use of the American Flag, and state statutes governing the American Flag’s use in advertising. As a general rule, the appearance of the flag may be acceptable in advertising provided that it is treated in a dignified manner and displayed with proper respect, is incidental to the main thrust of the commercial and in a natural setting, and is not employed in an attempt to enhance the advertised product or service.

ANIMALS

STANDARD

The use of animals in commercials shall be in conformity with accepted standards of humane treatment. Advertisers should provide a letter from the Humane Society or a certified animal trainer confirming that no animals were harmed during commercial production. Alternatively, advertisers may provide documentation that the Humane Society was contacted but declined to be present.

BS&P will also notify Disney's department of Animals in Film and TV of any proposed animal action in commercial content. This corporate group can provide a list of approved animal handlers upon request, and will determine the appropriateness of animal usage.

BILLBOARDS

STANDARD

Current ABC Network policy defines a billboard as a five-second audio and/or video announcement within a program that identifies the sponsor(s) of the program. Boilerplate language (e.g., "Brought to you by ...") is not included in the five second timeframe.

Billboard copy may contain substantiated monadic claims, calls to action, and generic comparisons. Billboards should not constitute mini-commercials. They may not contain competitive comparisons, endorsements, premiums, prizes, contests, prices, special sales, gratuitous secondary mentions, or guarantees.

Billboard copy may also contain endorsements by sports associations or leagues (e.g., PGA, NFL, etc.) only when the sporting event is broadcast on ABC and the billboard is scheduled in that event.

GUIDELINES

- I. A billboard may contain a visual representation of the sponsor's product(s), name(s), slogan, and/or its logo. Billboards may contain a reference to the advertiser's website and/or toll-free number in audio or video. Animated and call-to-action billboards will be considered on a case-by-case basis.
- II. Billboards intended to air in News programming may not contain audio references to the advertiser's phone number or website (unless it is the name of the advertiser). Such references may be included in video.
- III. Billboards for motion pictures and streaming video/DVDs must carry the Motion Picture Association of America ("MPAA") rating in audio or video.
- IV. Billboards for alcoholic beverages must contain the required legal disclosures and responsibility message in audio or video.

CHAIRMAN'S MESSAGES IN SPORTING EVENTS

STANDARD

A chairman's message is one delivered by a high-ranking officer or designated spokesperson of the named corporate sponsor of a sporting event.

A chairman's message should be no longer than 45 seconds in duration. It is limited to an audio and/or video identification of the corporate spokesperson, his or her title and the name of the sponsoring company (e.g., Jane Smith, President, The XYZ Co.), together with a brief statement about the sponsoring company's association with the event and/or the charity involved.

Such messages may not mention or show any product or service and may not contain sell copy. Unobtrusive visuals of signage and logos may be permitted. Calls to action must be limited to the mention of a non-profit charity that is associated with the sporting event or corporate sponsor. Solicitation of funds from viewers is not acceptable (See "Solicitation of Funds") Websites associated with these charities may be referenced in audio only. In addition, there may be no interaction with, or participation of, ABC talent.

CHALLENGES – Competitive Challenges to Advertising on the Network

STANDARD

Any commercial aired on ABC may be challenged.

GUIDELINES

- I. To encourage the parties to resolve their issues prior to filing a network challenge, the challenger is required to first contact the advertiser and make a good-faith attempt to reach a mutually acceptable resolution of the concerns raised. Evidence of the attempted resolution must be provided by the challenger as a prerequisite to the initiation of a challenge.
- II. The network challenge must be made in writing and, along with any supporting documentation or data, must be transmitted to ABC. The advertiser should be copied on this initial correspondence.
 - A. Process: BS&P will review all challenges received by ABC. If, in the opinion of the Department, the challenge appears to have merit, BS&P will send a letter to the advertiser requesting that the advertiser respond in writing to the challenge. The advertiser's response will normally be due within ten (10) business days from the date ABC initiates the challenge. Upon receipt of the advertiser's initial response, ABC will invite the challenger to add to the record. The challenger must submit its reply within ten (10) business days of receiving the advertiser's response. Lastly, the advertiser will be asked to complete the record with its second and final reply. The advertiser must provide this submission within ten (10) business days of receiving the challenger's second set of materials.

At each step of the process, BS&P will issue a letter of receipt to the parties inviting the next response and setting the respective deadlines for submission. Different deadlines may be established depending on the circumstances. Each

time a party responds, it must submit a copy, redacted if necessary, of its respective response to the opposing party.

- B. Documentation: In the event that the advertiser believes certain material is a trade secret, or contains commercial or financial information which is privileged or confidential, it should so specify and set forth the basis for such designation. An Executive Summary of the information contained in such document(s) must be provided to the opposing party for review and comment. In the event a challenger refuses to provide information it deems confidential or proprietary, the Department will not consider this material in its review of the challenge and will promptly return such material to the challenger.
- III. Every challenge is reviewed de novo. ABC will maintain the confidentiality of the substantiation originally submitted by the advertiser in support of the claim made in the advertising. The supporting materials submitted by the advertiser during the initial approval process will remain confidential and separate from the challenge process. Upon receipt of the challenge, the advertiser should submit a response with supporting data, in a form which is suitable for transmittal to the challenger.
- IV. In order to resolve the issues raised in a challenge, ABC may invite the parties to appear, or the parties may request to appear, in person to further address the arguments and data raised in the proceeding.
- V. If ABC personnel do not have the technical expertise necessary to make a judgment, the advertiser and the challenger may be encouraged to obtain a resolution from an acceptable third party. ABC reserves the right to utilize outside consultants.
- VI. In the event litigation or government action is commenced during the course of a challenge raising the same or substantially similar issues, ABC will generally defer consideration of the challenge and permit the disputed claims to air pending resolution by the responsible court or government agency.
- ABC will normally permit a challenged commercial to continue to run unless: (1) the advertiser refuses to cooperate with the challenge procedures described above; (2) the airing of the commercial has been enjoined by a court; or (3) the issues raised by the challenge are resolved, with finality, against the advertiser by a government agency or an appropriate court.
- VII. All challenge proceedings, including their resolution, are strictly confidential. Materials submitted by the advertiser and the challenger, as well as communications from and decisions made by ABC, may not be disclosed to outside parties not involved with or privy to the challenge process.

CLAIM SUBSTANTIATION

STANDARD

All express and implied advertising claims must be substantiated with competent and reliable scientific evidence, market research, or any other material that provides a reasonable basis for the claims. To avoid post-production revisions or other last-minute issues, appropriate substantiation should be submitted well in advance of production or scheduling of any commercial.

(See also “Comparative Advertising” and/or “Product Demonstrations”)

GUIDELINES

I. General

- A. Claims should be substantiated and qualifying information about the attributes or use of a product should be disclosed whenever qualifying information is required to avoid misleading consumers. Advertising claims should not distort or exaggerate the conclusions that may be derived from the substantiation. If claims are valid only under some circumstances, those limitations must be clearly disclosed.
- B. For claims supported by research, the advertiser must document that the results: (1) are not likely due to chance (i.e., they are statistically significant); (2) are consistent with results one could expect from the product as purchased and used by consumers, and (3) are meaningful to consumers (i.e., not merely statistically significant).
- C. What constitutes an acceptable sample size is dependent upon the scope of the study, relevant industry standards and the nature of the claim being substantiated. (See sub-section IV, “Test Designs” below for additional information) Sample size must be large enough to: (1) use standard statistical procedures to analyze results; and (2) ensure that results are nationally representative. When results apply only to a limited population or specific study sub-sample, adequate disclosure is required.
- D. If research is being used to substantiate a comparative claim, all relevant competitive products being compared must be tested. If a product or service is being compared to an entire market, it should be tested against the top 85% of that market, based on current unit (not dollar) sales data. In addition, for superiority claims, wins must be statistically significant at the 95% confidence level against each product tested.
- E. In determining the express and implied claims in commercials, perception testing submitted by advertisers bearing upon the perceived meanings which consumers derive therefrom will be considered. While such testing will be considered as a

factor, its conclusions will not necessarily be regarded as dispositive.

II. Documentation of Research

- A. Detailed documentation is required to evaluate claim substantiation. Material submitted for review should include:
1. A complete description of the research methodology, even when an industry standard procedure is used. This descriptive material should include, where appropriate:
 - a) The procedure used to recruit participants into the study, sample size, eligibility requirements, demographic information about the research participants, and the locations where the testing was done.
 - b) Questionnaires, field instructions, all written and/or verbal instructions received by the study's participants, and any concepts shown to the study's participants.
 - c) The methods used to "blind" the products to researchers and subjects.
 - d) Information regarding the party who conducted the research, details of the source of test product, and instructions given to those who selected or purchased test product.
 2. Submission of a comprehensive report of a study's results, the details of all measurements taken, and subsequent statistical analysis will expedite clearance.
 - a) Results must be statistically significant at the 95% confidence level.
 - b) The nature of some test methodologies may require that the advertiser demonstrate how the results of the testing correspond to the product's performance under actual consumer use conditions.
 - c) Where possible, visual measurements should be supplemented with photographs or video.
- B. If the claim is based on sales figures, the substantiation should be based on annual or quarterly unit sales, and not be more than one year old, unless a longer period is specified in the commercial. The source of the data must be provided.

III. Substantiation Requirements for Doctor Recommendation Claims

- A. Substantiation is required when an explicit doctor recommendation claim is made or when it is implied.
- B. This testing must contain a minimum of 200 doctors from the appropriate specialty or specialties. The sample should be randomly chosen (e.g., from a phone book or AMA list) and geographically dispersed.
- C. The research should be blinded so that the doctor does not know the sponsor of the study.
- D. A minimum of twenty-five percent of this sample must prefer the product or formula.

IV. Test Designs

A. Laboratory Testing:

Testing within a laboratory is often necessary as a means of establishing with a higher degree of certainty the nature of the causal relation among several variables. Applicable government, industry, or other established testing standards may be used. However, advertisers may choose not to follow in whole or in part an applicable government, industry, or other established test standard, provided they furnish an acceptable explanation for employing such alternate testing.

When laboratory testing is not based on a product's performance as used by consumers but a simulation of that performance (e.g., a laboratory mock-up of clogged drains or kitchen countertop grease), the advertiser must:

1. Provide clear and convincing evidence that the simulation accurately reflects the product's performance under actual consumer use conditions; and
2. Establish the impracticality or impossibility of demonstrating a product's performance under actual consumer use conditions.

B. Clinical Studies:

Established standards of clinical research must be applied, including use of controls, objective data collections, and analysis. Studies should be double-blinded (i.e., neither subject nor researcher knows product identity). Results must be meaningful and measurable (i.e. statistically significant and consumer relevant). Applicable government, industry, or other established testing standards may be used. However, advertisers may choose not to follow in whole or in part an applicable government, industry, or other established test standard

provided they furnish an acceptable explanation for employing such alternate testing.

A claim that the advertised product is “clinically proven” effective should be supported by at least two clinical studies. The studies must have been conducted on the advertised product as sold. In cases where only one clinical trial is available, the claim should explicitly refer to a single clinical study (e.g., “a clinical test suggests...”).

C. Market Research:

Acceptability of a particular protocol is contingent upon the claim being made. In general, the more objective the claims, the more objective and rigorous the testing required.

1. Central location tests, In-home use tests:

- a) Testing which requires respondents to express a preference should be double-blinded (i.e., neither subject nor researcher knows product identity). A minimum of product information should be provided to respondents. No promotional materials or research concepts should accompany test products. Product coding should not clue respondents as to the product’s identity.
- b) Side-by-side or sequentially paired comparison testing is preferred for comparative claims. As a general rule, single monadic tests, where participants are given one “blinded” product to use in place of their regular brand, do not sufficiently support comparative claims.
- c) If a product is nationally distributed or if a claim implies that attributes are nationally projectable, testing should be conducted in at least four geographically dispersed and representative regions of the country, as defined by the Bureau of the Census. Off-the-shelf testing should be conducted once the product is in national distribution.
- d) Respondents must be representative of the population referred to in the advertisement. They should possess enough experience with the product category to be able to express an opinion. To demonstrate this relationship, current market share data presented in unit sales must be submitted from valid sources.
- e) Sample size is dependent upon the scope of the study and the claim being substantiated. For superiority claims a minimum sample size of 200 is suggested. For parity claims, since there must be a high

degree of certainty that there is no difference between products, a minimum of 500 subjects is suggested.

- f) Questionnaires should be objective, clear, unambiguous, and appropriately worded to substantiate the claims being tested.
- g) For superiority claims, the advertiser must demonstrate a win at the 95% confidence level versus the competition. If the advertised product wins at the 95% confidence level on key attributes and is at parity on others, an overall superiority claim may be permitted. If the advertised product does not demonstrate wins for all key attributes, the claims must be limited to the winning attributes.

2. Expert Panels:

The evaluation of a panel of experts must be objective and results should be statistically sound. Advertising based on such testing will often require disclosure that it is based on expert panel testing.

3. Focus Groups:

Focus groups or informal discussion groups may be used to support certain subjective claims. Data from focus group studies are not sufficient to document comparative claims.

D. Perception Testing:

In determining the express and implied claims in commercials, perception testing submitted by advertisers bearing upon the reasonable consumer takeaway will be considered. While such testing will be considered as a factor, its conclusions will not necessarily be regarded as dispositive.

V. **Product Procurement and Preparation**

- A. For comparative claims, all tested products must be procured in the manner which most closely replicates typical consumer purchasing patterns. In most cases, this means purchasing products off-the-shelf in the same regions where testing is conducted. Products should be obtained in identical types of containers and handled/transported to test sites in exactly the same manner. Products obtained from a distributor or manufacturing plant rather than at retail may be acceptable if the advertiser submits a rationale supporting the sourcing method employed. Whether failure to purchase at retail will result in rejection depends on the circumstances. Product tampering is unacceptable. All products should be prepared according to label directions.

COMMUNITY SENSIBILITIES

STANDARD

ABC will not accept advertising which misrepresents, ridicules, or attacks an individual or group on the basis of age, color, national origin, race, ethnicity, religion, sex, sexual orientation, or disability. Special sensitivity should be exercised in dealing with these concerns.

Advertising which promotes or depicts violence, crime, obscenity, or any other forms of anti-social behavior is unacceptable.

Due to heightened community sensitivities during national and international tragedies, it may be necessary to reconsider or reexamine commercial messages, even if previously approved.

COMPARATIVE ADVERTISING

STANDARD

Truthful and fair comparative advertising can provide consumers with useful information and help them in making a rational choice between competitive products or services.

Comparisons and demonstrations must be based on specific differences between the products or services advertised, comparing similar or related properties or ingredients (i.e., dimension to dimension, feature to feature). Such comparisons must be significant and meaningful.

Comparative advertising may not distort or exaggerate differences between competitive products or services or otherwise create a false, deceptive, or misleading impression.

(See also “Claim Substantiation” and/or “Product Demonstrations”)

GUIDELINES

These guidelines apply to the evaluation of commercials which name or otherwise identify, directly or indirectly, competitive products or services.

I. Identification

- A. Competitive products or services must be clearly and accurately identified.
- B. Identification of a competitive product or service shall be for comparison purposes only. Identification may not be used to upgrade the advertised product or service by associating it with a competitive product or service if such association creates a deceptive or misleading impression.
- C. False or misleading disparagement of competitive products or services shall not be used. Falsely claiming that a competitive product or service has little or no

value (i.e., ash-canning) is not permitted.

II. Claims

- A. Comparative claims shall be clearly and accurately conveyed.
1. Claims, demonstrations, and other representations must include all information necessary for their proper understanding by the average consumer. They must fairly and accurately reflect the empirical data upon which they are predicated.
 2. Inadequately qualified language, “dangling comparatives,” and similar references are not permitted, unless substantiated against the top 85%, as measured by unit share, of the applicable market.
 3. Demonstrations and other reproductions of research tests must not misrepresent the respective merits of the products being compared.
 4. Visual product depictions may not be used to materially alter a claim (e.g., a general superiority claim for a product line cannot be substantially narrowed to one product in the line merely through the depiction of that one product).
- B. Objective claims are measurable and verifiable. They generally deal with performance, efficacy, sales, preference, mileage, taste, and other tangible attributes. These claims must be supported by sufficient substantiation.
1. Claims, demonstrations, and other representations must be based on specific differences between the products or services advertised, comparing similar or related properties or ingredients, dimension to dimension, feature to feature and be significant and meaningful.
 2. Comparative claims based solely on consumer preference, professional preference, or sales data, shall not create an impression of comparable or superior effectiveness or performance.
 3. Comparisons of retail price may not be utilized in advertising unless the compared prices accurately and fairly reflect the actual prices of the products generally available at the retail level during the period the advertising is broadcast and within the entire geographical area in which the advertising is broadcast.
 4. Switching claims (e.g., “consumers are switching from Brand A to Brand B”) require substantiation that a gain made by a brand, product, or service came at the detriment of the appropriate competitive brand(s), product(s), or service(s).

5. Taste claims which give the impression of being objective rather than simply being personal opinion must be supported by competent taste-testing data.
- C. Puffery claims are subjective claims which cannot be verified (e.g., “When I wear X, I look my best” and “Y is the most terrific game around”). Since they deal with subjective preferences or hyperbole, they cannot be proven or disproven. Such claims are generally acceptable as long as the clear net impression upon the viewing public is that these claims are subjective, personal preference, or hyperbole.
- D. An advertiser who has received notice of a reformulation in a competitor’s product against which it is making competitive superiority claims, is obligated to re-test against the newly reformulated product to ensure that the underlying superiority claim remains current and accurate. This requirement to re-test against the newly reformulated product will be prompted when the new product has reached at least 50% national distribution.
- E. As a general rule, slogans that make claims must be substantiated. A trademark registered with the Patent and Trademark Office may qualify as an exception to this general rule.

COMPETING MEDIA

STANDARD

The ABC Television Network reserves the right to reject, or to impose restrictions on, advertising for, or that features, competing media. Advertising making reference to any competing media will be considered on a case-by-case basis. If determined to be otherwise acceptable, such advertising may not include day, date and time scheduling information for the advertised program. (See also “Scheduling Restrictions”).

CONTESTS

STANDARD

Advertising for advertiser-sponsored contests is acceptable if the contest offers a fair opportunity for all contestants to win, does not constitute a lottery, and complies with all applicable federal and state laws. Such advertising must not falsely or unfairly raise hopes and expectations of winning.

GUIDELINES

I. Contests

- A. Contests fall into three general categories: skill contests, lotteries, and games of chance.
 - 1. A skill contest is one in which the winners are determined on the basis of the contestants' skill.
 - 2. A lottery is a contest which contains a) the expenditure of "consideration" to enter, b) chance, and c) prize. All three elements must be present for the contest to be a lottery under federal or state law.
 - 3. A game of chance (including, but not limited to, a sweepstakes) is one in which winners are randomly selected by chance. No element of skill or consideration is involved.
- B. The broadcast of any advertisement or information concerning a lottery is a criminal offense under 18 U.S.C. 1304, except for official or unofficial lotteries permitted by state law.
- C. ABC reserves the right to require the advertiser to submit all details of a proposed contest, including an entry blank, game card, complete rules, and a list of all prizes for approval prior to production of the commercial.

II. Consideration

- A. Contests that award prizes on the basis of chance are generally illegal unless free entry is possible. To satisfy this requirement, free chances must be available on a basis that is reasonably equal to that which contestants who purchase a product (or make some other form of payment) may obtain chances.
- B. Advertising for a contest which legally depends on the equal availability of free chances should adequately describe the availability of such free chances and the locations, times, and manner in which they may be obtained. Such phrases as "No Purchase Necessary" or "Nothing to Buy" without more information may not always meet this requirement.
 - 1. "No Purchase Necessary," "Void Where Prohibited," or equivalent language must be disclosed if pertinent.
 - 2. "Void Where Prohibited" may be waived if the contest is limited to a local area where the statement is not applicable.
- C. A skill contest in which there is consideration can become a lottery if chance is

present in any form (e.g., an unknown number of multiple winners share the prize or in the event of a tie, winners are determined by random drawing).

- D. In particular, the copy must not be misleading, and depending upon the nature of the advertiser-sponsored contest, the following should generally be disclosed:
1. Specific eligibility and entry requirements;
 2. Termination date (deadline for entries);
 3. No purchase necessary (see II. B. above);
 4. Void where prohibited (see II. B. above);
 5. Where to get complete rules; and
 6. Criteria for judging winning entries in contests involving skill.
- E. Contests conducted by publishers, which require the purchase of the publication, must provide a free means of viewing the details or answers when the element of chance is present. Otherwise, such a contest becomes a lottery since the purchase price accrues to the publisher.
- F. Subject to state law restrictions and exceptions, contests which require winners to purchase a product in order to redeem a prize are generally acceptable, provided no purchase is required to enter such a contest and appropriate disclosure is made in the advertising.
- G. If the advertiser has more than one outlet or franchise and the contest is not carried by all of them, disclosure must be made that the contest is confined to participating outlets.
- H. All contests conducted by food and gasoline retailers must comply with the Federal Trade Commission's applicable trade regulation rule.

III. Network Contests

- A. Per FCC regulation:

A licensee that broadcasts or advertises information about a contest it conducts shall fully and accurately disclose the material terms of the contest, and shall conduct the contest substantially as announced or advertised. Material terms generally include how to enter, eligibility restrictions, deadlines, prizes, how winners are selected, and how ties are broken. No contest description shall be false, misleading, or deceptive with respect to any material term.

- B. If a chance contest is involved, the copy must include “No Purchase Necessary” if pertinent and it must be clear how a person may enter without making a purchase.
 - C. If a skill contest is involved, the copy must include criteria for judging.
 - D. Clear sponsorship identification must always be made.
- IV. The mention of a monetary prize which is awarded over a period of time rather than being paid in full must be accompanied by a disclosure indicating that it will be paid in a specified number of installments of a specified amount.

CONTROVERSIAL ISSUES

STANDARD

The ABC Television Network will consider on a case-by-case basis advertising that presents a partisan position on a controversial public issue. Decisions whether to accept particular advertising about a controversial issue will be governed by the guidelines below. These guidelines do not apply to advertising submitted by political candidates, those authorized by candidates to buy time on their behalf, or to political parties. (See “Political Advertising”)

GUIDELINES

Advertising that presents a partisan position on a controversial public issue may be unacceptable if: (1) its content, or other content referenced in the ad or otherwise disseminated by the advertiser, is deemed offensive (e.g. on racial, religious, or ethnic grounds); (2) it is merely an attack of a personal nature, an attack on an individual business, or a comment on a private dispute; (3) it contains violent or otherwise graphic or potentially offensive content that is deemed to be inappropriate for our network’s viewing audience, incompatible with any of our network’s other advertising standards, inconsistent with any network or corporate policy, or offends network sensibilities.

Any such advertising approved by this department may be subject to scheduling restrictions, particularly in News programming.

As part of the clearance process for such advertising, substantiation may be required to support any factual claims made.

Such advertising must disclose the name of the actual individual or organization that is paying for the ad. This disclosure must be in the form of a “paid for by...” or “sponsored by...” super. (See also “Sponsorship Identification”)

CRIMINAL ACTIVITIES

STANDARD

Advertising may not contain the portrayal of specific, detailed techniques that provide instruction in the commission of crimes, the use of weapons, or the avoidance of detection. Advertising for illegal drug products, services, publications, or paraphernalia, as well as incidental or gratuitous references to same in other advertising, is unacceptable.

DEMONSTRATIONS

(See “Product Demonstrations”)

DIETARY SUPPLEMENTS

(See “Vitamin Supplements”)

DIRECT RESPONSE ADVERTISING

STANDARD

Mail order, telephone, Internet, and other direct response advertising is advertising which permits the consumer to order by mail, telephone, or computer. Such advertising must conform to all applicable legal and regulatory guidelines, including the Federal Trade Commission’s Mail, Internet, or Telephone Order Merchandise Rule.

GUIDELINES

- I. The price plus additional charges (e.g., shipping and handling, COD, and the like) must be disclosed. When the price is disclosed in audio, the additional charges must also be disclosed in audio. (See also “Price and Value Claims”).
- II. The time necessary for the consumer to receive the merchandise must be reasonable. Anticipated delivery more than thirty days after the order is placed requires an affirmative disclosure of the time it will take to deliver the product.

DRAMATIZATIONS, REENACTMENTS, AND SIMULATIONS

STANDARD

A dramatization is a fictionalized depiction created solely for the purpose of the advertising to portray the event, product or service involved. A reenactment is a recreation of an actual event,

utilizing either the actual persons involved or actors portraying those persons. A simulation is an imitative representation of the performance of a product. A “slice of life” is an obvious fictionalized dramatization of a real-life situation.

Advertising which utilizes any of these techniques must clearly and conspicuously disclose the use of such techniques. However, if the advertising involves a “slice of life,” no disclosure is necessary.

Advertising which utilizes a reenactment or simulation must accurately depict the product or service involved. Reenactments must accurately depict the event portrayed. When warranted, testimonial affidavits may be required to support the accuracy of the event portrayed. When actors are used in a reenactment to portray the actual persons who were involved, disclosure must be made that actors have been utilized.

ENDORSEMENTS

STANDARD

Endorsements must reflect the honest opinions, beliefs, findings, or experience of the endorser. The endorser may be an actual consumer (including a celebrity), an expert, or an organization. Endorsements may not convey any express or implied representations that would not be substantiated if made directly by the advertiser.

GUIDELINES

All endorsements must comply with the Federal Trade Commission Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 C.F.R. Part 255. For purposes of the FTC Guides, endorsements and testimonials are treated identically.

ABC reserves the right to request a witnessed or notarized statement signed by the endorser attesting to the truthfulness of all testimonial representations, as well as a statement that the advertising agency believes the statements to be true and in compliance with the FTC Final Guides Concerning Endorsements and Testimonials in Advertising.

In addition, to ensure that rights of privacy and publicity are protected, when advertising is submitted to ABC containing a testimonial or other use of a person’s name or other identification, including a picture or footage, ABC reserves the right to require written evidence that such name, likeness, or voice is used with the specific consent of such person. (See also “Privacy and Publicity Rights”).

The following guidelines apply:

I. Definitions

An endorsement is any advertising message which consumers are likely to believe

reflects the opinions, beliefs, findings, or experience of a party other than the sponsoring advertiser. Such opinions, beliefs, findings, or experience may be those of any individual, group, or institution.

- A. An obviously fictional dramatization of a real-life situation (commonly referred to as a “slice of life”) is not an endorsement. The use of both first and last names, or other personally identifiable information, for fictitious consumers in an advertisement is presumed to be an endorsement rather than a “slice of life.” Subject to case-by-case review, an advertiser may attempt to rebut the presumption when the following conditions are met:
1. The fictitious consumers shown in the ad are ordinary people and are not identified by a profession or activity that enhances their authority or opinion.
 2. The fictitious consumers do not speak about the product or its attributes.
 3. The advertiser must substantiate that any claims attributed to the fictitious consumers are truthful and representative and not misleading or deceptive.
- B. An announcer clearly serving as a spokesperson for the advertiser, speaking on behalf of the advertiser rather than expressing his own opinions, is not an endorser.

Subject to a case-by-case review, fictitious spokespersons who are identified with first and last names may be allowed in advertising so long as they appear in a continuing series of ads and serve as the fictitious spokespersons for the product, provided that these fictitious spokespersons are not presented as possessing or claiming to possess any special expertise that may enhance the claims being made.

II. General Considerations

- A. Endorsements must reflect the honest opinions or experience of the endorser and may not contain any express or implied representations which could not be substantiated if made directly by the advertiser.
- B. An endorsement may not be presented out of context or reworded so as to distort it. A celebrity or expert endorsement can be used only as long as the advertiser has good reason to believe that the endorser continues to subscribe to the views presented.
- C. Where an advertisement represents that the endorser uses the endorsed product, the endorser must be a bona-fide user.
- D. Advertisers are subject to liability for false or unsubstantiated statements made

through their endorsements or for failing to disclose material connections between themselves and their endorsers. Endorsers may also be liable for statements made in the course of their endorsement.

III. Consumer Endorsements

- A. A consumer endorsement based on experience regarding a key product attribute will likely be interpreted as representing that the endorser's experience is representative of what consumers will generally achieve. Advertisers, therefore, must possess support for this claim. Otherwise, they should clearly and conspicuously disclose the generally expected performance in the depicted circumstances.
- B. Consumer endorsements of drugs must be supported by adequate substantiation and be consistent with any Food and Drug Administration determinations regarding the drug.
- C. Advertisements presenting endorsements by what are represented directly, or by implication, to be "actual consumers" should utilize actual consumers in both audio and video or clearly and conspicuously disclose that the persons in such advertisements are not actual consumers of the advertised product.

IV. Expert Endorsements

- A. Whenever an advertisement represents, directly or by implication, that the endorser is an expert, the endorser's qualifications must in fact give the endorser the expertise he or she is represented as possessing.
- B. Although an endorser may take into account factors not within his or her expertise (e.g., matters of taste or price), the endorsement must be supported by an actual exercise of that expertise in evaluating product features or characteristics with respect to which he or she is expert and which are relevant and available to the ordinary consumer. This evaluation must have included an examination or testing of the product at least as extensive as someone with the same degree of expertise would normally need to conduct in order to support the conclusions presented in the endorsement. To the extent that the advertisement implies that the endorsement was based upon a comparison, such comparison must have been included in the expert's evaluation. Moreover, where the net impression created by the endorsement is that the advertised product is superior to the other products, then the expert must in fact have found such superiority.

V. Endorsements by Organizations

Organizational endorsements must be reached by a process that fairly reflects the collective judgment of the organization since these endorsements are viewed as representing the judgment of a group whose collective experience is objective and exceeds the experience of any individual member. If the organization is represented as

expert, its endorsement must meet the criteria on “Expert Endorsements,” described above.

VI. **Disclosure of Material Connections**

Advertisers must fully disclose any connection between the advertiser and the endorser that might materially affect the weight or credibility of the endorsement. This includes payment or the promise of payment to an “actual consumer” (who is not an expert or celebrity) prior to, and in exchange for, the endorsement. Disclosure should also be made where the endorser knew or had reason to know that if the endorsement favored the advertised product, some other benefit, such as an appearance on television, would be extended to the endorser.

ENVIRONMENTAL CLAIMS

Advertisers are expected to comply with the FTC’s Guides for the Use of Environmental Marketing Claims (15 U.S.C. 41-58). Any express or implied claims regarding an environmental attribute of a product, package or service must have a reasonable basis. Particular attention should be paid to certain descriptors such as: “environmentally friendly/eco-friendly,” “ozone safe/ozone friendly,” “green,” “recyclable,” “non-toxic,” “biodegradable,” and “compostable.” Such descriptors must be appropriately qualified.

FINANCIAL ADVERTISING

STANDARD

Advertising of banking services, brokerage services, stocks and bonds, real estate, futures and options trading services, and other investments is acceptable, provided that all relevant material restrictions, risk factors, and qualifications are disclosed, and that the advertising conforms to applicable law. Whenever the advertising includes any prediction of potential investment results, risk factors must be disclosed. Online investment services must disclose material conditions unique to their product or service (e.g., that response times for executing orders may depend on market or other conditions).

GUIDELINES

I. **Banking Services**

Banking services may be advertised, provided that appropriate disclosure is made of all relevant material restrictions and penalties.

II. **Stocks, Bonds, and Mutual Funds**

A. The advertising for, or “tips” on, specific stocks, bonds and mutual funds is not

acceptable. Similarly, the advertising for initial public offerings is not acceptable.

- B. All material restrictions and qualifications must be disclosed. When the claim “tax free” is made, if the securities are not free of all taxes (federal, state, and local), full disclosure must be made of any qualifications (e.g., “federal tax free”).
- C. If an offering can be sold only by a prospectus, that fact must be disclosed. When required by law, the advertising must also state from whom a prospectus may be obtained and advise the investor to read it carefully before investing.
- D. The United States Securities and Exchange Commission is available to answer questions regarding interpretation of the law and regulations applicable to investment company advertising. (SEC Headquarters: 202-942-8088; 100 F Street, NE, Washington DC, 20549)

III. *Futures and Options Trading Service*

Because of the risk factors involved, as a matter of course, ABC consults with the National Futures Association (NFA) and the Better Business Bureau when investigating advertising for futures and/or options.

The National Futures Association’s Compliance Department has compliance rules applicable to such trading services, which can be used as a reference when deciding if a particular company’s advertising is acceptable. (300 S. Riverside Plaza, #1800, Chicago, IL 60606, 312-781-1300, information@nfa.futures.org.)

FIREARMS, AMMUNITION, AND FIREWORKS

STANDARD

Advertising for handguns and attendant ammunition; non-sporting rifles (e.g. tactical, assault or combat style rifles with high-capacity clips, flash suppressors and collapsing stocks); and advertising for the sale of firearms or ammunition by mail order is not acceptable.

Advertising for sporting rifles and ammunition promoted solely for sporting purposes will be considered on a case-by-case basis, provided the advertising is otherwise acceptable and is in conformity with recognized standards of safety and applicable laws and regulations. If approved, these advertisements will be subject to scheduling restrictions.

The use of firearms as props in non-firearm advertising is discouraged.

The advertising of fireworks is not acceptable.

FOOD

STANDARD

Advertising may not overstate the nutritional value of foods. Use of words such as “nutritious” or “healthy” must be substantiated and may not be used to exaggerate or distort the value of the food. Health and energy claims for foods and food ingredients will be considered on a case-by-case basis. Such claims must be fully substantiated and put in the context of a total diet. All food advertising must comply with the provisions of the Nutrition Labeling and Education Act of 1990 (NLEA), and regulations issued by the FDA and USDA.

GUIDELINES

I. Nutrition Information Claims

- A. Nutrient content descriptors (e.g., “low fat,” “calorie-free,” “good source,” “reduced,” and “light”) must comply with the applicable NLEA definitions for those terms.
- B. Foods advertised as meal substitutes are considered on a case-by-case basis and evaluated from the perspective of the completeness of the nutrition provided. Unless a food provides the nutritional equivalent of a balanced meal, food advertised as a meal substitute:
 - 1. May only be presented as an occasional replacement for meals when a person is unable to eat properly; and may not be positioned as a permanent part of the daily diet.
- C. Food possessing reduced or low levels of an ingredient should not be advertised to suggest that the food can be consumed in large amounts without consequences. Any implication of immoderate consumption is not acceptable.

II. Health Claims

- A. Overly broad health or nutritional benefit claims are not permitted.
- B. Health claims will not be acceptable in those instances where a product possesses both healthy and unhealthy components which bear on the claim being made (e.g., a product containing no cholesterol cannot advertise itself as healthy or helping to prevent heart disease when that product is also high in sodium).
- C. Claims suggesting that the consumption of food or food ingredients will result in mental and/or physical enhancement are unacceptable unless substantiated.

FOREIGN LANGUAGE

STANDARD

Commercials containing foreign language will be considered on a case-by-case basis. A commercial may contain statements in a foreign language provided, generally, that:

- I. The literal and accurate translation of foreign language statements is included in clearly legible English subtitles;
- II. The advertiser provides BS&P with an official translation; and
- III. All claims relating to the advertised product and/or service are made in English.

“FREE,” Use Of

STANDARD

The word “free” is recognized as a strong inducement in advertising copy. An offer may be described as “free,” provided that all conditions for obtaining the “free” product or service are clearly and conspicuously disclosed. Advertising must comply with Federal Trade Commission Guidelines covering “free” offers.

GUIDELINES

- I. When “free” merchandise is offered with the purchase of another product, the advertiser’s usual price, quality, and quantity for the purchased merchandise may not be altered.
- II. When a new product or service is offered “free” with the purchase of an existing product or service, the offeror will be expected to discontinue such “free” offer after a limited time and to then begin to sell the new product or service separately at its fair market price.
- III. Any limitation regarding availability must be disclosed.

GAMBLING

STANDARD

Lawful advertising by private or governmental organizations that involves legalized gambling will be reviewed on a case-by-case basis and in consultation with the Legal Department. Such advertising may not falsely or unfairly raise hopes and expectations of winning. Such advertising must conform to all legal requirements, including 18 U.S.C. 1304 and 1307.

Advertising for online gambling is not acceptable.

Advertising for casino gambling itself is not acceptable; however, an organization which has the word “casino” in its name may use its full name in its advertising for its other activities (e.g. accommodations, restaurants, and the like).

Advertising for entities that offer casino gambling may be permissible, provided the gambling activities are not advertised (i.e. the advertising can promote other entertainment or dining options available, but may not depict the gaming room or make reference to particular gambling activities).

GOVERNMENT ACTION

STANDARD

The actions of a federal, state, or local government agency or court may affect the question of whether or not advertising claims made on behalf of a particular product or service are acceptable. Advertising which involves claims that the government has announced are subject to investigation or other governmental process will be considered on a case-by-case basis. If the government action is resolved with finality against the advertiser, the advertising will be withdrawn.

In the event litigation or government action is commenced raising the same or substantially similar issues raised by a challenge, ABC will generally defer consideration of the challenge and permit the disputed claims to air pending resolution by the responsible court or government agency. (See also “Challenges”)

GUARANTEES OR WARRANTIES

STANDARD

References to guarantees, warranties, or similar terms in advertising copy must comply with all applicable laws and governmental rules and regulations, including the Magnuson-Moss Warranty Act and the rules promulgated by the Federal Trade Commission.

Advertisers should generally disclose whether an advertised warranty is “full” or “limited,” its duration, and any major limitations of the warranty, such as parts excluded or costs or responsibilities the customer must undertake. Disclosure should also be made that the rest of the warranty can be seen at the store, e.g., “See dealer for details,” or the like.

GUIDELINES

The following guidelines apply to advertising referencing a guarantee, warranty, or other

promise or representation in the nature of a guarantee or warranty:

- I. A copy of the actual written guarantee or warranty should be submitted to Broadcast Standards and Practices.
- II. In general, any commercial referencing a guarantee or warranty must either clearly and conspicuously disclose that the guarantee or warranty is available for presale inspection before purchase, or disclose the material terms and limitations of the warranty. This disclosure can be presented in either the audio portion or in the video portion as a printed disclosure provided that the video disclosure appears on screen for at least five seconds. The disclosure must be made simultaneously with, or immediately following, the warranty claim.
- III. **“Satisfaction or your money back”**

“Satisfaction or your money back,” “30 day free trial,” or similar representations will be construed as a guarantee that the full purchase price will be refunded at the option of the purchaser. Any material conditions, such as return of the product within a specific period after the purchase date must be disclosed as provided in Guideline II above.

IV. **Lifetime Guarantees**

If “lifetime,” “life,” or similar terms are used in advertising to indicate the duration of a guarantee, and they relate to any life other than that of the purchaser or original user, the life referred to must be clearly and conspicuously disclosed.

V. **Guarantee as a Representation**

A guarantee can be employed in advertising to constitute a claim. An example is: “Guaranteed to improve gas mileage when added to your car’s tank.” In such a case, the guarantor must not only undertake to perform under the terms of the guarantee and provide the disclosure required by Guideline II above, but also must substantiate any express or implied claims.

INTERSTITIALS

STANDARD

An interstitial (or vignette) is a hybrid creative that combines commercial and program elements. The creative will be reviewed by BS&P and other relevant in-house corporate partners to ensure its compliance with all applicable ABC Standards and Guidelines.

LIVE, Use Of

Use of the word “live” to describe creative content that is not live, is unacceptable.

LOTTERIES

(See “Contests,” “Gambling”)

MEDICAL PRODUCT ADVERTISING - OTC Products and Medical Devices

STANDARD

Advertising for Over the Counter (“OTC”) drugs and medical devices should provide factual information about such products, avoid overstatements of their capabilities, and advise consumers to read and follow label directions.

Comparative safety claims in medical product advertising raise special concerns. All OTC medications are regulated by the FDA and are generally recognized as safe for the vast majority of the public when used as directed. However, virtually all can have potential side effects when used by individuals under certain circumstances. Virtually all contain warnings and many direct affected consumers to consult with a health care professional before use. As a result, only those comparative safety claims which are substantiated, and which do not have the potential to alarm, confuse, or mislead the public will be acceptable.

The use of health-related professionals or actors representing such persons is not permitted in advertising for OTC products or other products where health or medical claims are made. The use of such professionals or actors, however, is acceptable in advertising for products or services requiring a physician’s intervention or a prescription (e.g., prescription medications or medical devices). Appropriately qualified audio references to health care professionals are permitted when adequate documentation is provided to support professional endorsement of the product. (See also “White Coat Rule”).

ABC will not accept advertising for a product which fails to comply with applicable governmental regulations, or which is otherwise contrary to the public interest.

For specific guidance on prescription drug advertising, see “Prescription Drugs.”

GUIDELINES

The following guidelines apply to advertising of all OTC drugs and medical devices and to advertising of other products which contain health or medical claims:

I. *OTC Drugs and Medical Devices*

A. *General*

1. An overt reference to use the product in accordance with its labeling directions must be included (e.g., “Use as directed”).
2. Representations which overstate the capabilities or effects of a product are unacceptable. Advertising should be confined to those symptoms and conditions for which the product is indicated.
3. Before and after depictions of product-use should indicate an adequate time lapse if the product does not provide immediate relief.
4. Advertising should not portray a casual attitude toward the use of a medication or employ audio/video representations associated with the drug culture. Advertising should not present the use of a medication as a solution to personal or everyday problems.
5. An OTC medication may not be equated with a prescription product except where products are labeled for the same medical indications and there is adequate clinical or other appropriate evidence to substantiate the comparison. In addition, an “Ask your doctor” reference should be included when the name of the prescription product is referenced. A reference to the heritage of an OTC product, which was previously available only by prescription, is permitted without such reference.
6. The words “safe,” “harmless,” “without risk,” or any words or phrases with similar meaning may be used only when qualified and when satisfactory substantiation is provided.
7. Commercial copy should not dramatize distressing symptoms or morbid situations associated with specific illnesses or diseases, nor should it describe internal or external functions of the body in an objectionable manner. Representations which overstate the symptoms for which the product is indicated are unacceptable.
8. The on-camera ingestion of OTC products is generally unacceptable but will be considered on a case-by-case basis.
9. Products should be advertised for occasional use only. Representations of chronic use are not permitted. Advertising should also disclose that the product’s efficacy is limited to temporary relief, and product use must be consistent with sound safety practices.
10. ABC will exercise special care in its review of advertising that employs testimonials of celebrities or authority figures.

11. Children (12 and under) are not permitted in commercials promoting a product for adult use except for incidental background appearances. A child may appear in a commercial advertising a medication formulated for children provided adult/parental supervision is clearly established.
12. A claim that the advertised product is “clinically proven” effective should be supported by at least two clinical studies. The studies must have been conducted on the advertised product as sold. In cases where only one clinical trial is available, the claim should explicitly refer to a single clinical study (e.g., “a clinical test suggests...”).
13. Statements from the FDA, including press releases and related documents, as well as other relevant information included in FDA approved labeling, should be taken into consideration in formulating OTC advertising.

**MOTION PICTURE, STREAMING VIDEO/DVD,
THEATRICALS, AND EVENT ADVERTISING**

GUIDELINES

- I. All advertising for domestic motion pictures and streaming video/DVDs must carry either a Motion Picture Association of America (“MPAA”) rating or clearly and conspicuously disclose that such rating has not yet been assigned.
 - A. The MPAA rating for motion pictures must be clearly disclosed in audio and video. If the film has not yet been rated, that must be clearly disclosed in video or audio and video. For streaming video/DVDs, the MPAA rating, or disclosure that a film has not yet been rated, may be in video only, provided that it is large enough to be read by the viewer. (See “Supers”).
 - B. Streaming video/DVD advertising that contains bonus footage (e.g., director’s commentary, deleted scenes, bloopers, games, etc.) must disclose in video that bonus footage is not rated. Advertising for streaming video/DVDs of unrated versions of motion pictures (e.g. director’s cuts, uncensored versions, etc.) is acceptable provided that the advertising is appropriate and clearly discloses that the product is unrated. For scheduling purposes, these streaming videos/DVDs will generally be considered as though they earned a rating one rating higher than the MPAA rating of the theatrical version. For example, advertising for an unrated version of a PG-13-rated motion picture would be limited to R-rated scheduling.
 - C. Commercials with secondary product mentions promoting a motion picture or streaming video/DVD must clearly disclose the MPAA rating in video, or audio and video. Commercials featuring a motion picture or streaming video/DVD as a secondary mention may be subject to the scheduling restrictions appropriate for the rating of that product.

- II. Advertising for NC-17-rated motion pictures will be considered on a case-by-case basis. NC-17-rated motion pictures must be screened prior to acceptance of the advertising. The MPAA rating in its entirety must be included in the advertising in both audio and video (“NC-17, No Children Under 17 admitted”). The advertising must both accurately reflect the content of the film and conform to ABC’s standards of acceptability for a mass audience.
- III. Advertising that features review quotes with the reviewer’s name and affiliation in video are, in general, acceptable, but may be subject to scheduling restrictions. Audio references to non-ABC related media or the logos of competing media are generally not acceptable.

(See also “Scheduling Restrictions”)

“NEW,” Use Of

STANDARD

Use of the term “new” is limited to no more than six months from the time a product achieves substantial distribution in the relevant market.

Terms such as “introducing,” “now,” and the like are generally limited to no more than one year from when substantial distribution is achieved in the relevant market.

NEWS TECHNIQUES, Simulation Of

STANDARD

Advertising may not contain language, visual techniques, or sound effects associated with newscasts when such advertising is likely to confuse or alarm the audience, or trivialize actual newscasts. Examples of language and techniques that are unacceptable may include: “Bulletin,” “Flash,” “Live,” “Special Report,” “We interrupt this program to bring you...,” horizontal crawls at the bottom one-third of the screen, and teletype sound effects. Such techniques are reserved specifically for news broadcasts.

Use of newsroom settings, simulated interviews, or newscasts in commercials will be reviewed on a case-by-case basis. Acceptability will be based on the likelihood that viewers will not confuse the use of such techniques with an actual news broadcast. Requests for scheduling of such commercials in news programming will be reviewed by Broadcast Standards and Practices and ABC News.

ONLINE DATING SERVICES

Advertising for online dating services will be considered on a case-by-case basis. Generally, ads for dating sites that have a sexual emphasis, or that contain sexually explicit or suggestive material, would not be acceptable.

PET FOOD

STANDARD

Advertising for pet food must accurately disclose the product's composition, form, suitability, quality, identity, origin, and nutritional properties so that consumers may make responsible decisions. Direct or indirect mention that a pet food is suitable for human consumption or made under the same conditions as human food is unacceptable.

POLITICAL ADVERTISING

STANDARD

Acceptance of political advertising is governed by the "equal opportunities," "lowest unit rate," "reasonable access," sponsor identification, and other provisions of federal and state law. Questions regarding the scheduling, pricing, and/or content of political advertising will be addressed in consultation with the ABC Legal Department. The content and requirements of the "ABC Television Network Political Sales Policies" is hereby incorporated by reference. (See also "Controversial Issues")

PREMIUMS AND OFFERS

STANDARD

ABC reserves the right to reject any premium which is deemed to be of lesser value than stated or is unsafe or detrimental in any way to the consumer.

GUIDELINES

In general, all details of the offer (i.e. rules, eligibility requirements, beginning and termination dates, and conditions of and requirements for fulfillment) should be clearly and completely detailed or easily accessible to the viewing public. The advertiser should provide the consumer with a cash refund of any money paid in the event that the premium or item is returned for any reason covered by the offer.

For offers involving the mail, telephone, or Internet, the time necessary for the viewer to receive the premium or offer must be reasonable and conform to applicable Federal Trade Commission

Guidelines. Anticipated delivery more than thirty days after the order is placed requires an affirmative disclosure of the time it will take to deliver the product.

PRESCRIPTION DRUGS

STANDARD

The Food, Drug, and Cosmetic Act (“FDCA”) sets forth disclosure requirements for consumer-directed prescription drug advertising on television. ABC will accept consumer-directed prescription advertising provided that it complies fully with the provisions of the FDCA, as well as any other applicable regulations or guidance issued by the Food and Drug Administration (“FDA”). ABC will not accept advertising which fails to fully comply with applicable governmental regulations or which is otherwise contrary to the public interest.

The advertising of prescription drugs raises a number of important issues, each of which must be carefully weighed in the consideration of each commercial submission. Therefore, prescription drug advertising will be reviewed for acceptance on a case-by-case basis in light of the following:

I. The Doctor-Patient Relationship

Although an informed consumer is a vital link in the health care chain, ultimately it is the doctor and patient, working together with the rest of the medical community, who promote good health. All advertising must support this important doctor-patient relationship.

II. Self-Medication

Care must be taken to avoid advertising that would prompt people to borrow medications from friends for treatment of the advertised condition or illness, instead of consulting with a physician.

III. Drug Abuse/Overuse/Unauthorized Use

While providing useful information to the consumer, advertising for prescription drugs should in no way glamorize the product or otherwise encourage excessive or inappropriate drug use. Advertising for indications other than those designated as “safe and effective” by the FDA is unacceptable.

GUIDELINES

I. The FDCA requires that prescription drug advertising which includes indications for use, dosage recommendations, or otherwise identifies the drug as an effective treatment for a specific disease, must generally carry a “brief summary” of all necessary information related to side effects and contraindications (21 C.F.R. 202.1(e)(1)). The FDA, however,

currently permits consumer-directed prescription drug advertising on television without the required “brief summary,” provided that the broadcast advertisement clearly discloses in consumer-friendly language both the product’s major risks (the “major statement”) and that adequate provision has been made for dissemination of the approved package labeling elsewhere by various means specified by the FDA (the “adequate provision” requirement).

- A. The “adequate provision” requirement includes, but is not limited to:
 - 1. Providing a toll-free telephone number for consumers to obtain detailed product information in a timely fashion by mail, fax, or phone;
 - 2. Referring to print ads which contain a brief summary of the product labeling. (A reference to brochures containing similar information would also be acceptable if the brochures were distributed in a variety of publicly available sites such as doctor’s offices, libraries, and stores.);
 - 3. Providing a website with full access to the approved product labeling; and
 - 4. Stating that healthcare providers can make available additional information about the product.
 - B. Advertisers are strongly encouraged to have their “major statement” reviewed by the FDA’s Office of Prescription Drug Promotion (“OPDP”). Advertisers must produce satisfactory evidence of the OPDP approval, or in the alternative, an affidavit executed by the advertiser’s legal counsel stating that the “major statement” is compliant with the FDCA.
 - C. Further information is available from the FDA on the Internet at www.fda.gov/cder/guidance.
- II. The following scenarios generally do not trigger either the “major statement” or the “adequate provision” requirements:
- A. Corporate or institutional advertising intended to: promote public awareness of the advertiser; discuss areas of research and development; mention diseases the advertiser has been instrumental in curing or ameliorating; or publicizing the signs and symptoms of diseases for which effective treatment is available, provided such advertising does not directly or indirectly name or identify a prescription product.
 - B. Advertising that calls attention to the name of a product, either directly or by implication, but does not include indications for use or dosage recommendations. Advertising that directly identifies a product shall contain only the proprietary name of the drug product, if any; the established name of the drug product, if any; and the established name of each active ingredient. Such advertising may also

include information relating to price, quantitative ingredient statements, dosage form or quantity of package contents. This is known as “reminder advertising” under FDA regulations.

III. General Considerations

- A. Advertising should not portray a casual attitude toward the use of a medication or employ audio/video representations associated with the drug culture. Advertising should not represent the use of a medication as a simple solution to personal or everyday problems.
- B. Care must be taken that advertising does not raise false hopes or expectations, use scare tactics, or otherwise prey on people’s fears and insecurities.
- C. Commercial copy should not dramatize distressing symptoms or morbid situations associated with specific illnesses or diseases, nor should it describe internal or external functions of the body in an objectionable manner.
- D. The on-camera ingestion or administering of prescription products will be considered on a case-by-case basis.
- E. Children (12 and under) are not permitted in commercials promoting a prescription drug product for adult use, except for incidental background appearances. A child may appear in a commercial advertising a prescription drug formulated for children provided adult/parental supervision is clearly established. No prescription drug advertising may be scheduled in or adjacent to children’s programming.
- F. All prescription medications are regulated by the FDA and are generally recognized as safe when prescribed by and taken under the supervision of a physician. ABC will examine comparative safety claims with the utmost care. Only those comparative safety claims which are substantiated, and which do not have the potential to alarm, confuse, or mislead the public will be acceptable.
- G. The words “safe,” “harmless,” “without risk,” or any words or phrases with similar meaning may be used only when qualified and when satisfactory substantiation is provided.
- H. Certain categories of prescription drugs raise special concerns and merit greater scrutiny, e.g., products with “boxed warnings” on their labeling or products listed in Schedule I through V of the Federal Comprehensive Drug Abuse Prevention and Control Act, as well as other products with a significant potential for abuse.
- I. An indication for a product which has not been designated as “safe and effective” by the FDA is not acceptable.

PRICE AND VALUE CLAIMS

STANDARD

Statements of prices and values must be confined to specific facts. Unfair or inaccurate comparisons are unacceptable. Such claims must be removed from the air as soon as possible should they become inaccurate. “Bait and switch” advertising, whereby goods or services which the advertiser has no intention of selling are offered merely to lure the customer into purchasing higher-priced substitutes, is not acceptable.

PRIVACY AND PUBLICITY RIGHTS

STANDARD

The laws of most states prohibit the use of a person’s name, voice, likeness, or picture for trade or advertising purposes without the written consent of such person. Certain states also preclude the use of a non-profit organization’s name or other identification for trade or advertising purposes. When advertising is submitted to ABC containing an endorsement or other use of a person’s name or other identification, including a picture or footage, ABC reserves the right to require written evidence that such name, voice, or likeness is used with the specific consent of such person or organization. Moreover, BS&P will request a testimonial affidavit and/or related documentation attesting to the accuracy of any accompanying statements.

(See also “Endorsements” and “Releases”)

PRODUCT DEMONSTRATIONS

STANDARD

When a commercial demonstrates the attributes of a product, the demonstration must be performed with actual examples of the product as available to consumers and the results must be accurately represented. The use of mock-ups or enhanced or altered products is not permitted.

(See also “Claim Substantiation” and/or “Comparative Advertising”)

GUIDELINES

- I. Demonstrations should depict product performance in a way that accurately reflects how the product performs when used by consumers. However, when a demonstration simulates consumer use conditions (e.g., a laboratory simulation of clogged drains or kitchen countertop grease), the advertiser must:
 - A. Provide clear and convincing evidence that the simulation accurately reflects the product’s performance under actual consumer-use conditions; and

- B. Establish the impracticality or impossibility of demonstrating a product's performance under actual consumer-use conditions.
- II. Producers are required to provide ABC with an affidavit of authenticity for all demonstrations and should be prepared to produce records of the circumstances and results upon request.
- III. Material facts which are essential to a full understanding of the significance of the demonstration (e.g., miles-per-hour, actual time elapsed) must be disclosed.

PROFESSIONAL ADVERTISING

STANDARD

Advertising for the services provided by duly accredited lawyers, doctors, and other generally recognized professionals may be acceptable, provided it does not overstate the benefits of the service being offered. Advertising that speaks to specific issues and/or products is generally unacceptable, but will be considered on a case-by-case basis. All such advertising must comply with the ethical standards and requirements of the relevant profession. Copy which overly plays upon a viewer's fears or insecurities, or which creates false or overly optimistic expectations is not acceptable. Advertising for medical services may not use such terms as "safe" or "harmless" unless fully substantiated as such. A medical professional may appear in a commercial promoting his or her own service. (See "White Coat Rule")

PROGRAM-LENGTH COMMERCIALS

GUIDELINES

- I. Standard procedures for any claim substantiation apply.
- II. Special attention must be paid to sponsor identification requirements. At a minimum, each program-length commercial of 15 minutes or more must display visually, in a clear and prominent manner, within the first thirty seconds of the program-length commercial and immediately before each presentation of ordering instructions for the product or service, the following disclosure:
"THE PROGRAM YOU ARE WATCHING IS A PAID
ADVERTISEMENT FOR [THE PRODUCT OR SERVICE]."
- III. Each program-length commercial must disclose clearly and prominently any material connection between an endorser of any product or service and any individual or entity advertising, promoting, or selling that product or service.

PSYCHIC SERVICES

STANDARD

The advertising of astrology, character reading, fortune-telling, mind reading, numerology, occultism, palm reading, phrenology, or similar subjects is acceptable only for the purpose of entertainment. Advertising for these pseudo-sciences must neither state nor imply that they have any scientific basis, or can be relied upon as factual or true.

PUBLIC SERVICE ANNOUNCEMENTS

STANDARD

Public service announcements (PSAs) are meant to inform the public of the work of charitable, governmental, and non-profit organizations and other services available to the public. Such announcements must reflect the true nature of the organization identified with the announcement, and all claims must be substantiated. Discussions of controversial issues of public importance and religious doctrine are not permitted in public service announcements. (See also “Controversial Issues”)

GUIDELINES

I. Appropriateness of Submitting Organization

- A. Organizations requesting PSA scheduling must be non-profit or governmental. Requesting organizations are reviewed to determine their non-profit status, objectives, activities, and financial policies.
- B. Non-profit organizations should be in compliance with the guidelines of the Council of Better Business Bureaus’ Wise Giving Alliance. (See www.give.org).
- C. As a general matter, to qualify for use on the ABC Television Network, the organization and its message must be national in scope and serve the needs of an extensive part of the United States.
- D. As a general rule, material from trade or professional associations is not acceptable as public service announcements. Such material is often self-serving and frequently repetitive of other public service messages.

II. Content of Message

- A. PSAs must be consistent with the objectives of the sponsoring organization and must be in the public interest.
- B. PSAs must fully comply with all applicable ABC policies and government regulations.

- C. PSAs must be tastefully presented and of appropriate production value.
- D. No commercial products, services, or corporate names may be shown or referenced in PSAs.
- E. PSAs in which funds are requested will be reviewed on a case-by-case basis, but, absent special public interest considerations, are generally not acceptable. Direct solicitation of funds is not acceptable in PSAs where the airtime is being donated by ABC.

III. *Sale of Commercial Time for Public Service Announcements*

- A. In addition to the acceptance and scheduling of PSAs without charge, paid commercials for, or on behalf of, non-profit and not-for-profit organizations are permitted on a case-by-case basis.
- B. Organizations must meet the same standards that otherwise apply to PSAs.
- C. The identity of the sponsor must be clearly set forth in the commercial as well as the fact that the message was “paid for” or “sponsored by” such sponsor. (See also “Sponsor Identification”)

PUBLIC SYMBOLS

STANDARD

Heads-of-state, other public officials, religious leaders, and public buildings and/or monuments must be treated with appropriate respect and dignity when mentioned or depicted in advertising.

GUIDELINES

- I. Unless authorized in writing by the Office of the White House Counsel, the use of the name or likeness of the President or Vice President of the United States and their families, as well as the Presidential Seal, is generally not acceptable for advertising purposes.
- II. Unless expressly permitted by its duly authorized representatives, the use of the White House in advertising is generally not acceptable.
- III. Other national buildings and monuments may be used in advertising provided the use is incidental to the advertiser’s promotion of a product or service and is in good taste.
- IV. For policies regarding the use of the American flag in advertising, see the section “American Flag.” Rules governing the use of flags of foreign countries in advertising vary from country to country. Advertisers are required to provide evidence from a

country's consular service to support the use of that country's flag.

- V. Use of the United Nations flag in connection with advertising is not permitted.
- VI. Religious leaders may not be mentioned or depicted in any advertising without their consent.
- VII. Absent special public policy considerations, the National Anthem of the United States and "Hail to the Chief" are not permitted in advertising. However, music of a traditional or patriotic nature is permitted in advertising, provided it is used with dignity.
- VIII. Use of official military uniforms or vehicles is permitted subject to prior approval of the Department of Defense.

RELEASES

STANDARD

The ABC Television Network reserves the right to request that the advertiser affirmatively establish that it has obtained all relevant rights and releases for all identifiable music, names, persons, logos, etc., featured in its creative. (See also "Endorsements" and "Privacy and Publicity Rights")

RELIGIOUS THEMES

STANDARD

The ABC Television Network may sell time to religious organizations for spot announcements to call attention to occasional lectures or meetings. The ABC Television Network does not accept advertising that presents religious doctrines, includes religious themes, utilizes religious music, sells religious publications or solicits funds.

SAFETY

STANDARD

All advertising which disregards standard safety precautions is unacceptable.

GUIDELINES

- I. Commercials depicting use of recreational equipment such as bicycles, in-line skates, and/or skateboards must show users of the products practicing proper safety methods, such as those recommended by the U.S. Consumer Product Safety Commission. For

instance, bicyclists should wear bright clothing and approved helmets; in-line skaters and skateboarders should wear helmets, wrist guards, knee and elbow pads, and gloves. All bicyclists and skaters should be depicted obeying traffic laws.

- II. Commercials depicting use of mechanical equipment or power and/or hand tools must show users of the products wearing appropriate safety gear.
- III. The depiction of driving an automobile requires special care. Seatbelts and shoulder harnesses should be worn (unless in an historic setting or in period footage). Both of the driver's hands must be on the steering wheel at all times. The use of cellular phones or other electronic devices (other than "hands-free" devices) is not permitted. All laws and safety regulations should be carefully observed.
- IV. Food and beverages should not be consumed while engaging in physical activity or while driving.
- V. Children shall not be represented, except under proper adult supervision, as using or being in proximity to a product or a situation recognized as potentially dangerous to them.

SCHEDULING RESTRICTIONS

STANDARD

Advertising for certain product categories requires scheduling restrictions. Such restrictions take into consideration the nature of the product or service advertised, the content and context of the advertising, and the relevant audience composition. Advertising within News programs may be restricted if the subject matter of the commercial is also the subject of a news item in that broadcast. Approval of commercials containing more than one product is conditional due to product protection requirements. Scheduling restrictions may apply.

GUIDELINES

I. Alcoholic Beverages

A. Beer, Wine, and Malt Beverages

Beer, wine and malt beverage advertising is only acceptable in programs where the audience composition is predominately of legal drinking age. For 8PM-9PM ET (7PM-8PM CT) programming, beer, wine, and malt beverage advertising will be considered on a case-by-case basis. Such advertising is not acceptable in World News Tonight, Wonderful World of Disney and G-rated or other family-friendly programming.

B. **Hard Liquor**

Hard liquor advertising, when otherwise acceptable, will generally be scheduled in post-10PM ET (9PM CT) and NBA programming only, as long as the audience composition is at least 72% legal drinking age.

II. **Competing Media/MA-Rated Programming**

Otherwise acceptable advertising for MA-rated programming will generally be restricted to post-10PM ET (9PM CT) entertainment programming. Any exceptions will be granted on a case-by-case basis.

III. **Condoms**

Condom advertising will be considered on a case-by-case basis. If acceptable, it will be scheduled in post-11:30PM ET (10:30PM CT) programming only.

IV. **Intimacy Products**

Otherwise acceptable advertising for such products will be restricted to post-9PM ET (10PM CT). Depending on the content of the creative, additional restrictions may apply.

V. **Personal Care Products**

Advertising for tampons, sanitary pads, feminine hygiene, and related personal care products is generally acceptable. Scheduling restrictions may be applied depending on the nature of the product, and the content and context of the commercial. Advertising for such products is generally not acceptable in Wonderful World of Disney and may not be acceptable in G-rated or other family-friendly programming.

VI. **Medical Products/Weight Loss**

A. Prescription Contraceptives:

Acceptable for Good Morning America, Daytime, Sports, 8PM-9PM ET (7PM-8PM CT) on a case-by-case basis, and post-9PM ET (8PM CT) entertainment programming. Generally not acceptable in Wonderful World of Disney and G-rated or other family-friendly programming.

B. Weight Loss:

Not acceptable for Wonderful World of Disney and G-rated or other family-friendly programming.

C. Fertility/Impotence Drugs:

Generally not acceptable for 8PM-9PM ET (7PM-8PM CT); Not acceptable for Wonderful World of Disney and G-rated or other family-friendly programming.

D. Pregnancy Tests:

Generally not acceptable for Wonderful World of Disney and G-rated or other family-friendly programming.

VII. **Motion Pictures and Streaming Video/DVDs**

A. Scheduling of advertising for motion pictures and streaming video/DVDs will take into consideration the composition of the audience and the compatibility of programming. If the content of the commercial and the overall theme of the motion picture are acceptable, the following scheduling restrictions apply:

1. R-rated motion pictures are restricted to scheduling within America This Morning, Good Morning America, Daytime, Sports, and post-9PM ET (post-8PM CT) entertainment programming. R-rated motion pictures are specifically precluded from pre-9PM ET (pre-8PM CT) entertainment programming, and are not acceptable in Wonderful World of Disney and G-rated or other family-friendly programming.
2. Not yet rated motion pictures will be limited to R-rated scheduling until a rating has been designated by the MPAA. Exceptions may be made on a case-by-case basis when satisfactory evidence of a probable rating of PG-13, PG or G is provided by studio executive management.
3. Advertising promoting the unrated version of motion pictures on streaming video/DVDs will generally be considered as though they earned a rating one rating higher than the MPAA rating of the theatrical version. For example, advertising promoting the unrated version of a R-rated motion picture could be limited to NC-17-rated scheduling. In making this assessment, BS&P will review and consider the content of the additional unrated footage.

B. Advertising for NC-17-rated motion pictures will be considered on a case-by-case basis and, if acceptable, will be permitted no earlier than 10:30PM ET (post 9:30PM CT). For any live telecast, advertising for NC-17-rated motion pictures, if acceptable, shall not be permitted to air before 12:00AM ET (9:00PM PT).

C. Commercials featuring a motion picture or streaming video/DVD as a secondary mention may be subject to the scheduling restrictions appropriate for the rating of that product. (See also “Talent In Commercials,” and “Motion Picture... Advertising” for further scheduling restrictions.).

VIII. Undergarments

Generally, advertising that features live models in undergarments will be restricted to Daytime and post-9PM entertainment programming. Other programming will be considered on a case-by-case basis.

IX. Video Games

M-rated video games are reviewed on a case-by-case basis for content and are restricted to scheduling within post-10:30PM ET (post-9:30PM CT) programming.

For scheduling purposes, RP (rating pending) -rated video games will be treated as M-rated video games, until the actual rating is established.

Commercials featuring a video game as a secondary mention may be subject to the scheduling restrictions appropriate for the rating of that video game.

SOLICITATION OF FUNDS**STANDARD**

Absent special public interest considerations, ABC will generally not sell time for or accept advertising that includes direct solicitations of funds. (See also “Public Service Announcements”).

SPONSORSHIP IDENTIFICATION**STANDARD**

Advertising must contain proper sponsorship identification pursuant to the Communications Act and rules and policies of the Federal Communications Commission. (47 C.F.R. 73.1212).

In the case of advertising for commercial products or services, an announcement stating the sponsor’s corporate or trade name, or the name of the sponsor’s product, may be sufficient when it is clear that the mention of the name of the product constitutes sponsorship identification. Only one such announcement need be included in the commercial.

In the case of any political advertisement, any paid advertising by a trade association or charity, or in the case of a public service announcement for which the air time is purchased, the sponsorship identification announcement must contain the term “paid for” or “sponsored by” and must fully disclose the true identity of the person, committee, or other entity furnishing the consideration.

Sponsorship identification may be made in audio or video. Any portion in video should be

clearly legible to an average viewer and remain on screen long enough to be read in full by an average viewer. (See “Supers”)

A website URL generally does not constitute adequate sponsor identification, unless it is the official name of the sponsoring entity.

SPORTS INSTITUTIONALS

STANDARD

Sports Institutionals are announcements provided by a sporting league or governing body (e.g., NBA, NFL, PGA, etc.). These messages air during program time as part of arrangements negotiated by the Sports Programming, Sales, and Legal Departments. Institutionals may include commercial material or public service announcements as defined in three basic types:

- I. Institutionals intended to advertise the respective games, athletes, products, and services of or licensed by the sporting league or governing body;
- II. Institutionals intended to promote an event or program scheduled for air on ABC; and
- III. Institutionals intended to create an awareness of a specified partnering non-profit organization (e.g., universities, foundations, community outreach initiatives).

Broadcast Standards and Practices in conjunction with Sports Programming and the Legal Department will determine what commercial elements are acceptable in Institutionals based on the intent of the Institutional and the provisions of the previously-negotiated arrangements.

GUIDELINES

I. General

- A. Websites and toll-free telephone numbers are acceptable in Institutionals only for the sport’s governing body and/or its partnering non-profit organization.
- B. Institutionals may not be comparative in nature.

II. Institutionals Intended to Promote Games, Athletes, and/or Products

Such Institutionals may include logos or other identification of title or present sponsors as agreed to in arrangements made between the named sponsors and ABC Sales.

III. **Institutionals Intended to Promote Events or Programs**

Such Institutionals may include logos or other identification of title or presenting sponsors as agreed to in arrangements made between the named sponsors and ABC Sales.

IV. **Institutionals Intended to Create Awareness of a Specified Non-Profit Partnering Organization**

- A. Such Institutionals may not include sell copy, secondary product mentions, or use of logos, signage or slogans (other than identification of a title or presenting sponsor as incorporated into the official name of an event), except as explicitly permitted in ABC's contracts and arrangements with the relevant sporting league.
- B. Such Institutionals may not directly solicit funds on behalf of non-profit organizations absent special public interest considerations.
- C. Such Institutionals must have adequate source identification (e.g., "This message furnished by [the proper league, college or conference.]"). (See also "Public Service Announcements").

SUBLIMINAL PERCEPTION

STANDARD

ABC will not broadcast commercial messages utilizing the technique of "subliminal perception." Any audio or video technique which attempts to convey information to the viewer by transmitting below the threshold of normal awareness (e.g., an image that registers subconsciously) is not permitted.

SUPERS

STANDARD

When superimposed copy is required, it must be displayed clearly and conspicuously. Supers must be presented against a contrasting background, displayed for sufficient duration, and presented in large, bold, and well-spaced letters, words, and lines of copy so that they can be read and understood easily.

Visual supers may not be used to materially alter a claim (e.g., by substantially narrowing a general superiority claim). Supers may provide only minor clarification and must be so limited. Supers should appear in close proximity to the claim they are meant to qualify.

GUIDELINES

- I. All supers must be clearly legible.
- II. Minimum on-display time should be three seconds for all one-line supers. Supers of two or more lines should remain in view as follows: three seconds for the first line of text plus one second for each additional line (thus a four-line super requires a minimum six-second display). We acknowledge that under certain circumstances some legally mandated supers may be exempted from this guideline, assuming they remain otherwise readable.
- III. Supers which vertically “roll” over the screen may be permissible; those which horizontally “crawl” across the bottom one-third of the screen are reserved exclusively for use by the News Department and may not appear in commercial announcements.

TALENT IN COMMERCIALS

STANDARD

I. Entertainment Programming

- A. Advertising utilizing ABC talent may be scheduled in daytime drama programming in which such talent appears with prior approval of BS&P and ABC Daytime. When acceptable, such advertising may not be scheduled in the first or last position of a commercial pod in the respective programming.
- B. Advertising utilizing ABC talent may be scheduled in primetime programming in which such talent appears with prior approval of BS&P and ABC Entertainment. When acceptable, such advertising may not be scheduled in the first or last position of a commercial pod in the respective programming.
- C. Advertising utilizing a participating celebrity may be scheduled within a variety or awards special in which such talent appears with the prior approval of BS&P and ABC Entertainment, provided that any such talent advertising may not be scheduled in the first or last position of a commercial pod which is adjacent to the appearance of the celebrity within the program.
- D. Advertising utilizing talent from another network will be considered on a case-by-case basis.

II. News Programming

- A. ABC News personnel may not appear in commercials.
- B. Advertising utilizing individuals who are the subject of a story in a news program is not acceptable for scheduling in that program.

III. Sports Programming

- A. Advertising featuring talent under contract to ABC or ESPN on ABC may be scheduled in any sports programming in which that same talent is an announcer or commentator unless the advertised product or service is directly related to the sport being broadcast (such as sporting equipment). Advertising featuring Sports Programming talent may not be scheduled in the first or last position of a commercial pod in any sports programming in which that talent is an announcer or commentator.
- B. Advertising featuring talent participating in the sporting event is generally acceptable for scheduling within the same event, but will generally be restricted to an interior position of a commercial pod.

TECHNICAL EFFECTS

STANDARD

Visual Effects (“VFX”) used in advertising are subject to review in terms of safety parameters for viewers with certain health related conditions. Some problematic VFX for television can include flashing or intermittent visual effects.

Fanciful use of technical effects including, but not limited to, pixilation, black bars, color bars, advisories, and bleeps, are generally not acceptable.

Use of the EAS alert and/or tone, or similar effects or tones, are not acceptable.

TELEPHONE NUMBERS

STANDARD

The use of real telephone numbers as props in advertisements is prohibited.

GUIDELINES

- I. In accordance with the North American Numbering Plan Administration, the only local telephone numbers permissible must fall into the following numerical range: 555-0100 through 555-0199.
- II. An advertiser which uses its own telephone number in the context of its own advertising must confirm and ensure ownership of that number during the lifespan of the commercial in question.

TEXTING REQUESTS

STANDARD

Advertising containing mobile texting requests must contain the disclosure, “Message and data rates may apply,” when applicable.

TOBACCO

STANDARD

Advertising for cigarettes, electronic cigarettes, “smokeless” tobacco, cigars, etc., or for products which promote their use is unacceptable. The use of such tobacco products as props in commercials should be avoided.

Health claims, express or implied, for tobacco products are unacceptable.

Advertising for clinics and products for the purpose of assisting people to stop smoking is acceptable.

VIDEO GAMES

STANDARD

Advertising for video games should accurately represent the actual content of the game. However, depictions of extreme violence, sexual themes, and profanity are unacceptable. While the content of the advertisement and its accurate reflection of the underlying game is a primary concern, the substance of the advertised game itself will also be considered.

If a video game is rated, the rating must be prominently displayed in the advertising and be legible. If a game is not yet rated, acceptance and scheduling decisions will be made on a case-by-case basis.

Advertising for video game consoles (or any advertising featuring a video game as a secondary mention) that also contains game footage or otherwise promotes a video game must include the industry-sponsored video game rating of that game.

GUIDELINES

- I. A number of factors are taken into account when considering the approval of and/or scheduling restrictions for video games. These include violent content, dangerous or anti-social behavior, sexual themes, and taste concerns. In addition, horror/sci-fi themes will be taken into account.

- II. M-rated video games are reviewed on a case-by-case basis for content and are restricted to scheduling within post-10:30PM ET (post-9:30PM CT) programming. (For more information on ESRB ratings go to www.esrb.org.)
- III. For scheduling purposes, RP (rating pending) video games, if accepted, will be treated as M-rated video games, until the actual rating is established.

VITAMIN SUPPLEMENTS

STANDARD

The Dietary Supplement Health and Education Act (DSHEA) defines “dietary supplement” as an ingestible that contains a dietary ingredient intended to supplement the diet.

While not permitting claims that a dietary supplement can treat, cure, or prevent any disease, DSHEA does permit “structure/function” claims. These are claims that describe the helpful impact of the product on the structure or function of the body (i.e. efficacy claims).

DSHEA does not require that substantiation be provided to the FDA before a dietary supplement is marketed. However the Federal Trade Commission, which has jurisdiction over the advertising of dietary supplements, has affirmed its requirement that all claims must be fully supported with substantiation developed prior to the making of those claims.

ABC will scrutinize with the utmost care advertising for dietary supplements that contains claims involving serious health considerations, or that is directed to particularly sensitive groups (e.g. pregnant woman, infants).

Advertising for dietary supplements must generally carry the following (or similar) super which is also required for package labeling by DSHEA: “These statements have not been evaluated by the FDA. This product is not intended to treat, cure or prevent any disease.”

GUIDELINES

- I. Vitamin or dietary supplement advertising must be supported by competent and reliable scientific evidence. Studies submitted in support of any efficacy claims should have been conducted on the advertised product as sold to consumers. Studies on other products, other formulations of the advertised product, or on the individual ingredients that compose the advertised product, may provide helpful background information, but may not be sufficient to support efficacy claims.
- II. Claims about the safety of dietary supplements, and claims that compare or equate dietary supplements with OTC or Rx drugs, explicitly or by implication, are unacceptable. Likewise, express or implied claims that vitamin or dietary supplements can replace or be equated with foods or food values (e.g., when dieting), are unacceptable.

- III. Claims of comparative efficacy are generally not acceptable. Superiority claims may not be made on the basis of a quantity of vitamins (e.g., milligrams) greater than the Recommended Daily Value. Claims of comparative formulation of individual micronutrients are acceptable (e.g., “Twice as much Vitamin C as the leading brand”), so long as comparative efficacy is not conveyed.
- IV. Vitamin or dietary supplement advertising should be directed to adults. Children may not appear as spokespersons. Children may not be depicted dispensing vitamin or dietary supplements to themselves or other children.

WEIGHT REDUCTION AND CONTROL

STANDARD

The advertising of products and services for the reduction, gain, and control of weight must comply with established nutritional evidence and medical opinion, as well as ABC Guidelines. Where the demonstrated weight loss for the individuals shown in a commercial is not typical, that fact must be clearly and conspicuously disclosed.

Weight-loss advertising must neither be directed to children nor depict children using the product/service.

GUIDELINES

- I. Representations that weight loss itself is easy, effortless, or quick are prohibited. For example, the FTC has flagged the following types of claims as generally unacceptable: (i) “Lose two pounds or more per week, without dieting or exercise;” (ii) “Eat what you want. The more you eat, the more you lose;” (iii) “Weight loss will be permanent (even after using the product);” (iv) “Block the absorption of fat or calories and lose substantial weight;” (v) “Safely lose more than three pounds per week for more than four weeks;” (vi) “Product causes substantial weight loss for all users;” and (vii) “Diet patches, creams, wraps, earrings, and other products worn on the body or rubbed into the skin cause substantial weight loss.” (See www.ftc.gov for full details.)
- II. Nutritional and medical authorities agree that to lose weight, people must consume fewer calories than they expend for energy. Exercise is helpful in burning calories and toning muscles, but to lose weight, exercise must be regular and generally be accompanied by a reduction in calories. Weight loss is highly individual and subject to many variables: physiological status, state of health, age, amount and intensity of physical activity, rate of metabolism, total diet, and environment.
 - A. Advertising should refer to the product or service as a part of an overall, reduced calorie, dietary regimen.
 - B. Advertising should avoid overemphasizing any one factor in the weight-reduction

process because there are many varied factors which must be taken into consideration.

- C. Express or implied overstatements of the weight reduction capabilities of a product or service are prohibited.
- D. Due to the individual nature of weight loss, references to a specific number of pounds lost, a specific change in clothing size, a specific period of time involved in the process, or a visual change in a specific area of the body must be carefully presented and qualified. Generally, such claims are acceptable when:
 - 1. Sufficient empirical data has been provided to substantiate that claims are representative of the users of the product/service advertised. If an advertiser does not possess such empirical data, the advertiser must clearly and conspicuously disclose the generally expected results.
 - 2. The rate of weight loss should not exceed 2 pounds per week.
 - 3. Claims are qualified with an audio and/or video disclosure (appropriateness to be determined on a case-by-case basis) of the length of time it took to lose the weight.
 - 4. There is a disclosure that weight loss and weight maintenance varies between individuals.
- III. Average results and the manner in which they were achieved should be clearly communicated or otherwise disclosed in the advertisement.
- IV. Since the maintenance of weight at a desired level generally requires adherence to a dietary regimen, advertising should not claim, directly or by implication, that weight loss will be permanent.
- V. The use of “safe” language must be adequately supported and accompanied by the disclosure “when used as directed.” This disclosure is also required in any advertising involving a diet product which contains a drug ingredient.
- VI. There may be no dwelling upon an individual’s fears and insecurities associated with being overweight and accompanying self-image or social stigma.
- VII. Low calorie foods will not be subject to the guidelines under this section unless specific reference is made to weight loss or weight loss programs.
- VIII. Representations that a change in mood will directly result from the ingestion of a diet pill or other diet products are prohibited.
- IX. Advertising for products containing ingredients known or suspected of causing harmful

side effects should affirmatively disclose such information.

- X. Advertising for products containing any ingredient that has been determined to be unsafe by the FDA or other governmental authority is unacceptable.

WHITE COAT RULE

STANDARD

The use of health related professionals or actors representing such persons is only permitted in advertising for products or services requiring a physician's intervention or a prescription (e.g. prescription medications or medical devices). Such professionals include, but are not limited to: doctors, dentists, nurses, pharmacists, physical therapists, nutritionists, nurses' aides, etc.

Such professionals and/or actors representing them are NOT permitted in advertising for OTC products or other non-prescription products where health or medical claims are made (e.g. vitamin or other dietary supplements, toothpaste, cosmetics, etc.).

A medical professional may appear in a commercial promoting his or her own services.

Appropriately qualified audio references to health care professionals are permitted when adequate documentation is provided to support a general professional endorsement of the product (e.g. "9 out of 10 dentists agree...").