



# ADVERTISING GUIDELINES

**Department of Advertising Standards  
2012 NBC Universal, Inc.**

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## **INTRODUCTION**

The function of NBC Universal's Advertising Standards Department is to review advertisements for adherence to Federal Communications Commission, Federal Trade Commission and our internal guidelines. NBC Universal aims to present viewers with commercials that are truthful, tasteful, substantiated, and non-deceptive. These guidelines were created to help advertisers, clients, and legal counsel create such ads.

The guidelines provide general guidance and should not be considered exhaustive or a substitute for consulting with an NBC Universal Advertising Standards editor.

NBC reserves the right to: (1) require revisions to advertisements; (2) accept or reject any advertisements; and (3) investigate the advertiser and the accuracy of all statements and claims made in advertising copy. NBC requires all advertisers to provide substantiation providing a reasonable basis for claims made in their commercials.

Advertising Standards approval will expire after two years.

### **GENERAL PROCEDURES**

There are only two ways to submit clearance materials to NBC for review:

- (1) Upload your materials to the [nbcuadstandards.com](http://nbcuadstandards.com) website
- (2) Submit your materials through MediaVu

Prior to production, advertising agencies should submit a script or storyboard of the proposed commercial to Advertising Standards. When applicable, NBC will request substantiation for all material claims and authentication of all demonstrations and testimonial statements. After reviewing the submitted materials for compliance with NBC's Advertising Guidelines and relevant outside standards (including Federal Trade Commission and Food & Drug Administration advertising standards), NBC may approve the script or storyboard, request additional information, require modifications to the commercial, or deem the commercial unacceptable for air on NBC properties.

For final approval, the advertiser must submit a final slated commercial and as-produced script using one of the methods above.

### **CLEARANCE FOR CABLE & NBC OWNED & OPERATED STATIONS**

The Advertising Standards Department only reviews commercials in the following four (4) sensitive categories for Cable and NBC Owned and Operated Stations: (1) dietary supplements and homeopathic remedies; (2) gambling-related advertisements ; (3) issues of public controversy and (4) weight loss. There is a separate document outlining the procedures and guidelines for obtaining clearance for NBC Universal Cable properties and NBC Owned and Operated stations that is available upon request. Commercials that do not fall into these 4 categories and are intended for broadcast on NBC Universal Cable properties and NBC Owned & Operated Television Stations are not reviewed by the Advertising Standards Department. , For these commercials advertising agencies should consult the appropriate sales representative in advance of production.

## ADVISORIES

The use of advisories (e.g., “The following ... contains adult subject matter, parental discretion advised”) and simulated censorship (e.g. “bleeps” and soundtrack drop outs) generally is not permitted.

(See also [News and Programming Simulation](#)).

## “ADULT” PUBLICATIONS AND SERVICES

NBC does not accept advertising for sexual publications, products and services.

## ANIMALS

The use of animals in commercials must be in conformity with accepted standards of humane treatment. If animals are featured in an ad, the advertiser must provide a letter from the Humane Society or from the animal trainer on set indicating that the animals were treated in conformity with accepted standards of humane treatment

## ALCOHOLIC BEVERAGES

- I. The advertising of beer, malt beverage and wine products (up to 24% alcohol content) is acceptable only when consistent with applicable federal, state, and local laws. Advertising must be in good taste without glamorizing, encouraging or sanctioning product abuse or misuse.
  - A. In accordance with Federal Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations, beer, malt beverage and wine advertising must include a legible disclosure of the corporate name, city, and state of the brewer, producer, packer, wholesaler or importer responsible for its broadcast. (See also [Visual Supers, Disclaimers, and Horizontal Crawls](#).)
  - B. Malt beverage (“Malternatives”) advertising must disclose that the product is a malt beverage in video.
- II. The advertising of distilled spirits and products made with or derived from distilled spirits is only acceptable in post 11pm programming where 90% of the audience is 21 or over. Advertising must be in good taste without glamorizing, encouraging or sanctioning product abuse or misuse.
  - A. In accordance with Federal Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations, hard alcohol advertising must include a legible disclosure of 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. (See also [Visual Supers, Disclaimers, and Horizontal Crawls](#).)
- III All alcohol advertising must include a drink responsibly message in the video.
- IV. The following are unacceptable:
  - A. Advertising that portrays intoxication, excessive drinking, or pronounced loss of inhibitions.
  - B. Portraying or encouraging the use of alcohol products by persons who are, or appear to be, below the legal drinking age.

- C. Advertising that depicts any entertainment figure, role model, animation, or character that appeal primarily to persons below the legal drinking age.
  - D. Advertising that associates alcoholic beverages with social status, stress relief, or portrays alcohol as a solution to personal problems, a “mark of adulthood” or a “rite of passage.”
  - E. Advertising that portrays the use of alcoholic beverages before or during any activity requiring alertness, dexterity, and/or sober judgment. Advertising which states, suggests or implies that cars, motorcycles, or other vehicles can be safely operated while or after drinking alcohol beverages.
  - F. Advertising that portrays a professional or prominent amateur athlete promoting alcohol before or during their participation in an athletic event.
  - G. Advertising that states or implies that the consumption of alcohol increases athletic prowess, health, or conditioning.
  - H. Statements, references, or representations of the strength of alcohol products. Alcohol content may be mentioned only when necessary to establish that a product contains alcohol or is considered by law to be “low alcohol.”
  - I. Depicting the use of alcohol as a sole purpose of any activity.
  - J. Advertising remedies for “hangover” or other side effects of alcohol ingestion.
- V. Advertising for establishments and other businesses that primarily offer non-alcohol products and services (e.g., restaurants and airlines) may make limited and incidental references to the availability of “cocktails.”
- VI. Approval of the following types of advertisements will be determined on a case-by-case basis:
- A. Advertising that alerts the public to the dangers of alcohol abuse
  - B. Advertising by retail liquor outlets for hard alcohol, beer and/or wine products
  - C. Incidental and gratuitous representations of hard alcohol, beer, wine, and malt beverages (up to 24% alcohol content) in non-alcohol advertisements.

### **ASTROLOGY, FORTUNE TELLING, AND PSYCHICS**

NBC does not accept advertisements for astrology, fortune telling, phrenology, numerology, mind reading, or similar services and products.

### **“BAIT AND SWITCH” TACTICS**

The use of “bait and switch” tactics, which feature goods or services not intended for sale but designed to lure the public into purchasing something else, is unacceptable.

## BETTER BUSINESS BUREAU STATUS

NBC generally will not air commercials for companies or organizations that have an unsatisfactory record with the Better Business Bureau.

## BILLBOARDS

- I. All claims must be supported. Claims requiring additional qualification are unacceptable.
- II. Billboards may not mention contests, offers, promotional teasers, or cross-reference other programs or include calls-to-action.
- III. Gambling-related billboards must comply with the gambling guidelines.
- IV. Billboards may reference telephone numbers that are exclusively the domain name of the sponsor in audio only
- V. Billboards may reference websites in audio and video if they are the exclusive domain name of the sponsor (e.g. walmart.com). Websites that include backslashes (e.g. walmart.com/pepsi) are only permissible in the video of a billboard.
- VI. NBC only accepts five-second billboards.

## CHALLENGES

### Procedures

- I. NBC requires the following before a challenge can be initiated:
  - A. NBC will entertain a challenge only when the challenger provides evidence that it has made a good-faith effort to resolve the matter directly with the advertiser.
  - B. NBC requires that all challenge documents be forwarded to the advertiser. NBC is not responsible for the handling or forwarding of any challenge documents and failure to transmit the challenge to the advertiser will cause delays in the challenge process.
- II. NBC will acknowledge receipt of the challenge documents to both parties via email and set a reply date for the advertiser. Upon acknowledgment from NBC, the challenged advertiser must supply the corresponding ISCI codes and a schedule of the current media buy. NBC may suspend approval of challenged commercials if the commercials were approved "Subject to Challenge or Complaint."
- III. In general, NBC will allow 10 business days for replies. It is in NBC's discretion to request rebuttals and/or sur-rebuttals. If rebuttals and sur-rebuttals are requested the time allowed to provide them will be at NBC's discretion.
- IV. If at anytime during the challenge process, a formal complaint is instituted with any other government or self-regulatory body (i.e. FTC, National Advertising Division, etc.) NBC will pend its challenge, until the resolution of that complaint.

- V. If NBC's challenge decision requires changes to the commercial NBC will allow 5 business days after the date of the challenge decision for the changes to be made.

### Policies

- I. If a company seeks to challenge an advertisement that has aired on NBC it must agree that it will release and discharge any claims it has, had, or may have in the future against NBC or its agents and employees in connection with the challenged commercial and/or challenge procedures, and will not commence any legal action against NBC in connection with the challenged commercial and/or the challenge procedures.
- II. If upon receipt of a challenge, the advertiser does not want NBC to withdraw the challenged advertisement from the broadcast schedule, it must agree to participate in the challenge procedures and agree further that by submitting to the NBC challenge procedures, it will release and discharge any claims it has, had, or may have in the future against NBC, its agents and employees in connection with the challenged commercial and/or the challenge procedures.
- III. NBC will make reasonable efforts to maintain the confidentiality of the advertiser's original substantiation documents. Either party to a challenge may request that specific material, data, surveys, etc., provided to NBC during the course of a challenge be considered confidential and not be shared with the other party on the basis that it is a trade secret or is otherwise privileged or confidential. If, in NBC's judgment, such request for confidentiality is unreasonable, and the party does not subsequently make the materials available for rebuttal, such material will be deemed to have no probative value in the challenge.
- IV. When NBC personnel do not have the expertise to make a judgment on technical issues raised by a challenge, NBC will take appropriate measures in its discretion to assist the advertiser and challenger to resolve their differences, including encouraging them to obtain a determination from an acceptable third party.
- V. NBC will withdraw a challenged advertisement from the broadcast schedule if:
- A. The challenged advertiser fails to agree to the requirements of the challenge procedure as provided in Paragraph II. above;
  - B. It is directed to do so by the challenged advertiser;
  - C. The challenged advertiser refuses to submit the dispute for review by some appropriate entity when deemed necessary by NBC;
  - D. A decision is rendered by NBC against the challenged advertiser;
  - E. The challenged advertiser, when requested, refuses to cooperate in some other substantive area; or,
  - F. NBC, prior to final disposition of the challenge, determines that the substantiation for the advertising has been so seriously brought into question that the advertising can no longer be considered substantiated.



## CHILDREN'S ADVERTISING

The Advertising Standards department does not review advertising for NBC Kids. For information about children's advertising during NBC Kids contact:

David Freedland

Senior Manager Standards & Practices

[david\\_freedland@sproutonline.com](mailto:david_freedland@sproutonline.com)

215-286-2723

## CHARITABLE APPEALS

Approval of advertisements that include express or implied appeals for help will be approved on a case-by-case basis provided that:

- I. The organization sponsoring the advertisement can provide verification of 501(c)(3) status
- II. The funds are not solicited to support or oppose a political candidate, organization or cause.
- III. The funds are not solicited to support or oppose a controversial issue.

Clear [Sponsorship Identification](#) is required.

## CLINICAL TEST CLAIMS

Clinical testing for claim documentation can involve a wide variety of valid methodological and analytical approaches. The following guidelines suggest areas of basic research design that should be considered when developing a clinical study.

### GENERAL OVERVIEW

- I. For "clinically proven," "scientifically proven" or "proven" claims, the advertiser must provide at least two valid clinical studies. Study results must reach statistical (95% confidence level) and clinical significance.
- II. On a case-by-case basis, NBC will accept the claim that a product has been "clinically shown" or "clinically tested" if the advertiser has provided a controlled and valid clinical study.
- III. Test design should follow generally recognized protocols and relevant guidelines issued by government, professional, or industry bodies (as evidenced, for example, by acceptance and publication in peer review journals).
- IV. Claims related to drug pharmacokinetics or other mechanisms of action should be clinically meaningful.
- V. Studies that lack randomized assignment to control and treatment groups, a clinical setting, double blinding, and clinical outcome measures do not constitute adequate support for "clinical" claims.

### SAMPLE

- I. The study sample should be of sufficient size to yield clinically significant results. Through consultation with a statistician, minimum size can be determined using the “power” calculation.
- II. The sample should be representative of product consumers along all relevant variables, including gender, age, and the condition or situation being studied.

#### DESIGN

- I. The test protocol should be relevant to the product category and the intended claim.
- II. Test products should be used in representative conditions according to label directions. In the absence of package directions, the protocol should parallel typical consumer use.
- III. Tests should include random assignment to control and treatment groups.
- IV. Tests should be double blind.
- V. Potentially biasing information on the product should not be given to subjects or evaluators.
- VI. Concept-aided tests are not acceptable as support for product claims.
- VII. The study duration should be representative of actual use conditions and product directions.

#### DATA COLLECTION

- I. At a minimum, studies must include baseline and outcome measurements.
- II. Noncompliance and dropout rates should be controlled and reported.
- III. Where appropriate, safety and side effect data should be recorded.
- IV. Measures should be valid and reliable, as determined by industry standards and validation tests.
- V. Evaluators should be adequately trained and should have relevant credentials.

#### STATISTICAL ANALYSIS

- I. The advertiser must provide evidence that the results are statistically significant and consumer-meaningful. Claims will only be acceptable if the results reach statistical significance at the 95% level. Statistical significance does not necessarily confer clinical significance.
- II. If a superiority claim is made against one or more competitors, statistical analyses should be conducted against each individual competitor at the 95% confidence level.
- III. Subgroups should be analyzed separately.

<b>COMPARATIVE ADVERTISING</b>
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NBC will accept comparative advertising that identifies, directly or by implication, a competing product or service, provided that each substantive claim, direct or implied, is adequately substantiated.

Advertisers may not disparage competitors, competing products, services or other industries through the use of representations or claims that are false, deceptive, or misleading.

- I. Competitors must be fairly and properly identified. When a specific competitor is not identified, or a product claims to be “the best” or “better,” substantiation must be provided against the top 85% of the relevant market in unit, not dollar, sales.
- II. Superiority claims that a product is better than its competitor(s) are required to be significant at the 95% confidence level.
- III. Parity claims must be supported by reliable scientific evidence indicating that the product is effective or operates at the same level as its competitors
- IV. Products should be compared feature-to-feature, particularly in cases where the claim is limited to one feature or attribute. When testing is limited to one feature, advertisers should not make explicit or implied claims about the overall performance of the products being compared.
- V. The difference in the properties being compared should be measurable, noticeable, and relevant to the consumer.
- VI. NBC will accept commercials containing price comparisons only upon certification from the advertiser that the comparative claims accurately, fairly, and substantially reflect the actual price differentials at retail outlets throughout the broadcast area and that these price differentials are not likely to change during the period the commercial is broadcast.
- VII. When a commercial claim involves market relationships that are subject to fluctuation (such as sales position or exclusivity), the substantiation for the claim will be considered valid only as long as the advertiser continues to certify, on a yearly basis, that the market conditions have not changed.
- VIII. When a comparative claim refers to a product that has been reformulated, the advertiser must submit testing against the reformulated product within three months of the reformulated product’s date of national distribution.

#### **COMPETITIVE MEDIA AND TALENT**

- I. NBC reserves the right to reject commercials that feature talent from, reference, or promote competing networks or programs.
- II. Advertising by cable systems, syndicators, cable program services, pay-per-view, direct broadcast satellite, and similar services will be approved on a case-by-case basis. Such commercials with day, date or time mentions and “tune in” language will be approved on a case-by-case basis.

#### **CONSUMER PERCEPTION TESTS**

##### SAMPLE

- I. A minimum of 250 individuals is recommended.

- II. The universe should not be defined too broadly (e.g., any consumer of any product) nor too narrowly (e.g., only individuals who have previously purchased the advertised product).
- III. Test participants should include a representative sampling of potential purchasers. The sample should be statistically projectable to the target population.

### DESIGN

- I. Participants and interviewers must be blinded to the sponsor and purpose of the study.
- II. The study should be national in scope and conducted in at least four geographically dispersed markets.

### THE QUESTIONNAIRE

- I. A copy of the questionnaire must be sent to Advertising Standards
- II. Questions should be clear, concise, and unambiguous and structured in a way that does not lead, plant ideas or otherwise bias responses.
- III. Opinions should not be “forced” from respondents who have none. A “don’t know” or similar option be explicitly available in structured questions.
- IV. Order bias should be minimized by rotating questions/options where appropriate.
- V. Where possible, control questions or control commercials are suggested to minimize external sources of bias such as “yea-saying.”
- VI. Demographic and brand usage questions should be included.

### ANALYSIS

- I. Coding categories for responses from open-ended items should be clear, unambiguous, relevant, and one-dimensional (for example, note how the category “good/better/best” inappropriately combines monadic as well as comparative superiority responses).
- II. Aggregating across responses is appropriate only with questions that address the same factor or idea.

### RESULTS

- I. Complete results of the consumer perceptions test must be provided, including both answers to open-ended and structured questions.
- II. In unstructured questions, response levels in appropriate, clearly defined coding categories must be at least 20% to be considered meaningful and above the “noise level.”
- III. For probative value, it should be shown that viewers perceive the comparison specifically against the competing product.

## CONTESTS

Advertising Standards must review all sweepstakes and skill contests to ensure it is not a lottery, that the material terms are clearly stated, and that it is being conducted fairly, honestly, and according to its rules.

- I. Complete details, including the final official rules, the entry blank, promotional material and/or any published information (e.g., newspaper advertisements and/or website addresses) must be submitted.
- II. Broadcast copy regarding contest should contain clear and complete information regarding:
  - A. The availability of entry forms and how to enter, including alternate means of entry, where appropriate;
  - B. The termination date of the contest;
  - C. Any restrictions or eligibility requirements;
  - D. For chance contests, “No Purchase Necessary” and “Void Where Prohibited”  
AND
  - E. Judging criteria (applicable to skill contest only).

(See [Visual Supers, Disclaimers and Horizontal Crawls.](#))

## CONTROVERSIAL ISSUE ADVERTISING

The NBC Television Network will accept advertisements that comment on controversial issues, subject to the following conditions. (Except for the required disclaimers/disclosures, these conditions do not apply to political advertisements by legally qualified candidates that we are required by law to accept.) Controversial issue advertisements will not be reviewed until an order to buy is placed with our sales department.

General Standard for Acceptance:

We do not make judgments on an advertiser's opinions, and we accept issue advertisements that express divergent points of view. We do, however, reserve the right to require substantiation of factual claims made by an advertiser. Advertisements generally will be accepted if there is a basis for the claims and such claims fall within the bounds of reasonable debate.

Unacceptable Content:

An advertisement may be rejected if its content, or other content referenced in the ad or otherwise disseminated by the advertiser, is grossly offensive (e.g., on racial, religious or ethnic grounds). An advertisement may also be rejected if: (1) it is merely an attack of a personal nature, a direct attack on an individual business or a comment on a private dispute; or (2) it contains violent or otherwise graphic or potentially offensive content that is deemed incompatible with a network's viewing environment or general standards; or (3) its content or style of production is otherwise deemed inconsistent with a network's viewing environment or general standards, as determined by a network in its sole discretion. An acceptance may be subject to limitations regarding time period and type of programming.

## Disclaimers/Disclosures:

Issue ads must disclose the party who paid for the ad for at least four seconds in a readable and contrasting font equal to 4% of screen height or larger. Any issue advertising that refers to any federal candidate or solicits contributions must disclose whether the ad was authorized by a candidate. If the ad was not so authorized, the disclaimer should state: "Paid for by [Advertiser Name] and not authorized by any candidate." If the ad was paid for by a federal candidate, the candidate must sign a certification at the time the ad is purchased that pledges that the relevant ad either: (1) does not refer to any opposing candidate or (2) includes a statement in the paying candidate's voice disclosing that he or she has paid for the ad, along with the candidate's likeness.

## DEMONSTRATIONS

Advertisements that include demonstrations, tests, experiments, or other technical, mechanical, electronic, or chemical exhibitions must be accompanied by an affidavit signed by the producer of the commercial or another supervisory individual who personally observed the production.

The affidavit must attest that:

- I. The demonstration is accurate;
- II. The demonstration was performed with samples of the product available to consumers or prototypes that perform no differently than the actual product; and,
- III. No mock-ups, modifications, or alterations were employed.

In appropriate circumstances, alterations or modifications of products or demonstrations may be utilized provided that they are disclosed to the viewer and that viewers are not misled with respect to a material product feature.

## DIETARY SUPPLEMENTS & HOMEOPATHIC REMEDIES

Congress defined the term "dietary supplement" in the Dietary Supplement Health and Education Act (DSHEA) of 1994 as an ingestible that contains a "dietary ingredient" intended to supplement the diet. Dietary ingredients include vitamins, minerals, herbs, botanicals, amino acids, and substances such as enzymes and metabolites.

- I. Dietary supplement advertisements may not include disease claims, explicit or implied, unless the claims have been approved by the FDA (e.g., osteoporosis and calcium, anemia and iron). For a list of FDA-approved health claims and qualified health claims, see <http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/FoodLabelingGuide/ucm064919.htm> and <http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/FoodLabelingGuide/ucm064923.htm>
- II. Under DSHEA, nutritional supplement manufacturers are allowed to make "structure/function" claims, defined as statements that describe the role of a specific substance in maintaining normal healthy structures or functions of the body (e.g., "helps maintain digestive health"), under certain circumstances:

- A. Structure/function claims are acceptable provided that they are supported by “competent and reliable scientific evidence” defined as “tests, analyses, research studies or other evidence based on the expertise of professionals in the relevant area conducted and evaluated in an objective manner by qualified persons and using generally accepted procedures to yield accurate and reliable results.”
  - B. Claims must be accompanied by the following visual disclaimer: “This product is not intended to diagnose, treat, cure, or prevent any disease. This statement has not been evaluated by the Food and Drug Administration” (the “DSHEA disclaimer”).
- III. NBC will accept advertisements for OTC homeopathic remedies for minor, self-limiting conditions provided that the product is made from homeopathic ingredients recognized by the Homeopathic Pharmacopoeia of the United States (HPUS).
  - IV. NBC generally will not accept advertisements for products or claims that have been the subject of FTC, FDA, Better Business Bureau, or ERA action.
  - V. NBC requires studies conducted on the advertised product to substantiate claims when the claims in the commercial make a link between the product itself and the results attained. Studies of other products, individual ingredients, or alternate formulations will not be accepted as adequate support. However, when the link is made between the ingredients in the product and the results attained, then reliable scientific data on the ingredients themselves may be acceptable.
  - VI. The following are not acceptable:
    - A. Claims about the safety of dietary supplements or homeopathic remedies.
    - B. Claims that compare or equate dietary supplements or homeopathic remedies with OTC or Rx drugs, explicitly or by implication.
    - C. Depictions of physicians or any health-related professionals.
  - VII. Nutrient comparisons between dietary supplements may be acceptable provided no comparative health benefits are claimed.
  - VIII. “Doctor recommended” and “pharmacist recommended” claims require a nationally representative survey of at least 250 doctors/pharmacists in the relevant specialty, showing that at least 20% of those surveyed recommend the advertised product in their practice.

<b>DIRECT RESPONSE</b>
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- I. All commercials must conform to applicable FTC Guidelines. Claims must be supported with adequate substantiation.
- II. Each commercial must include the name, street address, city, state and zip code of the sponsor or a website and/or toll-free telephone number.
- III. When applicable, any charges beyond the advertised purchase price must also be disclosed (e.g., shipping and handling).

- IV. Commercials must indicate actual anticipated delivery date if anticipated delivery will be in excess of 30 days.

#### **DISTRIBUTION AND AVAILABILITY OF PRODUCTS AND SERVICES**

- I. To advertise nationally the product or service advertised must reach 51% national distribution at the time of the commercials airing. If distribution to 51% is imminent but has not yet commenced, the advertising must disclose this fact (e.g., “Coming Soon”).
- II. Unless total availability is documented, advertising for franchise or chain retail outlets must indicate that the product or service is available at participating stores.

#### **DOCTOR’S, USE OF**

- I. With the exception of Prescription Drug Advertising and advertising for medical equipment/services accessed by the consumer only through a physician’s prescription, health professionals (such as physicians, dentists, and nurses) or actors representing them may not appear in OTC drug commercials or in commercials involving health considerations.
- II. To support a “doctor recommended,” “vet recommended” or similar claim NBC requires a nationally representative survey of at least 250 doctors in the relevant specialty, showing that at least 20% of those surveyed recommend the advertised product in their practice.

#### **DRAMATIZATIONS AND REENACTMENTS**

Dramatizations and reenactments of actual events must be clearly disclosed as such. Fictional dramatizations that are readily apparent to the viewer (“slice of life”) require no such disclosure.

#### **ENDORSEMENTS AND TESTIMONIALS**

All endorsements and testimonials must comply with the Federal Trade Commission’s 2009 Final Guides Concerning Use of Endorsements and Testimonials in Advertising (available at <http://www.ftc.gov/os/2009/10/091005revisedendorsementguides.pdf> ).

- I. An endorsement includes an advertising message that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the advertiser.
- II. Endorsements must reflect the honest opinions, findings, beliefs and experiences of the endorser. An endorsement may not convey an express or implied representation that would be deceptive if made directly by the advertiser.
- III. Where there exists a connection between the endorser and the advertiser that might materially affect the weight or credibility of the endorsement such connection must be disclosed.

#### CONSUMER ENDORSEMENTS

- I. The advertiser must have adequate substantiation to support all claims made through consumer endorsements.
- II. An endorsement relating the experience of one or more consumers on a key attribute of the product or service will be interpreted as representing what consumers can generally expect from



the product or service and the advertiser must present support for this representation. If the advertiser doesn't have such support then the ad must clearly and conspicuously disclose what the consumer can expect and the advertiser must have support for that claim.

- III. Advertisements presenting endorsements by "actual consumers" should utilize actual consumers or clearly and conspicuously disclose that the persons in such advertisements are not actual consumers of the advertised product.

#### EXPERT ENDORSEMENTS

- I. The advertiser must provide proof of an endorser's expertise.
- II. The endorsement must be supported by valid exercise of the expert's expertise such as a proper evaluation of the product and comparison of product's where relevant.

#### ENDORSEMENT BY ORGANIZATIONS

- I. Endorsements by organizations are viewed as representing the judgment of a group whose collective experience exceeds that of any individual member. Therefore, an organization's endorsement must be reached by a process that fairly reflects the collective judgment of the organization.

### **ENVIRONMENTAL CLAIMS**

All environmental claims must conform to the FTC Green Guides. Any express or implied claims regarding an environmental attribute of a product, package or service must possess a reasonable basis substantiating the claim. It should be clear that the benefit being asserted refers to the product, the product's packaging, service or to a portion of the product, package or service. Particular attention should be paid to certain descriptors such as: environmentally friendly, eco-friendly, ozone safe/ozone friendly, green, recyclable, non-toxic, biodegradable, compostable.

### **FINANCIAL ADVERTISING**

- I. Advertisements for financial products must adhere to all rules and guidelines of Financial Industry Regulatory Authority (FINRA), Municipal Securities Rulemaking Board (MSRB) and the Securities and Exchange Commission (SEC).
- II. Advertisements must be balanced, presenting both risks and benefits of any investment, and based on principles of fair dealing and good faith. All relevant restrictions and qualifications must be disclosed. Advertisements must present a sound basis for evaluating facts about brokerage services, banking, stocks and bonds, real estate, futures, options trading services, or other investments.
- III. Advertisements for, or tips on, specific stocks are unacceptable. Incidental references to specific stock quotes/prices are not acceptable.
- IV. Advertisements may not predict or project performance, imply that past performance will recur, or make any exaggerated or unwarranted claims or forecasts.

- V. Comparative advertisements between investments and services must disclose all material differences between them, including (as applicable) investment objectives, costs and expenses, liquidity, safety, guarantees or insurance, fluctuation of principal or return and tax features.

### **FIREARMS, WEAPONS, AND FIREWORKS**

NBC does not accept advertisements for weapons or fireworks. Commercials that include weapons or fireworks as props will be approved on a case-by-case basis.

### **FOOD AND NUTRITION**

- I. All health claims must be adequately documented. Food labeling regulations issued by the Food and Drug Administration and the Department of Agriculture must be observed. For example, claims for “fresh”, “low-fat”, “low calorie”, “good source”, and “healthy” will be reviewed pursuant to the definitions adopted by the FDA/USDA.
- II. Generally, health claims for foods directed at specific disease states or disease prevention must be consistent with FDA policy applicable to those topics (e.g., fat and heart disease, sodium and high blood pressure, calcium and osteoporosis). Any other claims about disease or prevention of disease will be subject to stringent standards of documentation.
- III. Advertisements that include health-related claims must also mention the importance of a balanced diet.
- IV. Taste preference claims must be supported by a valid taste test. Please see refer to the PREFERENCE CLAIMS section for guidance regarding valid taste tests.

### **GAMBLING, BETTING, LOTTERIES, AND GAMES OF CHANCE**

The following guidelines apply to lawfully licensed betting, gambling, lottery, and other games of chance:

- I. Commercials for any publication, “tip sheet,” electronic, or mechanical device whose primary purpose is the giving of odds or promotion of betting, are unacceptable;
- II. Provided that it does not unduly exhort the audience to bet, the lawful advertising of lotteries permissible under the law of the state in which they are conducted and in which the broadcast station is located may be acceptable, if any such lottery is conducted by a:
- A. Not-for-profit 501 (c) organization,
  - B. Governmental organization, or
  - C. Commercial entity provided that the lottery is promotional, occasional, and clearly ancillary to the primary business of that commercial entity.
- III. The advertising of private or governmental organizations that conduct legalized betting on sporting contests and horse racing may be acceptable provided it is not instructional in nature and is limited to announcements that do not unduly exhort the audience to bet.

- A. Advertising of private or governmental organizations that conduct legalized betting on horse racing may be acceptable provided the site complies with all state and federal law. At a minimum such advertising must include a video disclaimer stating “void where prohibited.”
- IV. Advertising for lawful casinos or for hotels and resorts that have casino facilities may be acceptable provided that the advertising complies with applicable federal, state, and local laws.
- V. Advertisements permitted under these guidelines MUST NOT:
  - A. Feature actual money;
  - B. Exhort viewers to gamble;
  - C. Mislead or exaggerate one’s likelihood of winning money or other prizes;
  - D. Present fictitious winners or winnings or misrepresent actual winners or winnings
  - E. State or imply praise for those who participate in the advertised activity or denigrate those who abstain.
- VI. Products, games of chance, contests, and advertising approaches not specifically referred to in the foregoing shall be approved on a case-by-case basis.

**Gambling-related websites**

Advertisements for websites that permit, promote, or enable online gambling are unacceptable.

Advertisements for websites that provide gaming simulations or instructions for educational purposes only (e.g., online poker schools), will be reviewed on a case-by-case basis. Such advertisements may be acceptable provided that:

- I. The website contains no links, advertisements, or references to online gambling. Websites containing betting strategies will be evaluated on a case-by-case basis. The inclusion of betting strategies may be acceptable if the tips are purely instructional and do not promote gambling.
- II. The advertiser signs NBC Universal’s affidavit, certifying that the website (a) does not and will not contain any links or references to online gambling (b) does not use any "popup," "adware," or similar software to redirect the visitor to online gambling websites; (c) does not conduct cross-promotional, advertising or marketing activities with online gambling websites; (d) none of the funds used by the advertiser to purchase advertising on the network are derived from any type of online gambling activity by U.S. residents; and (e) the bank account from which such funds are paid does not contain any funds derived from any type of online gambling activity by U.S. residents. The advertiser is required to sign NBC Universal’s affidavit each time a new time buy is made.
- III. The commercial includes a clear and prominent visual disclosure that the website is "not a gambling website." Online gambling references, direct or indirect (e.g., dollar sign visuals, mentions of monetary gains), are not acceptable. (See [Visual Supers, Disclaimers and Horizontal Crawls.](#))
- IV. The commercial includes at least one audio mention that the website is free.

- V. All visual representations of the website or company must clearly and prominently display the domain suffix (.net, .info, etc.), in the same font, size and alignment as the rest of the company name or website URL.
- VI. All audio mentions of the website or company must disclose the domain suffix (.net, .info, etc.).
- VII. Website contests and sweepstakes comply with all federal, state, and local laws and the advertiser sign an indemnification agreement with NBC.

#### **GET-RICH-QUICK AND PYRAMID SCHEMES**

NBC does not accept advertising for pyramid or get-rich-quick schemes that promise guaranteed employment or earnings, or otherwise provide misleading information to potential participants.

#### **GOVERNMENT AND PUBLIC SYMBOLS**

- I. The American Flag may be depicted in advertising provided its use is dignified and incidental to the primary selling objectives of the announcement. Disrespectful use of national emblems, anthems, or monuments is unacceptable.
- II. Direct or implied use of the office of the President of the United States or any governmental body or figure without official approval is not acceptable.
- III. Use of military or law enforcement uniforms or vehicles will be approved on a case-by-case basis and require prior approval from the relevant government agency.

#### **GUARANTEE AND WARRANTY OFFERS**

- I. A copy of the guarantee or warranty must be submitted for review.
- II. Material conditions or limitations of a guarantee or warranty must be disclosed within the advertisement.
- III. Advertisements must disclose in audio and/or video where the consumer can find the complete written guarantee or warranty.
- IV. Advertisements containing a lifetime guarantee or warranty should define the meaning of the term "lifetime."

#### **ILLEGAL DRUGS**

NBC does not accept advertising for or incidental references to illegal drug products, services, publications, or paraphernalia.

#### **LAWYER ADVERTISING**

- I. NBC does not accept commercials that solicit viewers to participate in litigation, as these are matters of dispute between outside parties.

- II. Advertisements notifying class members of a court decision or settlement are acceptable on a case-by-case basis. Such advertisements must have proper sponsorship identification. (see **Sponsorship Identification**)

#### **“LIVE,” USE OF**

Broadcast content cannot be identified as "Live" unless it is broadcast in real time.

### **MEDICAL AND HEALTH-RELATED PRODUCTS**

#### **General**

- I. Health claims must be supported by clinical studies, appropriate consumer testing, and/or other scientific evidence.
- II. Claims and demonstrations must be consistent with the product’s indications, directions, and warnings.
- III. General safety claims are not acceptable (e.g., Drug X is “safe”). Qualified safety claims (E.g., “Gentle on your stomach”) will be reviewed on a case-by-case basis. Comparative references to product safety, side effects, or warnings must be limited to label statements.
- IV. Children may appear only incidentally in advertisements for adult medications. Children may be used in advertisements for children’s medications and vitamins, but adult supervision must be portrayed.
- V. Depictions of product ingestion are generally unacceptable, unless the ingestion method is a defining product attribute. In such cases, ingestion visuals may be acceptable on a case-by-case basis.
- VI. Claims that a product is a panacea or cure are not acceptable.
- VII. Direct or indirect references or comparisons between over-the-counter drugs and prescription medications must be clinically documented.
- VIII. Advertisements for mail order, phone order, and free sample coupons will be approved on a case-by-case basis.
- IX. Advertisements for online prescription and diagnosis websites are not acceptable.

#### **Over-the-Counter Medications**

- I. Commercials must clearly advise consumers to follow label directions (“Use as directed”).
- II. Commercials for over-the-counter medications can only promote occasional use and treatment of minor to moderate conditions.

- III. Comparative efficacy claims for over-the-counter products that are based solely on in vitro data must be disclosed as such.

### **Prescription Drug Advertising**

- I. Prescription drug advertising must comply with applicable FDA regulations, available at <http://www.fda.gov/Drugs/ResourcesForYou/Consumers/PrescriptionDrugAdvertising/default.htm>
- II. At a minimum, advertisers must submit the following for review of a prescription drug ad:
  - A. Complete prescribing information and/or product insert.
  - B. Evidence of compliance with FDA regulations in the form of a letter from Division of Drug Marketing, Advertising and Communications (DDMAC) or a legal counsel letter indicating the advertiser has submitted materials to DDMAC and is in compliance with all FDA regulations.
  - C. Evidence of print ad insertion order.
  - D. Support for all claims made in the ad.

<b>MOTION PICTURE ADVERTISING</b>
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- I. All advertising for domestic theatrical films must include an MPAA rating disclosed in the audio and video.
- II. NBC may accept, on a case-by-case basis, advertising for films pending a rating provided that the advertisement discloses in the video that the film "has not yet been rated."
- III. While the content of the film advertisement and its accurate reflection of the underlying film is the primary Advertising Standards concern, the department also considers the substance of the advertised feature.
- IV. Placement of advertising will be determined on the basis of audience composition and program compatibility. Generally, films with an R rating will be restricted to post-9pm programming. Under no circumstances may an R-rated film be advertised in a program where child/teen composition exceeds 30% of the total audience.
- V. NBC retains the right to expand or limit the scheduling of a film advertisement based on the content of the film and advertisement.
- VI. "X- rated" and similar "adult" films are unacceptable.
- VII. All proposed commercials for films carrying the MPAA "NC-17" rating (no children under 17 admitted) will be approved on a case-by-case basis, taking into account both the content of the commercial and the film. If judged acceptable for a network television audience, such commercials must contain an audio disclosure that the film is "Rated NC-17, No Children Under 17 Admitted" and an appropriate MPAA video disclosure.

In no event may such commercials be scheduled to air earlier than 9:55P.M., Central and Mountain Time zones and 10:55P.M., Eastern and Pacific. In certain circumstances, later scheduling may be deemed appropriate.

- VIII. Film advertising containing competitive network reviews will not be acceptable in the Today Show unless a Today Show review also appears in the commercial.

### **NBC TALENT, LOGOS, & SHOW MENTIONS**

Use or mentions of NBC shows, talent, or logos requires pre-approval from the NBC Programming and Sales divisions.

### **“NEW,” USE IN ADVERTISING**

In accordance with FTC policy, advertisers may only use the term "new" for a period of six months from the time a product has achieved national (51%) distribution. Product samples and/or labeling must be submitted for all new products.

### **NEWS AND PROGRAMMING SIMULATION**

Advertisements may not contain audio or visual approaches or formats that could confuse viewers as to the origin of the material being telecast.

Techniques including news language such as, “We interrupt this program (commercial) to bring you...” “bulletin,” “flash,” “This just in...” newsroom settings, call letters or numbers, and teletype sound are usually not acceptable. Horizontal crawls on the lower third of the screen are unacceptable. (See also [Advisories](#).)

### **PERSONAL PRODUCTS**

These guidelines apply to products and services of a personal nature including, but not limited to, tampons, sanitary napkins, douche products, feminine deodorants, personal lubricant, personal medications, contraceptives, pregnancy tests, undergarments, and other products that require sensitivity in presentation. Scheduling may be restricted based on daypart and audience demographics.

- I. Personal lubricants, Deodorants, and Cosmetic Douches
  - A. Generalized statements of product efficacy (e.g., “helps you feel fresh for hours”) are acceptable as long as they are supported by reliable and competent scientific evidence.
  - B. Health claims are not acceptable.
  - C. Advertisements for cosmetic douche products must include “use only as directed” or “follow label directions.”
- II. Medicated Douches and Feminine Itch Products
  - A. Advertising may promote the product for health-related uses (See [Medical and Health-Related Products](#)).

- B. Advertising of products designed for external female itch may not state or imply broader use.

### **Incontinence Products**

The tasteful presentation of incontinence products is acceptable.

### **Male and Female Undergarments**

The use of live models wearing only undergarments is acceptable when presented in a tasteful manner.

### **Pregnancy Test Kits**

Advertisements must include an audio or video disclaimer reminding viewers to “Follow Label Directions” and “See Your Doctor.”

### **Prophylactics and Contraceptives**

NBC will accept responsible advertising for contraceptive and prophylactic products on a case-by-case basis and subject to the following:

- I. Stringent standards of taste will be observed. Scheduling restrictions may apply.
- II. Spokespersons, presenters and other performers must be at least 21 years of age.
- III. Advertising of extraneous features of a product such as color, scent, shape and texture will be accepted on a case-by-case basis.
- IV. Graphic audio or video depictions of products, their use, or references to specific areas of the anatomy are not acceptable.

<b>PREFERENCE CLAIMS</b>
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- I. General Principles
  - A. The claim that “A is preferred over B” requires a significant win on the overall preference measure. A win on one or two attributes (e.g., smell and texture) is insufficient to support an overall preference claim.
  - B. Preference for a particular dimension cannot be claimed if the overall preference is a loss, unless the overall loss is disclosed in the advertising.
  - C. If a claim encompasses the entire category, at least the top 85% of unit share should be accounted for, but this is entirely dependent on share data configuration. For some product categories, the 85% rule may be too restrictive, while in others it may be too lax.
  - D. Apples-to-oranges comparisons should be avoided.
- II. Parity Claims



- A. The absence of statistical significance is sometimes incorrectly interpreted as evidence of product parity when, in fact, that outcome is best ascribed to insensitive testing. It is the advertiser's responsibility to demonstrate that it has chosen the most appropriate methodology and statistical analysis.
- B. Large sample sizes are recommended. Five hundred respondents are suggested when comparing two products. When comparing more than two products, a proportionate increase in sample size is recommended.
- C. Side-by-side or paired comparisons made at centrally located testing sites are preferred. Home use tests may be insufficiently sensitive, as memory can be affected by events intervening between sequential exposures.
- D. Parity results should reflect an equal split of respondents expressing a preference between the advertiser and competitor's products. If results directionally favor the competitor, a 2-tailed statistical significance test at the 90% confidence level should be conducted. If the competitor has a statistical win at this level, it indicates parity may be a result of a small sample rather than true product equivalency. In this circumstance, a parity claim is not supported.

### III. Superiority claims

- A. Superiority claims, such as "Product A tastes better," should be qualified (e.g., "than Product B", "than the leading brands", or "than before").
- B. A minimum of 300 respondents is suggested for comparisons between two products. For testing against more than two products, a proportionate increase in sample size is recommended.
- C. Central location tests are preferred for attribute superiority claims. Home-use tests may be acceptable to support overall preference claims and may be appropriate support for attribute claims particularly for products with a wide range of common uses (e.g., mayonnaise).
- D. Results should be statistically significant at a 95% confidence level.
- E. A statistically significant proportion of the total sample must prefer the advertised product.
- F. If preference results are significant only for a subgroup of respondents, or if a large no preference group is present (approximately 20% or more of the total sample), then qualifying language, such as "Among those with a preference," is required.
- G. An advertiser cannot claim taste superiority against a competitor unless all varieties have been tested against the advertiser's corresponding varieties.

### IV. Sample

- A. The sample should represent a minimum of four geographic U.S. Census regions.
- B. The sample demographics should be representative of all relevant product users.

- C. Respondents should have experience with the product category.
  - D. Data defining the usage patterns of the respondents should be collected (e.g., consumption frequency, exclusive or multiple brand use).
  - E. Market share patterns should be proportionally represented in the total sample, unless the claim is limited to specific brand users (e.g., “Product B users prefer the taste of Product A”).
- V. Test Design
- A. The test protocol should be relevant to the product category and to the intended claim.
  - B. Tests should be double blind.
  - C. Product codes for blinding must not reveal the products being compared nor should the codes create an internal bias (e.g., always numbering one product higher than the other).
  - D. No biasing information about the product should be given to participants prior to evaluation.
  - E. Products presentation should be rotated.
  - F. Single-product testing is not acceptable for comparative claims.
  - G. Discrimination or triangular tests conducted to identify potential respondents prior to taste test execution are not acceptable for documentation of advertising claims.
- VI. Product Selection, Sourcing, Handling, and Serving
- A. Products should be sourced at retail in the appropriate geographic region. All test brands should be procured from the same retail outlets when available. Strict precautions should be taken to assure all products are handled, stored, and transported identically, except for those products that are handled differently within their own distribution system.
  - B. If a new product is being tested and cannot be purchased off-shelf, preliminary work will be accepted—with documentation showing every reasonable effort was made to treat the products equally in age, storage, and handling—pending retail distribution. Testing should be repeated with products purchased in the marketplace within a reasonable time after large-scale distribution has been achieved.
  - C. Product should not be removed from its original packaging prior to preparation when the integrity of the product could be adversely impacted.
  - D. Container sizes and types should be comparable for all products.
  - E. Products should be prepared according to label instructions.

- F. Controlled procedures should be undertaken to ensure temperatures are well regulated, are the same across products, and are product-appropriate.
- G. Participants should be able to consume the products as they normally would. For example, condiments for hot dogs should be supplied. Additions that would alter the integrity of the product and/or that are not commonly used should be avoided.
- H. If a product is intended for a variety of uses, the test should account for the major uses, or, alternatively, the claim should be appropriately qualified.

#### VII. Questionnaire Design

- A. Leading questions will have no probative value.
- B. Participants should be given a “no preference” option.
- C. Answers to previous questions should not provide cues for answers to subsequent items.

#### VIII. Data Analysis

- A. In analyzing test results, the “no preference” category should not be assigned to either or both preference groups, since the “no preference” response is fundamentally different from one in which a particular preference is given.

<b>PREMIUMS AND OFFERS</b>
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- I. Full details of the premium or offer must be submitted to Advertising Standards.
- II. If the offer termination date is material it must be disclosed at a minimum in the video of the commercial.
- III. Descriptions or visual representations of premiums or offers may not exaggerate their value, size, or be otherwise misleading.

<b>RELIGIOUS ADVERTISING</b>
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- I. NBC will, within its discretion, accept commercial announcements for the sale of products that have a religious theme (e.g., books, recordings, artifacts, etc.).
- II. Religious books, periodicals, or other products depicted in advertisements will be reviewed by NBC to ensure that they do not disparage any group or individual or otherwise violate NBC’s advertising policies.
- III. NBC may, on a case-by-case basis, accept commercial announcements of a general nature on behalf of religious organizations, for the announcement of meetings, religious services, or for the promotion of approved Public Service and charitable activities
- IV. Solicitation of funds is acceptable on a case-by-case basis.

- V. Advertising may not depict, proselytize, promote, or discuss sectarian doctrine or dogma.
- VI. Advertising copy that denigrates, attacks, or negatively stereotypes any group or individual is not acceptable.
- VII. All religious advertising must include proper sponsorship identification.

#### **SAFETY**

- I. It is the advertiser's responsibility to portray compliance with standard safety precautions (E.g., use of seatbelts in vehicles; bicycle and skateboarding safety equipment).
- II. Adult supervision should be portrayed whenever children are engaged in potentially dangerous activities.
- III. In general, references to the safety of a product are not acceptable, particularly when the package, label, or insert contains a caution or the normal use of the product presents a possible hazard.

#### **SOLICITATION OF FUNDS**

Advertisements that include express or implied solicitation of funds will be approved on a case-by-case basis.

#### **SPONSOR IDENTIFICATION**

- I. Identification of sponsorship must be made in all commercials in accordance with the requirements of the Communications Act and rules and policies of the Federal Communications Commission. See 47 C.F.R. § 73.1212.
- II. An advertisement must disclose, visually or in audio, that it is paid for by the person(s), corporation, committee, association or other entity by whom or on whose behalf such payment is made.
- III. An announcement stating the sponsor's corporate or trade name or the name of the sponsor's product, when it is clear that the mention name of the product constitutes sponsorship identification, may be sufficient.
- IV. A copyright notice does not constitute adequate sponsorship identification.
- V. A website URL does not constitute adequate sponsor identification unless it is the official name of the sponsoring entity.

#### **SUBLIMINAL PERCEPTION**

The use of subliminal perception techniques is generally unacceptable. Any advertiser who would like to include any content that is not readily discernable to viewers watching the advertisement in real time must submit all frames of that material to the Advertising Standards Department for review, along with information detailing how the advertiser plans to alert the public to this content. Any such content may not include a sales pitch.

## **TOBACCO PRODUCTS**

NBC does not accept advertising for cigarettes, electronic cigarettes, chewing tobacco, snuff tobacco, and small cigars, or the use of these products in advertisements. On a case-by-case basis, NBC will accept fleeting depictions of tobacco use in advertisements for smoking cessation products or services.

## **VIDEO GAMES**

- I. Advertising for video games and computer software must contain an audio and video disclosure of the ESRB (Entertainment Software Rating Board) rating.
- II. Extreme violence, dangerous and imitable behavior, anti-social behavior and sexual themes are not acceptable.
- III. NBC will accept advertising for M-Rated video games on a case-by-case basis. Scheduling will be limited to post-9:00p.m. shows, NHL coverage, Rugby coverage and fourth quarter NFL coverage. Advertisements containing an M-Rated video game as a secondary-mention will be subject to the same restrictions.
- IV. Inclusion of video games as a secondary mention in an advertisement will require disclosure of the ESRB rating as follows:
  - A. In audio and video for commercials comprised primary of game footage and/or when the game is the focal point of the commercial.
  - B. In video for commercials advertising a promotion of tie-in with the game where the game is not the focal point of the commercial.
  - C. If the game is cross-promoted only by title or logo (e.g. a test listing of a game title with no box art or screen shot), rating information does not need to be displayed.)

## **VISUAL SUPERS, DISCLAIMERS, AND HORIZONTAL CRAWLS**

- I. Visual disclaimers cannot be used to contradict or materially alter a claim. When superimposed copy is used to qualify advertising claims, it must be presented so it can be read easily against a plain contrasting background and must be located within the safe title area of the television screen.
- II. Visual disclaimers should be a preferred vertical size of 54 lines and in an anti-aliased font. The first line should appear on screen for at least 3 seconds. Each additional line should appear for 1 second (e.g., 5 seconds for a 3-line disclaimer).
- III. The use of horizontal crawls in the lower 1/3 of the screen is unacceptable.

## **WEIGHT LOSS PRODUCTS AND PROGRAMS**

- I. Weight loss supplements are subject to the dietary supplement and homeopathic guidelines as well as the guidelines below.
- II. Weight loss ads must disclose that weight loss is achieved as part of healthy reduced-calorie diet and exercise program.

- III. All weight loss claims must be supported by valid and reliable scientific evidence. Studies must provide strong evidence that the advertised product, as part of a diet and exercise program, resulted in weight loss above and beyond weight loss caused by diet and exercise alone. Study subjects should be representative of the targeted audience.
- IV. Documented “before and after” representations will be approved on a case-by-case basis and must be accompanied by a producer’s affidavit.
- V. Advertising for weight control may not be directed to children.
- VI. Advertising including mentions of specific weight loss amounts or the rate of weight loss consumers can expect must comply with the following:
  - A. Rates of weight loss advertised must not exceed 2 lbs. a week for a month or more without diet and exercise or 3 lbs. per week for more than 4 weeks. Mentions of specific weight loss amounts must be accompanied by a disclosure of the amount of time it took to lose the weight (e.g. “I lost 4 pounds in two weeks”).
  - B. When a featured consumer lost weight at a faster rate than a typical consumer can expect, the typical results consumers can expect to achieve must also be disclosed (e.g. “Typical clients/consumers lose 1-2 pounds per week on average”). Typical results must also be disclosed when an ad refers to the rate of weight loss (e.g. “Lose weight quickly”).
  - C. Weight loss ads containing testimonials must be accompanied by a testimonial affidavit from each featured consumer. If a specific amount of weight loss is mentioned, the affidavit must include the amount of weight loss and the length of time it took to achieve the loss.
- VI. The FTC has issued a document that warns against deceptive weight loss claims ([www.ftc.gov/bcp/edu/microsites/red flag/](http://www.ftc.gov/bcp/edu/microsites/red_flag/)). Consistent with the FTC’s recommendations, NBC will not accept claims that a weight loss product:
  - A. Causes weight loss of two pounds or more a week for a month or more without dieting or exercise;
  - B. Causes substantial weight loss no matter what or how much the consumer eats;
  - C. Causes permanent weight loss (even when the consumer stops using product);
  - D. Blocks the absorption of fat or calories to enable consumers to lose substantial weight;
  - E. Safely enables consumers to lose more than three pounds per week for more than four weeks;
  - F. Causes substantial weight loss for all users; or
  - G. Causes substantial weight loss by wearing it on the body or rubbing it into the skin.

<b>“900” TELEPHONE NUMBERS AND “FEE FOR USE” WEBSITES</b>
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Advertising for transactions via the telephone or “cyberspace” will be considered for broadcast on the NBC Television Network on a case-by-case basis and subject to the advertiser’s assurance of compliance with the following obligations:

- I. All charges per use as well as the cost of any products or special services must be clearly disclosed, including the initial cost and additional increments. If, in NBC's opinion, the charges to the consumer appear to be excessive, the commercial will not be accepted. Where charges are a function of time, NBC may require, in addition to the foregoing, that the minimum transaction completion time be disclosed in the advertising. The required cost disclosures are:
  - A. For flat-fee or time sensitive transactions which, regardless of on line time, do not exceed a total of five dollars, at least once in audio or visually each time the method of communication is presented; and,
  - B. For flat-fee or time sensitive transactions which exceed or are likely to exceed a total of five dollars, at least once in audio and, for each time the pay-per-use number is presented, a visual disclosure must accompany its presentation.
- II. Sponsor identification must be clear and conspicuous. The sponsor's business address or business phone number or website must be disclosed. (See also [Sponsor Identification.](#))
- III. The underlying information or telephone programming must not contain false or misleading information.
- IV. NBC may reject advertisements for paid telephone services that do not contain a "preamble" announcement clearly describing the services to be offered, the price of the transaction (including whether it is a flat rate, or, if a per minute charge, including both the charge per minute and the expected duration of the call), and offering the opportunity to disconnect without being charged. NBC may also reject advertisements for interactive telephone services that artificially or unnecessarily prolong or extend the duration of the communication.
- V. The advertiser must provide assurances that it has and will comply with applicable federal and state laws and/or regulations concerning billing, collections, credit reporting and refunds.
- VI. "900" telephone number advertising or "fee for use" websites may not be scheduled in or adjacent to children's programs, nor may such advertising be directed to children. Each acceptable advertisement must contain an audio statement that persons under 18 must have parental permission to participate.
- VII. NBC may review the underlying telephone message or website before accepting any paid advertisements and may suspend broadcast of any advertising in the event of unresolved caller complaints or upon evidence that there has been any violation of these policy guidelines.