

**The 6th BRAF Meeting
Yerevan, Armenia**

Commercial Communication

**Coordinating Council of Audiovisual
Republic of Moldova**

Legislative Framework

- **European Convention on Transfrontier Television** adopted on 5 May 1989;
- **Audiovisual Code nr. 260-XVI** adopted on 27 July 2006;
- **Law on advertising no. 1227 of 27.06.1997**;
- **Decision no. 133 of 23.12.2009** on broadcasting of advertising spots of alcoholic products in radio and TV program services;
- **Decision no. 13 of 11.02.2010** on broadcasting of advertising spots of pharmaceutical products in radio and TV program services;
- **Decision no. 1 of 25.01.2013** on broadcasting of social messages to promote a healthy lifestyle;
- **DIRECTIVE 2010/13/EU of the European Parliament and of the Council on audiovisual media services of 10 March 2010** (with the status of recommendation).

General principles on CC

- Advertisers shall not exercise any editorial influence over the content or production process of programs.
- Subliminal and surreptitious commercial communication is not allowed.
- Commercial communication are broadcast in State language, and if advertising provider requires, it can be broadcast in other language, under the provisions of the Constitution of the Republic of Moldova, Law on spoken languages on the territory of the Republic of Moldova, as well as international agreements to which Moldova is party.
- It shall not be allowed in commercial communication the use of state symbols, names and abbreviations of companies, enterprises, institutions and organizations.
- Commercial communication shall be loyal and fair.
- Advertising shall not mislead nor damage the interests of consumers.
- Self-promotion is not considered commercial communication and is broadcast for free.
- Commercial communication spots shall be transmitted in blocks and clearly distinguishable as such and recognizably separate by optical or acoustic means from other items of the program service.
- Broadcasters shall obligatory place their own logotype within the provided block, thus, indicating the legal person responsible for broadcasting the advertising.

Advertising

- The transmission time for advertising spots shall not exceed **15%** of the of the broadcast television service program. The transmission time for teleshopping spots, advertising spots and other forms of advertising, shall not exceed **20%** of the daily transmission time.
- The duration of advertising spots within a given clock hour shall not exceed **12 minutes**.
- Advertising and teleshopping shall not:
 - use subliminal techniques;
 - feature, visually or orally, persons regularly presenting news and current affairs programs;
- Advertising, including self-promoting advertising, and teleshopping shall comply with the following rules:
 - they shall not prejudice the physical, psychical or moral development of minors;
 - they shall not prejudice the human dignity;
 - they shall not include any discrimination form on basis of race, religion, nationality, etc.;
 - they shall not be offensive at the address of religious or political beliefs of viewers and listeners;
 - they shall not encourage a conduct that can damage the public health, safety or the environment;
 - they shall not encourage an indecent or immoral conduct;
 - they shall not promote, directly or indirectly, occult practices.

Teleshopping

- Teleshopping programs shall last no longer than **15 minutes** without interruption. The maximum number of teleshopping programs per day shall be **8**, and their total duration shall not exceed **3 hours** per day.
- Teleshopping programs must not:
 - ❖ directly encourage minors to persuade their parents or other persons to purchase goods or services that represent the object of the advertising;
 - ❖ exploit the special trust that minors have into parents, teachers or other persons;
 - ❖ show minors in dangerous situations;
 - ❖ urge minors to contract for the sale or rental of goods and services.

Conditions for alcoholic beverages subject of Commercial Communication

- a) shall not be addressed to minors or depict minors consuming alcoholic beverages;
- b) shall not establish a link between alcohol consumption and the improvement of physical, mental or driving performance;
- c) shall not claim that alcohol is a stimulant that can lead to better social or sexual performance;
- d) shall not claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of solving personal problems;
- e) shall not encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- f) shall not place undue emphasis on the alcoholic content of beverages.

Product placement

- Product placement is allowed in program services which represent domestic products.
- Program services in which products are placed shall meet the following requirements:
 - they shall not affect the responsibility and editorial independence of the broadcaster;
 - they shall not directly encourage the purchase or rental of the products or services;
 - they shall not highlight the products and/or services.
- Broadcasters are obliged to broadcast the product placement announcement:
 - at the beginning and end of the program;
 - at resumption, after a commercial break of the program.
- Announcement shall ensure a clear and visible perception of the message.
- Verbalization shall not contain references to the identifying characteristics of the placed product.
- Product placement is accepted in the following ways to use the product: background, handling (touching the product), exposure (use of the product), wardrobe (wearing the product), verbalization (reference to product), verbalization and handling (at the same time).
- The total volume of time used for product placement in programs that constitute domestic production can not exceed two minutes out of a total of 30 minutes of programs.

Sponsorship

- Programs shall not be sponsored by natural or legal persons whose main activity is the manufacture or sale of tobacco products.
- Programs sponsored by persons whose activity includes the production or sale of health products or health cures can be done only by promoting the name or image of the given person, excluding any reference to medicines or specific medical treatment.
- Only domestic products can be sponsored. The sponsorship of news and current affairs programs shall not be allowed.
- Sponsored programs shall meet the following requirements:
 - the content and schedule of sponsored programs shall not be influenced by the sponsor in such a way as to not affect the responsibility and editorial independence of the broadcaster in the specific program;
 - sponsor's appropriate credits shall clearly be identified as such at the beginning and/or end of the program;
 - they shall not encourage the sale, purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services in such programs.

Social Advertising

- Social advertising represents the interest of society and of state in in terms of promoting a healthy lifestyle, healthcare, environment protection, energy resource integrity, social protection of population.
- Nonprofit advertising pursues philanthropic goals of social importance.
- Public social announcements, charity appeals, spots supporting national communication campaigns that promote social messages are broadcast **free of charge**.

Programs without Commercial Communications

- Commercial communication cannot be inserted during celebration of **religious service broadcasting**.
- The following programs shall not be interrupted by advertising or teleshopping when their scheduled duration is less than thirty minutes:
 - **news and current affairs programs;**
 - **children's programs;**
 - **documentaries;**
 - **political programs.**

Products that cannot be subject of Commercial Communication

- **tobacco;**
- **arms, munitions and military equipment;**
- entrepreneurship related to running **casinos**, halls with **slot machines**, **bets** and **financial gains** obtained as a result of participation;
- **medical treatment and medicines** which are only available with medical prescription shall not be allowed (the advertisement for pharmaceutical products and medical treatments that do not require a prescription shall include a recommendation to consult a doctor or a druggist in case of any side effects and the marketing license number issued by state bodies will be placed on the screen for 5 seconds or throughout video advertising).

**THANK YOU
FOR YOUR ATTENTION!**