

G-Regs™

Spain – Videogames Advertising Code



Title Guidelines for Best Practices in Advertising of Interactive Software Products from the former Spanish Association of Distributors and Entertainment Software Editors (ADESE¹), now, Spanish Videogames Association (AEVI – *Asociación Española de Videojuegos*) (2005)

PREAMBLE

I. The interactive software industry has shown a serious concern and willingness towards a commitment to inform the general public about the content of these products in a responsible manner, by providing objective, intelligible and reliable information about the age for which such a product is considered appropriate and by ensuring compliance with any advertising or promotional activity of interactive software products with the overall aim of informing the public about the content of interactive software products in a responsible way and respectful of human dignity. Unsurprisingly, their committed approach was reflected in the ADESE's² (now AEVI) subscription to the Code of Conduct for the European Interactive Software Industry regarding Age Rating, Labelling, Promotion and Advertising of Interactive Software Products (hereinafter known as the PEGI Code³).

II. To date, the application of this Code has shown its effectiveness at meeting these objectives.

Article 8 (*now Art. 11*) of the Code of Conduct for the European Interactive Software Industry on age rating, labelling, promotion and advertising of interactive software products provides:

*A (now Art. 11.1). Advertising materials shall, wherever practicable, show the age rating finally granted to the product concerned or, should the license be pending, show the final age rating expected, taking the higher age category as a reference in case of doubt.*⁴

B (now Art. 11.2). The design of print, broadcast and on-line advertising of these products shall comply with laws and regulations applicable to the age category concerned.

C (now Art. 11.3). More generally, the following principles shall apply:

*i. An advertisement shall accurately reflect the nature and content of the product it represents and the rating issued (i.e. an advertisement should not mislead consumers as to the product's true character).*⁵

¹ *Asociación española de distribuidores y editores de software de entretenimiento*

² Association of Distributors and Entertainment Software Editors (ADESE)

³ Current PEGI Code has been updated (2014 version) – entitled: Code of Conduct for The European Interactive Software Industry regarding Age Rating Labelling, Promotion and Advertising of Interactive Software Products and maintenance of safe online gameplay

⁴ Art. 11.1 of updated PEGI Code reads: Advertising materials shall follow the PEGI Labeling and Advertising Guidelines and in particular show the age rating granted to the Product concerned or, should the license be pending, show the final age rating expected, taking the higher age category as a reference in case of doubt. For most up to date guidelines, visit: <http://www.pegi.info/guidelines>

⁵ Art. 11.3 (i) All advertisements shall accurately reflect, to the best extent possible both the nature and content of the Product publicized and the rating associated with that Product. Advertisements should not mislead consumers as to the Product's true character

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ii. An advertisement shall not in any way exploit a PEGI rating of a product as such a rating is intended as a recommendation only.

iii. All advertisements shall be created with a sense of responsibility towards the public.

iv. No advertisement shall contain any content that is likely to cause serious or widespread offence to the average consumer targeted⁶.

v. Publishers (signatories) shall not specifically target advertising for entertainment software products rated 16+ or 18+ to consumers for whom the product is not rated as appropriate.

vi. Publishers (signatories) shall ensure that ancillary or separate products that are being sold or promoted in association with a core product contain content that is appropriate for the audience for which the core product is intended.

vii. Publishers (signatories) shall not enter into promotion of interactive software products rated 16+ or 18+ with another company's brands, products, or events, if it is reasonable to believe that such company's products, brands or events will reach consumers for whom the interactive software product is not rated as appropriate.

viii. Publishers (signatories) shall inform the public by means of a general statement of the existence of sponsorships and/or the existence of 'product placements' associated with any product. In this regard use of a trade mark or brand solely to provide authenticity to the game (product) environment shall not be held to constitute either product placement or sponsorship provided that license holders do not receive payment in exchange for such use.

D (now Art. 11.4). The PEGI System shall be open to magazine publishers for the age rating of compact discs and/or DVDs attached to such magazines (cover discs) when they contain excerpts from interactive software products and/or audiovisual material related to such products provided that those products are published by companies which abide by this Code (other signatories)

CHAPTER I – GENERAL PROVISIONS

Article 1

Purpose

These guidelines are intended to determine the principles and ethical rules to be followed in respect of the advertising of interactive software products, for the benefit of the market, consumers and public interest, always in accordance with the legislation in force in this area/ field, without prejudice to the obligations arising from the Code of Conduct for the European Interactive Software Industry regarding Age Rating, Labelling, Promotion and Advertising of Interactive Software Products (i.e. PEGI Code), AUTOCONTROL's General Code of Advertising Practice, the ICC's (International Chamber of Commerce) Codes of Advertising Practice⁷ and any other individual or collective ethical obligations.

Article 2

Definitions

For the purposes of interpreting these guidelines:

"Advertising" means any form of communication carried out by a public or private, natural or legal person in the exercise of a commercial, industrial, craft or professional activity, designed to promote, directly or indirectly the contracting (sale) of movable or immovable property/ goods, services, rights and duties/ obligations.

⁶ 11.3 (iv) All advertisements shall aim to avoid content that is likely to cause serious or widespread offence to the average consumer targeted.

⁷ Referring to The ICC's Consolidated Code of Advertising and Marketing Communications Practice - 2011

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“Media” means media or means of social communication (i.e. social media) used to disseminate advertising.

“Interactive software products” means videogames, computer games, educational / reference works/ items on CD-Rom, regardless of its format, method of distribution or use, “online” or not.

Article 3**Scope****1. Objective Scope**

The rules provided in these guidelines shall apply to the advertising and promotion of interactive software products by any means of communication (media)

2. Subjective and Territorial Scope

These guidelines shall apply to all the members of ADESE - Spanish Association of Distributors and Entertainment Software Editors (now AEVI - Spanish Videogames Association), and to any other distributor, editor or trade association, not a member of the Association, who elects to adhere (i.e. *sign up*) to the Code.

CHAPTER II - GENERAL ETHICAL STANDARDS

Article 4**Principle of Legality**

The advertising of interactive software products to which this Code applies, shall comply with current legislation, whatever its content, means of dissemination (medium/ channel) or form taken.

Article 5**Principle of Fairness**

The advertising of interactive software products shall comply with the requirements of good faith and good business practices, whatever its content, medium, or form taken.

Article 6**Principle of Truthfulness**

1. The advertising of interactive software products to which this Code applies, shall truthful and clearly identifiable as advertising.

2. The advertising of interactive software products must accurately reflect the nature and content of the product it represents (meaning it must not mislead consumers as to the true nature of the product). To this end, care must be taken in carrying out advertising of these products to avoid misleading the target audience (the public to whom the ad is addressed) on the characteristics and benefits of the products.

3. The advertising of interactive software products must avoid misleading the target audience of the product (i.e. the section of public to whom the product is directed). To this end, the age rating of the advertised product must be shown clearly and precisely, so that it is clearly legible and noticeable / visible to the recipients of the advertising.

Article 7**Principle of Protection of Minors**

The underage audience is an audience that by virtue of its immaturity, credulity, ease of persuasion and suggestion, is particularly vulnerable to advertising and, as such, is worthy of special protection in this area.

Therefore, advertising aimed at minors is subject to stricter and more stringent / rigorous requirements than that directed towards an adult audience and audiences with greater experience.

Article 8

The Principle of suitability/ adequacy of advertising for the audience to whom the promoted interactive software product is targeted. (*the advertising has to be suitable/ appropriate for the target audience of the product*)

The advertising of interactive software products shall be tailored to (in keeping with) the age rating criteria of interactive software products that are promoted therein. Thus, interactive software product advertising, shall not include messages, images or scenes/ shots that are not suitable for the age of the audience to which the product is directed (target audience of the product), in accordance with the age rating criteria of interactive software products.

CHAPTER III – AGE RATING CRITERIA FOR INTERACTIVE SOFTWARE PRODUCTS

Article 9**Interactive Software Products recommended for over 18s**

A game will be considered a game “recommended for 18+ years” when if played in full (i.e. from start to finish) includes/ contains:

- Realistic-looking brutal violence towards humans or animals. Brutality = dismemberment, torture, massive blood loss and bleeding wounds, sadism and other forms of brutal violence.
 - Graphic, detailed, and sustained violence towards realistic looking (life-like) humans⁸ or animals. Graphic = blood and bleeding wounds.
 - Violence towards vulnerable and defenceless humans.
 - Sexual activity with visible genital organs.
 - Sexual violence or threats (including rape)
 - Detailed descriptions of techniques/ methods that can be used in criminal offenses.
 - Ethnic, religious, nationalist traits or other stereotypes that may incite hatred.⁹
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Article 10**Interactive Software Products recommended for over 16s**

An interactive software product will be considered a game “recommended for 16+ years” where it contains:

- Graphic, detailed and sustained violence towards life like humans or animals.
 - Graphic or detailed showing of death or wounding to life like humans or animals.
 - Sexual Intercourse without showing genitalia
 - Erotic or sexual nudity = expressing sexual awakening
 - Sexual interjections or profanity
 - Encouragement of the use tobacco or alcohol
 - Use of illegal drugs
 - Attractive portrayal / depiction of crime.
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Article 11**Interactive Software Products recommended for over 12s**

An interactive software product will be considered a game “recommended for 12+ years” which contains:

- Graphic violence towards fantasy characters
 - Non-graphic violence towards humans or animals
 - Sexually explicit descriptions or images, such as nude people in a sexual context.
 - Moderate swearing.
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⁸ Human looking characters and recognisable animals

⁹ i.e. discrimination – stereotyping likely to cause hatred

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Article 12**Interactive Software Products recommended for over 7s**

An interactive software product will be considered a game “recommended for 7+ years” which contains:

- Occasional violence towards non-life like fantasy characters.
- Images or sounds that can cause fear or fright among little children
- Nudity in a non-sexual context.

Article 13**Interactive Software Products recommended for over 3s**

An interactive software product will be considered a game “recommended for 3+ years” in which if it contains violence, it does so in a comical context/ way.

CHAPTER IV – CHANNEL RESTRICTIONS ON THE ADVERTISING OF INTERACTIVE SOFTWARE PRODUCTS

Article 14**Advertising of Interactive Software Products on TV**

1. Adverts for interactive software products rated as “recommended for over 18s” shall not be broadcast on TV within the hours of child protection (child protection watershed) (i.e. 6am – 10pm)

2. In accordance with Article 8(c), para. V¹⁰ (meaning Art. 8.3(v) – now Art. 11.3(v)) of the PEGI Code (Code of Conduct for the European Interactive Software Industry regarding Age Rating, Labelling, Promotion and Advertising of Interactive Software Products), advertising of interactive software products classified as “recommended for over 16s” shall not be broadcast on TV during the enhanced protection time slots.

3. During the enhanced protection time slots, the advertising of interactive software products classified as “recommended for over 12s” shall be avoided¹¹ that include images, sounds or contents that may be inappropriate for that age. For this purpose and in accordance with the “Self-Regulatory Code on TV Content and Children” dated 9th December 2004 and the Agreement of the same date signed by the Government, the following are considered “enhanced protection time slots”:

a) Monday – Friday: 8am – 9am; 5pm – 8pm

b) Saturdays and Sundays: 9am – 12pm

c) The watershed times for Saturdays and Sundays (i.e. 09:00 – 12:00) shall apply on the following days:

- 1st and 6th of January
- Good Friday
- 1st May
- 12th October
- 1st November
- 6th, 8th, 25th December

d) To these days shall be added, with respect to the TV stations whose coverage is not national (i.e. autonomous or regional TV networks), list of days assimilated/ integrated to the weekend watershed, those that are public holidays in their territory (local ferias etc...).

¹⁰ Signatories shall not specifically target advertising for Products rated 16 or 18 to consumers for whom the product is not rated as appropriate

¹¹ i.e. shall not be allowed / permitted

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e) During school holiday periods the enhanced protection time slots established in the preceding paragraphs for any time of the year in general shall apply (i.e. *on school holiday periods usual enhanced protection times apply*).

Article 15**Advertising of Interactive Software Products on Radio**

Advertising of interactive software products classified as “recommended for those over 18 years of age” may not be broadcast on the radio during, immediately before or immediately after programmes specifically aimed at minors or whose audience is principally made up of minors.

Article 16**Advertising of Interactive Software Products in Print Media**

1. Advertising of interactive software products classified as “recommended for 18+ years” may not be disseminated in print media that are specifically aimed at minors or in publications whose editorial policy is aimed principally at those under 18 years of age, nor on pages that contain articles, reports or news specifically aimed at this audience.

2. Advertising of interactive software products classified as “recommended for 16+ years” or “recommended for 12+ years” may not be disseminated in print media that is specifically aimed at children under 16 years or 12 years old respectively or in publications whose editorial policy is principally aimed at this audience, neither in pages that contain articles, reports or news especially aimed at children under 16 and under 12 years of age.

Article 17**Advertising of Interactive Software Products on the Internet**

1. Advertising of interactive software products classified as “recommended for over 18s” may not be inserted in portals, sites, areas or sections aimed at minors or where the majority of the audience is composed of minors.

2. Advertising of interactive software products classified as “recommended for 16+ years” or “recommended for 12+ years” may not be inserted in portals, sites, areas or sections aimed at children under 16 or 12 years respectively, or whose mainstream audience is composed of children of such ages (i.e. under 16s and under 12s)

Article 18**Advertising of Interactive Software Products in Cinemas**

Interactive software products whose advertising is inserted on the advertising reel must be appropriate / suitable to the feature film or movie that accompanies it. In particular, the advertising of interactive software products “recommended for 16+ years” or “recommended for 18+ years” may only accompany feature films or movies for those over 18 years of age (i.e. films rated as “not recommended/ suitable for under 18s)

Article 19**Outdoor Advertising of Interactive Software Products**

1. Care shall be taken in the carrying out of outdoor advertising and outdoor advertising content for interactive software products “recommended for 18+ years”, to prevent the advertisements from containing images and claims that can cause mental, moral or physical harm to minors.

2. In all cases, the advertising of interactive software products classified as “recommended for 18+ years” may not be disseminated on posters, billboards and other advertising media, which are within 100 linear metres of the entrance gates to infant, primary and secondary educational establishments.

Article 20**Promotion of Interactive Software Products**

1. The promotion of interactive software products classified as “recommended for 16+ years” or “recommended for 18+ years” may not be carried out along with trademarks,

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products or events of another company, where it is reasonable to reckon / estimate that the trademarks, products or events of said company will reach consumers for whom the interactive software product does not have the appropriate age rating.

2. Interactive software products classified at "recommended for 18+ years" may not sponsor or endorse any event or occasion that is specifically aimed at minors or whose mainstream audience (majority of the audience) consists of minors.

3. Promotional material of interactive software products classified as "recommended for 18+ years" shall not be given away (as gifts) to minors (underage children). Promotional gifts related to these products may not have a design specifically aimed/ directed at minors or objectively suited to attract their attention or interest in a special way, nor shall small size be created, in the case of clothing.

Article 21

Direct advertising / marketing of interactive software products

1. Direct marketing, and in particular the sending/ mailing of brochures, graphic/ print ads, and other advertising media of interactive software products classified as "recommended for 18+ years" to a consumer or a particular set/ group of consumers, shall be aimed in a every case to people of legal age (i.e. adults, +18s), and for this purpose on its outer / exterior presentation (packaging) it shall indicate the name of the adult (person of legal age) to whom it is addressed and shall include the caption: "Not valid for minors - *No válido para menores*".

2. Direct advertising carried out via the distribution of leaflets whether it is in shopping centres, on the street or via direct mail (mail drop), it should include a clear and prominent reference to the age rating of the interactive software product advertised. In this regard, the caption may be: "recommended for 18+ years/ unsuitable for persons under 18 = *recomendado para mayores de 18 años*", "recommended for 16+ years/ suitable for ages 16 and over = *recomendado para mayores de 16 años*", "recommended for 12+ years / suitable for ages 12 and over = *recomendados para mayores de 12 años*", "recommended for 7+ years / suitable for ages 7 and older = *recomendado para mayores de 7 años*" or "recommended for 3+ years / suitable for ages 3 and older / i.e. all ages = *recomendado para mayores de 3 años*".

3. Brochures/ booklets or similar of interactive software products classified as "recommended for 18+ years" or "recommended for 16+ years" shall not be distributed inside or in the vicinity of infant, primary and secondary educational establishments.
