

The Little Red Book

CODE OF

ADVERTISING

PRACTICE

MAURITIUS



GENERAL OVERVIEW

PREAMBLE

It is internationally accepted that self-discipline enables better consumer information and protection. It requires responsibility and integrity from the part of advertisers, advertising agencies, the media and self-regulatory bodies.

The present Code comprises rules of self-restraint that will enable the advertising industry's stakeholders to reach a consensus whilst respecting all sensitivities and interests in conflict. In part, this Code simply ratifies unofficial rules consistently put in practice by advertising agencies, advertisers and the media and, for another part, it sets new rules to ensure that public interest is safeguarded.

It is well understood that consumer interest is central to this Code. The present rules have as purpose to reassure consumers and consumer organizations as they prove that the aim of advertising is not to manipulate them.

Advertising must be appreciated in terms of its presumed influence on the consumer, considering the medium used. This Code is to be applied in the spirit as well as in the letter.

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GLOSSARY

Will be defined here the most recurrent terms used in the present Code as well as those that it is essential to figure out to understand this text in its legal sense. Some terms specific to law and to advertising that are less often used will be defined in the articles that directly relate to them.

ADVERTISING:

The term “advertising” refers to any form of message, words, figures, visual presentations, music or sound effects published by a medium against remuneration or some other consideration with a view to promoting the supply of goods or services in the context of a commercial, industrial or handicraft activity or a liberal profession, that is to ensure the commercial promotion of a public or private business or of any lawful organization.

Social advertising produced and published for public well-being and without commercial aim is authorized and doesn't fall within the precinct of all the rules of the present Code.

ADVERTISER:

The term “advertiser” refers to any producer, manufacturer, importer, distributor or commercial intermediary (business, organization or person) that orders the realization and/or publication of an advertisement in order to commercially promote its products or services, activities or brand.

ADVERTISING AGENCY:

The term “advertising agency” refers to any business or organization that designs, directs and executes or causes to execute by one or several sub-contractors, an advertisement ordered by an advertising client. It makes no difference that the publication is taken charge of by the advertising agency or directly negotiated by the advertiser.

MEDIUM:

The term “medium” refers to any media accessible to the general public, be it audiovisual or printed, static or movable.

CONSUMER:

The term “consumer” refers to any person who is part of the economic market and the consumer society. He/she is the one to whom an advertising message is addressed and/or is likely to receive it as an end-consumer, a customer or a professional user.

The base consumer is considered as being an adult having a responsible, reasonable and commonsense judgement; he/she is supposed to consider

the surrounding circumstances when analysing the elements of the advertisement, and this with a common critical mind and an average attention span. The present Code is destined to govern problems that advertising has been, still is or is likely to face in the future.

Every Advertising Agency in the world must adhere to a Code of Practice. Usually, the agency refers to the Code of Advertising Practice which is in force in the country where it is located.

The Association of Advertising Agencies of Mauritius launched its first Code of Ethics in 1994. That code was unanimously accepted by the main stakeholders, i.e. advertising agencies, clients and media, and was widely respected. It was reviewed a few times to accommodate and adapt to major technological developments, especially in the ICT sector, and new trends in advertising.

The present Code of Advertising Practice is an essential tool of reference to all advertising agencies when they have any doubt during the creative process or while finalizing any advert before it goes public. The media must also refer to the Code in case there is any doubt before publication or broadcast. The AAA can also be contacted for any clarification as to what is accepted or not by the Code.

The main objective of the AAA is to promote creativity and professionalism in the advertising industry while upholding a sense of ethics and respecting the Code of Practice with the support of all the stakeholders. The AAA is confident to reach its objective, thus contributing to achieve higher standards of service in Mauritius and abroad.