

# ADVERTISING RESTRICTIONS

May 2024

# GOLDBACH

**YOUR  
MESSAGE  
IS OUR  
PASSION**



## **NON-LIABILITY CLAUSE**

Please note that this document serves only to provide non-contractual information regarding French legislation requirements. The advertiser remains entirely responsible for the advertisement's compliance with French and Swiss legislation (see General Conditions).

With the entry into force of the MEDIA agreement between the European Union and Switzerland, the country-of-origin principle is now the norm. As such, the Federal Act on Radio and Television (RTVA) no longer applies to channels 6ter, C8, M6, TF1, TFX, TMC and W9 except in advertisements relating to distilled spirits, politics or religion.

The authors of this presentation and Goldbach Media (Switzerland AG) do not guarantee the legality of the information presented herein.

All liability is excluded in the event of damages arising from improper use of this information.



# INHALT

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# **FRENCH ADVERTISING RESTRICTIONS**

# FRENCH ADVERTISING RESTRICTIONS

## 1/3

Goldbach Media is obliged to respect French advertising restrictions. Channels 6ter, C8, M6, TF1, TFX, TMC and W9 reserve the right to refuse or withdraw advertisements that do not comply with advertising directives.

**The following rules must be strictly observed:**

### **Legibility**

- All text elements and messages must be informative and easily legible under normal conditions. This is particularly relevant to legal notices.

### **Presentation regulations**

- Whenever possible, text elements must be horizontal and written in an easily legible style and font size.
- Characters should be separated by a standard space.
- The font colour should contrast as much as possible with the background.
- Fixed text blocks must be displayed long enough for them to be read.
- Scrolling text blocks should move at a speed that allows the entire text to be read.

# FRENCH ADVERTISING RESTRICTIONS

## 2/3

### French language

- All slogans in a language other than French (whether or not they are registered) must be translated into French.
- Products/services in a language other than French: brands and/or product/service names do not have to be translated.
- Packaging: if there are non-French words on packaging, translation is advisable for viewer comprehension but is not obligatory.
- ‘Non-essential’ foreign words in an advertisement (posters, signs, etc.): if a word/text is not large enough or is illegible, has no bearing on the advertisement (i.e. part of an everyday situation), is not the main focus of the advertisement and is not part of a co-branding strategy, translation is not required.
- Voice-overs and/or written information used to present the product/service must be translated.
- French spelling and grammar rules must be observed.

# FRENCH ADVERTISING RESTRICTIONS

## 3/3

### Prohibited and/or regulated content

- Erotic/sexual/pornographic content (and body parts such as breasts/buttocks that feature too prominently in an advertisement for shower gel, etc.).
- Nudity that is portrayed as humiliating or degrading or that reduces the person to an object.
- Depictions of illegal acts (theft, fraud, vandalism, drug use, etc.).
- Depictions of violence (brawls, fights, attacks, etc.).
- Depictions of dangerous driving (no safety belt, hit-and-runs, failure to observe road traffic safety regulations, etc.).
- Depictions of behaviour detrimental to health, the safety of individuals (especially when it comes to children) or goods, or the protection of the environment.
- Content likely to offend a person's religious, philosophical or political beliefs.
- Failure to respect consumer rights (no additional information about commercial offers, no reference to website, etc.). The cost of telephone charges must be specified.
- Direct offers to the public for the sale, purchase or rental of products or for the provision of services against payment/purchase incentives. Promotions may be advertised as long as the duration is indicated in written or verbal form.

# OVERVIEW OF RESTRICTIONS



# **PROHIBITED SECTORS**

## **FORBIDDEN IN ALL ADVERTISEMENTS**

### **Alcohol**

- Advertisements for alcoholic drinks
- Presence of alcohol (alcohol consumption, visible bottles or glasses of alcoholic drink)
- Verbal or written mention of alcohol
- It is not possible to advertise a product that promotes, even indirectly, a brand of alcoholic beverage

### **Tobacco**

- Advertisements for tobacco and tobacco products
- Presence of tobacco (cigarette packets/cigarette packets in background, tobacco consumption, etc.)
- Verbal or written mention of tobacco or tobacco products
- Advertisements for e-cigarettes (whether with or without tobacco) is not permitted

# PROHIBITED SECTORS

## FORBIDDEN IN ALL ADVERTISEMENTS

### Prescription medicines

- Advertising of prescription medicines is forbidden.
- Advertisements for over-the-counter medicines cannot feature any reference to recommendations by scientists, health professionals or other individuals who may encourage the consumption of medicines through their public standing.

### Firearms

- The presence of firearms in an advertisement is forbidden (except in films and video games).

### Political/religious advertising

- Political/religious advertisements are forbidden

## REGULATED SECTORS

### PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

#### **Cinema - Cinematographic films that are currently showing or about to show in cinemas can be promoted (1/2)**

- Broadcasting time restrictions: The same time restrictions for television spots apply to movie trailers.
  - Movies which are not suitable for children U12 - No broadcasting in family/children's environments, not even 10 minutes before/after.
  - Movies which are not suitable for children U16 - Broadcast only from 20h30
  - Movies which are not suitable for children U18 - broadcast only from 22h30
- Scenes in which alcohol/tobacco is shown or consumed are prohibited.
- Scenes with drug consumption are prohibited.
- Scenes with sex/pornography are prohibited.
- Scenes showing dangerous behaviour that could shock spectators are prohibited.
- Scenes with swear words are forbidden.

## REGULATED SECTORS

### PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

#### **Cinema - Cinematographic films that are currently showing or about to show in cinemas can be promoted (2/2)**

- French language: A certain flexibility will be available here. However, the English terms must remain "secondary" and must not prevent the correct understanding of the movie trailer.
- Furthermore, the usual rules for television advertising also apply to movie trailers. However, a certain degree of flexibility will be introduced so that the special features of the artwork (movie) can remain.
- If the subject/action of the movie itself or certain scenes fall within an area that would normally be prohibited in the context of a conventional television commercial, it may be possible to accept certain images/actions because they are part of the artwork/movie as such and not part of the commercial.

# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### Distribution: commercial promotion operations

- A distributor may advertise (either individually or as part of an advertisement for a product it distributes) a commercial promotion operation, as long as this promotion takes place primarily or exclusively in Switzerland.
- A distributor may advertise offers for products, the provision of services or the organisation of events, as long as these are seasonal or occasional. The advertisement must provide all necessary information on the validity period (start and end dates) and conditions of the offer (currency indication: "CHF" or "prix en CHF" - oral or written), or specify where this information can be obtained (reference to website).
- A spot can only contain the promotion end date without a start date if it is broadcast during the promotion period (a start date is required if broadcasting begins before the promotion date).
- Special features: "À partir de" / "dès" / "du" : examples for a promotion from February 1 to 29:
  - "**A partir du**" / "**dès le** 1er février au 29 février" = Spot that will be broadcast BEFORE the promotion.
  - "**Du** 1er février au 29 février" / "**De** jeudi 1er février au jeudi 29 février" = Spot aired BEFORE the promotion OR Spot aired from February 1st to February 29th.



# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### The energy sector

- Advertisers AND distributors of *'electricity, heat and refrigeration, solid, liquid or gas combustibles, fuel and related services that use these energy sources'* must include the following message in their advertisements in an easily legible or audible format: *'Energy is our future, save it!'* The automotive industry is not affected by this measure.
- Advertising for fossil fuels has been banned since August 22, 2022.

### Competitions

- The duration (start and end date), available prizes, stakes, places where clients can obtain further information, and free of charge (immediate or deferred) and without obligation to purchase must be mentioned. It is not permitted to present a prize as easy or automatic. Don't say "Gagnez", say "Tentez de gagner".

### Literary publishing

- Advertising in the literary publishing sector is authorized from April 6, 2024 to April 8, 2026. This is an experiment. A permanent authorization could be granted after these 24 months, if the experiment proves positive. What remains prohibited in all cases: literature advertising for tobacco, alcoholic beverages, prescription medicines, firearms or with political or erotic content.

# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### Cryptocurrency

- The advertiser must be registered as a digital asset service provider with FINMA.
- The package must be balanced between the presentation of performance (gains, returns,...) and the risks inherent in subscribing to the product.
- Advertising must not give the impression that crypto-assets are suitable for everyone, and that consumers are taking no risk and/or that their risk is limited. Avoid terms like "buy safely" (prefer "buy simply": "*achetez en simplicité*").
- In addition to the risk of capital loss, the wording of these warnings should highlight the particular price volatility of the products concerned and the technological risk (cyber/hacking).
- The message must not be addressed directly to minors.
- No representation of future performance.
- Add the following (clearly legible):

«Investir comporte des risques et peut entraîner la perte totale du capital investi, les prix des crypto-actifs étant particulièrement volatils».

And also, concerning a platform/website: «le site web est sans risque et non l'investissement.».

# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### Pharmacies

- Pharmacies (pharmacies or groups of pharmacies) are not allowed to advertise on television in France. Exception: shops/parapharmacies that do not sell medicines, but rather care and hygiene products without a medical prescription. In Switzerland, pharmacy advertising is not forbidden, but there may be exceptions, to be analyzed on a case-by-case basis by the channels.
- The terms "pharmacie", "pharmacien", "pharmaceutique", and all their derivatives, are forbidden in written and audio form. Reference to the profession of pharmacist is forbidden.
- Use the terms "point de vente" or "enseigne" instead of "pharmacie".
- Avoid the use of crosses as a reminder of pharmacies (even on a logo, wherever possible).
- Present a general, non-aggressive message (prefer "promotion" or "en action" to "jusqu'à 25%", for example).
- Focus communications on drugstore and perfumery activities, not pharmaceutical ones.
- Present only non-medical products (cosmetics, for example).
- No pharmacy services (vaccinations, check-ups, etc.) should be promoted.
- No comparisons with other pharmacies.

# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### Gambling and games of chance

- Advertisements for gambling and games of chance may not be broadcast during programmes aimed at minors, or during the 30 minutes before and after broadcast of these programmes.
- Advertisements for gambling and games of chance may not glamorise, trivialise or encourage excessive gambling.
- Not allowed without 18+ mention and without prevention (play responsibly,...)
- Not allowed to present the gain as easy or automatic

### Consumer credit (1/2)

- All advertisements relating to consumer credit and featuring interest rates or figures linked to the cost of the credit must include the following information in a clear, precise and legible format.
- The borrowing rate and whether the rate is fixed, variable or adjustable – except in hire purchase or leasing agreements with an option to buy – and information on all charges included in the total cost of the credit for the borrower.

# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### Consumer credit (2/2)

- Total amount of the credit
- The effective annual percentage rate of charge, except for hire purchase or leasing agreements with an option to buy
- If necessary, the length of the credit contract
- In the case of a credit in the form of a payment term for goods or a service, the cash price and the amount of any down payment
- The total amount owed by the borrower and the instalment amount.
- The following message must also be included: 'Credit is a commitment and must be repaid. Make sure you are able to repay before committing to a credit.'

### Legal aid

- Advertising for legal aid is regulated.



# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### DVDs, videos, video games, telephone, SMS and telematics services, and internet sites (1/2)

- The advertising message must not contain scenes likely to upset a younger audience, and the following points must be checked before broadcast:
- For videos, DVDs and video games unsuitable for **children under the age of 12**
  - Subtitle: *'this film (video game) is unsuitable for children under the age of 12'* May not be broadcast during children's programmes or 10 minutes before or after.
- For videos, DVDs, and video games unsuitable for **children under 16**
  - Subtitle: *'this film (video game) is unsuitable for children under the age of 16'* Must be broadcast after 8:30 pm
- For video games without pornographic content that are unsuitable for **anyone under the age of 18**
  - No pornographic content
- Subtitle: *'This video game is unsuitable for anyone under the age of 18'* Must be broadcast after 10:30 pm

# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### DVDs, videos, video games, telephone services, SMS, telematics and internet sites (2/2)

- For videos and DVDs unsuitable for anyone under the age of 18, and for pornographic video games, telephone services, telematics and internet sites

=> May not be broadcast

- For (non-pornographic) telephone services, telematics and internet sites reserved for or aimed at adults, and SMS services that may exploit the inexperience or credulity of minors

=> May be broadcast only between midnight and 5 am

**Important:** The PEGI logo must be visible when video game images are being displayed

**Please note:** these rules may change in regard to W9 and 6ter. Please consult us for all broadcasts on W9 alone or on both W9 and 6ter.

# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### Nutrition

Advertisements relating to the diet of infants and young children must include the following information:

- For processed cereal-based foods and food for babies and young children, it is possible to choose between the following messages: *'Teach your child not to snack between meals'*, *'Activity and play are indispensable to your child's development'*
- For follow-up nutrition (post-weaning baby food/baby food intended to supplement an infant's early nutrition), the following health-related information should be included: *'Apart from milk, water is the only essential drink'*, *'Activity and play are indispensable to your child's development'*
- For dietary supplements (vitamins, etc.), the following message must be included with those mentioned above: *'Nutritional supplement to be consumed as part of a varied and balanced diet'*
- No scenes of eating in front of a screen shall be shown

**Important:** The above messages cannot be modified

# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### Automotive sector (1/2)

- Actions that breach the highway code (e.g. not wearing a safety belt, breaking the authorised speed limit, driving off road, turn signal forgotten) are not permitted.
- Pedestrians must also respect the rules of the road and not create dangerous scenes.
- The advertisement may not glamorise speeding (foot on accelerator pedal, acceleration noises, Fast camera movements, drifts, parallels with faster means of transport, parallels with horses,...).
- The “mixing of genres” between the world of touring cars and that of car racing is not allowed in order to glorify speed.
- No arguments in favor of engine power or braking capacity, except to present them as safety features and make drivers more responsible.
- Leasing offers should include information on consumer credit.
- Scenes depicting nervous or aggressive drivers are not permitted.
- When fuel consumption or CO<sub>2</sub> emissions (e.g. pollution levels) are mentioned, information on CO<sub>2</sub> emission levels must be included.
- The displayed price must correspond to the car depicted.
- If specific options are not included in the price, the words ‘not included’ should feature.
- For purchase bonuses or special offers, the validity period of the offer must be displayed.
- Driving images must be taken on roads open to traffic.
- Parking must be in designated parking spaces.

# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### Automotive sector (2/2)

- Since 01.01.2023:
- For any advertisement promoting motorized vehicles, it is now strongly recommended to add the energy label (for each vehicle appearing in the spot) as well as one of the three following mentions, as desired :
  - « Pour les trajets courts, privilégiez la marche ou le vélo #SeDéplacerMoinsPolluer »
  - « Pensez à covoiturer #SeDéplacerMoinsPolluer »
  - « Au quotidien, prenez les transports en commun #SeDéplacerMoinsPolluer »
- These mentions must be readable for at least 3 seconds.
- The mention with hashtag is also highly recommended for spots concerning contests to win a vehicle.
- The energy label must absolutely be integrated when: the spot is accompanied by a price, an indication on the motorization, or other technical characteristics.
- The financial penalties for non-compliance with these laws can be quite high.
- This is not the responsibility of the broadcaster, but of the advertiser.
- Therefore, we strongly recommend that advertisers apply these laws.



# REGULATED SECTORS

## PARTIALLY PERMITTED IN ALL ADVERTISEMENTS

### Sustainability

- The content must respect the objectives of sustainable development
- Do not present non-ecological behaviors (do not incite to waste, do not incite to throw away a product still in working order, do not present a motorized vehicle in a natural space, for example in a desert).
- Greenwashing:
  - The environmental advantage of a product must be proven and its presentation must be proportionate. If there is not enough evidence to support the environmental argument, it should not be used.
  - The environmental argument must be explicit and precise. Example: the claim that an electric car does not emit CO2 is incomplete: it must be specified that this only concerns the driving phase.
  - Be sure to use strong signs: Avoid suggestive images that can mislead. For example: do not present a green car under the pretext that it is an electric car.

# **TV ADVERTISING FOR THE DISTRIBUTION SECTOR**

## **TV ADVERTISING**

### **FRENCH REGULATION DECREE OF 27 MARCH 1992**

- Since 1 January 2004, the distribution sector has been allowed to advertise on cable and satellite television.
- Since 1 January 2007, the distribution sector has also been allowed to advertise on terrestrial television channels (6ter, C8, M6, TF1, TFX, TMC and W9).
- It must do so under the conditions fixed in the 1992 decree.
- In France, the distributor's advertisement may not include information on the distributor's commercial promotion operations.

## **CONDITIONS OF THE 1992 DECREE**

### **COMMERCIAL PROMOTION OPERATIONS: DEFINITION**

‘A commercial promotion operation is defined as any product or service offer made to consumers, or the organisation of any event that is seasonal or occasional in nature, due to the duration of the offer, the advertised price and conditions of sale, the amount of stock available for sale, the nature, origin or specific qualities of products or services, or of ancillary products and services.’

## WHAT IS PERMITTED IN SWITZERLAND

1. This restriction relates to commercial promotion operations that take place entirely or partially on French national territory.
1. As such, the distribution sector may use television to advertise commercial promotion operations for a product or service that is not from a prohibited sector, as long as this promotion takes place primarily or exclusively in Switzerland.



## OTHER ADVERTISING RESTRICTIONS

- Depictions of dangerous driving (e.g. driving without a safety belt, hit-and-runs) are not allowed in advertisements.
- Unlawful conduct (e.g. theft) may not be depicted in advertisements.
- Advertising messages and slogans in a language other than French are not allowed in advertisements (subtitles are obligatory, except in slogans according to the ARPP's interpretation).
- No child under the age of 14 may be shown in a TV commercial with a device connected to the Internet (mobile, tablet).

**→ Please send the advertisement well in advance, so that we can determine whether it can be submitted for broadcast.**

# **USEFUL INFORMATION AND LINKS**

## **CONTACT**

If you have any doubts relating to advertising restrictions, please contact our Agency Managers before starting production on an advertisement. You can also contact the ARPP (Autorité de la Régulation Professionnelle de la Publicité) directly for an appraisal of your advertising plans. As a Swiss client, you are also entitled to use this service.

The ARPP charges for its consulting services.

**ARPP - Autorité de Régulation Professionnelle de la Publicité**

**23, rue Auguste Vacquerie**

**75116 Paris, France**

**Tel: +33 (0)1 40 15 15 40**

**Fax: +33 (0)1 40 15 15 41**

**Email: [contact@arpp.org](mailto:contact@arpp.org) – [www.arpp.org](http://www.arpp.org)**

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**THANK YOU  
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Goldbach Media (Switzerland) AG  
T +41 44 914 92 00  
[www.goldbach.com](http://www.goldbach.com)

**GOLDBACH**

