



The National Childbirth Trust

Sponsorship, Commercial Relationships and Advertising Policy (SCRAP)

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1. Introduction and Background

In order to campaign and provide parents with the best information and support, the NCT generates income from commercial companies and other organisations.

In 1998, the NCT developed two policies about receiving advertising and sponsorship funds: the NCT Policy and Procedures on Advertising, and the NCT Policy and Procedures on Sponsorship and Commercial Relationships. These updated, strengthened and solidified the then existing guidelines.

In 2002, the policies were reviewed by a small working group set up by the Board of Trustees. As a key part of that review, the opinions of the NCT's membership were surveyed. The purpose of the review was to ensure that the NCT would have robust, relevant and realisable policies to underpin its fundraising activity in a rapidly changing commercial environment.

The review concluded that:

- The basic elements of the two policies would continue to serve the NCT well - these would be amalgamated into ONE policy entitled:
Sponsorship, Commercial Relationships and Advertising Policy (SCRAP)
- Clarity regarding certain product categories and the nature of particular relationships should be incorporated into the new policy.
- The role and make up of the 'ethics panel' (renamed the SCRAP Advisory Group) should be clarified in the new policy.
- The layout and presentation of the new policy should be designed to enhance ease of understanding and speed of reference.

2. Principles

The principles underpinning the policy are:

a. The integrity and reputation of the National Childbirth Trust

The policy should protect the integrity and reputation of the NCT as a charity defined by its **vision** and **purpose**.

Vision:

The NCT wants all parents to have an experience of pregnancy, birth and early parenthood that enriches their lives and gives them confidence in being a parent.

Purpose:

- To offer information and support in pregnancy, childbirth and early parenthood to all parents to give them the opportunity to make informed decisions.
- To campaign for improved maternity care and better services and facilities for all new parents.



b. One charity, one voice

For credibility and consistency, the policy should apply to all areas of NCT activity, including branches, countries, regions, and trading.

c. Duties of trustees

Trustees of the NCT are obliged to safeguard the assets of the charity (including people, reputation and money), and to maximise resources to ensure that the charity has adequate resources to carry out its mission. This means that fundraising decisions should be taken in a way, which links them to the charity's objects and to the trustees' duty to maximise resources.

This also means that trustees must not impose their own personal views on a charity's investment or fundraising policy; any constraints must be in line with the objects of the charity. Trustees cannot use the charity as a vehicle for their own moral and ethical views. (Source: Good Trustee Guide NCVO and NCVO Policy Forum **Fundraising with a clear conscience - can it be done?**)

d. Independence

- The NCT never endorses the products or services of commercial companies or other organisations. This means that the NCT does not say that it “recommends product or service x” or it “endorses product or service x” verbally or on any literature. However, the NCT recognises that building a sense of 'affinity' between a charity and a corporate sponsor is an essential element of successful corporate fundraising. The NCT understands the need to offer companies, which support our work financially, or in kind, some benefits in return, such as a positive PR or marketing opportunity.
- The NCT exercises caution when accepting sponsorship/advertising for NCT material where the type of publication is closely identified with the NCT and/or where the company's product is close to the scope and content of NCT material. Such situations are treated on a case-by-case basis (see Section 7: Nipple Creams).
- The NCT never allows the interests of a sponsoring or advertising company to dictate the content of NCT material.
- The NCT reserves the right to veto any text provided by a commercial company or other organisations covered by the scope of this policy.
- Where the NCT produces text for the publications of other organisations, it reserves the right to ensure that its material is not placed next to or alongside material from companies excluded in this policy.
- The NCT will not accept advertising unless it complies with the ASA advertising code (www.asa.org.uk)
- The NCT retains the right to comment on and criticise the actions of supporters or



sponsors. However, through building constructive and open dialogues with supporters, based on relationships of trust and honesty, such commentary and criticism can first be aired without the risk of attracting negative publicity, which can so easily damage the supporter and the charity.

e. Transparency

The relationship between the NCT and their donors and sponsors should be one that is accountable, open to scrutiny and based on a sense of meeting mutually beneficial objectives. Our funders, whether they are individual donors, members, multi-national corporations, charitable trusts, or governments, are in effect stakeholders in the NCT.

f. Support of the WHO Code and subsequent resolutions

The NCT supports the code itself and will seek to educate and encourage the companies it works with to operate in line with this code. The NCT will not work with companies unless they express an intention to abide by the code.

3. Criteria

(These criteria are those agreed by the National Council for Voluntary Organisations (NCVO), the Charity Commission and the Institute of Charity Fundraising Managers.)

The bases for the National Childbirth Trust's policy on accepting or rejecting funding are:

a. Compliance with the law and good practice

Fundraising is subject to a range of laws and regulations, and every reasonable effort must be made to comply with them. Staff and volunteers raising funds on behalf of the NCT should be made aware of the laws and regulations governing fundraising, and all reasonable efforts should be made to maintain an up-to-date awareness of changes in law and in case law precedent.

In addition to the law, there is now a large body of information on good practice in professional fundraising. The ICFM (Institute of Charity Fundraising Managers) is the professional association for fundraising managers and directors, and provides a valuable source of information and guidance on good practice issues, case law, and professional standards. The NCT should maintain membership of the ICFM for the manager responsible for fundraising. The NCT should also ensure that fundraising staff have access to appropriate training and information.

b. Not accepting money from a donor whose objects are inimical (opposed) to those of the charity

c. Avoiding receipt of a donation that would lead to a decline in support (for example the support of members, volunteers or the public.)



4. Definitions

Sponsorship

The financing of a project or an event by another person or group, especially a business enterprise, that pays to support a charitable initiative in return for advertising and/or publicity for its name.

Advertising

Any form of representation which is made in connection with a trade, business, craft or profession in order to promote the supply or transfer of goods or services, immovable property, rights or obligations.

Advertorial

Advertorial is a form of advertising where the message is written within text designed to look like editorial. Advertorial may be in the form of a page within a magazine, an insert or a whole booklet. For the purposes of this policy, the NCT treats advertorial as advertising.

Gifts

For the purposes of this policy, gifts, such as raffle prizes, are categorised as a form of advertising.

Gifts in kind

For the purposes of this policy, gifts in kind, such as design work, free product samples and printing, are categorised as a form of advertising. Individuals working within the NCT are free to decline them - for example, free samples.

Inserts

For the purposes of this policy, inserting company material into NCT publications such as branch newsletters, **New Generation** and **Update** is categorised as a form of advertising.

Exhibitions and Conferences

Exhibiting by commercial companies at NCT conferences is categorised as advertising. For the purposes of this policy, NCT participation at exhibitions and conferences is treated in the same way as advertising.

5. EXCLUDED from Advertising AND Sponsorship

Nestle (including all known subsidiaries)

The NCT supports the Nestle boycott. See Appendix A for fuller explanation, and visit website www.babymilkaction.org for a current list of Nestle products. NO advertising or sponsorship income will be accepted for any Nestle boycott.

Weapons and armaments manufacturers

Companies which are directly involved in the manufacture, sale or distribution of weapons and arms.

Tobacco manufacturers

Companies which are primarily associated with tobacco.



Abortion providers and products (including morning after pill and RU486)

In the 2002 consultation, a significant majority supported the proposal NOT to take money from providers of abortion.

Personal loan providers defined as unethical (not licensed by the Office of Fair Trading and/or with unspecified or grossly inflated APR)

In the 2002 consultation, a sizeable majority supported the proposal NOT to take money from personal loan companies, defined as unethical (not licensed by the Office of Fair Trading and/or with unspecified or grossly inflated APR). A check on whether a trader has a license or has ever applied for one can be made on the Consumer Credit Public Register. To search the register, call 0207 211 8608 between 10am and 4pm, Monday to Friday.

6. EXCLUDED from Sponsorship

Formula milk manufacturers and follow-on milk manufacturers

This is in line with the World Health Organisation (WHO) Code on the marketing of breast milk substitutes (see Section 11). The NCT fully supports the WHO code and all the subsequent World Health Assembly (WHA) resolutions.

WHA45.34 (1992):

“The advertising and promotion of infant formula and the presentation of other products such as breast milk substitutes, as well as feeding bottles and teats, may compete unfairly with breastfeeding which is the safest and lowest cost method of nourishing an infant, and may exacerbate such competition and favour uninformed decision making.”

Bottle and teat manufacturers, where the brand name is primarily associated with bottles and teats.

This is in line with the World Health Organisation (WHO) Code on the marketing of breast milk substitutes (see Section 11). The NCT, with the support of its members ascertained through consultations, fully supports the WHO code and all the subsequent World Health Assembly (WHA) resolutions.

In addition, consultations within the membership of the NCT have indicated a strong belief that taking money in the form of sponsorship from manufacturers of these products, where the brand name is primarily associated with bottles and teats, would be ethically unacceptable as they benefit from breastfeeding failure.

7. ACCEPTABLE for Advertising ONLY

Other products from companies (except Nestle and weapons, armaments and tobacco manufacturers) manufacturing products excluded under Section 5, PROVIDED THAT the brand name is not primarily associated with the excluded products. For example, a company that manufactures formula could advertise chocolates, provided that the name of the chocolates and the name of the company are not primarily associated with the formula brand.

This is no change from the 1998 policy.



Bottles and teats PROVIDED THAT they are part of a breast pump.

This is no change from the 1998 policy.

Bottle and teat manufacturers where the brand name is not primarily associated with bottles and teats, and provided that the advertisement / raffle prize does not include bottles and teats.

This is no change from the 1998 policy. NB: Decisions to take this advertising will be referred to as the SCRAP advisory group.

Manufacturers of dummies, where the brand name is not primarily associated with dummies, and provided that the advertisement/raffle prize does not include dummies.

Although not specifically covered by the WHO code, a very significant percentage of NCT breastfeeding counsellors in the 2002 consultation agreed with the proposal NOT to take sponsorship money from manufacturers of dummies, and four out of 10 of other respondents also agreed with the proposal NOT to take sponsorship money from manufacturers of dummies.

Mindful of the principles and criteria underpinning this policy, and in particular the need to sustain support for the charity from its workers and members, this policy now excludes taking sponsorship money from manufacturers of dummies.

Dieting products and services

- The NCT will accept advertising for dieting products and services, provided these are advertised ethically.
- Dieting advertisements should NOT be recommended to pregnant women.
- The NCT recommends caution be exercised when dieting advertisements are directed at postnatal women.

Religious organisations

The NCT will accept advertising from religious organisations, provided they are not exclusive, exploitative, condemnatory or used for recruitment purposes.

The NCT will accept advertisements from religious organisations soliciting donations for a cause not directly associated with the religion, (e.g. famine in a Third World country, but not for a new church roof). In addition, it must be made clear in the advertisement that the advertisement is for a religious organisation.

Contraceptives

In the 2002 consultation, a sizeable majority supported the proposal to accept advertising for contraceptives.

Natural family planning services

In the 2002 consultation, a sizeable majority supported the proposal to accept advertisements from natural family planning services.

Assisted conception services

In the 2002 consultation, a significant majority of respondents favoured the proposal to



accept advertising from assisted conception services.

Independent midwives

In the 2002 consultation, a significant majority supported the proposal to accept advertising from independent midwives.

Private healthcare

In the 2002 consultation, a sizeable majority supported the proposal to accept advertising from private health care providers.

Alternative practitioners

In the 2002 consultation, a significant majority supported the proposal to accept advertising from alternative practitioners. Qualifications and membership of any relevant body **MUST** be stated in any advertisement.

Electronic fetal monitoring equipment

The NCT will accept advertising from manufacturers of electronic fetal monitoring equipment, PROVIDED THAT the advertisement is targeted at health professionals and not at parents.

8. ACCEPTABLE for Advertising AND Sponsorship

The vast majority of products are acceptable for advertising and sponsorship. The examples given below clarify those areas most often asked about. Where the NCT takes sponsorship money from a company, it will educate and encourage the sponsoring company to be fully compliant with the WHO code and subsequent resolutions. Continuing deliberate breeches could cause the relationship to be severed.

Distributors of infant formula and follow-on milks and bottles, teats and dummies

- The NCT does not exclude commercial sponsorship from distributors of infant formula and/or follow-on milk, bottles, teats and dummies.
- The NCT believes that accepting sponsorship from such companies will not inadvertently promote formula milk, and will offer the NCT the opportunity to further its aims and objectives. However, the NCT recognises this is a sensitive area, and advertising and sponsorship opportunities will be discussed on a case-by-case basis.
- Recognising the sensitivity is an addition to the 1998 policy.

Nipple cream

In the 2002 consultation, there was no significant majority either among breastfeeding counsellors or among other respondents in favour or against the proposal to accept sponsorship and advertising from manufacturers of nipple creams.

In the light of this, the NCT will accept sponsorship and advertising from manufacturers of nipple creams, BUT will treat this issue on a case-by-case basis. For example, sponsorship of an information sheet on sore nipples by a nipple cream manufacturer is not acceptable, although sponsorship of an information sheet on a less 'close' topic would be considered.



Manufacturers of nipple creams are allowed to exhibit at NCT conferences.

Breast pumps, breast pads, feeding pillows and sterilisers

In the 2002 consultation, a significant majority supported the proposal to accept sponsorship and advertising from providers of these products.

Weaning foods

The NCT does not exclude commercial sponsorship or advertising from companies which market complementary foods PROVIDED THAT the food featured is clearly aimed at babies above six months, that images show children well over the age of six months, and that text specifies “six months” for weaning teas, foods and drinks. This is in line with Department of Health guidance on weaning.

Weaning drinks and teas

In the 2002 consultation, over half of respondents agreed with the proposals to accept sponsorship and advertising from manufacturers of weaning drinks and teas PROVIDED THAT the food featured is clearly aimed at babies above six months, and that images show children well over the age of six months. Among breastfeeding counsellors, equal proportions agreed and disagreed with the proposals.

In the light of this, the NCT will accept sponsorship and advertising from manufacturers of weaning drinks and teas PROVIDED THAT the images show children well over the age of six months - i.e. able to sit unaided - and PROVIDED THAT the product is never presented in a bottle.

Baby feeding equipment

The NCT does not exclude commercial sponsorship and advertising from companies which manufacture and distribute baby-feeding equipment. However, most items of infant feeding equipment are either covered by the WHO Code or have been already clarified in this policy. This is no change to the 1998 policy

Tens machines, birth pools, birth stools, birth balls, birth beds, mattresses

In the 2002 consultation, the vast majority supported the proposal to accept sponsorship and advertising from manufacturers and providers of these products.

Medicines, homeopathic remedies, and herbal remedies and practitioners

The NCT can accept advertising and sponsorship from the above - although we recognise that there will be sensitive issues. Advertising is tightly controlled in this area. However, if there is any doubt regarding claims made about products in the advertising, guidance can be sought from the Advertising Standards Authority (see Appendix B), particularly if it is felt unsubstantiated claims are being made. Advice from a pharmacist can also be sought. In the case of individual practitioners, qualifications and membership of any relevant body must be stated.

Prescription-only medicines

Advertising of these medicines is not allowed by law.



9. Decision Making and Approval Procedures

9.1 Low Risk / Low Level Association

Decisions on acceptance of sponsorship and advertising can be taken by the Head of Fundraising for the UK Office, or, for a branch, by the branch committee or designated committee member, providing that the policy allows acceptance. Branches should take advice from their regional committee who can seek advice from the Head of Fundraising, if they are not clear whether the sponsor or advertiser is acceptable within the policy.

NB: Sometimes companies that have the potential to advertise UK-wide make an approach to a branch first. In order to help the NCT make the most of these opportunities, the Head of Fundraising should be informed about these approaches.

If the CEO and the Head of Fundraising cannot make a decision based on the policy, then the decision will be referred to a sub-committee of the Board, the Sponsorship, Commercial Relations and Advertising Policy advisory group (SCRAP advisory group). This group will make the decision, provided that they can reach consensus. If disagreement remains, the decision will be referred to the Board.

If prospectively or retrospectively any member of the NCT is unhappy with any decision to take or not take particular sponsorship and advertising, they should refer this to their relevant panel who should bring the panel's views to the attention of the SCRAP advisory group. The SCRAP group will then make the decision on the issue.

9.2 Higher Level Association

Where the agreement involves significant commitment on the part of the NCT (e.g. wide use of company and charity logos with joint strapline, press work etc.), the approval of the Chair or Vice Chair of the Board of Trustees should also be sought.

9.3 Sensitive Areas / Higher Risk

The NCT accepts that ethical issues are not absolute, and that decisions about acceptance or rejection of money must be in line with the charity's objects. All fundraising carries with it an element of risk. Public opinion on specific ethical and moral issues is changeable.

In cases where a relationship with a company is being considered which could be seen as 'sensitive' and where there is therefore greater risk involved, the decision on whether to proceed should be referred to a representative panel of experienced individuals within the NCT. This would be called the Sponsorship, Commercial Relationships and Advertising Policy Advisory Group or SCRAP Advisory Group. (See Section 9).

10. Sponsorship, Commercial Relationships and Advertising Policy Advisory Group or SCRAP Advisory Group

10.1 Authority

The SCRAP Advisory Group has the delegated authority of the Board of Trustees to approve or reject sponsorship and advertising opportunities placed before it by the Chief Executive. Decisions must be reached through consensus and must be unanimous. Where a unanimous decision cannot be reached, the Group must refer decisions to a full Board of Trustees



meeting.

10.2 Reporting / minutes

Reports will be made to the Board of Trustees by the Trustee Chair and should consist of minutes of decisions taken and the basis for the decisions, in addition to any verbal reports.

10.3 Notice periods

In order to allow the professional fundraising staff and others to respond efficiently to opportunities, the Group will have a minimum notice period of three days and will ordinarily conduct its business via a telephone conference with papers circulated electronically two days prior to the telephone conference. Where necessary, a meeting could take place instead of a telephone conference, in which case seven days notice of the meeting should be given, with papers circulated at least three days prior to the meeting. The Group is not a standing committee, but should be called by the Chief Executive - normally on the advice of the Head of Fundraising - as and when needed.

10.4 Membership

- Trustee (as chair)
- Chief Executive
- Head of Fundraising
- Head of Policy Research or appointed deputy
- A member from each of the NCT's Panels
- A director of NCT Trading

The quorum is two thirds of the membership. The Marketing/Communications Manager may be required to attend. The President of the NCT may attend.

10.5 Visitors / Observers

Up to two visitors may be invited to attend each meeting (on the discretion of the Chair of the Group). The Board's standing orders on observers will apply.

10.6 Confidentiality

Standing orders of the Board of Trustees apply.

11. Glossary of Terms

● Sponsorship:

Definition

The financing of a project or an event carried out by another person or group, especially a business enterprise that pays to support a charitable service in return for advertising and/or publicity for its name. (See earlier comments under Section 4.)

Association

Sponsorship, 'affinity-marketing' and other types of corporate fundraising activity are based on the clear understanding of both the charity and company involved that there is a level of benefit to the company from the association being made.



This can take a variety of forms, from 'warm glow' PR, through to allowing a company to use 'cause related' marketing to give a competitive advantage to its products or services. Essentially, sponsorship-type activities involve linking together the company's name, brand name and/or logo with the charity's name/logo.

● Advertising

Definition

Any form of representation which is made in connection with a trade, business, craft or profession in order to promote the supply or transfer of goods or services, immovable property, rights or obligations

Association

Generally speaking, advertising (including most advertorial) does not create the same kind of direct association between the advertiser and the charity in whose publication the advert is carried. The same applies to exhibiting at conferences, raffle prizes and inserts.

In terms of how advertising is perceived, in general, the public would not assume any significant link between an advertiser and the organisation in whose publication the advertising is carried, unless the link is made explicit - which takes it out of the realm of straightforward advertising and into the realm of sponsorship. Advertising can be used as part of a partnership marketing campaign, for example, or in brochure and programme advertising, where an advert is used by a company to send a message of support.

● Advertorial

Advertorial is a form of advertising where the message is within text designed to look like editorial. Advertorial may be in the form of a page within a magazine, an insert or a whole booklet. For the purposes of this policy, the NCT treats advertorial as advertising.

● Gifts

For the purposes of this policy, gifts are categorised as a form of advertising.

● Gifts in kind

For the purposes of this policy, gifts in kind such as design work, free product samples and printing, are categorised as a form of advertising. Individuals working within the NCT are free to decline, for example, free samples.

● Inserts

For the purposes of this policy, inserting company material into NCT publications such as branch newsletters, **New Generation** and **Update** is categorised as a form of advertising.

● Exhibition and conferences

NCT participation at exhibitions and conferences is treated in the same way as advertising. Exhibitors at the NCT conference are treated as advertisers. (See earlier comments under Section 4)

● Distributors

For the purposes of this policy, a distributor is a retail outlet.



12. The World Health Organisation (WHO) Code

The World Health Organisation (WHO) Code on marketing of breast milk substitutes and subsequent World Health Assembly Resolutions.

The WHO Code, which was adopted by member states of the World Health Assembly (including the UK) in 1981, was developed to help provide safe, adequate nutrition for infants by protecting and promoting breastfeeding and ensuring the proper use of breast milk substitutes based on adequate information and appropriate marketing and distribution. Governments and manufacturers and distributors of breast milk substitutes, as well as organisations which provide care, support and information to pregnant and breastfeeding women, have a responsibility to implement the recommendations of the WHO Code.

Since 1981, the World Health Assembly (WHA) has met biannually to consider reports by member states on their implementation of the WHO Code. On the basis of these reports, WHA resolutions have been proposed and adopted to identify and clarify issues relating to the implementation of the Code, in an effort to stimulate member states and the baby feeding industry to abide fully by the aims and objectives of the Code.

The NCT supports the WHO Code, and all subsequent resolutions adopted by the World Health Assembly.

Resolutions adopted by the World Health Assembly and supported by the NCT are as follows:

WHA 35.26 (1982)	WHA 37.30 (1984)
WHA 39.28 (1986)	WHA 41.1 (1988)
WHA 43.4 (1990)	WHA 45.34 (1992)
WHA 47.5 (1994) ¹	WHA 49.15 (1996) ²

The NCT also supports the Global Strategy on infant and young child feeding.

1. Relates to complementary feeding practices.

2. Relates to financial support for professionals and to the marketing of complementary foods.

13. Appendices

A. The Nestle boycott

The NCT supports the 20 country international Nestle boycott in protest at Nestle's policy of promoting formula milk for babies in contravention of the WHO International Code. The Code is designed to protect and promote breastfeeding and to ensure the proper use of breast milk substitutes. According to the United Nations Children's Fund (UNICEF), unsafe bottle-feeding contributes to the deaths of more than 1 million babies every year.

Research in 1996 by the Interagency Group on Breastfeeding Monitoring, for instance, demonstrated that Nestle violated the Code in all four countries studied. They gave free samples to mothers, free supplies to hospitals, inducements to health workers and produced negative information on breastfeeding, all of which are banned under the Code.



B. Advertising and Codes of Practice

Advertising is not covered by charity legislation, but is regulated by the Advertising Standards Authority and the British Code of Advertising. A separate Sales Promotion Code applies both to advertising and to sales promotions and incentive schemes which may be construed as sponsorship.

Advertising is covered by the British Codes of Advertising and Sales Promotion and by legislation; there are around 150 pieces of legislation on advertising including:

- the Control of Misleading Regulations 1988;
- Milk and Milk products Regulations 1990;
- the Misrepresentations Act 1976;
- the Fair Trading Act 1973;
- the Protection of Children (Tobacco Act) 1986.

Newsletter editors and magazine editors can use the copy checking service operated by the Advertising Standards Authority to check that advertisements conform to the law and the code. In fact, most widely used advertisements conform to all the rules, since they are invariably checked by lawyers before the companies release them. The service is useful for new products, for 'fringe' products and for any advertisement that an editor is concerned about.

ASA Copy Checking Line:

Tel: 0207 580 4100, fax: 0207 580 4072 or visit the website: www.asa.org.uk

The Advertising Standards Authority Code covers printed advertisements of all kinds. It has several general points to make. It states that all advertisements should be:

- 2.1 “legal, decent, honest and truthful”;
- 2.2 prepared with a sense of responsibility to consumers and to society;
- 2.3 respect the principles of fair competition generally accepted in business.

Decency

- 5.1 Advertisements should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation or disability. Compliance with the Codes will be judged on the context, medium, audience, product and prevailing standards of decency.
- 5.2 Advertisements may be distasteful without necessarily conflicting with the above.

Advertisers are urged to consider public sensitivities before using potentially offensive material.

Honesty

- 6.1 Advertisers should not exploit the credulity, lack of knowledge or inexperience of consumers.

Truthfulness

- 7.1 No advertisement should mislead by inaccuracy, ambiguity, exaggeration, omission or otherwise.



Matters of opinion

- 8.1 Advertisers may give a view about any matter, including the qualities or desirability of their products, provided it is clear that they are expressing their own opinion rather than stating a fact.

Fear and distress

- 9.1 No advertisement should cause fear or distress without good reason. Advertisers should not use shocking claims or images merely to attract attention.

The Code also has specific guidelines on health and beauty products:

- 50.1 Medical and scientific claims made about beauty and health-related products should be backed by trials, where appropriate conducted on people. Substantiation will be assessed by the ASA on the basis of established scientific knowledge.
- 50.2 Advertisers should not discourage people from having essential treatment; medical advice is needed for serious or prolonged ailments, and advertisers should not offer medicines or therapies for them.
- 50.3 Advice, diagnosis or treatment of any serious medical condition should be conducted face-to-face. Advertisers inviting consumers to diagnose their own minor ailments should not make claims that might lead to a mistaken diagnosis.
- 50.4 Consumers should not be encouraged to use products to excess, and advertisers should not suggest that their products or therapies are guaranteed to work, absolutely safe or without side-effects for everyone.
- 50.5 Advertisements should not suggest that any product is safe or effective merely because it is 'natural' or that it is generally safer because it omits an ingredient in common use.

Medicine

- 50.11 Medicines must be licensed by the Medicine Control Agency (MCA) before they are advertised, and any claims made for products must conform with the license. Unlicensed products should not make medicinal claims. Advertisements should refer to the MCA, the licensee or the EC only if required to do so by the MCA.
- 50.12 Prescription-only medicines may not be advertised to the public. Health-related claims in advertisements and promotions addressed only to the medical and allied professions are exempt from the Codes.
- 50.13 Advertisements should include the name of the product, an indication of what it is for, text such as 'Always read the label' and the common name of the active ingredient if there is only one. There should be no suggestion that any medicine is either a food or a cosmetic.
- 50.19 Homeopathic medicinal products must be registered in the UK. Any product information given in the advertisement should be confined to what appears on the label. Advertisements should include a warning to consult a doctor if symptoms persist and should not make any medicinal or therapeutic claims or refer to any ailment.

Vitamins, minerals and food supplements

- 50.21 A well-balanced diet should provide the vitamins and minerals needed each day by a normal, healthy individual. Advertisers may offer supplements as a safeguard, but should not suggest that there is widespread vitamin or mineral deficiency or that it is



- necessary or therapeutic to augment a well-balanced diet. Advertisements should not imply that supplements would guard against deficiency, elevate mood or enhance performance. Supplements should not be promoted as a substitute for a healthy diet.
- 50.22 Certain groups of people may benefit from vitamin and mineral supplementation. These include people who eat nutritionally inadequate meals, the elderly, children and adolescents, convalescents, athletes in training, those who are physically very active, women of childbearing age, lactating and pregnant women and dieters. In assessing claims, the ASA will bear in mind recommendations made by the Department of Health.
- 50.23 Serious vitamin and mineral depletion caused by illness should be diagnosed and treated by a doctor. Self-medication should not be promoted on the basis that it will influence the speed or extent of recovery.

Slimming

- 51.8 Crash diets are those that fall below 400 calories a day. They should not be advertised to dieters unless they are to be used under direct medical supervision.
- 51.9 Diet aids such as low-calorie foods, food substitutes, appetite depressants and meal replacements should make clear how they work. They should state that they cannot aid slimming except as part of a diet in which the total calorie intake is controlled. Prominence must be given to the role of the diet, and advertisements should not give the impression that dieters cannot fail or can eat as much as they like and still lose weight.

Copies of the Code are available from:

The Committee of Advertising Practice, 2 Torrington Place, London WC1E 7HW.

Government regulations on Infant Formula and Follow-on Formula Regulations 1995 prohibits the advertising of formula milk direct to parents:

17. (1) No person shall publish or display any advertisement for an infant formula except:
- (a) in a publication specialising in baby care and distributed only through the health care system:
 - in a scientific publication; or
 - for the purposes of trade prior to the retail stage, in a publication of which the intended readership is other than the general public;
- and:
- (b) which does not comply with the requirements, prohibitions and restrictions relating to labelling contained in regulations 13(1)(h), (2) and (3) and 15.
- (2) An advertisement for an infant formula shall contain only information of a scientific and factual nature. Such information shall not imply or seek to create a belief that bottle-feeding is equivalent or superior to breastfeeding.

There are also restrictions under these regulations on promotion of infant formulae:

19. No person shall at any place where any infant formula is sold by retail:
- advertise any infant formula;



- make any special display of an infant formula designed to promote sales;
- give away:
 - any infant formula as a free sample; or
 - any coupon which may be used to purchase an infant formula at a discount.

Copies of the government regulations are available from HMSO.

C. Advertising Checklist for Branch Newsletter Editors

Branch newsletter editors should consider the appropriateness of advertisements before accepting them. If in doubt, consultation with other newsletter editors and a regional co-ordinator would be a wise step.

Ask yourself:

1. Does this advertisement comply with NCT Sponsorship, Commercial Relationships and Advertising Policy (SCRAP), both in the letter and the spirit?
2. Is this advertisement appropriate for NCT readers? If the advertisement is for something completely inappropriate, you will alienate readers by accepting it. Examples of this might include services not available in your area, e.g. a nappy laundry service in a rural area, or inappropriate to local perceptions, e.g. expensive holidays in an area of high unemployment.
3. Will the advertisement bring the NCT into disrepute or ridicule? Members will not be happy being associated with something that reflects badly on the NCT, but local conditions will vary - what is considered outrageously new in a traditional area may be mainstream in a multicultural inner city area.
4. Is the advertisement appropriate for pregnant women and the parents of young children? Advertisements that inform are OK, ones that attempt to scare people are not: examples here could include baby breathing monitors, cot mattresses, safety equipment, vitamin supplements. In these cases the product advertised may be acceptable but the way it is advertised may not be. Some products may be completely unsuitable for our members. Examples here would include anything proven to be detrimental to health such as cigarettes.
5. Is the advertisement likely to be detrimental to the work of the branch? Taking advertisements for yoga classes for pregnancy is unlikely to be a problem for a well-established branch, but may jeopardise newly established NCT classes in a new branch.
6. Consider local conditions: if your branch has an active Mava bra agent and sales generate income for the branch, accepting a bra advertisement may be detrimental.

Suggested NCT statement to advertisers:

“The NCT welcomes the support of advertisers, and values their contribution to our work. We are particularly keen to welcome advertisers whose products support and empower parents, and those whose advertisements reflect the work of the NCT and the variety of family life in our society.”



D. Standard Disclaimer (from *Running a Branch Effectively*)

The appearance of an advertisement in this newsletter does not imply endorsement of the company or its products/services by the NCT, nor does it constitute a recommendation. However, it is always worth mentioning when replying to an advertisement that you saw it in an NCT newsletter.

The NCT cannot be held liable for loss, damage or injury arising out of goods sold through these columns or any advertisement in this newsletter.

E. Model Contracts

Where the NCT is involved with a company in a sponsorship or other commercial arrangement, formal written contracts should be developed. The relevant model contracts produced by the ICFM should be referred to where appropriate. In addition, the NCT should include clauses to the following effect:

LACORS (the Local Authorities Co-ordinators of Regulatory Services)

The Company will abide by LACORS or subsequent guidelines on the Infant Formula and Follow-on Formula Regulations, 1995.

Department of Health Guidelines

If producing or providing information on infant feeding, the Company will abide by the DoH guidelines on the Infant Formula and Follow-on Formula Regulations. The NCT recognises that these guidelines are quite complex, and will provide the Company with a briefing paper to assist the Company in implementing the regulations appropriately and in a 'user friendly' way. The Company agrees to provide the NCT with any information it has produced on infant feeding that is in circulation or in draft form.

Confidentiality

These contracts will be covered by a confidentiality clause that binds both parties.

Special relationships

The NCT has limited resources and therefore will give priority to providing advice and information to companies with whom it has a sponsorship or funding relationship, to ensure they are aware of any transgressions of the law or potential areas of difficulty.

