



**ADVERTISING
STANDARDS AND GUIDELINES**

2018

Department of Broadcast Standards and Practices

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INTRODUCTION

OVERVIEW

It is the policy of Freeform to present advertising that is truthful, tasteful, and consistent with applicable laws, regulations, industry practices and corporate standards.

These *Advertising Standards and Guidelines* are for use by advertisers, their agencies, and Freeform personnel with the goal of producing advertising suitable for airing on Freeform.

ROLE OF THE DEPARTMENT OF BROADCAST STANDARDS AND PRACTICES

The Department of Broadcast Standards and Practices (“BS&P”) is responsible for reviewing all advertising material presented for airing on Freeform, including commercials, billboards, interstitials, integrations, etc. These guidelines represent the guiding principles of Freeform and are not intended to substitute for the direct involvement of BS&P in the advertising review and approval process.

BS&P is an independent department of Freeform, ultimately reporting to the General Counsel of The Walt Disney Company.

GENERAL STANDARDS

In order to determine the acceptability of advertising material, BS&P will review the accuracy of statements and claims made in advertising copy as well as the spot’s suitability for the Freeform brand. When affirmative claims are made for a product or service, the law requires the advertiser to have substantiation that provides a reasonable basis for the claims. Such substantiation may include testing conducted by the advertiser, scientific studies, consumer surveys, affidavits, etc.

All advertising will be reviewed, approved, and scheduled with due consideration for the type of product being advertised, the nature of the program in which the advertising is intended to appear, the relevant time of day, and the audience to whom the advertising is directed.

Freeform reserves the right to request revisions to bring advertising into compliance with its advertising standards and policies. Freeform also reserves the right to reject any submitted advertising, and to revoke its approval of any advertising previously accepted.

PROCEDURES

COMMERCIAL SUBMISSIONS

Advertisers (or their agencies) should submit to BS&P storyboards/scripts, rough cuts, and final versions for each commercial intended for air on Freeform. These materials should be submitted sufficiently in advance of the intended air date to permit careful review. Final versions should be accurately labeled and slated. The slate should contain the commercial title, length, and unique ISCI code or Ad-ID. All HD versions of commercials must be center-cut protected.

Substantiation must be submitted for all claims and should be sent along with the initial submission of proposed advertising. After reviewing a proposed commercial, BS&P may accept or reject the advertising, request revisions, or request additional substantiation for claims.

It is the general practice of BS&P to treat information and materials submitted by an advertiser (or its duly authorized representative) related to commercial clearance as confidential.

CHALLENGES

Competitive Challenges to Advertising on Freeform

A challenge to a commercial aired on Freeform must be made in writing and transmitted to Freeform along with any supporting documentation. The challenged advertiser should be copied on this initial correspondence.

Every challenge is reviewed de novo. Upon receipt of the challenge, the advertiser should submit a response. If supporting data is submitted, it should be in a form suitable for transmittal to the challenger.

In the event litigation or government action is commenced raising the same or substantially similar issues as the active challenge, Freeform will generally defer consideration of the challenge and permit the disputed commercial to air pending resolution by the responsible court or government agency.

Freeform will generally permit a challenged commercial to continue to air during the pendency of a challenge, unless: (1) the advertiser refuses to cooperate with the challenge process; (2) the airing of the commercial has been enjoined by a court; (3) the issues raised by the challenge are resolved against the advertiser by a court or government agency; or (4) BS&P determines that continued airing is not in the best interests of Freeform or its viewers.

It is BS&P's general practice that materials submitted by the challenger and advertiser, as well as communications from and decisions by Freeform, will not be disclosed to parties that are not involved in the challenge process.

GOVERNMENT ACTION

The actions of a federal, state, or local government agency or court may affect the question of whether or not advertising claims made on behalf of a particular product or service are acceptable. Advertising which involves claims that the government has announced are subject to investigation or other governmental process will be considered on a case-by-case basis. If the government action is resolved against the advertiser, the advertising will be withdrawn.

ALCOHOLIC BEVERAGES

STANDARD

Beer, wine and malt beverage advertising is acceptable, subject to federal, state and local laws, industry guidelines, and the applicable guidelines set forth herein.

Hard liquor advertising will be considered on a case-by-case basis and will be subject to federal, state, and local laws, industry guidelines, and the applicable guidelines set forth here.

The scheduling of any commercial for, or featuring, alcoholic beverages will be subject to restrictions which will take into consideration the nature of the advertised or featured product, the content and tone of the spot, the nature of the program in which the ads are to be placed, the audience composition (including the likelihood of co-viewing by minors) and daypart of such program.

GUIDELINES

I. General

- A. All advertising for alcoholic beverages must include a “drink responsibly” or similar message in audio and/or video.
- B. The following elements are generally unacceptable:
 1. Direct or indirect references to, or depictions of, the strength of the product, (including statements of alcoholic content) unless used solely to establish that the product contains alcohol.
 2. Visual representations or sound effects of drinking.
 3. Depictions of unsafe or illegal activities, such as presentations that give the impression of, or promote, excessive consumption of these products; portraying or encouraging use of these products by young people who have not reached, or appear not to have reached, the legal drinking age; presentations that do not conform to generally accepted standards of safety, such as the use of these products either before or during situations involving hazardous activities or requiring a high degree of alertness.
 4. Advertising that represents personal achievements, athletic ability, sexual attractiveness, maturity, etc., as deriving from the consumption of these products is not permitted. The acceptability of advertising that depicts current professional athletes, or actors representing such athletes, will be considered on a case-by-case basis. These advertisements should not claim or imply that the consumption of alcoholic beverages will allow viewers to maintain or increase their athletic prowess, health, or conditioning; or perform at a level comparable to that of a

famous athlete.

5. Advertising that expresses or implies that the consumption of these products will produce an alteration of mood.
- C. The gratuitous use of alcoholic beverages as props in non-alcoholic beverage commercials should be avoided. If otherwise acceptable, the use of props or language primarily associated with hard liquor may trigger the same restrictions as if the commercial was promoting a hard liquor product.
- D. Advertising for nonalcoholic products containing the brand name of a hard liquor product or a distiller may be subject to the same scheduling restrictions as the hard liquor product or distiller itself.

II. **Beer, Wine, and Malt Beverages**

- A. Such products may be no more than 24% alcohol by volume, and by definition may not be hard-liquor based.
- B. Pursuant to the Federal Alcohol and Tobacco Tax and Trade Bureau, advertising for beer, wine, and malt beverages must disclose the corporate name, city, and state of the brewer, producer, packer, wholesaler, or importer responsible for its broadcast.
- C. Advertising for malt beverages (other than beer) must disclose in audio and/or video that the product is a malt beverage.
- D. Due to the run-of-schedule placement of Freeform's disparate programming offerings, otherwise acceptable, beer, wine or malt beverage advertising will be subject to a pre-approved schedule and will be limited to thematically appropriate, post 8PM (ET) programming, for which the audience composition is at least 72% legal drinking age. Such advertising is not acceptable in G-rated or other family friendly programming.

III. **Hard Liquor**

- A. Hard liquor is defined as any beverage legally classified as a distilled spirit, which includes, but is not limited to: whiskey, gin, vodka, rum, brandy, cordials, liqueurs, fortified wines, and mixed products which contain hard liquor, including liquor-based coolers, even if the percentage of alcohol in them is less than that contained in beer, wine, or malt beverages.
- B. Pursuant to the Federal Alcohol and Tobacco Tax and Trade Bureau, advertising for hard liquor must disclose the corporate name, city, and state of the brewer, producer, packer, wholesaler, or importer responsible for its broadcast, as well as the percentage of alcohol by volume.
- C. The acceptability of hard liquor advertising will be considered on a case-by-case basis

taking into consideration factors including: the type of alcohol product being advertised (e.g., its % alcohol by volume); the content/tone/theme of the ad, the scheduled time and audience composition (including the likelihood of co-viewing by minors) of the program into which the advertising is to be placed; and the nature and content of the proposed advertisement. Due to the run-of-schedule placement of Freeform's disparate programming offerings, otherwise acceptable hard liquor advertising will be accepted subject to a pre-approved schedule and will be placed in thematically appropriate, post 10PM (ET) programming, for which the audience composition is at least 85% legal drinking age. Such advertising is not acceptable in G-rated or other family friendly programming.

V. **Mixer Products**

- A. Advertising for mixer products is generally acceptable. Advertising that mentions a hard liquor brand will be considered on a case-by-case basis, and relevant scheduling restrictions may apply.

ANIMALS

STANDARD

The use of animals in commercials shall be in conformity with accepted standards of humane treatment. Advertisers should provide a letter from the Humane Society or a certified animal trainer confirming that no animals were harmed during commercial production. Alternatively, advertisers may provide documentation that the Humane Society was contacted but declined to be present.

BS&P will also notify Disney's department of Animals in Film and TV of any proposed animal action in commercial content. This corporate group can provide a list of approved animal handlers upon request, and will determine the appropriateness of animal usage.

CLAIM SUBSTANTIATION

STANDARD

All express and implied advertising claims must be substantiated with reliable and competent scientific and/or market evidence. Acceptability of a particular protocol is dependent upon the claim being made. In general, the more objectively verifiable the claims, the more objective and rigorous the testing required.

GUIDELINES

I. General

- A. Advertising claims should not distort or exaggerate the conclusions that may be derived from the substantiation. If claims are valid only under some circumstances, those limitations must be clearly disclosed.
- B. Research is required to support a variety of claims ranging from product performance to consumer preference and the advertiser must document that the results: (1) are not likely due to chance (i.e., they are statistically significant); (2) are consistent with results one could expect from the product as purchased and used by consumers, and (3) are meaningful to consumers (i.e., not merely statistically significant).
- C. What constitutes an acceptable sample size is dependent upon the scope of the study, relevant industry standards and the nature of the claim being substantiated. Sample size must be large enough to: (1) use standard statistical procedures to analyze results; and (2) ensure that results are nationally representative. When results apply only to a limited population or specific study sub-sample, adequate disclosure is required.
- D. If research is being used to substantiate a comparative claim, all relevant competitive products being compared must be tested. If a product or service is being compared to an entire market, it must usually be tested against the top 85% of that market, based on current unit (not dollar) sales data. In addition, for superiority claims, wins must be statistically significant at the 95% confidence level against each product tested.

COMMUNITY SENSIBILITIES

STANDARD

Freeform will not accept advertising which misrepresents, ridicules, or attacks an individual or group on the basis of age, color, national origin, race, ethnicity, religion, sex, gender, sexual orientation, or disability.

Advertising which promotes violence, crime, obscenity, or any other forms of anti-social behavior is unacceptable.

Due to heightened community sensitivities during national and international tragedies, it may be necessary to reconsider or reexamine audio and/or video in commercial messages, even if previously approved.

COMPARATIVE ADVERTISING

STANDARD

Comparisons and demonstrations must be based on specific differences between the products or services advertised, comparing similar or related properties or ingredients (i.e., dimension to dimension, feature to feature). Such comparisons must be significant and meaningful.

Comparative advertising must be clearly and accurately conveyed, and may not distort or exaggerate differences between competitive products or services or otherwise create a false, deceptive, or misleading impression.

(See also “Claim Substantiation” and “Product Demonstrations”)

COMPETING MEDIA

STANDARD

Freeform reserves the right to reject, or to impose restrictions on, advertising for, or that features, competing media. If otherwise acceptable, such advertising should disclose in video the rating of the program being advertised. Specific references to day, date, and time are generally not acceptable.

CONDOM, CONTRACEPTIVE, FERTILITY DRUG, IMPOTENCE DRUG, AND PREGNANCY TEST ADVERTISING

STANDARD

Freeform may accept advertising for condoms, fertility drugs, impotence drugs, pregnancy tests, and oral contraceptives on a case-by-case basis. Scheduling restrictions will apply. Advertising for these products will not be placed in movies and programs rated TV-G and related soft titles. In determining the acceptability and scheduling of the proposed advertisement, BS&P will take into account the content and tone of the ad, the nature of the product being advertised, and relevant industry practice (for example, is the ad clinical and informational in its presentation vs. playful or frivolous; is the product and advertising therefor controversial vs. generally accepted). In determining the suitability of the program into which the advertising would be placed, we will take into consideration the nature, content and tone of the program and its audience composition (including the likelihood of co-viewing by children with their parents).

CONTESTS

STANDARD

Advertising for advertiser-sponsored contests/sweepstakes is acceptable as long as the promotion: (1) offers a fair and genuine opportunity for all entrants to win; (2) does not constitute a lottery; and (3) complies with all applicable federal and state laws. Such advertising must not falsely or unrealistically raise hopes and expectations of winning. All contests/sweepstakes must be operated in accordance with a written set of rules, and the advertising for such must generally disclose the contests/sweepstakes' material terms, including deadlines, age restrictions, where to obtain full official rules and whether any purchase is necessary.

CONTROVERSIAL ISSUES

STANDARD

Freeform will consider on a case-by-case basis advertising that presents a partisan position on a controversial public issue. A determination of whether to accept particular advertising about a controversial issue will be governed by the guidelines below. This section does not apply to advertising submitted by political candidates, those authorized by candidates to buy time on their behalf, or to political parties.

GUIDELINES

Advertising that presents a partisan position on a controversial public issue may be accepted by Freeform, provided any factual claims are properly substantiated. However, any such ad will be unacceptable if: (1) its content, or other content referenced in the ad or otherwise disseminated by the advertiser, is deemed offensive (e.g., on racial, religious, or ethnic grounds); (2) the ad is merely an attack of a personal nature, an attack on an individual business, or a comment on a private dispute; (3) the ad contains violent or otherwise graphic or potentially offensive content that is deemed to be inappropriate for Freeform's viewing audience, incompatible with any of Freeform's other advertising standards, or inconsistent with any Freeform or corporate policy; or (4) the ad is otherwise deemed inappropriate.

Such advertising must disclose the name of the actual individual or organization that is paying for the ad. This disclosure must be in the form of a "paid for by..." or "sponsored by..." super.

Any controversial issue advertising approved by Freeform may be subject to scheduling restrictions.

Controversial issue advertising that implies or could reasonably cause a viewer to believe that The Walt Disney Company or any of its business units supports or is associated with a controversial issue or political candidate is not acceptable. As such, controversial issue ads should avoid using Disney/ABC/Freeform intellectual property and talent.

CRIMINAL ACTIVITIES

STANDARD

Advertising may not contain the portrayal of specific, detailed techniques that provide instruction in the commission of crimes, the use of weapons, or the avoidance of detection.

DEMONSTRATIONS

(See “Product Demonstrations”)

DIETARY SUPPLEMENTS

STANDARD

The Dietary Supplement Health and Education Act (DSHEA) defines “dietary supplement” as an ingestible that contains a dietary ingredient intended to supplement the diet. While not permitting claims that a dietary supplement can treat, cure, or prevent any disease, DSHEA does permit “structure/function” claims, which are claims that describe the helpful impact of the product on the structure or function of the body.

The Federal Trade Commission, which has jurisdiction over the advertising of dietary supplements, has affirmed its requirement that all claims must be fully supported with substantiation developed prior to the making of those claims.

Freeform will scrutinize with the utmost care advertising for dietary supplements that contains claims involving health considerations, or that are directed to particularly sensitive groups.

Advertising for dietary supplements must generally carry the following (or similar) super which is also required for package labeling by DSHEA: “These statements have not been evaluated by the FDA. This product is not intended to treat, cure or prevent any disease.”

GUIDELINES

- I. Vitamin or dietary supplement advertising must be supported by competent and reliable scientific evidence. Studies submitted in support of any efficacy claims should have been conducted on the advertised product as sold to consumers. Studies on other products, other formulations of the advertised product, or on the individual ingredients that compose the advertised product, may provide helpful background information, but may not be sufficient to support efficacy claims.
- II. Claims about the safety of dietary supplements, and claims that compare or equate dietary supplements with OTC or Rx drugs, explicitly or by implication, are unacceptable. Likewise, express or implied claims that vitamin or dietary supplements can replace or be

equated with foods or food values (e.g., when dieting), are unacceptable.

- III. Claims of comparative efficacy are generally not acceptable. Superiority claims may not be made on the basis of a quantity of vitamins (e.g., milligrams) greater than the Recommended Daily Value. Claims of comparative formulation of individual micronutrients are acceptable (e.g., “Twice as much Vitamin C as the leading brand”), so long as comparative efficacy is not conveyed.
- IV. Vitamin or dietary supplement advertising should be directed to adults. Children may not appear as spokespersons. Children may not be depicted dispensing vitamin or dietary supplements to themselves or other children.

DRAMATIZATIONS, REENACTMENTS, AND SIMULATIONS

STANDARD

Advertising which utilizes a dramatization, reenactment, or simulation must clearly and conspicuously disclose the use of these techniques. However, if the advertising involves a “slice of life,” no disclosure is necessary.

ENDORSEMENTS

STANDARD

Endorsements must reflect the honest opinions, beliefs, findings, or experience of the endorser. The endorser may be an actual consumer (including a celebrity), an expert, or an organization. Endorsements may not convey any express or implied representations that would not be substantiated if made directly by the advertiser.

GUIDELINES

All endorsements must comply with the Federal Trade Commission Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 C.F.R. Part 255. For purposes of the FTC Guides, endorsements and testimonials are treated identically.

Freeform reserves the right to request a witnessed or notarized statement signed by the endorser attesting to the truthfulness of all testimonial representations.

The following guidelines apply:

- I. **Definitions**

An endorsement is any advertising message which consumers are likely to believe

reflects the opinions, beliefs, findings, or experience of a party other than the sponsoring advertiser. Such opinions, beliefs, findings, or experience may be those of any individual, group, or institution.

- A. An obviously fictional dramatization of a real-life situation (commonly referred to as a “slice of life”) is not an endorsement. However, the use of both first and last names, or other personally identifiable information, for fictitious consumers in an advertisement, is presumed to be an endorsement.
- B. An announcer clearly serving as a spokesperson for the advertiser, speaking on behalf of the advertiser rather than expressing his own opinions, is not an endorser.

II. General Considerations

- A. Endorsements must reflect the honest opinions or experience of the endorser and may not contain any express or implied representations which could not be substantiated if made directly by the advertiser.
- B. An endorsement may not be presented out of context or reworded so as to distort it. An endorsement can be used only as long as the advertiser has good reason to believe that the endorser continues to subscribe to the views presented.
- C. Where an advertisement represents that the endorser uses the endorsed product, the endorser must be a bona-fide user. A testimonial affidavit may be required as support.

III. Consumer Endorsements

- A. A consumer endorsement should be representative of what a typical consumer will generally achieve. In the alternative, advertisers should clearly and conspicuously disclose the generally expected performance in the depicted circumstances.
- B. Advertisements presenting endorsements by what are represented directly, or by implication, to be “actual consumers” should utilize actual consumers in both audio and video or clearly and conspicuously disclose that the persons in such advertisements are not actual consumers of the advertised product.

IV. Expert Endorsements

- A. Whenever an advertisement represents, directly or by implication, that the endorser is an expert, the endorser’s qualifications must in fact give the endorser the expertise he or she is represented as possessing.

- B. An expert's endorsement must be supported by an actual exercise of expertise in evaluating product features and consumer relevant attributes. This evaluation must have included an examination or testing of the product at least as extensive as someone with the same degree of expertise would need to conduct in order to support the conclusions presented in the endorsement. To the extent that the advertisement implies that the endorsement was based upon a comparison, such comparison must have been included in the expert's evaluation. Moreover, where the net impression created by the endorsement is that the advertised product is superior to the other products, then the expert must in fact have found such superiority.

V. **Endorsements by Organizations**

- A. Organizational endorsements must be reached by a process that fairly reflects the collective judgment of the organization since these endorsements are viewed as representing the judgment of a group whose collective experience is objective and exceeds the experience of any individual member. If the organization is represented as expert, its endorsement must meet the criteria on "Expert Endorsements," described above.

VI. **Disclosure of Material Connections**

- A. Advertisers must fully disclose any connection between the advertiser and the endorser that might materially affect the weight or credibility of the endorsement. This includes payment or the promise of payment to an "actual consumer" (who is not an expert or celebrity) prior to, and in exchange for, the endorsement. Disclosure should also be made where the endorser knew or had reason to know that if the endorsement favored the advertised product, some other benefit, such as an appearance on television, would be extended to the endorser.

FANTASY SPORTS

Advertising for fantasy sports games will be considered on a case by case basis. In addition to the usual commercial clearance requirements, such as substantiation for all claims, releases, endorsement considerations, typicality of results, etc., such advertising must contain clear and conspicuous disclaimers affirming that the activity does not constitute gambling, and must identify any and all states that do not permit paid entry into games. The advertiser must also have controls in place in those states which prohibit such entry. The content of such advertising must not focus exclusively on money winnings, and must not guarantee or overstate the odds of winning.

FINANCIAL ADVERTISING

STANDARD

Advertising of banking services, brokerage services, stocks and bonds, real estate, futures and options trading services, and other investments is generally acceptable, provided that all relevant material restrictions, risk factors, and qualifications are disclosed, and that the advertising conforms to applicable law. Online investment services must disclose material conditions unique to their product or service (e.g., that response times for executing orders may depend on market or other conditions).

FIREARMS, AMMUNITION, AND FIREWORKS

STANDARD

Freeform does not accept advertising for firearms, other types of weapons, ammunition or fireworks.

FOOD

STANDARD

All food advertising must comply with the provisions of the Nutrition Labeling and Education Act of 1990 (NLEA). Nutrient content descriptors (e.g., “low fat,” “calorie-free,” “good source,” “reduced,” and “light”) must comply with the applicable NLEA definitions for those terms. Advertising may not overstate the nutritional value of foods. Use of words such as “nutritious” or “healthy” must be substantiated and may not be used to exaggerate or distort the value of the food. Health and energy claims for foods and food ingredients must be fully substantiated and should be put in the context of a total diet. Health claims will not be acceptable in those instances where a product possesses both healthy and unhealthy components which bear on the claim being made (e.g., a product containing no cholesterol cannot advertise itself as healthy or helping to prevent heart disease when that product is also high in sodium).

FOREIGN LANGUAGE

STANDARD

Commercials containing voiceover, text, signage, etc., in a foreign language will be considered on a case-by-case basis. If otherwise acceptable, such advertising may only be approved when the literal and accurate translation of foreign language statements is included in clearly legible English subtitles, the advertiser provides BS&P with an official translation, and all claims relating to the advertised product and/or service are made in English.

“FREE,” USE OF

STANDARD

The word “free” is recognized as a strong inducement in advertising copy. An offer may be described as “free,” provided that all conditions for obtaining the “free” product or service are clearly and conspicuously disclosed. Advertising must comply with Federal Trade Commission Guidelines covering “free” offers.

GAMBLING

STANDARD

Lawful advertising by private or governmental organizations that involves legalized gambling will be reviewed on a case-by-case basis and in consultation with the Legal Department. Such advertising may not falsely or unfairly raise hopes and expectations of winning. Such advertising must conform to all legal requirements, including 18 U.S.C. 1304 and 1307, and may not falsely or unfairly raise hopes and expectations of winning.

Advertising for online gambling is not acceptable.

Advertising for casino gambling itself is not acceptable; however, an organization which has the word “casino” in its name may use its full name in its advertising for its other activities (e.g. accommodations, restaurants, and the like).

Advertising for entities that offer casino gambling may be permissible, provided the gambling activities are not advertised (i.e. the advertising can promote other entertainment or dining options available, but may not depict the gaming room or make reference to particular gambling activities).

GUARANTEES OR WARRANTIES

STANDARD

References to guarantees, warranties, or similar terms in advertising copy must comply with all applicable laws and governmental rules and regulations, including the Magnuson-Moss Warranty Act and the rules promulgated by the Federal Trade Commission.

Advertisers should generally disclose whether an advertised warranty is “full” or “limited,” its duration, and any major limitations of the warranty, such as parts excluded or costs or responsibilities the customer must undertake. Disclosure should also be made that the rest of the warranty can be seen at the store, e.g., “See dealer for details,” or online.

INTERSTITIALS

STANDARD

An interstitial (or vignette) is a hybrid creative that combines commercial and program elements. The final creative will be reviewed by BS&P to ensure its compliance with all applicable Freeform Standards and Guidelines.

LOTTERIES

STANDARD

A lottery is a game which contains: a.) the expenditure of “consideration” to enter; b.) chance; and c.) a prize. All three elements must be present for the contest to be a lottery under federal or state law.

The broadcast of any advertisement or information concerning a lottery is a criminal offense under 18 U.S.C. 1304, except for official lotteries permitted by state law.

MEDICAL PRODUCT ADVERTISING - OTC Products and Medical Devices

(For guidance on prescription drug advertising, see “Prescription Drugs.”)

STANDARD

Advertising for Over the Counter (“OTC”) drugs and medical devices should provide factual information about such products, avoid overstatements of their capabilities, and advise consumers to read and follow label directions.

Comparative safety claims in medical product advertising raise special concerns because they have the potential to alarm, confuse or mislead the public. For instance, virtually all OTC medications can have potential side effects. As a result, Freeform will closely examine comparative safety claims in medical product advertising.

The use of health-related professionals, or actors representing them, is not permitted, except in advertising for products or services requiring a physician’s intervention or a prescription (e.g., prescription medications or medical devices). Appropriately qualified audio references to health care professionals are permitted when adequate documentation is provided to support professional endorsement of the product.

Freeform will not accept advertising for a product which fails to comply with applicable governmental regulations, or which is otherwise contrary to the public interest.

Advertising for medical products may not generally be scheduled in or adjacent to programs

designed primarily for children.

GUIDELINES

The following guidelines apply to advertising of all OTC drugs and medical devices and to advertising of other products which contain health or medical claims:

I. **OTC Drugs and Medical Devices**

A. **General**

1. An overt reference to use the product in accordance with its labeling directions must be included (e.g., “Use as directed”).
2. Representations which overstate the capabilities or effects of a product are unacceptable. Advertising should be confined to those symptoms and conditions for which the product is indicated.
3. Before and after depictions of product-use should indicate an adequate time lapse if the product does not provide immediate relief.
4. Advertising should not portray a casual attitude toward the use of a medication. Advertising should not present the use of a medication as a solution to personal or everyday problems.
5. The words “safe,” “harmless,” “without risk,” or any words or phrases with similar meaning may be used only when qualified and when satisfactory substantiation is provided.
6. Commercial copy should not dramatize distressing symptoms or morbid situations associated with specific illnesses or diseases, nor should it describe internal or external functions of the body in an objectionable manner. Representations which overstate the symptoms for which the product is indicated are unacceptable.
7. The on-camera ingestion of OTC products is generally unacceptable but will be considered on a case-by-case basis.
8. Products should be advertised for occasional use only. Representations of chronic use are not permitted. Advertising should also disclose that the product’s efficacy is limited to temporary relief, and product use must be consistent with sound safety practices.
9. Freeform will exercise special care in its review of advertising that employs testimonials of celebrities or authority figures.

10. Children (12 and under) are not permitted in commercials promoting a product for adult use except for incidental background appearances. A child may appear in a commercial advertising a medication formulated for children provided adult/parental supervision is clearly established.
11. A claim that the advertised product is “clinically proven” effective should be supported by at least two clinical studies. The studies must have been conducted on the advertised product as sold. In cases where only one clinical trial is available, the claim should explicitly refer to a single clinical study (e.g., “a clinical test suggests...”).
12. Statements from the FDA, including press releases and related documents, as well as other relevant information included in FDA approved labeling, should be taken into consideration in formulating OTC advertising.

**MOTION PICTURE, STREAMING VIDEO, DVD,
THEATRICAL, AND EVENT ADVERTISING**

STANDARD

Freeform accepts Motion Picture, Streaming Video, DVD, Theatrical, and Event Advertising.

GUIDELINES

- I. All advertising for domestic motion pictures, streaming videos, and DVDs must carry either a Motion Picture Association of America (“MPAA”) rating or clearly and conspicuously disclose that such rating has not yet been assigned.
 - A. The MPAA rating for motion pictures must be clearly disclosed in audio and video. If the film has not yet been rated, such must be clearly and conspicuously disclosed in video (and may also be disclosed in audio).
 - B. For streaming videos and DVDs, the MPAA rating, or disclosure that it has not yet been rated, must appear in video.
 - C. Streaming video and DVD advertising that contains bonus footage (e.g., director’s commentary, deleted scenes, bloopers, games, etc.) must disclose in video that the bonus footage is not rated.
 - D. Advertising for streaming videos and DVDs of unrated versions of motion pictures (e.g. director’s cuts, uncensored versions, etc.) may be acceptable provided that the advertising is appropriate and clearly discloses that the product is unrated. These streaming videos and DVDs will be reviewed on a case-by-case basis and will generally be considered as though they earned one rating higher than the MPAA

rating of the theatrical version.

- E. Commercials with secondary product mentions promoting a motion picture, streaming video, or DVD must clearly disclose the MPAA rating in video.
- II. Not yet rated motion pictures will be regarded as if they earned an R-rating until a rating has been designated by the MPAA. Exceptions may be made on a case-by-case basis, when satisfactory evidence of a probable rating of PG-13, PG or G is provided.
- III. Advertising for NC-17 rated motion pictures is not acceptable for scheduling on Freeform.
- IV. Scheduling Restrictions – Motion Pictures, Streaming Videos, and DVDs
 - A. Scheduling of advertising for motion pictures, streaming videos, and DVDs will take into consideration the composition of the audience and compatibility of programming in which the ad would appear. If the content of the commercial and the overall theme of the motion picture are acceptable, the following scheduling restrictions apply:
 1. Advertising for G- and PG-rated motion pictures may be scheduled in most Freeform programs.
 2. Advertising for PG-13 rated motion pictures will generally not be placed in movies and programs rated TV-G and related soft titles.
 3. Advertising for R-rated motion pictures will not be placed in movies and programs rated TV-G and related soft titles. Such advertising will be subject to a pre-approved schedule determined in conjunction with Freeform Sales and Management.

“NEW,” USE OF

STANDARD

Use of the term “new” is limited to no more than six months from the time a product achieves substantial distribution in the relevant market.

Terms such as “introducing,” “now,” and the like are generally limited to no more than one year from when substantial distribution is achieved in the relevant market.

OTC PRODUCTS

(See “Medical Product Advertising”)

PERSONAL CARE PRODUCTS

STANDARD

Personal care products should be presented with sensitivity. All copy and visuals must be appropriate and not overly graphic. Freeform will consider daypart and program audience composition when scheduling personal care product advertising.

GUIDELINES

- I. Advertising for personal care products is considered with an eye toward the following:
 - A. Overly graphic representations (audio and/or video) dealing with product/body function and mechanics are unacceptable.
 - B. Depending upon context, general statements regarding grooming, femininity, freshness, and product attributes (e.g., packaging, disposability, premixing, etc.) are acceptable.
 - C. Health claims for these products are generally unacceptable.
 - D. Claims that the product will help maintain proper hygiene are acceptable.
 - E. Where applicable, a reference must be made to using the product in accordance with label instructions, such as “Use as directed” or “Follow label directions.”

POLITICAL ADVERTISING

Advertising submitted by or on behalf of a candidate or political party will be addressed in consultation with Legal.

PRESCRIPTION DRUGS

STANDARD

The Food, Drug, and Cosmetic Act (“FDCA”) sets forth complex disclosure requirements for consumer-directed prescription drug advertising on television. Freeform will accept consumer-directed prescription drug advertising provided that such advertising complies fully with the provisions of the FDCA, as well as any other applicable regulations or guidance issued by the Food and Drug Administration (“FDA”). Freeform will not accept advertising which fails to fully comply with applicable governmental regulations or which is otherwise contrary to the public interest. Prescription drug advertising must support the doctor-patient relationship, should not encourage self-medication or encourage use of prescription drugs without consultation with a physician, and should not glamorize the product or otherwise encourage excessive or inappropriate

drug use. Advertising for indications other than those designated as “safe and effective” by the FDA is unacceptable.

GUIDELINES

I. Prescription drug advertising must clearly disclose in consumer-friendly language both the product’s major risks (“the major statement”) and that adequate provision has been made for dissemination of the approved package labeling elsewhere by various means specified by the FDA (the “adequate provision” requirement).

A. The “adequate provision” requirement includes but is not limited to:

1. Providing a toll-free telephone number for consumers to access detailed product information in a timely fashion by mail, fax, or phone;
2. Referring to print ads which contain a brief summary of the product labeling.
3. Providing a website with full access to the approved product labeling; and
4. Stating that one’s healthcare provider can make available additional information about the product.

B. Advertisers are strongly encouraged to have their “major statement” reviewed by the FDA’s Office of Prescription Drug Promotion (“OPDP”). Advertisers must produce satisfactory evidence of OPDP approval, or in the alternative, an affidavit executed by the advertiser’s legal counsel stating that the “major statement” is compliant with the FDCA.

C. The “major statement” and “adequate provision” requirements are not generally triggered if: (1) the advertising only raises public awareness of a disease or condition, without identifying, directly or by implication, the name of a prescription product; or (2) the advertising only calls attention to the name of a prescription product, without mentioning, directly or by implication, its indications for use or condition that it treats.

II. **General Considerations**

A. Advertising should not portray a casual attitude toward the use of a medication. Advertising should not represent the use of a medication as a simple solution to personal or everyday problems.

B. Care must be taken that advertising does not raise false hopes or expectations, use scare tactics, or otherwise prey on people’s fears and insecurities.

C. The on-camera ingestion or administering of prescription products will be

considered on a case-by-case basis.

- D. Children (12 and under) are not permitted in commercials promoting a prescription drug product for adult use, except for incidental background appearances. A child may appear in a commercial advertising a prescription drug formulated for children provided adult/parental supervision is clearly established.
- E. Decisions regarding appropriate scheduling will be made on a case-by-case basis, taking into account such factors as the nature of the prescription product, the conditions to be treated, the content of the ad creative and the nature of the program for which it is intended.

III. Safety Concerns

- A. Freeform will examine comparative safety claims with the utmost care, and only those safety claims which are substantiated, and which do not have the potential to alarm, confuse, or mislead the public, will be acceptable.
- B. Advertising a prescription drug for an indication that has not been designated as “safe and effective” by the FDA (i.e. “off-label” use) is not acceptable.

PRIVACY AND PUBLICITY RIGHTS

STANDARD

The laws of most states prohibit the use of a person’s name, voice, likeness, or picture for trade or advertising purposes without the written consent of such person. When advertising is submitted to Freeform containing an endorsement or other use of a person’s name or other identification, including a picture or footage, Freeform reserves the right to require written evidence that such name, voice, or likeness is used with the specific consent of such person, as well as a testimonial affidavit attesting to the accuracy of the accompanying statements.

(See “Endorsements”)

PRODUCT DEMONSTRATIONS

STANDARD

When a commercial demonstrates the attributes of a product, the demonstration must be performed with actual examples of the product as available to consumers and the results must be accurately represented. The use of mock-ups or enhanced or altered products is not permitted.

The Federal Trade Commission has held the following to be unfair or deceptive trade practices: “To present a test, experiment, or demonstration which purports to prove a product feature when

it, in fact, does not prove such a feature,” and “to use a test, experiment, or demonstration as representing actual proof of a material product feature when in fact [it] does not constitute actual proof of such feature because of the undisclosed use of a mock-up or prop.” As a result, Freeform does not accept advertising utilizing such practices.

(See also “Claim Substantiation”)

PROFESSIONAL ADVERTISING

STANDARD

Advertising for the services provided by duly accredited lawyers, doctors, and other generally-recognized professionals is acceptable, provided it does not overstate the efficacy of the service being offered. All such advertising must comply with the legal requirements and ethical standards of the relevant profession.

PROGRAM-LENGTH COMMERCIALS (“Infomercials”)

STANDARD

- I. Standard procedures for claim substantiation apply.
- II. Special attention must be paid to sponsor identification requirements. At a minimum, each program-length commercial must display visually, in a clear and prominent manner, within the first thirty seconds of the program-length commercial and immediately before each presentation of ordering instructions for the product or service, the following disclosure:

“THE PROGRAM YOU ARE WATCHING IS A PAID
ADVERTISEMENT FOR [THE PRODUCT OR SERVICE].”

PSYCHICS AND OTHER PSEUDO-SCIENCES

STANDARD

The advertising of astrology, character reading, fortune-telling, mind reading, numerology, occultism, palm reading, phrenology, or similar subjects is acceptable only for the purpose of entertainment. Advertising for these pseudo-sciences must neither state nor imply that they have any scientific basis, or can be relied upon as factual or true.

PUBLIC SERVICE ANNOUNCEMENTS

STANDARD

Public service announcements (PSAs) are meant to inform the public of the work of charitable, governmental, and non-profit organizations and other services or information of interest to the public. Such announcements must reflect the true nature of the organization identified with the announcement, and all claims must be substantiated. Discussions of controversial issues of public importance and religious doctrine are not permitted in public service announcements.

The identity of the sponsor must be clearly set forth in the spot as well as the fact that the message was “paid for” or “sponsored by” such sponsor.

(See also “Sponsor Identification”)

PUBLIC SYMBOLS

STANDARD

Heads-of-state, other public officials, religious leaders, and public buildings and/or monuments must be treated with appropriate respect and dignity when mentioned or depicted in advertising.

GUIDELINES

- I. Unless authorized in writing by the Office of the White House Counsel, the use of the name or likeness of the President or Vice President of the United States and their families, as well as the Presidential Seal, is generally not acceptable for advertising purposes.
- II. Unless expressly authorized by its duly authorized representatives, the use of the White House in advertising is generally not acceptable.
- III. Other national buildings and monuments may be used in advertising provided the use is incidental to the advertiser’s promotion of a product or service and is made in good taste.
- IV. As a general rule, the appearance of the American flag may be acceptable in advertising provided that it is treated in a dignified manner, displayed with proper respect, is incidental to the main thrust of the commercial, and is presented in a natural setting. Rules governing the use of flags of foreign countries in advertising vary from country to country. Advertisers are required to provide evidence from a country’s consular service to support the use of that country’s flag.
- V. Use of the United Nations flag in connection with advertising is not permitted.
- VI. Absent special public policy considerations, the National Anthem of the United States and “Hail to the Chief” are not permitted in advertising. However, music of a traditional or

patriotic nature is permitted in advertising, provided it is used with dignity.

- VII. Use of official military uniforms or vehicles is permitted subject to prior approval of the Department of Defense.

RELEASES

STANDARD

Freeform reserves the right to request that the advertiser affirmatively establish that it has obtained all relevant rights and releases for all identifiable names, persons, organizations, logos, music, clips or other copyrighted material etc., appearing in its creative.

RELIGIOUS THEMES

STANDARD

Freeform does not accept advertising that presents religious doctrines, includes religious themes, utilizes religious music, sells religious publications or solicits funds. Commercial announcements of a general moral or ethical nature on behalf of religious organizations, or for the announcement of meetings, religious services, or for the promotion of approved public service and charitable activities, may be acceptable and will be reviewed on a case by case basis.

SAFETY / DANGEROUS BEHAVIOR

STANDARD

All advertising should depict the proper use of required or recommended safety gear and equipment. Advertising that disregards standard safety precautions; or promotes or depicts unsafe or illegal acts is unacceptable. Freeform will request disclosures (e.g. "Professional driver;" "Do not attempt") when deemed necessary.

GUIDELINES

- I. Commercials depicting the use of recreational equipment such as bicycles, in-line skates, skateboards, etc., must show users practicing proper safety methods. For instance, bicyclists and skaters should wear bright clothing and helmets. All bicyclists and skaters should also be depicted obeying traffic laws.
- II. The depiction of driving an automobile requires special care. Seatbelts and shoulder harnesses should be worn (unless in an historic setting or in period footage). Proper and safe driving practices should be depicted at all times. The use of cellular phones or other

electronic devices (other than “hands-free” devices) is not permitted. All laws and safety regulations should be carefully observed.

- III. Food and beverages should not be consumed while engaging in physical activity or while driving.
- IV. Children shall not be represented, except under proper adult supervision, as using or being in proximity to a product or a situation recognized as potentially dangerous to them.

SIMULATION OF NEWS TECHNIQUES

STANDARD

Use of newsroom settings, simulated interviews, or newscasts in commercials will be reviewed on a case-by-case basis. Advertising may not contain language, visual techniques, or sound effects associated with newscasts when such advertising is likely to confuse or alarm the audience, or trivialize actual newscasts. Examples of language and techniques that are unacceptable include: “Breaking News”, “Bulletin,” “Flash,” “Live,” “Special Report,” “We interrupt this program to bring you...,” horizontal crawls at the bottom one-third of the screen, and teletype sound effects.

SOLICITATION OF FUNDS

STANDARD

Absent special public interest considerations, Freeform will not generally accept advertising that includes the direct solicitations of funds.

SPONSOR IDENTIFICATION

STANDARD

Advertising which does not contain proper sponsorship identification is not acceptable.

SUBLIMINAL PERCEPTION

STANDARD

Freeform will not broadcast commercial messages utilizing the technique of “subliminal perception.” Any audio or video technique which attempts to convey information to the viewer by transmitting below the threshold of normal awareness (e.g., an image that registers subconsciously) is not permitted.

SUPERS

STANDARD

When superimposed copy is required, it must be displayed clearly and conspicuously. Supers must be presented against a contrasting background, displayed for sufficient duration, and presented in large, bold, and well-spaced letters, words, and lines of copy so that they can be read and understood easily.

Visual supers may not be used to materially alter a claim (e.g., by substantially narrowing a general superiority claim). Supers may provide only minor clarification and must be so limited. Supers should appear in close proximity to the claim they are meant to qualify

TECHNICAL EFFECTS

STANDARD

Visual Effects (“VFX”) used in advertising are subject to review in terms of safety parameters for viewers with certain health-related conditions. Some problematic VFX for television can include flashing or intermittent visual effects.

Fanciful use of technical effects including, but not limited to, pixilation, black bars, color bars, advisories, and bleeps, are generally not acceptable.

Use of the EAS alert and/or tone, or similar effects or tones, are not acceptable.

TEXTING REQUESTS

STANDARD

Advertising containing mobile texting requests must contain the disclosure, “Message and data rates may apply,” and comply with all applicable laws and regulations.

TOBACCO

STANDARD

Advertising for cigarettes, electronic cigarettes, “smokeless” tobacco, cigars, etc., or for products which promote their use, is unacceptable. The use of such tobacco products as props in commercials for other products is similarly unacceptable.

Advertising for smoking cessation clinics, products, and services is acceptable.

VIDEO GAMES

STANDARD

Advertising for video games should accurately represent the actual content of the game. However, depictions of extreme violence, sexual themes, and profanity are unacceptable. While the content of the advertisement and its accurate reflection of the underlying game is a primary consideration, the substance of the advertised game itself will also be taken into account. When considering the approval of and/or scheduling restrictions for video games, BS&P will take into account the scope and nature of violent content, dangerous or anti-social behavior, sexual themes, and taste or brand considerations.

All advertising for video and computer games must include an ESRB rating in video and audio. Advertising for games pending a rating may be acceptable subject to review of both the game and its proposed advertisement provided that the advertisement discloses that the game “has not yet been rated” or “Rating Pending.”

Advertising for video game consoles (or any advertising featuring a video game as a secondary mention) must also include the industry-sponsored video game rating, if such advertising contains game footage or otherwise promotes the video game.

Advertising for “M”- rated games is not acceptable.

VITAMIN SUPPLEMENTS

(See “Dietary Supplements”)

WEIGHT REDUCTION AND CONTROL

STANDARD

The advertising of products and services for the reduction, gain, and control of weight must comply with established nutritional evidence and medical opinion, as well as these Freeform Guidelines. Where the demonstrated weight loss for the individuals shown in a commercial is not typical, that fact must be clearly and conspicuously disclosed.

Weight-loss advertising must neither be directed to children nor depict children using the product/service.

GUIDELINES

- I. Representations that weight loss itself is easy, effortless, or quick are prohibited. For example, the FTC has flagged the following types of claims as generally unacceptable: (i) “Lose two pounds or more per week, without dieting or exercise;” (ii) “Eat what you want.

The more you eat, the more you lose;” (iii) “Weight loss will be permanent (even after using the product);” (iv) “Block the absorption of fat or calories and lose substantial weight;” (v) “Safely lose more than three pounds per week for more than four weeks;” (vi) “Product causes substantial weight loss for all users;” and (vii) “Diet patches, creams, wraps, earrings, and other products worn on the body or rubbed into the skin cause substantial weight loss.”

- II. Nutritional and medical authorities agree that to lose weight, people must consume fewer calories than they expend for energy. Exercise is helpful in burning up calories and toning muscles, but to lose weight, exercise must be regular and generally be accompanied by a reduction in calories. Weight loss is highly individual and subject to many variables: physiological status, state of health, age, physical activity, rate of metabolism, total diet, and environment.
- A. Advertising should refer to the product or service as a part of an overall, reduced calorie diet, along with exercise and a healthy lifestyle.
- B. Express or implied overstatements of a product’s or service’s weight-reduction capabilities are prohibited.
- C. Due to the individual nature of weight loss, references to a specific number of pounds lost, a specific change in clothing size, a specific period of time involved in the process, or a visual change in a specific area of the body must be carefully presented and qualified. Generally such claims are acceptable when:
1. Sufficient empirical data has been provided to substantiate that claims are representative of the users of the product/service advertised. If an advertiser does not possess such empirical data, the advertiser must clearly and conspicuously disclose the generally expected results;
 2. The rate of weight loss should not exceed 2 pounds per week;
 3. Claims are qualified with an audio and /or video disclosure (appropriateness to be determined on a case-by-case basis) of the length of time it took to lose the weight; and
 4. There is a disclosure that weight loss and weight maintenance varies between individuals.
- III. Since the maintenance of weight at a desired level generally requires adherence to a dietary regimen, advertising should not claim, directly or by implication, that weight loss will be permanent.
- IV. The use of “safe” language must be adequately supported and accompanied by the disclosure “when used as directed.” This disclosure is also required in any advertising involving a diet product which contains a drug ingredient.

- V. There may be no dwelling upon an individual's fears and insecurities associated with being overweight and accompanying self-image or social stigma.
- VI. Low calorie foods will not be subjected to the guidelines under this section unless specific reference is made to weight loss or weight loss programs.
- VII. Representations that a mood change will directly result from ingestion of a diet pill or other diet products are prohibited.
- VIII. Advertising for products containing any ingredient that has been determined to be unsafe by the FDA or other governmental authority is not acceptable.

WHITE COAT RULE

STANDARD

The use of health related professionals, or actors representing them (actor portrayal), is only permitted in advertising for products or services requiring a physician's intervention or a prescription (e.g. prescription medications or medical devices). Such professionals include, but are not limited to: doctors, dentists, nurses, pharmacists, physical therapists, nutritionists, nurses' aides, etc.

Such professionals and/or actors representing them are NOT permitted in advertising for OTC products or other non-prescription products where health or medical claims are made (e.g. vitamin or other dietary supplements, toothpaste, cosmetics, etc.).

A medical professional may appear in a commercial promoting his or her own services.

Appropriately qualified audio references to health care professionals are permitted when adequate documentation is provided to support a general professional endorsement of the product (e.g. "9 out of 10 dentists agree...").