



**TELEMUNDO**

# Advertising Guidelines

## **TELEMUNDO NETWORK CLEARANCE PROCEDURES**

The function of Telemundo's Advertising Compliance Department is to review advertisements for adherence to Federal Communications Commission, Federal Trade Commission, Food and Drug Administration and our internal guidelines. Telemundo 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 ultimate responsibility for advertising rests with the advertiser. However, it is our duty to show due diligence in screening advertisements for broadcast on the Telemundo Network. Commercial messages intended for broadcast on Telemundo Network facilities will be reviewed by and subject to approval from the **Advertising Compliance Department**.

Telemundo 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. Telemundo requires all advertisers to have substantiation providing a reasonable basis for claims made in their commercials.

For each commercial, advertising agencies are asked to submit a shooting script or storyboard, a product sample and label/package insert of each commercial; substantiation for all material claims, authentication of all demonstrations and testimonial statements. When the pre-production discussions have concluded and the agency has produced the commercial, the finished version must be submitted for screening and final clearance.

As early as possible in the commercial pre-production process, advertising agencies should submit a script or storyboard for the proposed commercial to the Advertising Compliance Department. When applicable, Advertising Compliance will require substantiation for all material claims, authentication of all demonstrations and testimonial statements, and a product sample. After reviewing the materials for compliance with Telemundo Advertising Compliance Guidelines, Telemundo may approve the commercial, request additional information, require modifications to the commercial, or deem the commercial unacceptable for air. All advertising and PSAs should be in the Spanish-language.

When the pre-production review has concluded, the finished commercial must be submitted for screening and final clearance (MediaVu, or electronic file, slated with the ISCI code, product, and client). All finals submissions should include an as-produced script. Although broadcast approval

is contingent upon review of a **final** slated version of the commercial, Telemundo Broadcast Standards strongly recommends the advance submission of all relevant materials including scripts, storyboards and rough cuts. Solely when requested, all material claims must be substantiated with supporting documentation and forwarded to Telemundo Broadcast Standards for review.

**All submissions should include a cover letter containing the following information:**

- Commercial title(s), length(s), and ISCI code(s)
- Advertising agency contact information
- Name of advertised company and product

For commercials intended for local broadcast on any Telemundo Owned Television Station, advertising agencies should consult the local Sales Manager in advance of production.

**Clearance for cable & other Telemundo properties:**

The Telemundo Advertising Compliance Department only reviews commercials in the following categories for Cable and Telemundo Owned and Operated Stations: (1) Dietary/nutritional supplements and homeopathic remedies; (2) Non Casino gambling-related advertisements; (3) issues of public controversy and Political (4) weight loss supplements and Programs. For all other commercials intended for broadcast on Telemundo-Owned Television Stations, cable networks and other properties, advertising agencies should consult the local, cable, or other appropriate sales representative in advance of production.

Inasmuch as the following policies and guidelines are neither all-inclusive nor exhaustive and are subject to modification, it is suggested that agencies and/or their clients maintain contact with their **Sales Account Executive** and the **Advertising Compliance Department** throughout the pre-production process.

**TELEMUNDO NETWORK ADVERTISING COMPLIANCE GUIDELINES**

The product, service, and research guidelines published herein are for the purpose of assisting network advertisers and their agencies in the development and production of advertising in the most favorable light while avoiding techniques, presentations, approaches, and claims that are likely to mislead or offend viewers or competing advertisers.

While it is our intention to apply the guidelines fairly and consistently, none are immutable and the Advertising Compliance department will consider reasonable variances where appropriate.

Local advertisers should consult Telemundo owned stations, and cable outlet's standards personnel for guidance on policies applicable in their particular community or service area.

Advisories.....	1
Alcohol Beverages .....	1
Animals .....	2
Astrology, Fortune Telling, and Psychics.....	3
“Bait and Switch” Tactics.....	3
Better Business Bureau Status.....	3
Billboards.....	3
Challenge.....	3
Children’s and Teens .....	5
Children’s Products and Services.....	6
- Children’s Premiums and Offers.....	7
- Children - Food/Nutrition.....	8
Charitable Appeals and Commercial Co-Ventures.....	8
Clinical Claims.....	9
Comparative Advertising.....	10
Competitive Media and Talent.....	11
Contests and Sweepstakes.....	11
Consumer Perception Tests.....	12
Controversial Issue Advertising.....	13
Credit Cards, Debit Cards, Debt Management, etc.....	14
Demonstrations.....	14
Dietary Supplements and Homeopathic Remedies .....	15
Direct Response Ads and Infomercials.....	16
Distribution and Availability of Products and Services.....	16
Doctors, use of.....	17
Dramatizations and Re-enactments.....	17
Endorsements and Testimonials.....	17
Environmental Claims.....	18
Financial Advertising.....	18
Firearms Weapons and Fireworks.....	19
Food and Nutrition.....	19
Gambling, Betting, Lotteries and Games of Chance.....	20
Get Rich Quick and Pyramid Schemes .....	21
Government and Public Symbols .....	21
Guarantee and Warranty Offers.....	21
Illegal Drugs .....	21
Infomercials .....	21
Lawyer Advertising .....	21
“Live,” Use of .....	21
Medical & Health Related Products.....	22
- <b>Over the Counter (Medical Products)</b> .....	22
- <b>Prescription Drug Advertising</b> .....	22
Motion Picture Advertising and Home Video Advertising.....	23
“New” Use in Advertising.....	24
News and Newsroom Simulation .....	24
Personal Care Products.....	24
- Personal Care Products - General.....	25
- Incontinence.....	25
- Male and Female Undergarments.....	25
- Pregnancy Test Kits.....	25
- Prophylactics and Contraceptives.....	25

Placement and Scheduling..... 25  
Premiums and Offers..... 26  
Public Service Announcements..... 26  
Religious Advertising..... 27  
Safety..... 28  
Sexually Explicit Publications and Services..... 28  
Solicitation of Funds..... 28  
Sponsor Identification..... 28  
Subliminal Perception..... 29  
Talent, Logos and Show Mention..... 29  
Telephone Numbers..... 29  
Tobacco Products..... 29  
Video Games..... 29  
Visual Supers, Disclaimers and Horizontal Crawls..... 30  
Weight Loss Products and Programs..... 30

\*\*\*\*\*

Cable (NBCUniverso) Guidelines..... 31

## ADVISORIES

1. 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.
2. The use of false or deceptive Emergency Alert System (EAS) Signals or Tones is not acceptable. 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. The rule applies all forms of content, including programs, advertisements and other paid programming, PSAs, promos and other interstitial material. Content containing EAS tones, simulations or other related sound effects will not be accepted for broadcast.

(See also **News and Programming Simulation**).

## ALCOHOL 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 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 at Telemundo’s discretion, where 80% of the audience is 21 or over. Advertising must be in good taste without glamorizing, encouraging or sanctioning product abuse or misuse.
- III. In accordance with 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**.)
- IV. All alcohol advertising must include a drink responsibly message in the video.
- V. 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 appeals 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.
- VI. Advertising for establishments and other businesses that primarily offer non-alcoholic products and services (e.g., restaurants and airlines) may make limited and incidental references to the availability of “cocktails.”
- VII. 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; and
  - C. Incidental representations of hard alcohol, beer, wine, and malt beverages (up to 24% alcohol content) in non-alcohol advertisements.

### **ANIMALS**

The use of animals in advertisements must be in conformity with accepted standards of humane treatment. If animals are featured in an advertisement, 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.

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

Telemundo 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**

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

## **BILLBOARDS**

1. All claims must be supported. Claims requiring additional qualifications are unacceptable.
2. Billboards may not reference more than one sponsor, cross-reference other programs, or mention contests, offers (including prices), and promotional teasers.
3. Gambling-related billboards must comply with all gambling laws, regulations, rules and guidelines.
4. Billboards may reference websites and hashtags in audio and/or video, only if they are exclusively owned by the sponsor of the billboard (e.g. pepsi.com, therealwalmart.com, #chillistogo). Websites that include backlashes (e.g. Coke.com/arctichome) are only permissible in the video of a billboard.
5. All billboards must be submitted to the appropriate Traffic Department for technical approval (i.e. length, format, etc.).

## **CHALLENGES**

### **Procedures**

- I. Telemundo requires the following before a challenge can be initiated:
  - A. Telemundo 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. Telemundo requires that all challenge documents be forwarded to the advertiser. Telemundo 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. Telemundo will acknowledge receipt of the challenge documents to both parties via email and set a reply date for the advertiser. Upon acknowledgment from Telemundo, the challenged advertiser must supply the corresponding ISCI codes and a schedule of the current media buy. Telemundo may suspend approval of challenged advertisements if the advertisements were approved “Subject to Challenge or Complaint.”

- III. In general, Telemundo will allow 10 business days for replies. It is in Telemundo'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 Telemundo's discretion.
- IV. If at any time during the challenge process, a formal complaint is instituted with any other government or self-regulatory body (i.e., FTC, National Advertising Division, etc.) or litigation is commenced, raising the same or substantively similar issues, Telemundo will pend its challenge, until the resolution of that complaint.
- V. If Telemundo's challenge decision requires changes to the advertisement Telemundo 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 Telemundo it must agree that it will release and discharge any claims it has, had, or may have in the future against Telemundo or its agents and employees in connection with the challenged advertisement and/or challenge procedures, and will not commence any legal action against Telemundo in connection with the challenged advertisement and/or the challenge procedures.
- II. If upon receipt of a challenge, the advertiser does not want Telemundo 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 Telemundo challenge procedures, it will release and discharge any claims it has, had, or may have in the future against Telemundo, its agents and employees in connection with the challenged advertisement and/or the challenge procedures.
- III. Telemundo will make reasonable efforts to maintain the confidentiality of the original substantiation documents submitted in support of the advertisement prior to the challenge. Either party to a challenge may request that specific material, data, surveys, etc., provided to Telemundo 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 Telemundo'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. In order to resolve the issues raised in a challenge, Telemundo may invite the parties to appear or the parties may request to appear in person and address the arguments and data raised in the proceeding. When Telemundo personnel do not have the expertise to make a judgment on technical issues raised by a challenge, Telemundo 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. Telemundo will withdraw a challenged advertisement from the broadcast schedule if:
  - A. The challenged advertiser fails to agree to the requirements of the challenge procedure;
  - 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 Telemundo;
  - D. A decision is rendered by Telemundo or a third party to whom the challenge was referred by Telemundo against the challenged advertiser;
  - E. The challenged advertiser, when requested, refuses to cooperate in some other substantive area;
  - F. Telemundo, 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; or,
  - G. The issues raised by the challenge are resolved, with finality, against the advertiser by a government agency or an appropriate court.
- VI. All challenge proceedings, including their resolution, are strictly confidential. Materials submitted by the advertiser and the challenger, as well as communications from and decisions made by Telemundo, may not be disclosed to outside parties not involved with or privy to the challenge process.

## **CHILDREN AND TEENS**

### **General:**

1. Commercial messages placed within children's or teen programming, or in station breaks between consecutive programs designed primarily for children, and advertising or other messages designed primarily for children or teens are subject to all applicable provisions of **Telemundo's Advertising Guidelines for Children's Products and Services**. Those guidelines specifically cover child/teen directed commercials for toys, premiums and offers, feature film "trailers", sweepstakes, contests, and adult oriented children's product commercials.
2. Within programs designed primarily for children 12 years of age or under, appropriate separator devices shall be used to clearly delineate the program material from commercial material.
3. Advertising concerning health and related matters, which are more appropriately the responsibility of physicians and other adults, shall not be primarily directed to children.
4. A children's program personality, host or character shall not present commercial messages, whether live or animated, within or adjacent to the programs in which such personality, host or character regularly appears.

Taking into account the age of the actors appearing within a commercial as well as the composition of the audience it is likely to reach; advertising approaches and techniques shall not disregard accepted safety precautions.

## **CHILDREN'S PRODUCTS AND SERVICES**

### **Introduction and application**

Inasmuch as children are this nation's greatest natural resource and in view of their still developing cognitive and perceptive abilities, Telemundo recognizes that advertisers have a special responsibility to protect them from unfair exploitation. The following guidelines will apply for commercials intended for broadcast during regularly scheduled programs specifically designed for children 2-12:

1. For products primarily used by children.
2. Which are designed for or have the effect of primarily appealing to children,
3. Which are broadcast in or adjacent to children's programs.

## **I. CHILDREN'S PRODUCTS AND SERVICES GUIDELINES**

### **General**

Although not specifically reiterated herein, all Telemundo policies governing truthfulness and accuracy of claims and representations and documentation therefore, apply to children's advertising. Our general children's advertising guidelines include the following obligations for advertisers:

1. Commercials may not over-glamorize, distort or exaggerate the characteristics or functions of a product or service.
2. Children shall not be directed to purchase or ask a parent or other person to purchase a product or service.
3. Approaches, which have the tendency to irritate or confuse young viewers, are unacceptable.
4. Commercials, which portray an attitude and behavior inconsistent with general accepted social values and customs, are unacceptable.
5. Advertising approaches, which promote a product or service on the basis of peer pressure, are unacceptable.
6. Commercials which are frightening or provoke anxiety, or which contain realistic war settings or depictions of violent, dangerous or anti-social behavior, are unacceptable.
7. Commercials generally, as well as specific depictions therein, shall conform to recognized safety standards.
8. Commercial messages shall not be presented by a children's program personality, host or character, whether live or animated, within or adjacent to the program in which such personality, host or character regularly appears.

Other celebrities and real-life authority figures perceived by children as such may be used as presenters, endorsers and testifiers provided the overall presentation is neither confusing nor likely to unduly influence young viewers. Notwithstanding the foregoing, presentations featuring celebrities who are or have been specifically identified through their profession with the advertised product or service are unacceptable.

9. Nonprescription medications, supplemental vitamin products, alcohol beverages, personal products, “900” telephone services and any product containing a legend against use by youngsters, may not be advertised in or immediately adjacent to children’s programs.
10. Potentially misleading simplifications such as the use of “only” or “just” with regard to price are unacceptable.
11. When additional items such as batteries, computer programs and the like must be purchased separately for proper operation of the advertised product, this fact must be clearly disclosed in the audio portion of the commercial.
12. Comparisons, which are meaningful, documented, and easily comprehended, will be considered on a case-by-case basis.
13. Where applicable, a product’s method of operation and source of power must be clearly disclosed.
14. Where applicable, advertising must disclose in the audio portion of the announcement when a product requires full or partial assembly.
15. Where disclosures are required under these guidelines, simplified language, understandable by the youthful audience to which the advertising is primarily addressed, is strongly encouraged (e.g., “you have to put it together”).
16. The primary advertised product must be clearly disclosed in the body of the commercial. There shall not be any implication that optional extras, additional units or items that are not available with the toy, accompany the toy’s original purchase.

In the closing four seconds of the commercial the original purchase item(s) must be disclosed by still video. Audio disclosure may be required for clarification.

## **II. Children’s Premiums and Offers**

1. The premium/offer must be clearly and unambiguously depicted.
2. The commercial must contain a two second (minimum) still visual depiction of the premium/offer.
3. Comparisons, which are meaningful, documented, and easily comprehended by children, will be considered on a case-by-case basis.
4. Disclosure of essential information such as price, separate purchase nature, offer dates, etc., should be made in the audio portion of the announcement. If deemed appropriate, simultaneous disclosure in the video will also be required.
5. Conditions attached to “Free” premiums or offers must be clearly disclosed (simultaneously) in the audio and video.
6. Prior to production of the commercial, a sample of the premium or offer, with instructions, should be submitted for review. The sample should be accompanied by details of the

promotion, including air dates, promotion dates, number of participating outlets, and any conditions attached to obtaining the premium or offer.

#### **IV. Food/Nutrition**

The following additional guidelines shall apply to food advertising directed to children:

1. Advertisements for foods shall be in accord with the commonly accepted principles of good eating.
2. Each commercial for breakfast-type products shall include at least one audio and one video depiction of a balanced meal.
3. Special, enriched foods designed to serve as a substitute for a meal may be advertised, as such, provided their purpose and nutritional value are featured in the advertising, the claims are supported by adequate documentation and the language utilized is easily comprehended by children.
4. When the nutritional value of components of a food, or the ingredients of the food are cited (e.g., “contains ½ cup of milk”), they shall be accurately represented.
5. Commercials for foods shall not, directly or by implication, suggest or recommend indiscriminate or immoderate use or consumption.

#### **CHARITABLE APPEALS**

- I. Approval of advertisements that include express or implied appeals for funds will be approved on a case-by-case basis provided that:
  - A. Upon request, the organization sponsoring the advertisement can provide verification of 501(c) (3) status.
  - B. The funds are not solicited to support or oppose a political candidate, organization or cause.
  - C. The funds are not solicited to support or oppose a controversial issue.
  - D. Clear sponsor identification is included in the audio or visual as applicable in the form of “Paid for by...”, “Furnished by...” or “Sponsored by...” [SPONSOR]. Commercial Co-Ventures

#### **COMMERCIAL CO-VENTURES**

- I. When a for-profit business advertises that the purchase of a product, use of a service, or other action will benefit a charitable cause, the following must be disclosed:
  - A. The period of the promotion
  - B. Where viewers can find complete details of the promotion (e.g., a website)
  - C. The amount of the donation, if the minimum and maximum donated amounts will be the same regardless of consumer participation. (See also **Sponsor Identification**).

## **CLINICAL 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**

1. For “clinically proven” claims, the advertiser must provide at least two valid clinical studies. Study results must reach statistical (95% confidence level) and clinical significance. In appropriate circumstances, monadic “clinically proven” claims for drug efficacy may be substantiated solely by reference to the relevant FDA monograph.
2. On a case-by-case basis, Telemundo will accept the claim that a product has been “clinically shown” if the advertiser has provided a controlled and valid clinical study.
3. 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).
4. Claims related to drug pharmacokinetics or other mechanisms of action should be clinically meaningful.
5. 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**

1. 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.
2. The sample should be representative of product consumers along all relevant variables, including gender, age, and the condition or situation being studied.

### **Design**

1. The test protocol should be relevant to the product category and the intended claim.
2. 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.
3. Tests should include random assignment to control and treatment groups.
4. Tests should be double blind.
5. Potentially biasing information on the product should not be given to subjects or evaluators.

6. Concept-aided tests are not acceptable as support for product claims.
7. The study duration should be representative of actual use conditions and product directions.

### **Data Collection**

1. At a minimum, studies must include baseline and outcome measurements.
2. Noncompliance and dropout rates should be controlled and reported.
3. Where appropriate, safety and side effect data should be recorded.
4. Measures should be valid and reliable, as determined by industry standards and validation tests.
5. Evaluators should be adequately trained and should have relevant credentials.

### **Statistical Analysis**

1. Claims will only be acceptable if the results reach statistical significance at the 95% level. Statistical significance does not necessarily confer clinical significance. The advertiser must provide evidence that the results are consumer-meaningful.
2. 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.
3. Subgroups should be analyzed separately.

### **COMPARATIVE ADVERTISING**

Telemundo 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.

1. 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.
2. 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.
3. The difference in the properties being compared should be measurable, noticeable, and relevant to the consumer.
4. Telemundo 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.

5. 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.
6. 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**

1. Telemundo reserves the right to reject commercials that feature talent from, reference, or promote competing networks or programs.
2. 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.

### **CONTESTS AND SWEEPSTAKES**

The Advertising Standards Department will review contests and sweepstakes to ensure that each promotion is not a lottery, that the material terms are clearly stated, and that the promotion 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 promotions 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 promotion
  - C. Any restrictions or eligibility requirements
  - D. For sweepstakes, the disclosures "No Purchase Necessary" and "Void Where Prohibited."

(See also **Visual Supers, Disclaimers and Horizontal Crawls**)

### **CONSUMER PERCEPTION TESTS**

#### **Sample**

1. A minimum of 250 individuals is recommended.

2. 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).
3. Test participants should include a representative sampling of potential purchasers. The sample should be statistically projectable to the target population.

### **Design**

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

### **The Questionnaire**

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

### **Analysis**

1. 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).
2. Aggregating across responses is appropriate only with questions that address the same factor or idea.

### **Results**

1. Complete results of the consumer perceptions test must be provided, including both answers to open-ended and structured questions.
2. 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.”
3. For probative value, it should be shown that viewers perceive the comparison specifically against the competing product.

## **CONTROVERSIAL ISSUE ADVERTISING**

The Telemundo 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 reasonable basis for the claims and such claims fall within the bounds of reasonable debate.

### **Use of NBCUniversal Content Not Authorized**

The inclusion of NBCUniversal content 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.

### **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.

## **CREDIT CARDS, DEBIT CARDS, DEBT MANAGEMENT AND OTHER CREDIT SERVICES**

Advertisers will be required to provide information regarding:

1. Terms of service (including but not limited to, whether a contract has to be signed and the term of the contract, any “activation” or “set up” fees, whether a minimum balance has to be maintained, any service/monthly fees, interest rate, etc., as applicable). This information should be disclosed in a super.
2. Detailed explanation of the services provided (including any brochures, literature they have).
3. Applicable legal disclaimers (such as “this is not a credit card”, “this is a catalog card”, or a “debit card”). Disclaimers should have the most important terms of service (interest rate, activation/cancellation/processing fees and the sort) show on-air in legible font (24 video scan lines) and for 4 to 6 seconds, depending on length of disclaimer wording.
4. Detailed explanation of cancellation terms, money-back guarantees and returns policy.
5. Debt management services should preferably be accredited/licensed.

### **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:**

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

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

### **DIETARY SUPPLEMENTS AND 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 more information about FDA-approved health claims and qualified health claims, see <http://www.fda.gov/food/ingredientspackaginglabeling/labelingnutrition/ucm111447.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 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. Telemundo 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. Telemundo generally will not accept advertisements for products with claims that have been the subject of FTC, FDA, Better Business Bureau, or ERA action.
- V. Telemundo 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.
- 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. Physicians, dentists, nurses, or actors representing them may not appear in dietary supplement or homeopathic remedy advertisements. Other health professionals such as pharmacists, nutritionists, physical therapists, etc., are permitted in these types of advertisements as long as the advertiser provides sufficient documentation to support professional endorsement of the advertised product where such professional endorsement is implied.
- 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.

### **DIRECT RESPONSE / INFOMERCIALS (MAIL TO ORDER)**

1. All advertisements must conform to applicable FTC Guidelines. All claims, including, but not limited to those made in the visual or audio copy, must be supported with adequate substantiation.
2. Each advertisement must include the name, street address, city, state and zip code of the sponsor or a website and/or toll-free telephone number.
3. When applicable, any charges beyond the advertised purchase price must also be disclosed (e.g., shipping and handling).
4. Advertisements must indicate actual anticipated delivery date if anticipated delivery will be in excess of 30 days.

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

In the event that distribution to 50% of the advertising market has not been achieved, the following will be required:

1. If distribution is imminent but has not yet commenced, the advertising must disclose this fact, e.g., “Coming Soon”.

If distribution has commenced but is less than 50% of the advertised market, the advertising must disclose this fact, e.g., “Not yet available in all areas” Unless total availability is documented, advertising for franchise or chain retail outlets must indicate that the product or service is available at “participating stores”

### **DOCTORS, USE OF**

1. With the exception of Prescription Drug Advertising and advertising for medical equipment and services accessed by the consumer only through a physician’s prescription, physicians, dentists, and nurses, or actors representing them may not appear in OTC drug advertisements or in advertisements involving health considerations. Other health professionals such as pharmacists, nutritionists, physical therapists etc., are permitted in these types of advertisements so long as the advertiser provides sufficient documentation to support professional endorsement of the advertised product where such professional endorsement is implied.
2. To support an express or implied “doctor recommended,” “vet recommended” or similar claim Telemundo 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 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 Final Guides Concerning Endorsements and Testimonials in Advertising (available at: <http://www.ftc.gov/opa/2009/10/endortest.shtm>). The following is a brief summary of FTC policy relating to endorsements and testimonials:

When there exists a connection between the endorser and the seller of the advertised product that might materially affect the weight or credibility of the endorsement (i.e., the connection is not reasonably expected by the audience) such connection must be fully disclosed. An example of a connection that is ordinarily expected by viewers and need not be disclosed is the payment or promise of payment to an endorser who is an expert or well-known personality; as long as the advertiser does not represent that the endorsement was given without compensation. However, when the endorser is neither represented in the advertisement as an expert nor is known to a significant portion of the viewing public, then the advertiser should clearly and conspicuously disclose either the payment or promise of compensation prior to and in exchange for the endorsement.

### **EXPERT ENDORSEMENTS**

An expert is an individual, group, or institution possessing, as a result of experience, study or training, knowledge of a particular subject superior to that generally acquired by ordinary individuals.

1. Endorsements must always reflect the honest opinions, findings, beliefs, or experience of the endorser. Furthermore, they may not contain any representations that would be deceptive or could not be substantiated if made directly by the advertiser.
2. The endorsement may neither be presented out of context nor reworded so as to distort in any way the endorser's opinion or experience with the product. An advertiser may use an endorsement of an expert or celebrity only as long as it has good reason to believe that the endorser continues to subscribe to the views presented.
3. When the advertisement represents that the endorser uses the endorsed product, the endorser must have been a bona fide user of it at the time the endorsement was given.

### **CONSUMER ENDORSEMENTS**

1. The endorser's experience and statements must be representative of what consumers will generally achieve with the advertised product in actual conditions of use.
2. 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.
3. Claims concerning the efficacy of a drug or device shall not be made in lay endorsements unless the advertiser has adequate scientific substantiation for such claims and the claims are consistent with any determination that has been made by the Food and Drug Administration.

### **ENDORSEMENT BY ORGANIZATIONS**

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**

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**

1. Advertisements for financial products must adhere to all of the rules and guidelines of the Financial Industry Regulatory Authority (FINRA), the Municipal Securities Rulemaking Board (MSRB) and the Securities and Exchange Commission (SEC).
2. Advertisements must be balanced, presenting both the 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.
3. Advertisements for, or tips on, specific stocks are unacceptable. Incidental references to specific stock quotes/prices are not acceptable.
4. Advertisements may not predict or project performance, imply that past performance will recur, or make any exaggerated or unwarranted claims or forecasts.
5. 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**

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

## **FOOD AND NUTRITION**

1. Food labeling regulations issued by the FDA and the United States Department of Agriculture (USDA) must be observed. For example, claims such as "fresh", "low-fat", "low calorie", "good source", and "healthy" will be reviewed pursuant to the definitions adopted by the FDA and the USDA.
2. 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.
3. Advertisements that include health-related claims should also mention the importance of a balanced diet.



4. Advertising must not overstate or misrepresent the nutritional value of foods.
5. Taste preference claims must be supported by a valid taste test.

Please 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. Advertisements for any publication, “tip sheet,” electronic, or mechanical device 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 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
  - C. Commercial entity provided that the lottery is promotional, occasional, and clearly ancillary to the primary business of that commercial entity

The advertising of private or governmental organizations that conduct legalized betting on sporting contests, 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 a video disclaimer stating “Void where prohibited”.

- III. Advertisements permitted under these guidelines must not present fictitious winners or winnings or misrepresent actual winners or winnings. Online Gambling and Other Gambling-Related Websites:
  - A. The Telemundo broadcast network does not accept online gambling advertisements; however, online gambling advertisements may be submitted for review to air on the Telemundo Owned Television Stations. Please contact your Telemundo Owned Television Stations sales representative for further information on submitting online gambling advertisements for review.
  - B. 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.

### **Fantasy Sports Leagues**

- I. Advertisements for fantasy sports leagues, including fantasy sports leagues with real cash prizes, are acceptable, provided that the following disclaimers are included:

- A. “Not a gambling website”
  - B. “Void where prohibited”
- II. The “Void where prohibited” disclaimer should list states where the legality of fantasy sports is unclear.

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

Telemundo 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**

1. 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.
2. 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.
3. 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**

Whenever the terms “guarantee,” “warranty,” or similar words appear in a television advertisement, Telemundo may require certain additional information concerning the material terms and conditions of such guarantee or warranty offer to be disclosed to the viewer pursuant to FTC regulations. A copy of the guarantee must be submitted for review.

### **ILLEGAL DRUGS**

Telemundo does not accept advertising for illegal drug products, services, publications, or paraphernalia. (See also **Unacceptable Techniques/Approaches**)

### **INFOMERCIALS**

Infomercials are subject to all of the policies contained herein.

Infomercials must display the following within the first 30 seconds and immediately before each display of ordering instructions: **“This program is a paid advertisement for [PRODUCT].”**

(See also **Direct to Consumer/Direct Response Ads**)

### **LAWYER ADVERTISING**

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

2. 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 & HEALTH-RELATED PRODUCTS**

1. Health claims must be supported by clinical studies, appropriate consumer testing, and/or other scientific evidence.
2. Claims and demonstrations must be consistent with the product’s indications, directions, and warnings.
3. General safety claims are not acceptable (e.g. Drug X is safe). With respect to dental products and FDA approved OTC drugs only, qualified safety claims (e.g. Drug X contains a safe amount of ingredient Y) will be considered on a case by case basis, provided that any such qualified claims are adequately supported by robust studies.
4. 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.
5. 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.
6. Claims that a product is a panacea or cure are not acceptable.
7. Direct or indirect references or comparisons between over-the-counter drugs and prescription medications must be clinically documented.
8. Advertisements for online prescription and diagnosis websites are not acceptable.

### **Over-the-Counter (OTC) Medical Products**

The following guidelines apply to OTC drugs, medical devices and all advertisements making health or medical claims.

1. Advertisements must clearly advise consumers to follow label directions (“Use as directed”).
2. Products bearing a drug facts label will be reviewed as over-the-counter drugs. These include, but are not limited to, acne products, antiperspirants and sunscreens.

Advertisements for dandruff products will not be required to have the “use as directed” disclaimer however, as these products pose very low risk for consumer misuse.

3. Advertisements for OTC medications can only promote occasional use and treatment of minor to moderate conditions.
4. Comparative efficacy claims for over-the-counter products that are based solely on in vitro data must be disclosed as such.
5. Depictions of health professionals such as physicians, dentists and nurses, or actors representing, them are not allowed in advertisements for OTC drugs. Other health professionals such as pharmacists, nutritionists, physical therapists etc., are permitted in these types of commercial advertisements so long as the advertiser provides sufficient documentation to support professional endorsement of the advertised product where such professional endorsement is implied. (See **Doctors, Use Of**)

### **Prescription Drug Advertising**

- I. Prescription drug advertising must comply with applicable FDA regulations. Advertisers should also reference the FDA’s Prescription Drug Advertising Guide for Consumers for additional guidance.
- II. 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 (1) the Office of Prescription Drug Promotion (OPDP) (formerly known as the Division of Drug Marketing, Advertising and Communications (DDMAC)), or (2) the advertiser’s legal counsel, indicating that the advertiser has submitted materials to OPDP and is in compliance with all FDA regulations.
  - C. Evidence of print ad insertion order.

### **MOTION PICTURE AND HOME VIDEO ADVERTISING**

1. All advertising for domestic theatrical films must disclose the MPAA rating in both audio and video.
2. All advertising for home videos must include a disclosure of the film’s MPAA rating in the video in a font that is large enough to be read by viewers.
3. Telemundo 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."
4. While the content of the advertisement and its accurate reflection of the underlying film is the primary Advertising Standards concern, the department also considers the substance of the advertised film and retains the right to expand or limit its scheduling based on content considerations. Placement of advertising will be determined on the basis of audience composition and program compatibility. Advertising which contains

violence, horror, sexual themes or dialogue and/or inappropriate behavior may warrant scheduling restrictions such as, “post 9pm” or “late night only”.

5. Telemundo does not accept advertising for “X- Rated” and similar “adult” films.
6. All proposed advertising 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 advertisement and the film. If judged acceptable for a network television audience, such advertisements 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 advertisements 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.
7. Advertising for the home video release of television series and made for TV movies will be considered on a case-by-case basis.
8. Advertisements with secondary product mentions promoting a motion picture or home video must clearly disclose the MPAA rating in video. If the advertisement is predominantly promoting a film then the rating may be required to be disclosed in both the audio and video.

#### **"NEW", USE IN ADVERTISING**

1. 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 may be required for new products.
2. The use of the terms “introducing” and “now” are generally limited to a period of one year from the time a product has achieved national distribution.

#### **NEWS AND NEWSROOM 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 CARE PRODUCTS**

Products and services of a personal nature including, but not limited to, tampons, sanitary napkins, douche products, feminine deodorants, personal lubricants, personal medications, contraceptives, pregnancy tests, undergarments, incontinence products and other products that require sensitivity in presentation should be presented in a tasteful manner and will be accepted on a case-by-case basis. Scheduling restrictions may apply.

1. 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.”
2. Medicated Douches and Feminine Itch Products.
- a. Advertising may promote the product for health-related uses (See also **Medical and Health-Related Product Advertising**).
  - b. Advertising must include the disclaimer “If symptoms persist, see your doctor.”
  - c. 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. Advertisements must include an audio or video disclaimer reminding viewers to see their doctors.

### **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**

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

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

### **PLACEMENT AND SCHEDULING**

Telemundo reserves the right to determine the scheduling, format and length of commercial breaks during and adjacent to programs carried over its facilities and the acceptability, number and placement of commercials, promotions and other announcements within such breaks, including those involving cast or celebrities.

### **PREMIUMS AND OFFERS**

1. Full details and a sample of the premium must be submitted to Advertising Compliance.
2. The offer termination date must be disclosed.
3. Descriptions or visual representations of premiums or offers may not exaggerate their value, size, or be otherwise misleading.
4. Mail order offers should disclose additional shipping & handling charges, as well as expected delivery time (if anticipated delivery will be in excess of 30 days).

### **PUBLIC SERVICE ANNOUNCEMENTS**

Telemundo has always assumed a responsibility to the non-profit sector to provide broadcast time for the dissemination of public service information.

Public service announcements should accurately reflect the organization identified within the commercial. All claims should be substantiated. Discussions of controversial or political issues or religious doctrine are not permitted.

### **PSA Clearance and Scheduling**

Telemundo Public Service/Broadcast Standards is responsible for reviewing, approving and scheduling PSAs without charge to the organization. Approved PSAs are scheduled for non-profit or governmental agencies that wish to promote services or activities, which serve the public interest. When final approval is given, Telemundo provides detailed instructions regarding coding and delivery of broadcast elements.

### **Organization Clearance**

1. Organizations requesting PSA time must be non-profit or governmental. Requesting organizations are reviewed to determine their non-profit status, objectives, activities and financial policies.
2. Non-profit organizations must be in compliance with the guidelines of the Council of Better Business Bureaus' Philanthropic Advisory Service. For a complete list of organizations that have been approved by the CBBB, please visit their website at [www.bbb.org](http://www.bbb.org).
3. Non-profit organizations must provide Telemundo with a form 501 (C) (3)/IRS tax-exempt status statement.
4. To qualify for airtime on the Telemundo Network, the organization must be national in scope and its message relevant to a majority of the viewing audience.

## **Content Clearance**

- I. The sponsoring organization must assure that:
  1. PSAs fully comply with Telemundo public service guidelines.
  2. PSAs are fully substantiated.
  3. PSAs are consistent with the objectives of the sponsoring organization.
  4. PSAs include the organization's identification, either by logo or chyron.
  5. PSAs are tastefully presented and of appropriate production value.

### **\*PSAs should be submitted on in a Digital Format for review/screening purposes only**

1. Unacceptable PSAs:
  - a. PSAs which directly solicit funds, including the use of 900#s for fundraising purposes.
  - b. PSAs which show or reference commercial products, services or corporate names.
  - c. PSAs which are time-sensitive, i.e., those which target a specific date or week or an event.
  - d. PSAs which contain controversial or political issues.
  - e. PSAs which contain religious doctrine.
  - f. PSAs which contain ethnic, racial, religious, age or sexual stereotyping.
  - g. PSAs from trade or professional associations.

## **RELIGIOUS ADVERTISING**

1. Telemundo will, within its discretion, accept commercial announcements for the sale of products that have a religious theme e.g., books, recordings, artifacts, etc.
2. Telemundo may, within its discretion, review any books, periodicals or other products advertised to insure that they do not attack any group or individual or otherwise violate Telemundo's Advertising policies.
3. Telemundo will also accept, within its discretion, commercial announcements of a general moral or ethical nature on behalf of religious organizations, and for the announcement of meetings, religious services, or for the promotion of approved Public Service and charitable activities. (See also **Public Service Announcement Policy Guidelines**)
4. Solicitation of funds is acceptable on a case-by-case basis.



5. All advertising will be subject to Telemundo Commercial clearance policies and must not depict, proselytize, promote, or discuss sectarian doctrine or dogma.
6. The discussion of controversial issues of public importance is not acceptable. (See also **Controversial Issue Advertising**).
7. Advertising copy that denigrates attacks or negatively stereotypes any group or individual is not acceptable. (See also **Stereotyping**)
8. Each announcement must disclose that it has been “paid for” or “sponsored by” the appropriate advertiser unless such fact is otherwise obvious to the audience. (See also **Sponsor Identification**)

### **SAFETY**

1. 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).
2. Adult supervision should be portrayed whenever children are engaged in potentially dangerous activities.
3. 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. With respect to dental products and FDA approved OTC drugs only, the words “safe,” “harmless,” or other words/phrases with similar meaning will be considered on a case by case basis when qualified and supported by robust studies.

### **SEXUALLY EXPLICIT PUBLICATIONS AND SERVICES**

Telemundo does not accept advertising for sexually explicit publications, products and services.

### **SOLICITATION OF FUNDS**

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

### **SPONSOR IDENTIFICATION**

1. 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.
2. 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.
3. 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, is sufficient.
4. A copyright notice does not constitute adequate sponsorship identification.

5. 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 Compliance 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.

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

Use or mentions of Telemundo shows, talent, or logos requires pre-approval from the (Telemundo Programming, Sales divisions, Business Affairs, etc.).

### **TELEPHONE NUMBERS**

All fictional local phone numbers must fall within the following range: 555-0100 through 555-0199. Fictional toll-free number must be either 800-555-0199 or 888-555-0199.

### **TOBACCO PRODUCTS**

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

### **VIDEO GAMES**

1. Advertising for video games and computer software must contain an audio and video disclosure of the ESRB (Entertainment Software Rating Board) rating.
2. Extreme violence, dangerous and imitable behavior, anti-social behavior and sexual themes are not acceptable.
3. Telemundo will accept advertising for M-Rated video games on a case-by-case basis. Scheduling will be limited to post 9:00 p.m. shows, NHL coverage, Rugby coverage and second half NFL coverage. Advertisements containing an M-Rated video game as a secondary-mention will be subject to the same restrictions.
4. 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 primarily of game footage and/or when the game is the focal point of the commercial.
  - b. In video for commercials advertising a promotion or 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 text 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**

1. Visual disclaimers cannot be used to contradict or materially alter a claim.
2. 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.
3. 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).
4. 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 and audio disclaimers should be clear and loud enough to be easily heard and understood by an average viewer.
5. The use of horizontal crawls in the lower 1/3 of the screen is unacceptable.

### **WEIGHT LOSS PRODUCTS AND PROGRAMS**

1. Weight loss supplements are subject to the Dietary Supplement and Homeopathic Remedies guidelines above, as well as the guidelines in this section.
2. Weight loss ads must disclose that weight loss is achieved as part of a healthy reduced-calorie diet and exercise program.
3. 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.
4. Documented “before and after” representations will be approved on a case-by-case basis and must be accompanied by a producer’s affidavit.
5. Advertising for weight control may not be directed to children.
6. 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 pounds a week for a month or more without diet and exercise or 3 pounds 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.
7. 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, Telemundo 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 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 pounds per week for more than four weeks
  - f. Causes substantial weight loss for all users
  - g. Causes substantial weight loss by wearing it on the body or rubbing it into the skin

#### **CABLE (NBCUniverso) GUIDELINES**

The Telemundo Advertising Compliance department will only review advertisements intended for broadcast on NBCUniverso's cable entertainment, and in the following sensitive categories: 1) Controversial Issues & Political 2) Dietary Supplements & Homeopathic Remedies 3) Weight Loss Supplements & Programs 4) Non-Casino Gambling & Fantasy Sports. Any adult-oriented ads will be reviewed on a case-by-case basis.