

Austrian Advertising Council

The self-regulating body of the Austrian advertising industry

valid from 9. February 2018

ADVERTISING INDUSTRY ETHICS CODE

In Austria - as in almost all European countries - a dual system exists for the restriction of advertising; comprised of legal regulations on the one hand and self-restricting guidelines on the other. The ethics code of the advertising industry constitutes a core area of the Austrian system for the protection of consumers against the misuse of advertising. Self-disciplinary mechanisms within the advertising industry serve to monitor and correct erroneous publications and erroneous developments in advance of and on the boundaries of the legal regulations. The self-restricting guidelines of the advertising industry of a country must be relational to the extent of statutory advertising regulations. The more advanced the legal regulatory system applicable to advertising and consumer protection within a country - and in Austria this is already highly comprehensive - the greater the shifting of the role of self-restricting guidelines towards the scope of the ethics and morality to which commercial development processes are subjected (with an ever-increasing speed of change). In light of the fact that these elements cannot be regulated - because they are constantly changing and developing, and constitute a phenomenon that is both culturally specific and difficult to interpret - a certain degree of advertising self-restriction is essential. The ethics code for the advertising industry - i.e. the full scope of self-restriction guidelines voluntarily accepted by the Austrian advertising sector - is divided up into two parts. The first part, the "[Basic rules of conduct](#)" principally encompasses guidelines relating to the sensitive areas mentioned and constitutes the core element of the ethics code of the advertising industry. The second part, "[Special rules of conduct](#)" governs areas that are particularly current over time, both nationally and internationally - we are on the path towards a communicating society without borders - and which therefore require special regulations.

1. Basic rules of conduct

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1. BASIC RULES OF CONDUCT

1.1. GENERAL PRINCIPLES OF ADVERTISING

Preamble

Advertising can and should not occupy the vacuum outside of national and international legal framework conditions, ethical and moralistic values and the associated demands of society. The commitment of the advertising industry to the market economy, competition and freedom to express opinions is ensnared in the legal and ethical foundations on which state and society depend with their society-building standards and goals, and in the knowledge that advertising has influences on the whole of society due to its mass effect. Within the scope of socialisation the messages conveyed by adverts have a conscious and subconscious effect on the perception and development of identity, in particular in children.

Advertising therefore contributes to social responsibility and must take into account the rights, interests and feelings of individuals and groups of people.

1. Adverts should be characterised by the principle of social responsibility, in particular with respect to children and young people under the age of 18.
2. Advertising must be legally permissible and must strictly observe the legal regulations.
3. Advertising must reflect the principles of integrity, as these are generally recognised within economic life.
4. Advertising must not contravene generally accepted moral practice.
5. Advertising must not constitute an affront to human dignity, in particular due to a degrading depiction of sexuality or any other form of discriminating representations.
6. Advertising must not contravene the principle of honesty and truthfulness.
7. Advertising must not mislead through imitative or unrepresentative depictions.
8. Advertising must not contravene the right to privacy protection.
9. Advertising must be clearly discernible as such.
10. Advertising must not exercise any direct or indirect pressure on consumers to buy.
11. Advertising should not be used on the advertising media, which obviously contradict Austrian legislation.

1.2. ETHICS AND MORALITY

Preamble

Advertising is in the public eye and as such bears social responsibility. Irrespective of the fundamental right to express personal opinion - and in light of the legal boundaries of the same - it is essential to take into account the fact that advertising has effects on society.

When formulating adverts it is necessary to responsibly balance this with the question of whether or not a subject is compatible with the legal standards and ethically moral values of society.

The reference framework to be applied for this purpose encompasses the general human rights.

1. Advertising bears social responsibility
 - 1.1. Advertising is required to respect human dignity and personal integrity and must not infringe this.
 - 1.2. Advertising may not discriminate directly or indirectly against any person, in particular on grounds of gender, ethnic affiliation, colour of skin, ethnic or social origin, genetic characteristics, language, religion or belief, political or any other views, national minority, citizenship, social status, any disability, age, sexual orientation or any other reason.
 - 1.3. Suffering, misfortune and death must not be misused for the purpose of advertising; such representations are rather only then permissible if they have the objective of countering the suffering, misfortune or accidents, bringing a social problem, a grievance, to the public's attention, or if a product is being advertised in a directly connected context (for example a headstone).

1.3. VIOLENCE

Preamble

Definition of violence

(according to the world report on violence and health – definition of the World Health Organisation)

In this context violence means the intentional and actual use or threat of physical force against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.

In our society there is a clear trend towards a readiness to use violence and towards violence itself. This development, which has numerous roots, cannot be endorsed for any reason - neither on ethical/moral nor social grounds. Any means that assist in halting or weakening this trend are welcomed. Advertising is called upon - due to its social responsibility - to inhibit violence-depicting and violence-promoting statements and contents.

According to the Austrian Advertising Council violence includes physical, psychological and sexual violence.

1. Advertising must not contain violent representations.
 - 1.1. Advertising must not contain any violent, violence-belittling, violence-numbing or violence-glorifying contents.
 - 1.2. It must not contain any representations or statements that depict brutal, aggressive, asocial or violent conduct or that encourage any such behaviour, promote this or condone it in any way, irrespective of the form of implementation (e.g. in the form of animation, comic, etc.).
 - 1.3. In addition to physical violence, advertising should not include the presentation of psychological or sexual violence (such as bullying, stalking). Even violent, aggressive verbal abuse is inadmissible.
 - 1.4. In addition, visuals that contain sexual violence must be rejected.
 - 1.5. The portrayal of violence against animals as well as vandalism as a content or stylistic component of advertising messages is to be omitted.
 - 1.6. Advertising should not create anxiety or fear. Fearful and frightening representations and statements may only be made if they animate to a wise, reasonable, legally compliant and safe behaviour. However, it should be noted that representations that evoke anxiety and fear are appropriately proportional to the actual respective risk or danger.

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- 1.7. Advertising may not transport content that does not appear to be violent on first sight, but that can be considered violent in its overall context. Even violent, aggressive verbal abuse is inadmissible.
 - 1.8. Massive violence should not be depicted humorously.

2. Weapons advertising

Preamble

When weapons are advertised, accounts must be taken of the particular dangers of improper use associated therewith.

Austrian Arms Act (1996) serves as basis for the definition of weapons. Weapons are defined in §1 of the WaffG as objects which, by their very nature, are intended to eliminate or reduce the ability of humans to attack or defend themselves by direct action, or to be used for hunting or shooting sport.

- 2.1. When weapons are advertised it is important to ensure that the particular risk posed by their improper use is unconditionally taken into account. Therefore, when advertising weapons, labelling should be done by means of a warning notice “Weapons endanger health and life if handled improperly”.
- 2.2. Weapons may not be depicted in actual use directed against living beings.
- 2.3. When weapons are advertised, any trivializing or glorifying presentation must be disclaimed.
- 2.4. The humorous representation of weapons must be declined.
- 2.5. Weapons may not be displayed without direct connection to the advertised product.

1.4. HEALTH

Preamble

Health is a highly comprehensive term. Health is not only to be seen as personal - the degree of physical, psychological and social well-being - but also in a general social context with the respective macroeconomic implications. The state of health, which has a great influence on both the personal quality of life as well as the social well-being, is subject to constant fluctuations and its evaluation differs on a highly personal basis. Health-related statements therefore demand a heightened sense of responsibility.

1. Health advertisements must not discriminate.
 - 1.1 No representations or statements may be made that reduce or degrade individuals due to their physical or mental-psychological weaknesses or illnesses. The same applies to the physical appearance and the person's looks.
 - 1.2 No representations or statements may be made that propagate harmful behaviour or health-damaging body shapes, in particular with regard to body weight (e.g. bulimia, anorexia, obesity, etc).
2. Advertising should not trivialise the consumption of medicines or any other health or nutritional supplements, and should not encourage an excessive consumption.
3. Advertisements for medicines or other health or nutritional supplements must not be targeted to children.
4. Advertising of medicinal products or other health and nutritional supplements, in particular for weight loss and cosmetics, is not intended to exert direct or indirect purchasing pressure on consumers.
 - 4.1 No representations or statements should be made, which are intended to prey on the hopes of suffering individuals.
5. Health advertisements should not mislead.
 - 5.1 Information that relates to physiological or pharmacological effects and that provides consumers with an impression that the advertised product maintains "health", delays or reverses the ageing process, reduces the bodyweight without a change in lifestyle, simulates a dietetic effect or similar are to be avoided.
 - 5.2 Advertising should not use any medical or scientific specialist terminology that could mislead the average consumer.
 - 5.3 No representations or statements are to be made that give the impression that natural products - in particular remedies - are generally more effective or safer than others.

- 5.4 No representations or statements shall be made, that give the impression that an advertised product may be effective with a treatment of addictive dependencies or in quitting bad habits without any particular requirement for the willpower of the consumer.
- 5.5 With respect to vitamin and mineral supplements and other preparations or additives no representations or statements are to be made that give the impression that such products are a true substitute for a balanced diet and healthy nutrition, or that these products provide effective protection against illness.

1.5. SAFETY

Preamble

Safety is a basic human need. Increasing and maintaining general safety is not only a task of the state but also of each individual person. The state is commissioned by the population - through the passing of respective laws and standards - to maintain the confidence of the individual(s) in society, in order that chaotic situations, characterised by uncertainty, may be avoided. However, in addition to this state function each individual member of society is co-responsible for maintaining safety within a country. Responsible advertising is therefore also required, which does not endanger general safety through respective representations and statements.

1. Advertising must not endanger general safety.
 - 1.1 No representations or statements are permitted, which depict safety-endangering behaviour or situations, or which could encourage such behaviour. Representations of armed conflicts, violent or asocial behaviour in particular must be avoided.
 - 1.2 Advertising must not use any image material that induces a risk of accidents. The representation of the incorrect or reckless use of machinery, automotive vehicles or other products in particular must be avoided.

1.6. ENVIRONMENT

Preamble

With increasing environmental pollution and the depletion of resources, environmental protection has become an important - in part even vital - social concern. Environmental protection exceeds beyond the basic obligation to respect mankind, animals and the environment and encompasses the sustainable improvement and maintenance of environmental quality, in order that future generations may also experience a habitable environment. The responsibility of our generation not only encompasses maintaining the quality of life of our own generation, but also that of future generations.

Many consumers and organisations have understood the signs of the time correctly and act with environmental awareness. Consumers are increasingly demanding more environmentally friendly products and industry is reacting with the requisite goods. Active environmental management is no longer an alien term to industry. However, problems do still arise - due to the scientific and technical complexity of environmental concerns as well as the increasing emotionalising of this field - which are present in particular within the sphere of responsibility of the advertising sector. The self-restriction measures applicable to advertising are intended to prevent the "black sheep" from being able to convey an unjustified "green" image and mislead consumers in this way.

1. Advertising that relates to the environment demands particularly sensitive handling, in order that misconceptions do not arise.
 - 1.1 No representations or statements are permitted, which cannot be backed up by facts.
 - 1.2 If products have demonstrably had no adverse effects on the environment to date then no representations or statements should be presented in advertisements, which may convey the impression that the product has been made sustainably environmentally friendly; in particular through technical production measures.
 - 1.3 No representations or statements are permitted, which compare the various product groups or various materials with respect to their environmental effects (e.g. plastic versus paper). Such comparisons should be particularly avoided if it is possible that the consumer may be misled due to the complexity of the subject matter or the rapid scientific and technical development within a field.
 - 1.4 No scientific terminology should be used unless this is absolutely essential or unless its use cannot mislead.
 - 1.5 The use of environmental symbols and seals is not permissible where such symbols or seals are not generally recognised and where erroneous facts may be conveyed.

1.7. UNLAWFUL ADVERTISING ENVIRONMENT

Preamble

With the increasing importance of advertising in web media (banner advertising, internet ads etc.), the question of ethical evaluation of the advertisement environment is becoming more and more common.

Advertising on web media when their main purpose and effect obviously contradicts the relevant laws applicable in the territory of the Federal Republic of Austria (see example list in the following paragraph), contradicts also the general advertising principles. It must be the concern of a responsible advertising industry not to place their advertising in such a promotional environment. This makes it especially applicable to online area.

Advertising media whose main purpose and mode of action are obviously contrary to the applicable laws in the territory of the Federal Republic of Austria are, in particular, advertising media with the following obvious main purpose and/or the following main mode of operation:

- Violation of the Data protection Act;
- Violation of rights under copying law;
- Violation of the (NS-) Prohibition Act 1947;
- Violation of the Pornography Act and/or the provisions of the Criminal Code on criminal offences against sexual integrity and self-determination;
- Violation of the provisions of the Criminal Code on punishable acts against the public peace (in particular the dissemination of terrorist and/or hateful contents);
- Violation of the War Materials Act and/or the Weapon Acts;
- Violation of the Narcotic Substances Act.

2. SPECIAL RULES OF CONDUCT

2. Special rules of conduct - persons

- 2.1. Gender discriminating advertisement (sexist adverts)
- 2.2. Children and young people
- 2.3. The elderly

3. Special rules of conduct - addictive substances

- 3.1. Alcohol
- 3.2. Tobacco

4. Special rules of conduct

- 4.1. Automotive vehicles

2. SPECIAL RULES OF CONDUCT - PERSONS

2.1. GENDER DISCRIMINATING ADVERTISEMENT (sexist adverts):

Preamble

In the past, the understanding of gender relations and self-image and self-perception of women and men has changed significantly. This change has also had a corresponding impact on the perception of women and men in society. Since advertising is not just a reflection of social attitudes, but has an impact on society, especially on what images and impressions of adults, children acquire in the context of socialization, advertising that violates the dignity of women or men is to refrain from discrimination. The reference framework to be applied here are general human rights; in the case of discrimination against women, the human rights of women.

1. Advertising must not discriminate on the basis of gender.

An important consideration here is the view of the advertising measure in the overall context. In particular, the used image-text-language, presentation-mode (aesthetics, artistic design elements), target group orientation and the environment in which the advertising campaign is placed are to be taken into account.

- 1.1 Gender discrimination in advertising (sexist adverts) is present in particular if
 - a) Women or men are depicted in a depreciating manner;
 - b) The equality of the genders is brought into question;
 - c) Submissions or subjugations are presented or conveyed, in which violence or dominant behaviour is tolerable;
 - d) The individual is reduced to their sexual characteristics and is put into the center of the advertising design;
 - e) Pictorial representations of naked bodies without any direct contextual relation to the advertised product. Essential here is the consideration of the overall context;
 - f) The dignity of the human being in the area of sexuality is violated;
 - g) Persons are degraded, who do not represent the prevailing view of belonging to a gender (e.g. intersexual, transgender individuals);

- h) Advertising sexual services - where this is legally permissible - must not harm the dignity of individuals, in particular those of sexual service providers, consumers and passers-by. The body and in particular male and female sexuality must not be depicted to an inappropriate degree. It is necessary in this regard to pay particular attention to the placement and the respective environment of the advertisement subject;
- i) Advertising must not feature, endorse, promote or glorify any incitement to hatred, in particular on the basis of the categories listed under 1.2 "Ethics and morality". Advertising must specifically contain no material that - when appraised within its respective context - endorses, promotes or glorifies violence against women, girls or boys in a sexual way.

2.2. CHILDREN AND YOUNG PEOPLE

Preamble

Children and young people are particularly at risk of abuse due to their lack of maturity and a lack of life experience. Legal ordinances therefore provide children and young people with particular protection, both within the framework of national and supranational law and through international agreements such as the UN convention on children's rights.

The Austrian Advertising Council has taken this situation into consideration and created special rules of conduct accordingly. Advertising containing children and young people, and adverts that are specifically aimed at children and young people should take into particular account the level of maturity and life experience of the children and young people. The form and manner in which children and young people perceive advertising and react to it must be taken into consideration in all advertising measures, in particular with respect to the fact that children learn through imitation.

The Austrian Advertising Council therefore appeals to all advertisers to act with responsibility awareness in relation to children and young people.

2.2.1. CHILDREN

(this includes all persons who are below the age of 12 years)

a) Advertising in general:

1. Advertising must not depict or allow violent, aggressive or asocial behaviour to appear acceptable or worthy of emulation.
2. Advertising must not communicate any contents or work with any images that could cause children physical, psychological or moral harm.
3. Advertising must not endanger the mental well-being of children, in particular through images that evoke anxiety or fear.
4. Advertising must not depict any dangerous, unhealthy or reckless actions or incite children to act in such a way.
5. Advertising must not contain or insinuate any upbringing measures that may affect or harm the physical or mental well-being and the dignity of the child. This applies in particular if such measures are presented by persons who embody the parents, any other person entitled to bring up the child or teaching personnel.
6. Advertising must not discriminate children if they do not purchase or own the advertised product. In particular, it is necessary to refrain from statements that exclude such children, for example by making them appear unpopular, socially inferior or unsuccessful.
7. Product-related information regarding the protection of minors and other warnings must also be clearly visible on advertising measures.

b) Advertising aimed specifically at children:

1. Advertising or sales-promoting measures must take into consideration the level of maturity and experience of children. Representations and statements must be appropriate for the respective age of the target group and must not overstrain or abuse children's imaginations.
2. Advertising with children must not be gender discriminatory.
3. The advertisement of products that are unsuitable for children, such as alcohol, tobacco, medication, weapons, nutritional supplements and slimming treatments as well as certain services (such as lottery games, betting) must not be aimed at children.
4. Children have limited knowledge, less experience and a smaller vocabulary than adults. Advertising must take this fact into account with simple, clear and comprehensible information and must not mislead children.
5. Advertising must not work with representations that cause children to demand/persuade their parents or third parties to purchase a certain product directly.
6. Advertising aimed at children must be specifically labelled or marked as such, so that it cannot be mistaken for part of the programme or an editorial piece.

c) Advertising containing children:

1. Children must not be depicted in an erotic or sexual manner and the representation of children must not be designed to awaken sexual desires.
2. Children must never be depicted in a degrading manner or made to appear ridiculous.
3. Children must not be depicted as the victims of any form of violence or as themselves violent.
4. Advertisements that contain products or services that are unsuitable for children, and which may affect or endanger the health or well-being of children, must not contain children as an advertising means; this applies in particular to advertisements for weapons, cosmetic surgery, lottery games, betting, tobacco and video games that contain contents unsuitable for children and/or the glorification of violence.

2.2.2. YOUNG PEOPLE

(this includes all persons who are between the ages of 12 and 18 years)

All of the points listed under 2.2.1 also apply to young people, in an age-appropriate form.

However, the following points must be taken into specific consideration in relation to young people:

1. Advertising must not depict any reckless and/or unhealthy or dangerous actions that young people are incited to imitate.
2. Advertisements containing young people or adverts that are aimed at young people are only permitted to contain representations or statements that are penally relevant, if these are to be understood as messages or instructions to behave in a legally compliant manner.
3. Advertisements for products such as tobacco, alcohol, medication, weapons nutritional supplements and slimming products must not be aimed at young people as a target group.
4. Advertisements for cosmetic surgery must not be aimed at under-18s.
5. In order to protect young people, no representations or statements are permitted, which may promote behaviour that is harmful to health.
In particular with regards to bulimia, anorexia, obesity, etc., it is necessary to ensure that body shapes - in particular with respect to body weight - that may be unhealthy are not propagated and are not ridiculed.
6. Furthermore, no representations or statements can be made that could promote an over-idealized appearance (e.g. facial corrections, breast enlargement, overtraining) as an aspired (beauty) ideal.

2.3. THE ELDERLY

Preamble

The significance and perception of the image of old age is of existential significance to our society's future. The manner and way in which the image of old age is depicted in advertising provides information on society's future handling of age. The future of our society should flourish on the basis of new, positive and cross-generation images of age.

1. Any discriminatory representation or verbal expression regarding the elderly, in particular in combination with gender-based discrimination, must be avoided. In particular, the elderly must not be depicted as naive, incompetent or inadvertently amusing.
2. Elderly people are not to be represented in such a way as to be reduced to their failings. Especially in a comparative contrast with other generations, it is important to act with sensitivity.

3. SPECIAL RULES OF CONDUCT - ADDICTIVE SUBSTANCES

3.1. ALCOHOL

Preamble

Irrespective of the legitimate profession of the advertising industry in favour of free, healthy and fair competition, and irrespective of the fact that the moderate consumption of alcoholic beverages can have thoroughly positive effects and enrich the lives of individuals, the advertising of alcohol must demonstrate responsibility towards society. Advertising must not use subjects that may incite the abuse of alcohol or that may be mistaken as inducing the excessive consumption of alcoholic beverages.

1. Advertisements should not encourage the excessive or abusive consumption of alcohol.
2. Advertisements for alcohol should not be aimed at children as a target group.
3. Advertising should not include trivialising representations. Representations such as the driving of a vehicle or the operation of machinery in conjunction with the consumption of alcohol must be avoided.
4. Advertising should not evoke an impression that alcohol consumption has therapeutic effects and that it may help to solve personal or social problems.

3.2. TOBACCO

Preamble

The freedom of advertisement is a basic democratic right. It is a prerequisite for our functioning market economy with its orientation towards freedom of competition. Irrespective of this basic right to freedom of opinion the Austrian advertising industry is aware of its ethical and moral responsibility to society and has enforced voluntary advertising restrictions with respect to tobacco products for many years now, within the framework of a nationally and internationally proven and successful system of self-restriction. Advertising should not contain any subjects that are intended to propagate the consumption of tobacco or that promote the excessive consumption of tobacco products.

1. Tobacco advertising must strictly observe the agreed self-restriction guidelines.
2. Advertising should not trivialise the consumption of tobacco or contain representations or statements that encourage the excessive consumption of tobacco.
3. Tobacco advertisements should not be aimed at children as a target group.
4. Advertising should not give the impression that tobacco consumption increases social acceptance.
5. Tobacco adverts should not discriminate against non-smokers.

4. SPECIAL RULES OF CONDUCT - AUTOMOTIVE VEHICLES

Preamble

Automotive vehicles have made an integral contribution to our mobility. However, with increasing cars on the road comes an increasing risk to the life and health of road users - both directly within the framework of road transportation and indirectly due to environmental destruction and exploitation. Advertising for automotive vehicles, accessories and fuel must therefore demonstrate responsibility and avoid anything that may encourage risky, asocial or environmentally harmful driving.

1. Advertising should not depict driving scenes that are illegal or that may lead to risky, aggressive or reckless driving.
2. High speed, fast acceleration and motor power should not be the dominant elements of the advertising message.
3. The highlighting of specific technical characteristics of the vehicle or accessories (in particular safety equipment) should not induce an assumption that any dangerous situation on the road can be overcome and therefore encourage risky driving behaviour.
4. Advertising should not propagate any energy-wasting and environmentally harmful driving behaviour.