

1. INTERPRETATION

Should there be any doubt as to the interpretation or application of the Code of Standards, or any part thereof, or any question or matter not specifically covered by this Code, the decision of the Advertising Standards Authority will be final and binding, subject to an appeal to the Tribunal Committee made up of ZAPPA, ADMA and ASA Chairpersons'. Legal Advisors Zigomo Legal Practitioners are part of the Tribunal Committee.

The placing of any order or the signing of any contract for the purchase of advertising in any member media shall be deemed to be a specific acceptance of this condition by the parties to such contract or their agents.

2. GENERAL PRINCIPLE

All advertising accepted for publication, transmission or broadcast will be governed by the general principle that it will be legal, decent, honest and truthful, and that it conforms to the Advertising Media Association's Code of Standards for advertising. Each member media, nevertheless, reserves the right to impose additional standards applicable to their own particular medium. No advertisement which contains material of doubtful propriety or which is obscene, indecent or profane, or contrary in any way to accepted standards of good taste and morality shall be accepted by any media.

- 2.1 Where an advertiser/practitioner blatantly flouts the ASA Code of Standards, a penalty of \$1 000.00 will be imposed. In the event of the offender failing to pay the \$1 000.00 to ASA within 14 days, all ADMA members will be advised to stop accepting any advertising copy from that advertiser.
- 2.2 A handling fee of \$500 shall be levied to all Companies and Advertising Agencies who are lodging complaints to ASA.

3. FALSE OR MISLEADING ADVERTISEMENTS

- 3.1 No advertisement, taken as a whole or in part, shall contain any printed, spoken or visual presentation of the product or service advertised, or statement of its price which directly or by implication misleads. In particular: -

- 3.1.1 SPECIAL CLAIM

No advertisement shall contain any reference which is likely to lead the public to assume that the product advertised or any ingredient has some special property or quality (which is in fact unknown, unrecognisable or incapable of being established).

- 3.1.2 SCIENTIFIC AND TECHNICAL TERMS

Statistics, scientific terms, quotations from technical literature and the like may be used only with a proper sense of responsibility to the public. The irrelevant use of data and jargon to

make claims appear more scientific than they really are shall not be permitted. Statistics of limited validity shall not be presented in such a way as to make it appear that they are universally true. The Advertising Standards Authority of ADMA will require substantiation for any scientific or technical terms which are used.

3.1.3 IMITATION, EXAGGERATION AND QUESTIONABLE CLAIMS

Any imitation likely to mislead the public, even though it is not of such a kind as to give rise to a legal action for infringement of copyright or for "passing off", must be avoided.

- 3.1.4 No exaggerated or questionable claim or any form of misrepresentation shall be made for any product or service.
- 3.1.5 Every effort shall be made to ensure that no advertisement contains anything which is likely to offend the susceptibilities of any section of the community. In the event that any group makes a justifiable complaint, the ASA Committee shall be convened and will make a ruling.
- 3.1.6 No advertisement shall contain anything which, in the opinion of the member media, contains any element of danger to children.
- 3.1.7 Advertising shall not contain anything which is considered to be malicious or scandalous.
- 3.1.8 No advertisement shall make an undue appeal to fear on the part of the public, if the intended objective is to make a profit and/or sell a product/service.
- 3.1.9 No advertisement shall endeavour to create a sense of inferiority in the mind of the person or persons who do not use product or service being advertised by the advertiser.
- 3.1.10 No advertisement should contain any visual element which, by itself, or in combination with words used in connection therewith, is likely to convey a misleading impression, or if the reasonable inference to be drawn from such advertisement infringes any of the provisions of this Code.
- 3.1.11 The word "NEW" may be used in all media, packaging, posters, billboards, etc. for an entirely new product or service marketed or sold during a given twelve-month period. It may also be used to advertise any change or improvement to a product, service or package, provided that the change or improvement is material and can be substantiated and defined.

The maximum use of the word "NEW" in the above prescribed contexts to be confined to a twelve-month period calculated from date of proven first usage in an advertisement. In exceptional circumstances an extension of the twelve-month period may be considered.

3.2 PLAGIARISM

Even if technically not plagiaristic or of such a kind as to give rise to legal action, advertisements copying the content or concept of current/recent advertising campaign in Zimbabwe, particularly within the same product group, will not be permitted.

4. DISPARAGING REFERENCES

- 4.1 No advertisement shall make any disparaging reference to competitive products or services.

- 4.2 All descriptions, claims and comparisons which relate to matters of objectively ascertainable fact should be capable of substantiation and advertisers and advertising agencies are required to hold such substantiation ready for production without delay to the ASA of ADMA.

5. TESTIMONIALS

Testimonials must be voluntary, genuine and unpremeditated and must not be used in a manner likely to mislead. Advertisers and their agencies must have evidence in support of any testimonial and of any claims therein and all such testimonials must comply with the ADMA Regulations. Such evidence must include authority to publish from the source of the testimonial.

6. GUARANTEE

The word "GUARANTEE" shall be used only with caution and sparingly and only in relation to some specific description or quality, and the detailed terms of any such guarantee shall be available for inspection by the Advertising Standards Authority of ADMA. Advertisements offering a "money back" guarantee may be accepted only when the advertisement contains the street address of the advertiser.

7. COMPETITIONS

- 7.1 Advertisements for skill competitions (except those permitted in terms of relevant legislation) which have for their objective no other purpose than money-making and not the furtherance of trade, or the furtherance of a charitable cause, shall not be accepted for publication.
- 7.2 Advertisements inviting the public to take part in competitions shall comply with the laws of Zimbabwe and, in particular, with the following requirements: -
- 7.2.1 All contestants must be offered the opportunity to win on the basis of ability and skill, rather than chance. Games of chance will not be acceptable. Lotteries or contests amounting to lotteries will not be accepted unless they comply with the regulations in Clause 8.1 - LOTTERIES - hereunder.
- 7.2.2 The basis on which the submissions of the contestants are to be judged and the nature and the number of prizes, including the order in which they are to be awarded, shall be clearly stated.
- 7.2.3 The closing date of the contest shall be made public in the first advertising exposure and, if possible, shall be strictly adhered to. Any alteration shall be given adequate publicity. The organisers shall be obliged to advertise the results of competitions within a reasonable period of the winners being determined.

8. LOTTERIES, BOOKMAKERS, TOTALISATORS AND POOLS

8.1 LOTTERIES

- 8.1.1 Advertisements for lotteries may not be accepted unless the organisation, person or persons organising such lottery are able to give written proof that the lottery has been approved in terms of the Lotteries and Gamin (Exemption) Act Cap. 86.
- 8.1.2 Where the values and/or nature of the prizes are guaranteed, they may be advertised without qualification.
- 8.1.3 Where the values and/or nature of the prizes depend upon the number of tickets sold, this fact must be clearly stated in the advertisement.
- 8.1.4 Sellers of Lottery Tickets who wish to include details of winning tickets in their advertisements shall state clearly the number of prizes they have sold, the category in which the prizes fall and the period covered.
- 8.1.5 Advertisement for raffles stating "limited" number of tickets must clearly state the actual number of tickets available for sale.
- 8.1.6 The closing date of the lottery shall be made public in the first advertising exposure and, if possible, shall be strictly adhered to. Any alteration shall be given adequate publicity. The organisers shall be obliged to advertise the results of competitions within a reasonable period of the winners being determined.
- 8.2 BOOKMAKERS, TOTALISATORS AND POOLS
- 8.2.1 Advertisements which invite the public to take part in betting, totalisators and pools shall comply with the laws of Zimbabwe. Advertisements for betting tipsters are not acceptable.
- 8.2.2 Advertisements for competitions which have for their objective no other purpose than money-making and not the furtherance of trade or a charitable cause are not acceptable. (See COMPETITIONS - Clause 7 above).
- 8.2.3 Bookmakers may advertise fixed odds or any other combination of betting, but only actual and not estimated winnings may be advertised.
- 8.2.4 Pool and totalisator advertising shall be accepted only on the following conditions:-
- 8.2.5 Advertisements for totalisator and pool operations shall not contain reference to an estimated dividend pay-out. If a jackpot is operated in conjunction with a totalisator, the advertisements may refer to the amount carried over from one jackpot to the next. The carry-over amount may not be added to an estimated dividend pay-out. No reference may be made to previous totalisator turnover, unless in terms of Clauses 8.2(6) and 8.2(13).
- 8.2.6 All amounts announced as having been won must be for the current season's pools/totalisator only, with the exception that at the beginning of each new season amounts actually paid on the last season's pool/totalisator may be advertised, providing it is clearly stated that these amounts refer to the previous season.
- 8.2.7 All advertisements for pools competitions must clearly state the date, other than for the current week, on which the amount referred to was paid, the stake to which the sum was paid

and, in the case of a multiplicity of dividends being added together, full details of the actual number of winning lines and stakes on these lines must be clearly stated in the advertisement.

- 8.2.8 All advertisements for totalisator competitions must clearly state the date, other than for the current week, on which the amount referred to was paid, the stake to which the sum was paid and, in the case of a multiplicity of dividends being added together, full details of the actual permutations and stakes on those permutations must be clearly stated in the advertisement.
- 8.2.9 In the event of a firm advertising total pay-out on a pool or totalisator jackpot, the number of winners and each winner's share must be included.
- 8.2.10 Dividends for separate weeks or different pools must not be added together for the purpose of advertising.
- 8.2.11 The minimum stakes must not be presented more prominently or in larger type than the stakes for which the amount was won.
- 8.2.12 Presentations must not in any way infringe the spirit of these rules.
- 8.2.13 Where a sport has no fixed season, operators will only be permitted to refer to the results of the immediate past four weeks. However, in the case of a jackpot carry-over, reference may be made to the previous carry-over, should this not have fallen within the previous four weeks, provided that the date of such previous carry-over is mentioned. Where an annual sporting event is the subject of special pools or totalisator advertising, reference may be made to the pay-out on the previous year's fixture, for example, the Rothmans July Handicap, the Natbrev Tankard.

9. HIRE PURCHASE AND INSTALMENT BUYING

- 9.1 Where an advertisement contains a price and reference to specific terms of payment relating to any form of instalment buying, care must be taken to ensure that the amounts quoted clearly indicate to prospective purchasers the cash price and the extra costs required for hire purchase.
- 9.2 All such advertisements must, therefore, state the cash price and, insofar as any form of instalment buying is concerned, the amount of the deposit (if any) and the amount of each instalment and the number of instalments that have to be paid. Provided that where only a cash price is advertised, it is permissible to note against such price that "Terms incorporating additional finance and interest charges are available on request", or some such general statement; such statements shall draw attention to the increased cost of instalment buying due to Finance and Interest charges

10. STREET ADDRESSES

- 10.1 The full name and street address of advertisers offering articles and/or services in exchange for remittance through the post shall be published in any such advertisement.
- 10.2 Members handling advertisements from friendship clubs, marriage bureaux, health institutes or for massage treatment shall publish the full address of the advertiser in such advertisements.

11. COMPARATIVE PRICING AND SAVINGS CLAIMS

- 11.1 Merchandise shall not be offered at "wholesale price" or "manufacturer's cost" or "less than cost", unless such claim or representation is true and can be substantiated.
- 11.2 Merchandise shall not be offered for sale at a price purported to be reduced from what is a fictitious "list", "selling", "recommended retail price" or "manufacturers suggested retail price" or at a purported reduction in any such price when such purported reduction is, in fact, fictitious.
- 11.3 Advertisements in which an advertiser compares his current prices with his own previous prices are acceptable, provided: -
- 11.3.1 that the previous price claimed must be the price ruling in the advertiser's own establishment and advertised or otherwise established to ADMA as the price at which the goods were sold for a period of 28 days immediately preceding the date on which the comparison is first made.
- 11.3.2 "a saving" can only be claimed if both the previous and new prices are reflected in the advertisement and such prices are in compliance with the provisions recorded above.
- 11.3.3 general claims such as "save X" or "savings up to Y" can only be made if substantiated by the previous and new prices which must appear in the advertisement.
- 11.4 Merchandise shall not be offered as "made to sell for" or being "worth" or "valued at" a certain price greater or more than the price asked, unless such claim or representation is true and can be substantiated.
- 11.5 Advertisements in which there are comparisons between the advertisers's price and the prices alleged to prevail generally or in any other establishment are not acceptable.

12. EXAGGERATED COPY

No advertisement should contain copy which is exaggerated by reason of the improper use of words, phrases or methods of presentation, e.g. the use of the words "magic", "magical", "miracle", "miraculous".

13. PREMIUM OFFERS

- 13.1 Advertisements which make offers, whether for merchandise or any other form or premium, to the public, may be permitted but only on the following conditions: -
- 13.1.1 No brand or trade name of a premium shall enjoy a selling message except where the sponsor is: -
- 13.1.1.1 the manufacturer of such premium, or
- 13.1.1.2 the sole Zimbabwean agent for such premium.
- 13.1.2 Advertisements must not describe goods or samples as "free" unless the goods or samples are supplied at no cost or no extra cost (other than actual postage or carriage) to the recipient. A trial may be described as "free" although the customer is expected to pay the cost of returning

the goods, provided that the advertisement makes clear the customers obligation to do so. Advertisements offering free goods shall indicate that such goods are received free with every purchase or with a specified number of purchases or within a specified time.

13.1.3 When offers of printed matter, whether free, charged for or as premiums, are made, such printed matter shall in all respects conform to the standards of propriety and good taste governing all advertising.

14. FREE PUBLICITY

14.1 Members shall enforce a ban on free publicity.

15. CHARITY ADVERTISING

15.1 The rate for charitable advertising is granted at the sole discretion of the Member.

15.2 Appeals on behalf of a charity advertised nationally may be accepted at the charity rate and will not be subject to agency commission.

15.3 An advertisement inserted by a firm or private individual on behalf of a recognised charity shall be charged at the charity rate, provided that only mention of the name of the firm and logo or individual is stated in the advertisement, and shall be non-commission-bearing.

15.4 The tariff rate (where offered) in regard to advertisements for religious bodies applies only to announcements of local church services or functions. All other classes of religious advertising shall be charged at commercial rates and, in the case of a nationally advertised religious organisation appeal handled by a recognised practitioner in advertising, shall be subject to the usual agency commission.

16. READER ADVERTISEMENTS

16.1 A reader advertisement is one presented in news style, with a news heading, and intended to appear as and among editorial matter.

16.2 Reader advertisements shall carry the word "Advertisement" or shall be clearly defined as advertisements.

17. SPACE BROKERAGE

17.1 The purchase of advertising space for the purpose of making money or profit out of it by selling space to third parties is not permitted.

18. GENERAL

18.1 Exploitation of Goodwill

Advertisements should not exploit the goodwill attached to the trade name or mark of another advertiser, or the advertisers campaign, in any fashion which may unfairly prejudice the original advertisers interest.

18.2 Disparaging References

No advertisement should directly or by implication disparage the products, medicines or treatments of another advertiser or manufacturer, or registered medical practitioner or the medical profession.

18.3 Money-Back Offers

No advertisement should offer to refund money paid.

19. UNACCEPTABLE PRODUCTS AND SERVICES

The provisions in this Code are not necessarily exhaustive. The acceptability of advertisements not covered by the section will be dealt with by the codes of individual members.

19.1 Correspondence Clubs

19.2 Fortune Tellers and the like.

19.3 Organisations/companies/persons seeking to advertise for the purpose of selling betting tips.

19.4 Unlicensed employment services, registers or bureaux.

19.5 Products or treatments for bust development.

19.6 Smoking cures.

19.7 Products for treatment of alcoholism.

19.8 Contact or corneal lenses, unless the advertisement is placed by a registered optician.

NOTE: Advertisements for matrimonial agencies are acceptable providing the wording complies with the codes of individual members. It is recommended that all such advertisements carry the manager's full name and the full street address of the matrimonial agency.

20. CODE OF STANDARDS FOR ADVERTISING MEDICINES AND TREATMENTS

The provisions in this Code are not necessarily exhaustive. The acceptability of advertisements not covered by this section must abide by the rules and regulations of the Drugs Control Council of Zimbabwe.

20.1 Special Claims

No advertisement should contain any reference which is calculated to lead the public to assume that the article, product, medicine or treatment advertised has some special property or quality which is in fact unknown or unrecognised.

20.2 Sexual Weakness, Premature Ageing, Loss of Virility

No advertisement should contain any reference or claim that the product, medicine or treatment advertised will promote sexual virility or be effective in treating sexual weakness, or habits associated with sexual excess or indulgence, or any ailment, such terms as 'premature ageing', 'loss of virility' will be regarded as conditions for which medicines, products, appliances or treatment may not be advertised.

20.3 Visual Presentation of Doctors, Dentists, Pharmaceutical Chemists.

Visual printed and sound presentation of persons representing themselves to be of the Medical, Dental or allied professions by any means whatsoever, whether directly or by implication shall not be accepted.

20.4 Hospital and Official Source

No advertisement will be accepted which contains, whether directly or by implication, any reference to hospitals or official sources for any purpose whatsoever.

21. UNACCEPTABLE MEDICAL PRODUCTS OR SERVICES, AND METHODS OF ADVERTISING

21.1 Cure

No advertisement should contain a claim to cure any ailment or symptoms of ill health, nor should an advertisement contain word or expression used in such a form or context as the to mean in the positive sense the extirpation of any ailment, illness or disease.

21.2 Misleading or Exaggerated Claims

No advertisement should contain any matter which directly or by implication misleads or departs from the truth as the composition, character, safety or action of the medicine or treatment advertised or as to its suitability for the purpose for which it is recommended.

21.3 Appeals to Fear

No advertisement should be calculated to induce undue fear, on the part of the member of the public, that he is suffering or may without treatment suffer, or suffer more severely from an ailment, illness or disease.

21.4 Diagnosis or Treatment by Correspondence

No advertisement will be accepted from any advertiser who by printed matter, orally mechanically or by any other method undertakes: -

21.4.1 To diagnose by correspondence any particular diseased condition in the human being, or to receive from any person a statement of his or any other person's symptoms of ill health with a view to advising as to or providing for the treatment of such ill health by correspondence,

or

21.4.2 To diagnose or treat by correspondence or in any other way any ailment or condition.

21.5 College, Clinic, Institute, Laboratory

No advertisement shall contain these or similar terms, unless such term or terms are part of the registered name of the company or the firm.

21.6 Use of 'Doctor' or 'Dr'

The use in an advertisement of the word 'doctor', or any abbreviation thereof, as part of the name of a branded product will only be permitted in terms of Zimbabwe legislation.

21.7 Medical Opinion

NO advertisement shall contain any reference to medical, including dental, opinion, recommendations, findings or reports unless the source is acceptable to ADMA and mentioned in the advertisement.

21.8 Product Offered Particularly to Women

No advertisement of products, medicines or treatments for disorders or irregularities peculiar to women should contain the following or similar expressions which may imply that the product, medicine or treatment advertised can be effective in inducing miscarriages :-

'Female Pills',

'Not to be used in cases or pregnancy'

The stronger the remedy the more effective it is'

'Never known to fail'.

21.9 'Natural Remedies'

No advertisement should claim or suggest, contrary to the fact, that the article advertised is in the form in which it occurs in nature or that its value lies in its being a 'natural' product.

21.10 Aphrodisiacs and Glandular Extracts

No advertisement will be accepted for aphrodisiacs or for medicines which contain gland extracts or which advocate the use of glandular products.

21.11 Slimming, Weight Reduction or Limitation, or Figure Control

No advertisement should offer any product or treatment for slimming, weight reduction or limitation, or figure control if the taking or using of the product or following the course of the treatment is likely to lead to harmful effects.

21.12 Tonics

The use of this expression in advertisements should not imply that the product or medicine can be used in the treatment of sexual weakness.

21.13 Hypnosis

No advertisement shall be accepted which contains an offer, direct or by implication, to diagnose or treat any mental or physical condition by hypnosis.

21.14 Hearing Aids

Advertisements for deaf aids shall only be accepted if they offer such appliances as aids to hearing and shall not be accepted if they offer them as a treatment for deafness.

21.15 Products Offered for Baldness

No advertisement should claim or imply that the product, medicine or treatment advertised will cure baldness.

21.16 Prohibited Advertisements

NO advertisement will be accepted which contains any matter or which offers for sale to the public any medicine, treatment or trade literature that is directly or by implication held out in terms calculated to lead to the belief that the product or subject advertised is effective in the treatment of:

21.17.1	Aids	
	Alcoholism	Kidney Diseases
	Anaemia	Leprosy
	Appendicitis	Locomotor, or any other ataxia
	Artery Conditions	Lupus
	Arthritis	Meningitis (all types)
	Arterio Sclerosis	Miners Phthisis
	Nephritis	
	Obesity	
	Bladder Stones	Osteo-arthritis
	Blindness	Paralysis
	Brights Disease	Parkinson's disease
	Cancer	Plague
	Carbuncles	Pleurisy
	Cataract	Pneumonia
	Croup	Prostrate gland disorders
	Dengue Fever	Pyorrhoea
	Diabetes	Rabies
	Rheumatic fever	
	Diphtheria	Rheumatoid Arthritis
	Disseminated Sclerosis	
	Dropsy	Rupture

Epilepsy	Scabies
Erysipelas	Scarlet Fever
Fits	Septicaemia
Gallstones	
Gangrene	
Glaucoma	Thrombosis
Goitre	Trachoma
Heart disease or ailments.	Tuberculosis
Hypertension	Tumors
Hypotension	
Indigestion, (where the reference is to chronic or persistent)	
Typhoid Fever	
Infantile diarrhoea	Varicose Ulcers
Infantile Paralysis	Varicose Veins
Kidney Stones	Venereal diseases

21.17.2 Habits associated with sexual indulgence, weakness or impotence or of any ailments associated with those habits. 21.18 Relief or Alleviation

Advertisements may claim to relieve or alleviate the following diseases or disorders, provided no indication or suggestion of a cure is made :-

Asthma	Indigestion, (where the reference is not to chronic or persistent)
Baldness	
Bladder Weakness	Influenza
Catarrh	Malaria
Deafness	Migraine
Duodenal ulcers	Piles

Gastric Ulcers

Psoriasis

Gout

Rheumatism, but not rheumatic
fever or rheumatoid arthritis

21.19 Contravention by Inference

No advertisement may be so worded that while in its literal meaning it may not contravene any of the foregoing clauses, in the effect of its likely inference to the class of people to whom it is addressed it amounts to a contravention of the Code.

21.20 Formula or Ingredients

No advertisement will be accepted if the advertiser fails to disclose the formula or ingredients of a product or any other information upon request of the Executive Committee.

21.22 Name of Product

No advertisement will be accepted if the advertiser fails to disclose the name of the product or the nature of the treatment advertised.

22. WARNINGS

When advertising analgesics or any other Specified Drug requiring a warning of its use, this warning must be discernable in the advertising message.

Refer to General Notice 57 of 1983. DRUGS AND ALLIED SUBSTANCES CONTROL ACT (Chapter 320) Standard Warnings.