

Regulation

Code on car advertising and their components and accessories. Revision March 2023 applicable May 1, 2023.

<https://www.jep.be/wp-content/uploads/2023/04/FEBIAC-Code-de-publicite-2023.pdf>

Introduction

Car advertising is defined as any advertisement or advertising message within the meaning of Article I.8.13° of the Code of Economic Law in respect of any motor vehicle as well as any component or accessory intended to be fitted to such a vehicle, regardless of either the legal or commercial status of the advertiser responsible. The notion of "advertisement" or "advertising message" includes:

- o Announcements, communications or advertising messages published in the press;
- o Editorial items or other articles whether in literature, contact brochures et al sent by the manufacturer, importer or dealer to existing or potential customers;
- o Commercials on radio, television or cinema;
- o Posters and signs on or along public roads;
- o Messages or communications disseminated online.

This list is not exhaustive.

Febiac members

Febiac members who support the provisions of this Code consider that it establishes ethical principles that ensure fair competition, consumer protection and a contribution to improving the safety of road users and protection of the environment.

Therefore they acknowledge that the code is not to be interpreted narrowly but broadly, so that advertising techniques not explicitly stated above are also covered by this code.

ICC code

Advertising for motor vehicles, their components or accessories must also comply with the general self-regulatory rules contained in the ICC Code of Advertising and Marketing Communications.

A. Technical characteristics of vehicles and their components or accessories

Article 1

Advertising may not make a case for speed, particularly top speed, or imply its appeal. The same applies to power, acceleration, braking power or any other characteristic of a vehicle where speed is a factor. Power, maximum speed, acceleration capability and other measurable data concerning the vehicle can be included in the list of technical data in catalogues and brochures and in press articles.

The commitment made here is intended for every aspect of the advertising message: text or spoken message or visual expressions (image, photograph or film).

To this end, the power reserve of the engine or braking options may not be used to encourage greater speed, but may be presented as safety factors, with a view to helping drivers to develop a sense of responsibility.

Article 2

The active and passive safety properties of the vehicles and their components or accessories may not be presented or illustrated in a way that would suggest that they allow the rules of prudence and road safety to be broken.

Article 3

Images of or references to races, rallies, etc. are permitted on condition that they are unambiguous, i.e. the vehicles and their components or accessories must be shown just as they are used and seen during the race.

It must be clearly stated that production vehicles are not designed for use in day-to-day traffic as if they were competition and rally cars.

B. Respect for the environment

Article 4

Advertising must not encourage excessive behaviour that could harm the environment.

Advertising may use a location that obviously has nothing to do with the road network to demonstrate or describe the characteristics of a vehicle, component or accessory, provided that when using either text or image:

- ⇒ The private nature of the location is made obvious, or that
 - ⇒ The location is obviously not accessible to ordinary road users, or that
 - ⇒ It is clear that permission has been given for the location to be used in that way.
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Article 5

The legal requirement, for passenger cars, to mention in printed material and on websites, the CO₂ emissions and fuel consumption of the vehicle model or range advertised, satisfies the provisions of Annex IV of the Royal Decree dated 5 September 2001, together with the requirements that follow.

The average fuel consumption and average CO₂ emissions calculated in an official test cycle are displayed:

- ⇒ Horizontally in relation to the advertised message;
- ⇒ Below the picture and separately from other text;
- ⇒ In an easily readable font with normal spacing;
- ⇒ So that it stands out clearly against the background;
- ⇒ In a font size that is at least equal to the smallest size used for the text in the advert itself, with the following minimum sizes for each character (with the exception of superscripts, subscripts and special characters or signs):

1) For text printed in newspapers, magazines, leaflets, etc.:

- For formats smaller than A5: 1.5 mm
- For formats bigger than A5: 3 mm
- For formats bigger than A3: 4 mm
- For formats bigger than A2: 5 mm
- Other formats: in proportion to the sizes referred to above.

2) For posters:

- For A3 format: 5 mm
- For A2 format: 7.5 mm
- For A1 format: 10 mm
- For 'Atribus' format: 25 mm
- For 10 m² posters: 55 mm
- For 16 m² posters: 70mm
- For 20 m² posters: 75 mm
- For 36 m² posters: 100mm
- Other formats: in proportion to the sizes referenced above.

For websites, the following provisions must be applied:

- Information about fuel consumption and CO₂ emissions must be included on web pages displaying details of the technical characteristics (engine) of the vehicle shown.
- On a website for a make of car, a summary page must include a table (or similar) showing all of the figures relating to fuel consumption and CO₂ emissions for the vehicle range. This information must be clear and easy to print. The summary page must make it easier to compare the different makes and models.
- Visitors must be able to access this comparative table from each page of the website simply by clicking on a tab, menu or any other link.
- For banners, pop-ups or skyscrapers (i.e. IMU's – interactive marketing units) and other advertising formats on websites unrelated to the make of car, it is necessary to make sure that fuel consumption and CO₂ emission figures are also clearly legible or directly accessible by a click taking the user to a page where all the relevant information is displayed and can be printed.

The figures for fuel consumption and CO₂ emissions must be those of the version of the

model shown (with / without automatic gearbox, petrol engine / diesel engine, etc.).

If the advertising does not involve a specific model but, rather, a range of vehicles of the same make or model, it is necessary to refer to the minimum and maximum values for average fuel consumption as well as for average CO2 emissions, as recorded during an official test cycle for the vehicle range involved in the advertising campaign.

Although the regulations do not require it, advertising for 100% electric vehicles (BEV) systematically mentions the electricity consumption of said vehicles and in the following form:

- o Electricity consumption in kWh/100 km (combined cycle, WLTP)
- o A value when the advertisement uses a model or the minimum and maximum values when the advertising uses several models

CO2 emissions must be stated in g CO2/km.

Article 5 bis

Advertising must not use slogans or absolute statements that are likely to mislead the consumer as to the properties and characteristics of the vehicle in relation to its effects on the environment, in accordance with the requirements of the ICC Code.

On the other hand, a message indicating that elements of the vehicle contribute to limiting the environmental impact is likely to introduce an acceptable note provided that this can be substantiated.

C. Social responsibility

Article 6

Advertising must not describe or display by text, sound or image, a driving behaviour (lit. behaviour on the road network) in contravention of the rules of the Highway Code or safety requirements, except in the context of promoting the active and passive safety attributes of the vehicles and their components or accessories, in accordance with Article 2 of this Code.

In no case may advertising encourage such behaviour.

Article 7

Any display of, description of or reference to aggressive or offensive behaviour towards other road users must be excluded from advertising.

Article 8

Advertising may never display careful behaviour when driving a car or using a component or accessory in a disparaging or demeaning way.

Article 9

All information contained in advertising relating to driving or the use of components or accessories as well as complying with road safety rules and respect for other road users must be presented positively.

Article 10

Children may appear in an advertisement in order to advocate/ recommend a behaviour improving safety or for the purpose of promoting safety and comfort-related features. Children may also appear in an advertisement in a family context.

Under no circumstances may children be referenced in advertising related in any way, directly or indirectly, to hazardous or "sportsmanlike" behaviour. When children – or any other occupant – are shown in a motor vehicle, they must always be using the safety devices required by law (seatbelts, age-related booster seats, airbags, etc.), unless it is indisputably evident that the vehicle is not part of the road traffic. *(Counsel's interpretation of this point is that the inference is that it must be obvious that the vehicle is not in motion or transit; the vehicle is off the road with the keys out of the ignition.)*
