

# ADVERTISING GUIDELINES FOR NBCUNIVERSAL'S CABLE PROPERTIES

## INTRODUCTION

### PURPOSE

The NBCUniversal Cable Advertising Guidelines (“Guidelines”) were created to help advertisers and their representatives, including agencies and legal counsel, create advertisements. The Guidelines provide general guidance and should not be considered exhaustive or a substitute for consulting with the NBCUniversal Advertising Standards Department (“Advertising Standards”).

### COMPLIANCE

Each advertiser and their representatives are responsible for ensuring that their advertising materials are in compliance with all applicable laws and governmental regulations, as well as internal guidelines, standards and policies. The function of Advertising Standards is to review advertisements for adherence to all such governmental laws and regulations, as well as NBCUniversal’s internal guidelines, standards and policies.

### APPROVALS

Advertising Standards reserves the right to: (1) require revisions to advertisements; (2) accept or reject any advertisement at any time, including any advertisement with potentially offensive content that is deemed incompatible with NBCUniversal’s viewing environment or general standards; (3) expand or limit an advertisement’s scheduling based on content considerations, audience composition and program compatibility; (4) investigate the advertiser and the accuracy of all statements and claims made in advertising materials; and (5) at any time, revoke its approval of any advertisement which is inconsistent with NBCUniversal’s standards and policies in response to emergency circumstances or situations of unusual significance.

### CONFIDENTIALITY

Advertising Standards treats all information and materials submitted by an advertiser or its authorized representative in connection with commercial clearances as strictly confidential.

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**EAS TONES:** The use of false or deceptive Emergency Alert System (EAS) Signals or Tones is not acceptable in any advertisement. The FCC prohibits the transmission of the EAS codes or Attention Signal (853 Hz and 960 Hz transmitted simultaneously) or a recording or simulation thereof except in the case of an actual emergency or authorized EAS test. This rule applies to all forms of content, including programs, advertisements and other paid programming, public service announcements (PSAs), promos and other interstitial material. Content containing EAS tones, simulations or other related sound effects will not be accepted for broadcast.

## ADVERTISING CATEGORIES FOR REVIEW ON NBCUNIVERSAL CABLE PROPERTIES

Advertising Standards reviews advertisements intended for air on the following NBCUniversal cable properties – Bravo, CNBC, E!, Golf Channel, MSNBC, NBCSN, Oxygen, Syfy, and USA (collectively “NBCU Cable”) IF such advertisements are no more than five (5) minutes in length AND in one (1) of the following seven (7) categories:

- 1) [CBD Products \(Topical, Non-Ingestible\)](#)
- 2) [Controversial Issues & Political](#)
- 3) [Dietary Supplements](#)
- 4) [Fantasy Sports](#)
- 5) [Gambling, Betting, Lotteries, and Games of Chance](#)
- 6) [Homeopathic Remedies](#)
- 7) [Weight Loss Supplements & Programs](#)

## SUBMISSION OF MATERIALS

There are three (3) ways to submit materials for clearance:

- 1) Upload your materials to [www.nbcuadstandards.com](http://www.nbcuadstandards.com)
- 2) Upload your materials via MediaVu (NBC), or;
- 3) Upload your materials via MediaQurator (NBC)

## ADDITIONAL DETAILS FOR NBCU CABLE REVIEW

- 1) *Pre-Production Review:* Prior to production, advertisers should submit a script or storyboard of the proposed advertisement to Advertising Standards. Advertising Standards will request substantiation for all claims and authentication of all demonstrations and testimonial statements, as applicable.
- 2) *Rough Cut Review:* Advertisers may submit rough cuts for review before final production.
- 3) *Supporting Documents:* When possible, supporting documentation including, but not limited to, product testing, claim support, and affidavits should be submitted along with the script, storyboard, rough cut or final advertisement. For submissions via [www.nbcuadstandards.com](http://www.nbcuadstandards.com), attach as “Related Documents”. If you are responding to an Advertising Standards editor’s request, any materials you send must be submitted through the “Reply” link at the bottom of the applicable clearance report or attached to a message sent to the Advertising Standards editor via [www.nbcuadstandards.com](http://www.nbcuadstandards.com), MediaVu, or MediaQurator.
- 4) *Final Approval:* All final advertisements must be slated with a unique ISCI code, a title, and the length of the advertisement, and submitted via one (1) of the above submission methods. Advertising Standards cannot give final approval to un-slated advertisements.
- 5) *Time for Review:* Advertisers should allow three (3) business days for review of clearance materials.

ADDITIONAL ADVERTISING CATEGORIES FOR REVIEW ON BRAVO, E!, OXYGEN, USA, AND SYFY

NBCU Cable requires the approval of the following ADDITIONAL categories for NBCUniversal's Bravo, E!, Oxygen, USA, and Syfy networks (collectively "Lifestyle and Entertainment Networks"):

- 1) Competitive Linear Television and Streaming Services
- 2) Hard Alcohol
- 3) Movies - Rated PG-13 & R
- 4) Personal Products
- 5) Video Games – M-Rated

SUBMISSION OF MATERIALS TO LIFESTYLE AND ENTERTAINMENT NETWORKS

There are three (3) ways to submit materials to Lifestyle and Entertainment Networks for clearance:

- 1) Email [entlifestyleclearance@nbcuni.com](mailto:entlifestyleclearance@nbcuni.com)
- 2) Upload your materials via MediaVu (Bravo, E, Oxygen, USA, Syfy), or;
- 3) Upload your materials via MediaQuator (Bravo, E, Oxygen, USA, Syfy)

REVIEW OF MATERIALS

After reviewing the submitted materials, Advertising Standards may have no concerns with the advertising materials, require modifications to the advertisement, or deem the advertisement unacceptable for air. For final approval, the advertiser must submit a copy of the final advertisement that is slated with a unique ISCI code using one (1) of the methods above.

QUESTIONS

Please contact [entlifestyleclearance@nbcuni.com](mailto:entlifestyleclearance@nbcuni.com) with any questions about these Guidelines.

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All clearance materials must be submitted using one (1) of the above methods or they will not be reviewed. Clearance materials should not be sent to Sales, Sales Operations or the Media Operations Center (MOC) in Englewood Cliffs.

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**CBD PRODUCTS (TOPICAL, NON-INGESTIBLE)**

This policy, in conjunction with the CBD Advertiser Certification, governs advertising for hemp-derived cannabidiol (“CBD”) products on NBCUniversal’s Regional Sports Networks (“RSNs”) and NBCU Cable. Advertisements for CBD products (“CBD Advertising”) may only be accepted if they are consistent with this policy and meet the criteria set out below. This policy does not apply to sponsorships or in-program elements that promote CBD products.

**I. CBD Advertising Principles**

**A. NBCU Cable and the RSNs accept CBD Advertising subject to the following restrictions:**

- i. NBCU Cable and the RSNs only accept advertisements for topical, non-ingestible CBD products (i.e., lotions and creams). Advertisements promoting drugs, food products, dietary supplements, animal foods, animal drugs, tobacco products, and medical devices that contain CBD are prohibited.
- ii. NBCU Cable and the RSNs only accept advertisements for CBD products derived from hemp produced in compliance with all applicable laws, including the Agricultural Improvement Act of 2018 (also known as the “Farm Bill”).
- iii. Advertisements for CBD products may not make express or implied health or therapeutic claims about the product or CBD.
  1. The advertisements do not create the impression through images or other design elements that the product or CBD provides health, therapeutic, or medicinal benefits;
  2. The name of the company, brand, or product does not suggest or reference any health, therapeutic, or medicinal benefits;
  3. The URL or any social media handle provided in the advertisement does not suggest or reference any health, therapeutic, or medicinal benefits.
- iv. CBD Advertising may not be targeted at viewers under the age of 21.
- v. The products promoted may not contain substances that render the product injurious to users under the conditions prescribed in the labeling, or under such conditions of use as are customary or usual.
- vi. The landing page of any URL referenced in CBD Advertising may not show ingestible CBD products nor makes therapeutic claims about CBD products.
- vii. Advertisers must agree in writing to NBCU’s Advertiser Certification for CBD Advertising.
- viii. All CBD Advertising must include the following disclaimer that “Products may not be available in all areas. Only available where legally sold.”
- ix. Advertising that portrays or encourages the use of marijuana is unacceptable.
- x. Advertising that associates CBD products (topical, non-ingestible) with cannabis imagery including but not limited to plants, leaves, seeds, etc., are unacceptable. However, any such imagery that appears as part of the product’s standard retail packaging may be allowed at NBCU Cable and the RSNs’ discretion.
- xi. Advertisements must clearly advise consumers to follow label directions (e.g., “Use as directed”).

## II. Distribution Guidelines

- A. CBD Advertising may only air on NBCU Cable and the RSNs.
- B. CBD Advertising may not air in any programming restricted under any applicable rights agreements.
- C. CBD Advertising is only acceptable in programming, at NBCU Cable and the RSNs' discretion, where 85% of the audience is 21 years old or over.

## CONTROVERSIAL ISSUE & POLITICAL ADVERTISING

Controversial issue and political advertisements will not be reviewed until an order to buy is placed with NBCUniversal Sales. NBCU Cable will accept advertisements that comment on controversial issues, subject to the below conditions. We reserve the right to reject controversial issue and political advertisements on NBCU Cable that violate the below guidelines.

### I. General Standard for Acceptance

- A. NBCUniversal does not make judgments on an advertiser's opinions, and we accept issue and political advertisements that express divergent points of view. We do, however, reserve the right to require substantiation of factual claims made by an advertiser.
- B. Advertisements generally will be accepted if there is a basis for the claims and such claims fall within the bounds of reasonable debate.
- C. An acceptance may be subject to limitations regarding time period and type of programming.

### II. Use of NBCUniversal Content is Not Authorized

- A. The inclusion of NBCUniversal content in controversial issue or political advertising can potentially mislead viewers as to NBCUniversal's endorsement of the position taken in an issue advertisement or otherwise be misconstrued. Accordingly, NBCUniversal does not grant permission for the use of our footage in issue advertisements, and we ask advertisers not to include our footage in these advertisements.

### III. Unacceptable Content

- A. An advertisement may be rejected if its content, or other content referenced in the advertisement or otherwise disseminated by the advertiser, is grossly offensive (e.g., on racial, religious or ethnic grounds).
- B. An advertisement may also be rejected if: (1) it is merely an attack of a personal nature, a direct attack on a specific organization (either a non-profit or a 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; (3) its content or style of production is otherwise deemed inconsistent with a network's viewing environment or general standards, as determined by the applicable network in its sole discretion; or (4) it includes NBCUniversal content in violation of the above policy.

### IV. Disclaimers/Disclosures

- A. Issue advertisements must disclose the party who paid for the advertisement for at least four (4) 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 advertisement was authorized by a candidate. If the advertisement was not so authorized, the disclaimer should state: "Paid for by [Advertiser Name] and not authorized by any candidate." If the advertisement was paid for by a federal candidate, the candidate must sign a certification at the time the advertisement is purchased that pledges

that the relevant advertisement 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 advertisement, along with the candidate's likeness.

## DIETARY SUPPLEMENTS

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 more information about FDA-approved health claims and qualified health claims, see the FDA's [Label Claims for Conventional Foods and Dietary Supplements](#).
- 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 DSHEA 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".
- III. NBCU Cable generally will not accept advertisements for dietary supplements with claims that have been the subject of FTC, FDA, Better Business Bureau, or ERA action.
- IV. NBCU Cable requires studies conducted on the advertised product to substantiate claims when the claims in the advertisement 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 advertised product and the results attained, then reliable scientific data on the ingredients themselves may be acceptable.
- V. The following are not acceptable:
  - A. Claims about the safety of dietary supplements.
  - B. Claims that compare or equate dietary supplements with over-the-counter or prescription drugs, explicitly or by implication.
- VI. Nutrient comparisons between dietary supplements may be acceptable provided no comparative health benefits are claimed.
- VII. Physicians, dentists, nurses, or actors representing them may appear in dietary supplement advertisements so long as the advertiser provides sufficient documentation to support the professional endorsement of the advertised

product where such professional endorsement is implied. Additionally, other health professionals such as pharmacists, nutritionists, physical therapists, or actors representing them are permitted in these types of advertisements under the same conditions.

- 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.

## **FANTASY SPORTS**

### I. Fantasy Sports Leagues

- A. Advertisements for fantasy sports leagues, including fantasy sports leagues with real cash prizes, are acceptable, provided that the following disclaimers are included:
- i. “Void where prohibited.”
  - ii. Disclosure of states where fantasy sports are prohibited or the legality of fantasy sports is unclear.
- B. As a general rule, visual disclaimers should appear in a font that is easy to read and remain on the screen long enough to be noticed, read, and understood by an average viewer. The first line should appear on screen for at least three (3) seconds. Each additional line should appear for one (1) second (e.g., five (5) seconds for a three-line disclaimer).

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

### I. General Overview

- A. The following guidelines apply to lawfully licensed betting, gambling, lottery, and other games of chance:
- i. Advertisements for any publication, “tip sheet,” electronic or mechanical device, application, or other product or service whose primary purpose is the giving of odds or promotion of betting, are unacceptable;
  - ii. The lawful advertising of lotteries permissible under the law of the state in which they are conducted may be acceptable, so long as any such lottery is conducted by a:
    1. Not-for-profit 501(c) organization,
    2. Governmental organization, or
    3. Commercial entity, provided that the lottery is promotional, occasional, and clearly ancillary to the primary business of that commercial entity.
- B. The advertising of legalized betting, including horse racing may be acceptable provided the advertisement is not instructional in nature and the organization complies with all state and federal laws. At a minimum such advertising must include:
- i. A video disclaimer stating, “Void where prohibited”, and

- ii. Gambling responsibly messaging (i.e. if you or someone you know has a gambling problem, please call 1-800-GAMBLER).
  - C. Advertisements permitted under these guidelines must not present fictitious winners or winnings or misrepresent actual winners or winnings.
  - D. As a general rule, visual disclaimers should appear in a font that is easy to read and remain on the screen long enough to be noticed, read, and understood by an average viewer. The first line should appear on screen for at least three (3) seconds. Each additional line should appear for one (1) second (e.g., five (5) seconds for a three-line disclaimer).
- II. Online Gambling and Other Gambling-Related Websites
- A. NBCU Cable does not accept online gambling advertisements; however, online gambling advertisements may be submitted for review to air on the NBC Owned Television Stations. Please contact your NBC Owned Television Stations Sales representative for further information.
- III. Other Gambling-Related Platforms
- A. 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.

#### **HOMEOPATHIC REMEDIES**

- I. NBCU Cable 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).
- II. Pursuant to the FTC’s [Enforcement Policy Statement on Marketing Claims for OTC Homeopathic Drugs](#), unqualified treatment claims for self-limiting disease conditions amendable to self-diagnosis and treatment must be substantiated by competent and reliable scientific evidence, defined as “tests, analyses, research, or studies that have been conducted and evaluated in an objective manner by qualified persons and generally accepted in the profession to yield accurate and reliable results.” When such support is not available, advertisers must communicate the following:
  - A. There is no scientific evidence that the product works; and,
  - B. The product’s claims are based only on theories of homeopathy from the 1700s that are not accepted by most modern medical experts.
- III. NBCU Cable generally will not accept advertisements for products with claims that have been the subject of FTC, FDA, Better Business Bureau, or ERA action.

- IV. NBCU Cable requires studies conducted on the advertised product to substantiate claims when the claims in the advertisement 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.
- V. The following are not acceptable:
  - A. Claims about safety of homeopathic remedies.
  - B. Claims that compare or equate homeopathic remedies with OTC or Rx drugs, explicitly or by implication.
- VI. Physicians, dentists, nurses, or actors representing them may appear in homeopathic remedy advertisements so long as the advertiser provides sufficient documentation to support the professional endorsement of the advertised product where such professional endorsement is implied. Additionally, other health professionals such as pharmacists, nutritionists, physical therapists, or actors representing them are permitted in these types of advertisements under the same conditions.
- VII. “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.

#### **WEIGHT LOSS PRODUCTS & PROGRAMS**

- I. Weight loss supplements are subject to the Dietary Supplements and Homeopathic Remedies guidelines above, as well as the guidelines in this section.
- II. Weight loss advertisements must disclose that weight loss is achieved as part of a 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 two (2) pounds a week for a month or more without diet and exercise or three (3) pounds per week for more than four (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 four (4) pounds in two (2) 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 consumers lose one (1) to

two (2) pounds per week on average”). Typical results must also be disclosed when an advertisement refers to the rate of weight loss (e.g. "Lose weight quickly”).

- C. Weight loss advertisements 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.

VII. The FTC has issued a document that warns against deceptive weight loss claims entitled [Gut Check: A Reference Guide for Media on Spotting False Weight Loss Claims](#). Consistent with the FTC’s recommendations, NBCU Cable will not accept claims that a weight loss product:

- A. Causes weight loss of two (2) 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 after 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 (3) pounds per week for more than four (4) 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.

VIII. As a general rule, visual disclaimers should appear in a font that is easy to read and remain on the screen long enough to be noticed, read, and understood by an average viewer. The first line should appear on screen for at least three (3) seconds. Each additional line should appear for one (1) second (e.g., five (5) seconds for a three-line disclaimer).