**TRINIDAD AND TOBAGO STANDARD**

**ADVERTISING**

**PART 1**

**GENERAL REQUIREMENTS**

**(3rd Revision)**

**PCDTTS 94-1:20XX**

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The Trinidad and Tobago Bureau of Standards (the Bureau) is a body corporate established under the authority of the Standards Act No. 18 of 1997 (herein after referred to as the Standards Act).

In accordance with the Standards Act, the Bureau shall promote and encourage the development and maintenance of standards and further shall establish standards for the following: to improve goods produced or used in Trinidad and Tobago; to ensure industrial efficiency and development; to promote public and industrial welfare, health and safety; and to protect the environment.

The Bureau develops standards through consultation with relevant interest groups, and public comment is invited on all draft standards before they are declared as Trinidad and Tobago Standards in accordance with the provisions of the Standards Act.

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NOTE In order to keep abreast of progress in the industries concerned, Trinidad and Tobago Standards are subject to periodic review. Suggestions for improvements are welcome.

**Committee**

The Committee responsible for the formulation of this Trinidad and Tobago Standard is as follows:

**SPECIFICATION COMMITTEE FOR ADVERTISING**

|  |  |
| --- | --- |
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| Ms Ann Marie Sawh **(Vice-Chair)** MsChojnice Taylor | Consumer Affairs Division, Ministry of Trade, Industry, Investment and Communication |
| Ms Dixie Dickson | Trinidad and Tobago Coalition of Services Industries |
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| Ms Arianne Phillip Ms Liza Miller | Trinidad and Tobago Manufacturers’ Association |
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**Foreword**

These requirements were declared a Trinidad and Tobago Standard on , after the draft finalized by the Specification Committee for Advertising had been approved by the Bureau.

This National Standard revises and replaces TTS 94-1: 2010, *Requirements for Advertising: Part 1 – General Principles.*

The need for the revision of this standard was identified by major stakeholders in the advertising industry, inclusive of media, publishing and advertising associations. Changes in digital technology has resulted in the continuing increase of mobile and internet advertising, entertaining or viral and political advertising. This proliferation of advertising has resulted in challenges to the advertising industry to maintain fair, responsible and honest relationships with consumers whilst effectively communicating various brands, ideas and information. The purpose of this standard is to address these challenges by establishing minimum requirements for the content of advertisements..

The major changes from the previous version include:

1. the addition of:
   1. new definitions;
   2. requirements for political advertising; and
   3. requirements for charities and causes.
2. also included is an expansion of:
   1. the definition and requirement of premium rate services to include messaging; and
   2. the requirement for testimonials and endorsements.
3. sub-clauses have been removed from the requirements for:
   1. decency;
   2. testimonials and endorsements;
   3. statements regarding the price of goods, the cost of services, taxes, fees and discounts;
   4. advertising for charity; and
   5. conflict.
4. rewording or re-arrangement of clauses and sub-clauses to increase clarity. These include:
   1. the scope
   2. the title at 4.4;
   3. clauses 4.4.1 and 4.4..2, and 4.7.6 which is the result of splitting one clause into two; and
   4. 4.7.5.

This standard is intended for use by:

1. practitioners in the field of advertising and marketing communications – to achieve fairness, honesty, truthfulness and decency when interacting with the public through advertisement;
2. regulators of the advertising industry – to provide a basis for determining the acceptability of the content of advertisements; and
3. the consumer – to provide adequate information to allow for informed decision-making.

In the preparation of the revised standard, considerable information was obtained from the following documents, which were current at the time that this standard was being prepared:

1. Advertising Standards Canada. 2007. *The Canadian Code of Advertising Standards.* Toronto: Advertising Standards Canada.
2. Campaign Advertising Guidelines. Fair Campaign Practices Act. Election 2012, Election Division. Office of the Secretary of State. State of Alabama.
3. Consolidated International Chamber of Commerce. 2009. *Code for Advertising and Marketing Communication Practice.* Paris: Consolidated International Chamber of Commerce.
4. Advertising Standards Association Malaysia. 2008. *Malaysian Code of Advertising Practice*. 3rd ed. Selangor: Malaysia.
5. Telecommunications Authority of Trinidad and Tobago. 2009. *Broadcasting Code for the Republic of Trinidad and Tobago (Draft).* Port of Spain: Telecommunications Authority of Trinidad and Tobago
6. The Broadcast Committee of Advertising Practice. 2010. *The British Codes of Advertising and Sales Promotion and Direct Marketing*. 1st: The Broadcast Committee of Advertising Practice. London: Britain.
7. The Committee of Advertising Practice. 2010. *The U.K. Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing*. 12th ed. The Broadcast Committee of Advertising Practice. London: United Kingdom.

This standard includes the following informative annex which only provides information for guidance purposes in the application of this standard:

Annex A – Some Trinidad and Tobago Statutes Affecting Advertising.

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***Standardization Division Editor***

1. **Scope**

This standard specifies general requirements for the contents of advertising that are published, viewed or aired on local media, regardless of the country or place of origin.

It also specifies requirements for the following types of advertisements pertaining to:

1. specific goods and services;
2. specific categories of consumers;
3. political and electoral campaigns; and
4. certain media categories.

This standard also addresses the manner of presentation of advertisements.

This standard does not apply to:

1. the advertising of food, drugs, cosmetics and devices which is under the statutory control of the Food and Drugs Act, (Chapter 30:01) and relevant regulations.
2. the advertising of pesticides and toxic chemicals which is under the statutory control of the Pesticide and Toxic Chemicals Act,1979.

Certain statutes of Trinidad and Tobago prescribe requirements relating to the advertising of specific products and services. Annex A provides a non-exhaustive list of statutes which, including subsidiary legislation made under them, are among those that may restrict or control or otherwise affect advertising and shall be particularly noted.

1. **Terms and definitions**

For the purposes of this standard, the following terms and definitions apply.

**2.1**

**advertisement**

representation through any medium for the purposes of one or more of the following which results in the influence of opinion, choice or behaviour:

1. promoting directly or indirectly the sale, disposal, or use of any goods, service, process, practice or system;
2. promoting an organization, corporate image or position, or person; and
3. any notice or announcement concerning events, offers of employment or offers to buy any goods, service, process, practice or system.

**2.2**

**advertiser**

person or persons, organization or company acting as an agent who commissions, buys, or pays for an advertisement to be published

**2.3**

**advertising agency**

any person or agent preparing advertisements as a service

**2.4**

**brand name**

trade name registered or unregistered in Trinidad and Tobago for use with any goods, service, process, practice or system

2.5

cause

principle, aim or movement to which there is dedication and which is defended and advocated

2.6

charity

organization or body where the activities are financed wholly or mainly from donations

**2.7 content**  all constituent elements of any advertisement, including the theme, graphics, images, phrases and speech, written words and numbers, music and sound effects

**2.8 consumer**  adult person who is exposed to or who may be inadvertently influenced by an advertisement

**2.9**

**decency**

that which is accepted as being required by good taste or sensitivity, without obscene language and gestures and undue nudity, as dictated by cultural norms

2.10

disclosure statement

information that identifies the organization, company, person or persons that either paid for or authorized the advertisement for broadcast, publication or publishing including bulk emails, public websites and blogs

2.11

election advertising

advertising that is employed by political parties, interest groups and candidates to influence the public vote or notify of meetings, during general or parliamentary and local government elections

2.12

endorsement

support for a particular product, service, person or cause that is made by celebrities, prominent, qualified or expert person(s) or organization(s)

**2.13**

**events**

occurrences that include exhibitions, training courses, seminars, workshops, meetings, entertainment, ceremonies, shows, fetes, sports matches, games and political meetings

**2.14**

**goods**

such items which are commonly the subject of trade or commerce but excluding foods, drugs, cosmetics and devices as defined in the Food and Drugs Act (Chapter 30:01), pesticides and toxic chemicals as defined in the Pesticides and Toxic Chemicals Act 1979, and agricultural produce as defined in the National Agricultural Marketing and Development Corporation Act 1991

**2.15** **media**  means of exposure or publication, including broadcasting by radio or television, cinematographic film, printed or written matter, bill boards, public address, sky signs, illumination or posters, or transmission by digital, electronic and telecommunication means

2.16

political advertising

advertising, with the main purpose of influencing public opinion, that includes or pertains to:

1. government policies, plans, programmes and achievements;
2. election advertising; or
3. lobby groups, including unions and business leaders.

**2.17**  **premium-rate services** services provided via telephone or text messaging for recorded information or live conversation and which attracts higher than usual charges, wherein a part of the charge is paid to the service provider and the other part is paid to the network provider

**2.18**

**public domain**

state where there is no protection afforded by copyright or patent to original intellectual creations and where such creations can be used or reproduced without permission or paying of royalties

**2.19**  **regular price**  price at which goods or services are available in the open market, or the price at which they are normally sold or made available by the advertiser

NOTE Phrases such as “list price”, “normal price” or “recommended retail price” refer to regular price.

**2.20**

**services**

intangible undertakings for gain or reward, whether professional or other, for any matter other than the supply of goods

2.21

teaser prelude to an advertisement designed to arouse curiosity of the public by offering only bits of information without revealing either the sponsor of the ad or the product or service being advertised

2.22

testimonial

support in favour of a product or service by a person who has used said product or service

1. **General principles**

**3.1** All advertisements shall be:

1. legal, decent, honest and truthful;
2. prepared with a sense of responsibility to consumers and to society;and
3. respectful of the principles of fair competition generally accepted in trade, business and industry.

**3.2** The requirements of this standard shall be applied in both the content and context.

1. **General requirements** 
   1. **Legality**

**4.1.1** Advertisements shall not contain material inclusive of audio, graphics or text that breaches national legislation or incites anyone to conduct lawless activities.

**4.1.2** Advertisements shall comply with all legal requirements.

* 1. **Decency**

Advertisements shall not contain material that could prejudice respect for human dignity, or that is likely to be offensive to public decency or cause serious or widespread offence, especially on the grounds of race, religion, caste, gender, or disability.

NOTE It is recommended that advertisers consider public sensitivities before using potentially offensive material.

* 1. **Discrimination**

Advertisements shall not contain statements or representations which discriminate on the basis of race, ethnicity, religion, caste, gender, sexual preference or disability.

* 1. **Exploitations**

**4.4.1** Advertisements shall not be worded or designed so as to mislead, exploit or abuse the credulity, lack of knowledge or inexperience of consumers.

**4.4.2** Advertisements shall not seek to exploit the vulnerability of any category of consumers.

**4.4.3** Advertisements shall not seek to exploit public ignorance or to perpetuate popular misconceptions in any manner, particularly those determined to cause or likely to cause harm to human health, safety or welfare.

* 1. **Truthfulness**

**4.5.1** Advertisements shall not contain anything which, directly or by implication, omission or ambiguity, is likely to mislead the consumer as to:

1. the quality, composition, construction, usefulness, suitability, commercial or geographical origin, or other characteristics of the goods or services advertised;
2. the price or value of the goods or services, or the terms of purchase or use;
3. the services available to the purchaser of the goods advertised, including delivery, exchange, return, repair and maintenance;
4. the terms of any guarantee or warranty offered with the goods or services, see clause 4.12;
5. the existence of any patent rights, industrial or intellectual property rights relating to the goods or services advertised or of any medals, prizes, diplomas or awards relating to the goods or services advertised;
6. the quality, composition, construction, utility, suitability, origin, price, value, terms of purchase or offer of any goods or services or services accompanying the purchase of goods; and
7. the trustworthiness of statements made in other advertisements.

**4.5.2** Where the goods being advertised are used, seconds, rejects, defectives, expired, old stock, shop soiled or otherwise damaged, reconditioned or refurbished, a clear statement describing the condition of the goods shall be provided in the advertisement.

**4.5.3** Scientific terms, statistics, quotations from technical literature and similar information or statements shall be used with a proper sense of responsibility to the consumer, and in particular:

1. statistics with a limited validity shall not be presented so as to make it appear that they are universally true;
2. new, little known, or invented terms or names shall not be used unless their meaning is explained and included in advertisements or labels, until such time as the term or name is generally understood;
3. references to any grade or grading system shall be confined to cases where the grading system is adequately defined and understood by the majority of consumers; and
4. irrelevant data and scientific jargon shall not be used to make claims appear to have a scientific basis they do not possess.
   1. **Matters of opinion**

Where advertisements present a viewpoint about any matter, including the qualities or desirability of goods or services, it shall be made clear that a viewpoint is being expressed rather than a statement of fact. See clauses 4.7 and 9.

* 1. **Testimonials and endorsement**

**4.7.1** Testimonials shall be genuine and shall not contain any statement or representation likely to give a misleading or erroneous impression.

**4.7.2** References, statements and representations concerning goods, services, persons, organizations, or institutions shall not be used except with due permission.

**4.7.3** Advertisements shall not claim or imply an endorsement from an individual or body where none exists.

**4.7.4** Endorsements shall not be presented as though they were genuine testimonials.

**4.7.5** References to tests, trials, professional endorsements, research facilities and professional journals shall;

1. be used only with the permission of those concerned; and
2. include only establishments that have appropriately qualified professionals.

**4.7.6** Testimonials alone do not constitute substantiation and the opinions expressed in them shall be supported where necessary, with independent evidence of their accuracy. See clause 9.

NOTE It is recommended that records pertaining to testimonials be retained. These may include signed documents and contact information.

* 1. **Identification**

**4.8.1** All advertisements shall clearly identify or contain information identifying the advertiser or organization on whose behalf the advertisement is being placed.

**4.8.2** Teasers may be used for advertisements other than political advertisements but shall provide identification information at the end of the series of advertisements.

* 1. **Defamatory references and denigration**

**4.9.1** An advertisement shall not contain any direct or implied reference to:

1. any brand name for goods other than that advertised; or
2. any person, organisation, firm or institution, other than that advertised

which may bring the other goods, person, organisation, or institution into contempt, ridicule or disrepute.

**4.9.2** Advertisements shall not unfairly attack or discredit other goods or services, advertisers or advertisements expressly or by implication.

* 1. **Exploitation of goodwill**

Advertisers shall not take unfair advantage of the goodwill attached to the trademark, name, brand name, symbol or advertising campaign of any organization.

NOTE This includes the use of references to similar trademark, brand names, symbols and advertising.

* 1. **Imitation of other brand names, symbols and advertising material**

No advertisement shall so closely resemble any other that it misleads or causes confusion to the consumer.

* 1. **Guarantees**

**4.12.1** No advertisement shall contain the words “guarantee”, “guaranteed”, “warranty” “warranted” or words having the same meaning, unless;

1. the full terms of the guarantee or warranty are available for inspection by the consumer; or
2. the full terms of the guarantee or warranty are made available to the purchaser in writing at the point of sale of the goods or services, where the terms shall include details of the remedial action available to the purchaser.

**4.12.2** No advertisement shall contain a direct or implied reference to a guarantee which purports to take away or diminish the statutory or common law rights of a consumer.

NOTE This does not preclude the colloquial use of the word “guarantee” in contexts where there is no likelihood of its meaning being construed as part of a legal contract with the advertiser.

* 1. **Statements regarding the price of goods, the cost of services, taxes, fees and discounts**

**4.13.1** All statements of prices or of purchase terms shall be clear and complete and shall relate to the good or service advertised.

**4.13.2** Advertisers shall ensure that prices match the corresponding goods or services illustrated in the advertisement.

**4.13.3** When a good or service is subject to a tax, levy, fee or other statutory charge payable by the purchaser to an authority at the point of sale, the advertisement shall state clearly both the amounts of the price and of the levy, fee, or charge.

**4.13.4** Unless addressed exclusively to the trade, prices quoted shall include any Value Added Tax (VAT) payable and be cited as ‘VAT inclusive”. This shall also be applicable to financial goods or services advertised.

**4.13.5** Where prices are stated in an advertisement, if the price of a good or service is dependent on the purchase of another, the extent of any commitment by consumers shall be made clear.

**4.13.6** Price claims such as “up to” or “from” shall not exaggerate the availability of benefits likely to be obtained by consumers.

**4.13.7** Visual and verbal presentations of actual and comparative prices and costs shall be accurate and incapable of misleading by undue emphasis or distortion.

**4.13.8** The old and the new prices or the reduction shall be clearly stated when the following claims are made:

1. that the goods or services are sold at a new price which is less than a previous price; or
2. that an amount has been taken off the price of the goods or services;

**4.13.9** The phrases “reduced price”, “sale price”, or “special price” shall not be applied to goods which are classified and sold by the manufacturer or seller as ‘used’, ‘seconds’, ‘rejects’, or ‘defectives’ or similar term, or which are “old stock”, “shop soiled”, “reconditioned”, “refurbished” or in similar condition, unless the classification clearly appears next to the phrase.

**4.13.10** Any statement concerning percentage, fractional rebate, refund of money or discount shall be construed to mean that the stated percentage, fraction, or amount will be deducted from the regular price or cost of the goods or services.

**4.13.11** The phrases, “introductory price” or “special introductory price” shall only be used for a low price which is asked for new goods or services not previously available in the market.

* 1. **Free offers**

**4.14.1** Goods, services, or samples of products shall not be advertised as “free” unless the goods, services, or samples are supplied at no cost and there is no extra cost other than the actual postage or delivery to the recipient.

**4.14.2** Where an article is offered to the consumer on condition of any goods or services purchased, the article shall be described as “free” only if:

1. the condition is clearly stated in close proximity to the word “free”;
2. the price of the goods or services is not increased over the regular price; and
3. the quantity and quality of the goods or service offered are not reduced or changed to the prejudice of the consumer.
   1. **Fear and distress**

**4.15.1** Advertisements shall not instil or play on fear except to encourage prudent behaviour or to discourage dangerous or ill-advised actions. If fear is, however, likely to be aroused, it shall not be disproportionate to the risk.

**4.15.2** Accepted or official distress and emergency terms and signals shall not be used in advertisements.

**4.15.3** Advertisements shall not contain shocking claims or images merely to attract attention.

EXAMPLE Mayday, Newsflash

* 1. **Safety precautions**

**4.16.1** Advertisements shall not contain any statements or representations of situations where normal safety precautions are disregarded and which may encourage unsafe practices or negligence, except in the context of promoting safety.

NOTE For safety precautions related to advertising to children see TTS 94-2, Requirements for advertising: Part 2: Advertising to children.

**4.16.2** Advertisements shall not contain any statements or representations to encourage consumers to:

1. drink while driving motor vehicles; or
2. drive or operate equipment or machinery when under the influence of any physical or mental impairment substances.
   1. **Violence and antisocial behaviour**

Advertisements shall not contain material that condones or is likely to provoke violence or antisocial behaviour.

* 1. **Protection and privacy**

**4.18.1** A person or a person's identifiable possessions shall not be portrayed or referred to in advertisements without the permission of the individual or owner concerned, except where the person or the person's specific identifiable possessions are in the public domain.

**4.18.2** Pictorial or other representations of persons shall not be used in advertisements except with the permission of the person concerned.

**4.18.3** Exceptions to 4.18.1 and 4.18.2 shall include the following provided the reference or portrayal is not offensive, defamatory or affects an individual’s safety and where the advertisement is consistent with the views or positions of the person featured in:

1. crowd scenes;
2. the portrayal of anyone who is the subject of the book, film, or event being advertised; and
3. the depicting of property, particularly, outdoor locations.

**4.18.4** Advertisements shall not portray or refer to deceased persons, unless appropriate permission has been obtained, prior to publication of the advertisement.

NOTE Reference to the deceased should be done in a sensitive and diplomatic manner to avoid causing offence or distress.

**4.18.5** Notwithstanding 4.18.4, advertisements shall portray or refer to a specific aspect of the life or image of a deceased person, if that specific aspect of the person’s life or image is in the public domain.

* 1. **Animals**

**4.19.1** Advertisements shall not contain material that encourages or condones cruelty or irresponsible behaviour towards animals.

**4.19.2** In the course of making any advertisement, no animal shall be injured or be subjected to pain or distress.

* 1. **Protection of the environment**

**4.20.1** Advertisements shall not encourage or condone behaviour that is prejudicial to the protection of the environment.

**4.20.2** Advertisers shall be capable of substantiating claims relating to environmental performance or effects.

* 1. **Availability of goods or services that are advertised**

**4.21.1** If supplies of goods or services are limited, the advertiser shall ensure that the advertisements convey this reality by including the appropriate information.

EXAMPLE Where:

1. stocks of goods are limited in number;
2. the number of services is limited;
3. the number of retail or service outlets is limited, or
4. the reduced price is valid for a limited time only.

**4.21.2** Goods and services which cannot be supplied shall not be advertised.

* 1. **Distinguishing between advertisements and other materials**

Advertisements shall be clearly identified and separated, regardless of the medium used so that they are easily distinguishable from other information, entertainment, news, and editorial comments.

1. **Requirements for advertising of certain types of products or services**

## General requirements

All advertisements shall comply with the requirements outlined in clauses 3 and 4.

* 1. **Promotion Schemes and Competitions**

**5.2.1** Any advertisement which offers the consumer an opportunity to take part in a competition for prizes or to receive a gift, prize, discount, or other reward shall:

1. state all rules, conditions and terms attached to the game, competition or gifts, including any special conditions governing entry to them;
2. indicate where information as to such conditions and terms may be freely obtained; and
3. state when the promotion scheme or competition is closed and where and when prizes will be drawn, collected or awarded.

**5.2.2** All advertisements of the type mentioned in 5.2.1 shall clearly state the value and number of such prizes, rewards, gifts, or discounts so that the consumer may not be misled as to their value or number.

NOTE It is an offence under the National Lotteries Act (Chap. 21:04) and the Gambling and Betting Act (Chap. 11:19), to advertise any game of chance without the permission of the National Lotteries Control Board.

* 1. **Advertisement for distant purchases**

**5.3.1** Advertisements offering the consumer an opportunity for distant purchases of goods shall include:

1. a clear and accurate description of the good offered, its price, terms on which it will be delivered, the approximate date of delivery, and a statement of any available after-sales service;
2. a clear and accurate statement of the name and address of the advertiser and supplier; and
3. contact information that consists only of an accommodation or mailing address, post office box, nom-de-plume, telephone number, fax number or e-mail address, only, shall not be acceptable.

**5.3.2** Advertisers shall provide the following assurances:

1. that they will not publish or otherwise disclose names of respondents without their prior permission; and
2. that they will not permit representatives to call on any respondent except by prior arrangement.

**5.3.3** Where it is the intention of the advertiser to send a representative to call on persons responding to the advertisement:

1. this fact shall be apparent from the advertisement or from the particulars subsequently supplied; and
2. the respondent shall be given adequate opportunity to refuse any call.

**5.3.4** Advertisements shall not invite children to purchase products by mail, telephone or other telecommunications means.

* 1. **Advertisements for loans, investments and other financial products**

**5.4.1** An advertisement offering a loan or opportunity to invest in a security shall not contain any statement that is likely to mislead the consumer as to:

1. the terms of the loan;
2. the actual or estimated yield of the security;
3. the security offered; and
4. the redemption terms of the security.

**5.4.2** Advertisements offering opportunities for investments shall include clear statements that there is risk involved or that the stated return on investment cannot always be guaranteed.

**5.4.3** Advertisements shall present the financial offer or service in terms which do not mislead the consumer by exaggeration, omission or in any other way. In particular, the following shall be observed:

1. references to income tax and other tax benefits shall be properly explained to show what they mean in practice, and be qualified to make it clear where appropriate, the conditions under which the full advantage of the benefits may be received;
2. references to interest payable on savings shall be stated clearly and unambiguously and be factually correct at the time of publication of the advertisement;
3. statements in the advertisement of applicable interest rates payable shall be supported with the factors on which that interest rate is based and which may affect the sum received by individuals;

EXAMPLE Minimum sum deposited, minimum deposit period or minimum period of notice for withdrawal

1. references to rates and conditions in connection with insurance premiums and coverage be accurate and not misleading; and
2. no misleading omission of conditions in specifying rates of premium cover.
   1. **Advertisements of hire purchase sales and sales on credit**

An advertisement for a product which is offered on hire purchase terms shall include clear statements of:

1. the cash price of the product;
2. the deposit required for hire purchase;
3. the number of instalments to be paid and the period over which the hire purchase agreement would extend;
4. the amount of each instalment;
5. the nature of any additional charges; and
6. the final cost of the hire purchase.
   1. **Advertisements of instructional or educational courses**

An advertisement offering an instructional or educational course shall:

1. state the address of the place of business;
2. not contain any misleading promise of employment;
3. not exaggerate opportunities of employment or remuneration open to those taking the course;
4. not contain any misleading statements with respect to the status of the training institution and the recognition of the degree or qualification to be awarded;
5. clearly state what qualifications will be awarded at the end of the course; and
6. not contain any misleading statements with respect to the types of employment for which the training is designed.
   1. **Advertisements of employment opportunities**

**5.7.1** An advertisement offering employment shall not include statements discriminating against or favouring any applicant on grounds of age, race, religion, ethnic origin unless the requirements for the job specifies it.

**5.7.2** An advertisement offering employment shall not include statements favouring or discriminating against one particular sex unless legal requirements for the job prescribe that it may be performed by one sex only.

**5.7.3** An advertisement offering employment shall not include statements which mislead or exaggerate with respect to the nature of the work, the level of remuneration or the living and working conditions related to the work.

## Advertisements of real estate, housing and rentals

An advertisement offering housing for sale, lease or rental, or offering land for sale, lease or rent shall not include statements discriminating against any interested person on grounds of age, race, religion, sex, ethnic origin, or nationality or favouring persons of a particular age, race, religion, sex, ethnic origin or nationality.

* 1. **Advertisements of inclusive tours and holiday accommodation**

Advertisements for inclusive tours offering travel, accommodation, meals, and entertainment shall include comprehensive and accurate information on the following:

1. the firm or organisation responsible for the tour;
2. the means of transport, including the name of the carrier or company, or the name of the vessel, or the class of any other mode of transport and whether transport is by a chartered excursion, or regular service;
3. the itinerary of the tour and the duration of the tour;
4. the type of accommodation and the meal facilities offered;
5. any special arrangements offered;

EXAMPLE Entertainment and sight-seeing visits.

1. the total price of the inclusive tour as advertised and the services included therein; and

EXAMPLE Porterage, tips, taxes, transfers, refreshments in transit, baggage allowance

1. terms and conditions of payment including deposits to be made.

NOTE Booking and cancellation information should be separately stated.

* 1. **Advertising of textiles, fabrics and garments**

The names of terms used for describing textiles, fabrics and garments made from textiles shall be:

1. accepted by the Trinidad and Tobago Bureau of Standards or
2. trade names registered in Trinidad and Tobago, but in this case the generic names of any natural or synthetic fibre used in the textile shall be mentioned next to the trade name.
   1. **Advertising for charities and causes**

**5.11.1** Advertisements soliciting donations or the purchase of any goods or services or admission or participation fee for any event or promotion of the needs or objectives of charities or causes shall:

1. name the charity or cause involved;
2. state the objective and nature of the charity or cause where it is not registered; and
3. clearly state the total or percentage of the donations or proceeds that the charity or cause shall receive.

NOTE There are statutes which provide legal requirements with respect to charities and similar bodies. See Annex A

**5.11.2** Advertisers shall provide the total amount of contributions received on request by the public or consumer.

**5.11.3** Advertisers shall be required to give the following assurances in the advertisement:

1. the proceeds from the activities advertised, whether in cash, kind or services shall be applied solely to the purposes specified or implied in the advertisement; and
2. the names of contributors will not be published or otherwise disclosed without prior permission.

**5.11.4** Advertisements for charities and causes shall:

1. handle with care and discretion, matters likely to arouse strong emotions in the public;
2. avoid presenting an exaggerated impression of the scale or nature of the social problem to which the work of the charity is addressed,

EXAMPLE Illustrating the message with non-typical extreme cases

1. not confer a feeling of guilt to anyone not opting to support the charity;
2. respect the dignity of those on whose behalf an appeal is being made;
3. not address any fund-raising message specifically targeting children;
4. not contain comparisons with other charities;
5. not mislead in any way with respect to the field of activity of the charity or the use of the donations; and
6. not mislead in any way with respect to the persons who are patrons of, or who have endorsed or are associated with the charity or activity being advertised.
   1. **Premium-rate services**

Advertisements for live conversation or messaging or information services using premium-rate services shall include a statement of the cost or charges for the use of the service.

# Political Advertising

**6.1** Political advertising shall comply with the requirements of clause 4.

**6.2** Political advertisements shall carry a disclosure statement that includes:

1. the legitimate name and address of the person or organization authorizing or making payments for the publication, distribution or broadcast of the advertisement for all media;
2. in addition to 4.8.2 (a), the legitimate name and address of the printer for print advertising, except for newspapers; and
3. The words political advertising or any recognizable abbreviation.

**6.3** Disclosure statements shall be placed on the face of the advertising

**6.4** Advertising of the central government shall be distinct from:

1. those concerning party policy; and
2. election advertising.

**6.5** Political advertising shall be distinct from any editorial content with which it is associated.

1. **Responsibility for compliance**

The following are responsible for compliance with this standard:

1. the advertiser or the advertising agency who creates the advertisement or who places the advertisement in the medium used; and
2. the publisher, the owner of the medium used, or the contractor who publishes or distributes the advertisement.
3. **Use of foreign material or editorial material in advertisements**

The fact that material used in an advertisement is used in other countries or originates from publications other than advertisements shall not be an excuse for any breach of this standard.

1. **Substantiation of claims**

**9.1** Before submitting an advertisement for publication, advertisers shall hold documentary evidence to prove all claims, whether direct or implied that are capable of objective substantiation. The adequacy of evidence shall be judged on whether it supports both detailed and the overall impression created by the advertisement.

**9.2** If there is significant division of informed opinion about any claims made in an advertisement, such claims shall not be portrayed as universally agreed.

**9.3** Advertisers shall be prepared to produce to the Bureau or to the bodies responsible for monitoring compliance with this standard, or to any self-disciplinary body, evidence to substantiate any claim, statement, or representation, or any common interpretation thereof, that appears not to comply with this standard.

1. **(informative)  
   Trinidad and Tobago Statutes Affecting Advertising**

**Statutes affecting Advertising**

The following statutes and the legislation made under them are among those which may restrict or control or otherwise affect advertising and shall be particularly consulted. This list is not exhaustive.

1. Adoption of Children Act, Chapter 46:03;
2. Advertising Regulation Act, Chapter 35:53;
3. Consumer Protection and Safety Act, Chapter 82:34;
4. Copyright Act, Chapter 82:80;
5. Criminal Offences Act, Chapter 11:01;
6. Financial Institutions (Non-Banking) Act, Chapter 79:09;
7. Food and Drugs Act, Chapter 30:01;
8. Gambling and Betting Act, Chapter 11:19;
9. Highways Act, Chapter 48:01;
10. Hire Purchase Act, Chapter 82:33;
11. Integrity in Public Life Act, Chapter 22:01
12. Medical Board Act, Chapter 29:50;
13. Moneylenders Act, Chapter 84:04;
14. Motor Vehicles and Road Traffic Act, Chapter 48:50;
15. Municipal Corporations Act, Chapter 25:04;
16. National Agricultural Marketing and Development Corporation (NAMDEVCO) Act, Chapter 63:05;
17. National Lotteries Act, Chapter 21:04;
18. Occupational Safety and Health Act, Chapter 88:08;
19. Pesticides and Toxic Chemicals Act, Chapter 30:03;
20. Pharmacy Board Act, Chapter 29:52;
21. Protection against Unfair Competition Act, Chapter 82:36;

**Statutes affecting Advertising (Cont’d)**

1. Town and Country Planning Act, Chapter 35:01;
2. Trade Descriptions Act, Chapter 32:04;
3. Trade Marks Act, Chapter 82:81; and
4. Venereal Diseases Act, Chapter 28:52.