

Digital Guidelines for All Product Categories

Self-regulation

Self-regulation is a system
by which the Industry
actively polices itself

Self-regulation in the Phil

Historical Background

- 42 years of self-regulation
- May 3, 1974 - Advertisers(PANA), ad agencies(4As), and media (KBP) bonded and agreed to regulate themselves
- Led birth to the formation of the Philippine Board of Advertising (PBA)
 - Aug 1989 – changed to Advertising Board of the Philippines (Adboard)
- Ad Standards Council (ASC) was established in March 2008 by tripartite organizations PANA, 4As, and KBP

Responsibility of the Industry

As a self-regulated industry, all of us in marketing & advertising communications have a RESPONSIBILITY

- The Public
- The Consumers
- To One Another

CONSUMER PROTECTION

Consumer Act of the Philippines (Republic Act No. 7394)

Consumer Act of the Phil. (RA No. 7394)

FALSE, DECEPTIVE AND MISLEADING ADVERTISEMENT

- **Article 110. *False, Deceptive or Misleading Advertisement.***

It shall be unlawful for any person to disseminate or to cause the dissemination of any false, deceptive or misleading advertisement by Philippine mail or in commerce by print, radio, television, outdoor advertisement or other medium for the purpose of inducing or which is likely to induce directly or indirectly the purchase of consumer products or services.

Consumer Act of the Phil. (RA No. 7394)

FALSE, DECEPTIVE AND MISLEADING ADVERTISEMENT

Article 112. Special Advertising Requirements for Food, Drug, Cosmetic, Device, or Hazardous Substance.

e) Any businessman who is doubtful as to whether his advertisement relative to food, drug, cosmetic, device, or hazardous substance will violate or does not conform with this Act or the concerned department's pertinent rules and regulations may apply to the same for consideration and opinion on such matter before such advertisement is disseminated to the public.

In this case, the concerned department shall give its opinion and notify the applicant of its action within thirty (30) days from the date of application; otherwise, the application shall be deemed approved.



The Ad Standards Council

Ad Standards Council

- The self-regulatory body of the advertising industry
- Non-stock, non-profit organization
- Composed of 3 sectors: advertiser, ad agencies and media
- Globally-recognized model of best practices in self-regulation

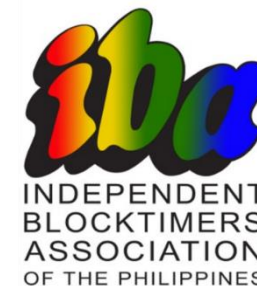
ASC Member-organizations



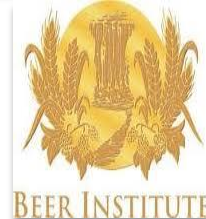
Other Affiliate Organizations



ADVERTISING
FOUNDATION
OF THE
PHILIPPINES



Local Gov't & Global Alliances



ASC Mission & Vision

Mission:

To **champion truth and fairness** in advertising within the context of the local environment and within the constraints of the laws of the land.

Vision:

To be seen as the **ultimate and respected authority** in the effective implementation of the policies and regulations governing advertising content.

Values:

Truth, Fairness, Professionalism, Respect, Leadership, and Service

Role & Function of the ASC

- Role: Content Regulation for Responsible Advertising
- Function: Screen advertising materials
Hear complaints
Resolve/Settle disputes

ASC Mandate

To protect consumers
from misleading and offensive advertising

Digital Guidelines for Brands

Digital Guiding Principles on Self-regulation

Scope

Relevant to all branded digital marketing communications (paid and unpaid), including but not limited to advertising and marketing communications on websites, such as social network sites and blogs, as well as mobile communications and applications, where the content of those communications is **under the control of companies' marketers and/or their designated agencies.**

Digital Principles on Self-regulation

Companies/Advertisers have control when:

1. They are authors of the content, or
2. Such content is produced and authorized for use in their behalf **and** they control the platform on which such content is placed, or
3. They are not the authors of the content (e.g. UGC) **but** they control the platform on which such content is placed.

As such, User Generated Content placed on 3rd party platforms which are neither owned nor controlled by the company, **does not** fall under the **control** of companies and are not covered by pre-screening.

General Rule

Digital, similar to print,
is **generally post-screened**

General Rule

Digital materials, in whatever format and placed in any digital platform, are generally post- screened **except** for those that fall under the following:

A. THEMES THAT REQUIRE PRE-SCREENING

1. With sexy tones, exposure of human body/ parts, similar subject or execution
2. With tones of violence or similar subject or execution such as, but not limited to, explosives and other dangerous products
3. **Consumer-directed promotions across all categories**

General Rule

Digital materials, in whatever format and placed in any digital platform, are generally post- screened **except** for those that fall under the following:

B. CLASSIFICATIONS THAT REQUIRE PRE-SCREENING

With direct/brand-identified comparison on categories where such comparison is allowed:

- Automotive vehicles excluding Automotive products
- Consumer durables like Appliances, Audio-visual Equipment, Electronic gadgets
- Airline and Shipping Lines
- Musical instruments, Entertainment
- Mobile products like Cellular Handsets, Tablets, Laptops and Notebooks

General Rule

Digital materials, in whatever format and placed in any digital platform, are generally post- screened **except** for those that fall under the following:

C. CATEGORIES THAT REQUIRE PRE-SCREENING

1. Products, brands, services covered by the Milk Code, and IRR of the Milk Code
2. Over-The-Counter (OTC) Drugs
3. Food Supplements/ Health Supplements/ Dietary Supplements
4. Alcoholic beverages in compliance with WHO directive
5. Airline and other Carriers with promotional fares

General Rule

Digital materials, in whatever format and placed in any digital platform, are generally post- screened **except** for those that fall under the following and therefore require pre-screening:

D. CLAIMS - defined as a word, phrase, statement or visual presentation that refers to an action, performance, quality or benefit to be gained from a product or service.

1. **Number 1 claim** or its equivalent like market leadership claim
2. **With product claim/s** that need/s to be substantiated. Product claims that pertain to product performance, attributes, and properties or service deliverables. They can be mention of ingredients, pricing, origin, etc.
 - a. With **exclusivity** claim - a claim to be the only product or service to provide or deliver said attribute/property/feature

General Rule

- b. With **absolute claim** - a claim that promises a guarantee of full delivery in product performance at all times
- c. With **comparative claim** - it claims advantage over another brand or service, previous formulation/properties or set of products. This claim must always be properly qualified as to what it compares itself with and/or against.
- d. With **superiority claim** - means a product or service is above and better than all other competitors in the category in all material respects, mainly when it comes to product performance or service delivery.
- e. With testimonial that includes specific claims regarding product or service performance that must be supported with independent evidence on the accuracy of, or consistent with, the actual product or service.

Clearing Multiple Claims/Lines/Visuals/Claims + Visuals For Use in Various Digital Materials

- For multiple claims/lines/visuals to be used in various digital platforms, submission for clearance to ASC can be done at one time, in one batch application.
- The corresponding support/substantiation for said claims/lines, as well as the intended layout/visualization of the materials in the various digital platforms, must also be submitted. This is for the review/better appreciation of the Screener on the proper usage of the claims/lines.
- Once approved, claims/lines/visuals can be used for a period of one (1) year from the date of approval, depending on the submitted support such as validity of CPR, promo permits, whichever is earlier.
- Each approved claim/line/visual will be given an ASC Reference Number for easy monitoring.

Digital Rates

Type of Material	Length	Member	Non-Member
Digital Static Ads/ Display Ads/Banner Ads/Search Ads/ Electronic Direct Mail	All sizes	550.00	660.00
Digital/Internet/Mobile Video Ads	5s - 30s	1,430.00	1,650.00
	31s - 60s	2,750.00	3,300.00
	Above 1 min but not more than 5 min	4,125.00	4,950.00
	Above 5 min	7,150.00	8,250.00
"Native Ads"		550.00	660.00
Sponsored or "Paid" Blog Posts		550.00	660.00
Multiple Digital Usage of Claims/Lines/Visuals in A Single Application	1 – 10 lines/claims	550.00/ line/claim	660.00/ line/claim
	11 lines/claims or more	450.00/ line/claim	550.00/ line/claim

Batch Application Rates

Type of Material	Same Materials That Can Be Applied at One Time/ in one Batch	Rate	Procedure
Moving Ads	TV, Digital Video (YouTube, FB), OOH Video (LED), Cinema	<u>20% discount on total cost</u> of applications for 3 or more materials (exact same material) and applied at the same time/ in one batch	<ol style="list-style-type: none"> 1. Submit One Application form per material 2. Attach 2 copies of storyboard for each material 3. Attach one (1) set of support documents only for the batch application 4. Each material will be given individual ASC Reference Number
Static Ads	Print ad, OOH static Ad, Digital Static (FB, banner ads, etc.)	<u>Members:</u> P550 for 1 – 5 materials; P450/material for 6th material onwards <u>Non-members:</u> P660 for 1-5 materials P550/material for 6th material onwards	<ol style="list-style-type: none"> 1. Submit One Application form per material 2. Attach 2 copies of layout for each material 3. Attach one (1) set of support documents only for the batch application 4. Each material will be given individual ASC Reference Number

Application of Ad Materials for Use in Various Media Types

- Advertisers/Ad Agencies can apply for clearance of materials to be used across media types in one batch application provided materials are exactly the same.
- **A TV 30s material will also be posted in YouTube and will be aired in Cinemas (total of 3 materials)**
TV30s @ P1,430 + YouTube @ P1,430 + Cinema @ P1,430
Total Cost = P4,290 less 20% = P3,432
- **A print ad which will also be posted at FB, at brand website, used as 2 banner ads and used as OOH (total of 6 materials)**
P550 (for first 5 materials)+ P450 (6th material)
Total Cost = P1,000

**Each materials will be given individual/separate ASC Reference Numbers.
Batch application saves manhours ~ costs in preparing support documents
if materials are applied separately.**

ASC Reference Code in Digital Materials

- Mandatory government/industry statements and ASC Reference Code **should be within the main visual.**

However, if there is space constraint, the ASC Reference Code can be placed at the Description or Caption Box but the mandatory government/industry statement **MUST** remain within the main visual to avoid sanctions with concerned government agencies

- Similar to non-digital materials, a Party-of-Interest can complain about an Advertiser's/Digital Agency's digital material/s despite being given clearance for posting by the ASC



Additional Guidelines Specific to Over-the-Counter (OTC) Drugs Digital Advertising

Clearing of Multiple Materials for Use in Various Media

- Claims outside of the pre-approved consumerized lines must be applied by the Advertiser/ Agency with corresponding support documents.
- For previously-approved claim/s in non-digital materials, these will still have to be cleared with ASC if these are intended to be used in digital.

This is being done to ensure applicability of the approved claim/s in a different layout, situation, medium, etc.



Additional Guidelines Specific to Alcohol Beverages Digital Advertising

Illustrations for Alcohol Beverage Digital Advertising

- **For Claims:**

- Does the material have a copy or visual claim that has not been previously approved by the ASC for use in digital materials?
 - If yes, then have the claim cleared and approved with ASC.
 - If no, then the material does not have to be pre-cleared and approved by the ASC.

Go ahead and publish, but don't forget to include the ASC number in the material with the cleared claim.

- **Specific to Visuals**

- Does the material have sexy or violent tones?
 - If yes or if you are in doubt that it can be misinterpreted by the general public as to reflect the above, have the visual cleared and approved by ASC.
 - If no, best to do the Claims Check previously stated.

Illustrations for Alcohol Beverage Digital Materials

- **For Availability Materials, Engagement Materials, Real-Time Reactive Marketing, Coverage of Events (Facebook Live, Periscope, Recap Videos, Pre-Event Trailers):**
 - The general rule is that these are not to be cleared and approved by the ASC, unless:
 - The material contains or is appended with a claim. Should the claim be part of those pre-cleared and approved, material can be posted without clearing with the ASC.
 - The material contains sexy or violent tones. If this is the case, material should be cleared and approved by the ASC.

Examples of Alcohol Beverage Digital Materials to be Cleared with the ASC

- **Engagement Materials**

- Situation: Guy's point of view of a girl at a club holding a bottle of beer
 - Copy: "Kaya mo 'yan bro! Meet more when you drink San Mig Light."
- ASC Reco: Brand needs to clear the line "Meet more" one time for use over a period of one year. Note that when clearing, proper support/substantiation has to be presented/appended.

- **Real-Time Reactive Marketing – Sample 1**

- Sample: Stylized photo of queen's crown
 - Copy: "Congrats Pia! From San Miguel Flavored Beer."
- ASC Reco: No need to clear since there is no claim in the copy.

Examples of Alcohol Beverage Digital Materials to be Cleared with the ASC

- **Real-Time Reactive Marketing – Sample 2**
 - Situation: Stylized photo of queen's crown
 - Copy: "Congrats Pia! From San Miguel Flavored Beer, the beer bursting with flavor."
 - ASC Reco: Brand needs to clear the line "bursting with flavor" one time for use over a period of one year. Note that when clearing, proper support/substantiation has to be presented/appended.
- **Availability Materials – Sample 1**
 - Situation: Photo of Superclub 7 Interior
 - Copy: "San Mig Light now lets you party all night at Superclub 7."
 - ASC Reco: Brand needs to clear the line "Party all night" one time for use over a period of one year. Note that when clearing, proper support/substantiation has to be presented/ appended.

Illustrations of Alcohol Beverage Digital Materials to be Cleared with the ASC

- **Availability Materials – Sample 2**

- Situation: Photo of Superclub 7 Interior
 - Copy: “Finally, you can order San Mig Light at Superclub 7.”
- ASC Reco: No need to clear with the ASC as there is no claim made.

- **Coverage of Events (Event Teaser or Recap) – Sample 1**

- Situation: Image of Red Horse Musiklaban Crowd with stylized sound waves coming from the stage.
 - Copy: “Ang lakas talaga ng tama pag may Red Horse ang gig (followed by the logo of Red Horse Musiklaban.”
- ASC Reco: Brand needs to clear the line “ang lakas talaga ng tama pag may Red Horse ang gig” one time for use over a period of one year.

Illustrations of Alcohol Beverage Digital Materials to be Cleared with the ASC

- **Coverage of Events (Event Teaser or Recap) – Sample 2**
 - Situation: Image of a guitar amp and guitar
 - Copy: “Are you ready to rock out non-stop at the Red Horse Musiklaban Finals? (followed by the logo of Red Horse Musiklaban.”
 - ASC Reco: No need to clear with the ASC as there is no claim made.

Frequently Asked Questions

Criteria in Determining if a Material is an Advertisement

- If advertising claims are made
- If airing time, publication, display, posting or feature of the material has been paid for, whether in cash or in kind, or as part of a total package resulting from Ad Agency's/ Advertiser's transaction, regardless of time or frequency of airing/ publication/ display/ posting."
- If a claim on a pack or label is prominently featured or specifically highlighted in an advertisement, it shall be deemed as part of the advertisement, thus shall be covered by the ASC Rules.

What Digital Advertising is Covered by ASC

- Banner Ads/ Lightboxes
- Facebook Page Posts that are Boosted
- Videos (Posted on Facebook, Instagram, Twitter, YouTube)
- Facebook Ads (static, moving, video formats)
- Emails and Text Ads to Non-community members
- Paid inclusion/paid search (Search ads)
- Online in-game advertising

**It does not matter whether the ad is PAID OR UNPAID.
What matters is whether or not the Advertiser has
control of the content and platform to be used.**

Examples of Digital Advertising Covered by ASC

- All claims made by a brand, whether paid or not, and are posted or uploaded in platforms wherein the Advertiser has control over will have to be cleared with ASC
 - Advertiser posts an ad of Brand X with claims in their own website, FB page, IG or Twitter accounts and the like
 - Claims posted by Advertiser even in a conversation thread in FB, IG, Twitter, etc.
 - Posts of claims made by brands' ambassador/s, Ad Agencies and all other entities that the Advertiser has contracted
- All advertising in all platforms that Advertiser has control over content

What Does it Mean Advertiser Has Control

- Owned Media such as corporate or brand website
- Organic page posts
- Posts that are boosted
- Social Media Engagements such as FB/ Twitter replies
- Emailers and Text Ads to community members
- Earned Media such as blogs and organic consumer testimonials

These are covered by the ASC guidelines because these are platforms wherein the Advertiser has control over content.

Do Digital Ads Without Claims Require ASC Clearance

- All advertising of OTC drugs and alcohol beverages, with or without claims require ASC clearance
- However, certain materials like greetings or live FB coverages, without claims, don't need ASC clearance

Clarifications on OTC Consumerized Lines

- **Will ASC issue a Mother Clearance on recently approved consumerized lines?**

The consumerized lines have been approved as is in consultation with FDA-CDRR. They take a different dimension when applied in an ad material (add video, audio, SFX, etc.). Hence, the ad material containing the consumerized line still must be cleared with the ASC.

- **What about different renditions of the consumerized lines?**

The approved consumerized lines are supposed to be the creative articulations of a product's action and/ or benefit. To have a different rendition of the approved consumerized line will need further consultation with FDA-CDRR.

Clarifications on Consumerized Lines

- **Claims contained in product packaging/ PIL**

Claims contained in packaging/ PIL, when used in an ad material, may take on a different meaning with the addition of context, visuals, music, sfx, etc and, therefore, must be cleared with ASC

- **Brand taglines**

If you want to use taglines, these will be treated as consumerized lines and, therefore, must be cleared with ASC

- **Can a Mother ASC Clearance be used in all advertising/ merchandising platforms (TV, radio, print, digital, in-store merch, etc.)**

The ASC does not give mother clearance, only clearance on a per material per medium basis

Other Clarifications

- What about one ASC clearance for a digital material that bears exactly the same message or copy and visuals in different types or sizes (static ads)
- What about one ASC Clearance for a material that will be used in different digital platforms (moving ads)

ASC does not give one or mother clearance to multiple materials

Other Clarifications

- **What about KVs and copy that will be used as one batch for one-time clearing and application?**

The ASC will give a 20% discount for multiple applications of the same material (exact rendition of copy and visual in different sizes) if applied at the same time.

Other Clarifications

Can post-screening be applied for testimonials and consumer verbatims in organic consumer posts that brands repost as ads in social pages, i.e., substantiation will come in the form of screenshots of actual posts/direct messages of consumers and no need for signed certification from the consumer?

Testimonials and consumer verbatims during a conversation cannot be cleared with the ASC. However, once the Advertiser or any of its entities boost these testimonials and verbatims, they become claims and, therefore, need to be cleared with the ASC.

Other Clarifications

- **Guidelines for event announcements/ invitations**
No claim and not promo related, no need for ASC clearance
- **Guideline for consumer promos**
Mandatory clearance
- **Guideline for brand conversation with consumers (e.g., customer inquiry, brand reply, twitter interjections, etc.)**
Testimonials and consumer verbatims during a conversation cannot be cleared with the ASC, however, once the Advertiser or any of its entities boost these testimonials and verbatims, they become claims and, therefore, need to be cleared with the ASC

Other Clarifications

- **Brand-related post (e.g., testimonial/ TVC) shared by endorsers/ production crew/ ad agency out of their own volition**

Testimonials and consumer verbatims during a conversation cannot be cleared with the ASC. However, once the Advertiser or any of its entities boost these testimonials and verbatims, they become claims and, therefore, need to be cleared with the ASC

Other Clarifications

- **Guidelines for e-commerce which is not covered by ASC**
 - Drive to site ads with brand names but without claims/taglines
No need to clear with the ASC
 - Drive to site ads with brand names and claims/taglines
Mandatory to clear with the ASC



**Thank you for supporting
self-regulation!**