

ADVERTISING CODE

2025

PREAMBLE

The Advertising Code (hereinafter referred to as the "Code") issued by the Advertising Council (hereinafter referred to as the "RPR") in accordance with Article III of the RPR's statutes is formulated with the aim of ensuring that advertising in the Czech Republic serves to inform the public and meets the ethical standards required by the citizens of the Czech Republic. The aim of the Code is to help ensure that advertising is, above all, truthful, decent, and honest, and that, within the scope of this Code, it respects the internationally recognized principles of advertising practice developed by the International Chamber of Commerce.

The Code does not replace legal regulation of advertising, but rather supplements it with ethical principles. The Code is intended for all entities operating in the field of advertising and sets out rules of professional conduct for them. At the same time, the Code addresses the public and informs it of the limits that entities operating in advertising or using advertising have voluntarily accepted and intend to enforce themselves through ethical self-regulation.

RPR member organizations expressly recognize the Code and undertake not to produce or accept any advertising that would be in conflict with the Code, or to withdraw any advertising that would subsequently be found to be in conflict with the Code by the ethical self-regulatory body in advertising.

At the same time, RPR member organizations will strive to ensure that all other entities operating in the field of advertising in the Czech Republic respect the objectives and individual provisions of this Code.

PART ONE
Chapter I
INTRODUCTORY PROVISIONS

1. The concept of advertising

1.1.

For the purposes of the Code, advertising is understood to mean a process of commercial communication carried out for remuneration by any business entity or other entity acting in its interest, the purpose of which is to provide consumers with information about goods and services (hereinafter referred to as "products") as well as activities and projects of a charitable nature. This refers to information disseminated through communication media, which for the purposes of the Code means television, radio, audiovisual media, periodicals and non-periodical publications, means of transport, posters and leaflets, as well as other means of communication enabling the transmission of information. Advertising disseminated through communication media also includes advertising disseminated in the metaverse, within computer games, on any communication platforms (Facebook, TikTok, X, Instagram, YouTube, and others) or through so-called influencers. Advertising according to this definition does not usually include the transmission of information that would otherwise be advertising if the seller only indicates the place where the product is offered to the consumer.

1.2.

The term advertising according to the Code shall also apply mutatis mutandis to advertising carried out by non-commercial entities and those acting on their behalf.

2. Advertising entities

2.1.

Advertising entities include, in particular, advertisers and other advertising clients, advertising agencies, and owners of communication media. Responsibility for violations of the Code lies with the entities involved in proportion to their share in the violation.

Unless proven otherwise, the following applies:

- a) the primary responsibility for compliance with the Code lies with the advertiser, if they have approved the advertisement or otherwise expressed their consent to it,
- b) Advertising agencies are responsible for producing advertisements and placing them in the media.
- c) media (including metaverse operators, computer game producers, communication platforms, and influencers) are responsible for distributing advertising.

2.2.

The term "consumer" refers to any entity that may be influenced by advertising, whether it is an end consumer, distributor, or other user of products in the area of manufacturing consumption.

3. Basic requirements for advertising

3.1.

Advertising must not incite violations of legal regulations or give the impression that it condones such violations.

3.2.

Advertising must be decent, honest, and truthful. It must be created with an awareness of responsibility towards consumers and society.

3.3.

Advertising must respect the principles of fair competition between competitors.

3.4

No advertising may, in principle, jeopardize the good name of advertising as such or undermine confidence in advertising as a service to consumers.

3.5

Advertising shall not deliberately promote unjustified waste or irrational consumption of raw materials or energy.

3.6.

Advertising shall not promote or praise behavior that harms the environment beyond socially acceptable levels.

3.7.

Artificial intelligence must be used in advertising, especially in its preparation and targeting, with a sense of responsibility towards consumers and society.

3.8.

Where this Code does not contain specific provisions, advertising shall be assessed in accordance with these Basic Requirements for Advertising in accordance with the spirit of the Code of Ethics as a whole. In applying its Code of Ethics, the Advertising Council may also apply the principles and rules of the Codes of Ethics of the International Chamber of Commerce based in Paris.

4. Application of the Code

4.1.

The Code is enforced and interpreted exclusively by the Arbitration Commission of the RPR (hereinafter referred to as "AK RPR"), which includes representatives of RPR member organizations, advertisers, advertising agencies, media, and legal and other experts.

4.2.

Complaints about specific advertisements may be filed by any legal or natural person (except members of the "AK RPR") or public authority.

4.3.

Complaints should be sent to the RPR address or by email tinfo@rpr.cz.

4.4.

Before issuing an arbitration ruling, the complaint will be discussed with the client against whom the complaint is directed, or with the advertising agency or media outlet through which the advertisement was disseminated.

4.5.

The AK RPR will assess the complaint and, depending on the circumstances of the case:

4.5.1.

inform the complainant that the complaint does not appear to concern consumer interests regulated by the Code and that other authorities are competent to deal with such complaints;

4.5.2.

issue an arbitration ruling in which it will assess, in particular, whether the contested advertisement is in breach of the Code. In the latter case, it will recommend that the advertisement be withdrawn or modified.

4.6.

The AK RPR may also assess the advertisement and issue a ruling in accordance with the above provisions at the initiative of the RPR. In doing so, it shall proceed in accordance with the above provisions.

4.7.

Unless otherwise specified in this Code, the AK RPR may also take into account ethical codes adopted by other organizations, provided that the members of these organizations are also members of the RPR. In the event of a conflict, the provisions of this Code shall prevail.

5. Relationship of the Code to legal regulation

5.1.

When assessing complaints, the Advertising Council does not apply the applicable legal regulations, but compares the results of the activities of advertising entities (i.e., advertising) with this Code. The Advertising Council does not have the authority to sanction violations of the applicable legal regulations by advertising entities. This does not affect the Advertising Council's ability to provide expert opinions at the request of state authorities supervising advertising regulation and other applicants. In the event of a concurrent violation of the applicable legal regulations and the Code, the Advertising Council may refuse to consider

complaint and refer the complainant to the competent court or similar authority. However, the Advertising Council is also entitled to consider advertising that violates any legal provision, in particular relating to the legal regulation of advertising, to be in violation of the Code.

5.2.

Given that the fundamental objective of establishing the Advertising Council was to protect consumers from advertising that is contrary to commonly accepted ethical standards in the Czech Republic, the Advertising Council is entitled, in cases where both the complainant and the party concerned are competitors, to initiate a decision-making process and decide on the matter only if the conduct of the party concerned seriously harms the interests of consumers.

Chapter II GENERAL PRINCIPLES OF ADVERTISING PRACTICE

6. Decency of advertising

6.1.

Advertisements must not contain statements or visual presentations that grossly violate the standards of decency and morality generally accepted by those likely to be affected by the advertisement. In particular, the presentation of the human body must be carried out with full consideration of its impact on all types of readers and viewers. Violations of the Code will be assessed in light of the overall context, the relationship of the advertisement to the product, the target audience, and the media used.

6.2.

In particular, advertising must not contain elements that diminish human dignity.

7. Honesty of advertising

7.1

Advertising must not be designed to abuse the trust of consumers or take advantage of their lack of experience or knowledge, or their credulity.

7.2.

Advertisements must not exploit consumers' subliminal perception.

7.3

Advertising must not be hidden, in particular it must not pretend to be other means of disseminating information (scientific treatise, report, etc.) than advertising.

8. Truthfulness of advertising

8.1.

Advertising must not disseminate misleading information about its own or another company, its products or services. Even information that is true in itself is misleading if, given the circumstances and context in which it was made, it could be misleading.

8.2.

Advertising must not use misleading information to benefit its own or another company at the expense of another.

8.3.

Advertisements must not contain misleading descriptions of goods or services that are likely to give rise to the false impression that the goods or services originate from a particular country, region, or place, or from a particular manufacturer, or that they have special characteristics or special quality.

8.4.

For the purposes of this Code, a misleading designation shall also be understood to mean a designation of goods or services to which an addition is attached to distinguish it from its true origin, and this designation is nevertheless likely to give rise to a false impression as to the origin or nature of the goods or services.

8.5

Advertising shall not be considered misleading in the case of the designation of goods or services that are generally accepted as information serving to designate the type or quality of goods, unless it is accompanied by an addition capable of misleading as to the origin of the goods or services.

9. Social responsibility of advertising

9.1.

Advertising must not use fear as a motif without good reason.

9.2.

Advertising must not exploit prejudices and superstitions.

9.3.

Advertising must not contain anything that could lead to or encourage acts of violence.

9.4.

Advertisements must not contain anything that would grossly and unambiguously offend the national, racial, or religious sensibilities of consumers.

9.5

Advertisements may also use traditions, customs, and symbols that are not common in the Czech Republic (e.g., Santa Claus). However, advertisements must not deny or disparage traditions, customs, and symbols that are common in the Czech Republic (e.g., Ježíšek, St. Nicholas Day and Easter customs, etc.).

Chapter III

SPECIAL REQUIREMENTS FOR ADVERTISING

10. Value of goods

10.1.

Advertising must not lead consumers to attribute a disproportionately higher utility value to products than their actual value.

10.2

Advertisers must be prepared to substantiate any claims they make regarding the actual financial value of goods they offer at a lower price or free of charge.

10.3

Products must not be described as "free" if the consumer incurs any costs other than the actual costs of delivery, transport, or postage. If the consumer has to pay any such costs, the advertisement must contain a sufficiently clear statement to that effect.

11. Price comparisons

11.1.

Price information contained in advertising, or the fact that the information is incomplete or missing, must not give the impression that:

- the price is lower than it actually is,
- the price depends on circumstances on which it does not in fact depend,
- the price includes the supply of products, work, or services for which a separate payment is actually made,
- the price has been or will be increased, reduced, or unchanged, even though this is not the case,
- the relationship between the price and usefulness of the product or service offered and the price and usefulness of a comparable product or service is not what it actually is.

12. Discrediting and belittling competitors and their producers

12.1.

Advertisements must not attack other products, advertisers, or advertisements, and must not attempt to discredit these products, advertisers, or advertisements, either directly or indirectly.

12.2.

Advertisers must not disparage the products of other advertisers, either directly or indirectly. In particular, advertisements must not single out a specific product for unfavorable comparison.

13. Imitation of advertisements

13.1.

Advertisements must not, in their general appearance, illustrations, use of slogans, visual presentations, music, or sound effects, be similar to other advertisements in such a way that it would be likely to mislead or confuse consumers or take advantage of the results of others' ideas and work.

14. Personal recommendations

14.1.

Advertisements must not contain or refer to any personal recommendations or endorsements unless such recommendations or endorsements are true or are based on the personal experience of the person making the recommendation over a reasonable period of time.

14.2.

Personal recommendations themselves must not contain any statements or opinions that violate the provisions of this Code, and must not be used in a manner that is likely to mislead consumers.

14.3.

Personal recommendations must not contain any claims about the effects of a product unless there is reliable evidence of such effects.

15. Privacy and misuse of individuals

15.1.

Advertisements must not depict any living persons or refer to any living persons in any way unless those persons have given their express prior consent. Advertisers must also take care not to offend, from a religious or other point of view, persons in any way connected with deceased persons depicted in the advertisement or deceased persons to whom any advertisement refers.

15.2.

Advertisements must not use public figures (such as politicians, representatives of professional medical and other societies) to promote their message, even if those individuals have agreed to appear in the advertisement, whether for payment or free of charge.

16. Guarantees

16.1

Advertisements may use the words "guarantee" or "guaranteed" only in cases where the content is specified or the specific conditions are stated.

PART TWO

Chapter I

ADVERTISING OF ALCOHOLIC BEVERAGES

17. Alcoholic beverage

17.1

An alcoholic beverage is defined as a beverage containing more than 0.5% alcohol by volume.

18. Irresponsible consumption

18.1

Advertising shall not depict or promote irresponsible consumption, e.g. by showing the quantity of beverage consumed or depicted in the advertisement or the consequences of its excessive consumption. Advertising shall not encourage excessive increases in the consumption of alcoholic beverages by individual consumers. Advertising shall not negatively or ironically evaluate abstinence or moderation, or give the impression that it is wrong or abnormal to refuse to drink alcoholic beverages.

18.2.

Advertising shall not be based on the depiction of violent, aggressive, or antisocial behavior.

18.3

Advertising shall not show people who appear to be drunk or give the impression that intoxication is acceptable.

19. Minors

19.1.

Advertisements for alcoholic beverages, including beer, must not be aimed at persons under the age of 18. No person appearing in an advertisement as a consumer of an alcoholic beverage may look younger than 25 years of age and must in fact be older than 25 years of age. Persons under the age of 18 shall not be depicted in advertisements, except in situations where their presence is natural, such as in family scenes or in a crowd in the background. These persons shall never be depicted drinking alcoholic beverages, nor shall this be implied in any way.

19.2.

Advertisements for alcoholic beverages may not be broadcast during commercial breaks before, during, or immediately after television or radio programs intended for children.

19.3.

Advertisements shall not promote alcoholic beverages in media, programs, computer games, social networks, or during events where it is known that more than 30% of the target audience consists of minors. Advertisements shall also not be placed on large billboards less than 300 meters from elementary and secondary schools, playgrounds, and similar facilities primarily intended for minors. Large-format posters are defined as posters with an area greater than 12 m². Any long-term advertisements or banners placed on the premises of manufacturers and distributors of alcoholic beverages are exempt from this rule.

19.4.

Commercial communications shall not use any graphics, symbols, music, or cartoon characters that primarily appeal to children.

19.5

The names of alcoholic beverages, their logos, or trademarks may not appear on children's clothing, toys, games, or other products intended primarily for persons under the age of 18. This restriction also applies to replicas of sportswear intended for children.

This restriction applies similarly to non-alcoholic versions of alcoholic beverages with the same or similar name, logo, or trademark as alcoholic beverages.

20. Proceedings

20.1.

Advertising shall not associate the consumption of alcoholic beverages with driving in any way.

21. Dangerous activities

21.1

The content of advertising shall not encourage the consumption of alcoholic beverages in dangerous or illegal situations or places, e.g., before or during activities requiring sobriety, skill, or precision.

22. Health aspects

22.1.

Advertisements for alcoholic beverages must not suggest that they can prevent or cure human diseases, nor suggest that they have a stimulating or calming effect or that they are a means of solving personal problems.

22.2.

Advertisements must not encourage pregnant and breastfeeding women to consume alcohol and will not depict pregnant or breastfeeding women consuming alcoholic beverages.

22.3.

Advertisements must not feature individuals whose appearance (clothing) gives the impression that they are members of the medical profession.

23. Alcohol content

23.1

Advertisements must not emphasize higher alcohol content as a positive feature of the brand and a reason for consumers to choose it. On the other hand, advertising messages should not give the impression that drinking beverages with low alcohol content precludes irresponsible consumption.

23.2.

Advertising must not reduce or obscure the actual alcohol content of the beverage.

24. Performance and sexual success

24.1.

Advertising should not create the impression that the consumption of alcoholic beverages enhances mental or physical abilities, for example in sports.

24.2

Advertising must not suggest or create the impression that the consumption of alcoholic beverages can lead to social or material success.

24.3

Advertising shall not claim or suggest that alcohol consumption can contribute to sexual success. Advertising shall not encourage sexual promiscuity, shall not contain nudity or partial nudity depicted in a manner offensive to human dignity, and shall not present alcoholic beverages as a means of removing sexual inhibitions or fear in general.

25. Sales promotion

25.1.

No sales promotion may encourage irresponsible or antisocial behavior or irresponsible alcohol consumption, in particular excessive drinking.

26. Human dignity and religious beliefs

26.1.

Advertising shall not suggest or depict the consumption of alcoholic beverages in the vicinity of sacred places and cemeteries.

26.2.

Advertisements shall not claim or imply that an alcoholic beverage is consumed by members of a religious group that prohibits its members from consuming alcohol.

Chapter II

ADVERTISING OF FOOD AND NON-ALCOHOLIC BEVERAGES

27.1

Advertisements shall truthfully represent the advertised characteristics of products, including their size and composition, as well as the nutritional and health benefits of food or beverages, and shall not mislead customers in any of these characteristics.

27.2

Claims about nutritional or health benefits shall be based on scientific findings.

27.3

Advertisements for food and non-alcoholic beverages shall not encourage excessive consumption, and the sizes of portions shown shall be appropriate to the scene in the advertisement.

27.4.

Where the advertised product is shown in the context of a whole meal, the overall composition of the food shown will, to a reasonable extent, correspond to generally accepted nutritional principles.

27.5

Advertisements for food and non-alcoholic beverages shall not question the validity of a healthy and balanced diet.

27.6

Advertisements for food and non-alcoholic beverages shall not question a healthy or active lifestyle.

27.7

Foods that are not intended to be a substitute for a whole meal shall not be presented as such.

Chapter III

CHILDREN AND YOUTH

When applying its Code of Ethics, the Advertising Council may also apply the principles and guidelines of the Code of Ethics of the International Chamber of Commerce (ICC) based in Paris, entitled "Children, Youth and Marketing."

28. General

28.1

Medicines, disinfectants, corrosive substances, and substances hazardous to health must not be shown in advertisements within the reach of children without parental supervision, and children must not be shown handling these products in any way.

28.2

Detergents and cleaning products must not be depicted in advertisements within the reach of children without adult supervision, and children must not be shown handling their contents in any way.

28.3.

No advertising is permitted that encourages children to go to unfamiliar places or talk to strangers.

28.4

No advertisement for a commercial product or service is permitted that contains any appeal to children or that in any way suggests that if children do not buy a product or service themselves, or if they do not get other people to buy such a product or service, they will fail to fulfill some obligation or show sufficient loyalty to certain persons or organizations; it is irrelevant whether or not that person or organization is the originator of such a call.

28.5.

No advertising is permitted that leads children to believe that if they do not own the advertised product, they will in any way be inferior to other children.

28.6

Advertisements must take care not to encourage children to pressure others in order to obtain a particular product or service.

28.7.

If an advertisement includes a reference to a children's competition, coupon collection, bonus offers, free bonuses, prize draws, and similar games aimed at children and young people, clear rules must be published in an appropriate manner.

29. Safety

29.1.

All situations where children appear in advertisements must be carefully considered from a safety perspective.

29.2

Children in street scenes must not be depicted as unsupervised unless it is absolutely clear that they are old enough to be responsible for their own safety.

29.3

Children must not appear in advertisements playing in the street unless it is clearly visible that the area is designated for play or is otherwise safe.

29.4.

In advertisements featuring children as pedestrians or cyclists, it must be clearly evident that the children are behaving in accordance with safety rules, regulations, and principles.

30. Advertisements for food and non-alcoholic beverages aimed at children.

30.1.

Advertisements shall not mislead consumers about the positive effects associated with consuming food or beverages.

30.2

Advertisements for food and non-alcoholic beverages shall not question the role of parents or other figures who are positive role models for children in guiding children towards proper nutrition.

30.3

Advertisements for food and non-alcoholic beverages shall not directly encourage children to persuade their parents or other adults to buy them the product being advertised.

30.4.

Advertisements for food and non-alcoholic beverages shall not create an impression of urgency or necessity to purchase.

30.5

Although the use of fantasy elements, including animation, is possible for communication with younger and older children, it shall not exploit children's imagination to promote inappropriate eating habits.

30.6.

Food and non-alcoholic beverages that are derived from or directly associated with the content of television programs may not be advertised within such programs or immediately before or after them without clear separation.

30.7.

Characters (live or animated) from communication media, including film productions, shall not be used to promote food and non-alcoholic beverages in a manner that obscures the distinction between communication media and advertising. For example, a children's television program shall not be linked without clear separation to advertising featuring the same characters.

30.8.

Advertising aimed at children or immediately preceding or following a children's program, or contained or inserted in such a program, for foods or non-alcoholic beverages containing nutrients and substances with nutritional or physiological effects, in particular fat, saturated fats, trans fatty acids, salt or sodium, and sugars, the excessive intake of which is not recommended in the overall diet, shall be restricted so that it does not emphasize the positive nutritional aspects of such foods or beverages. For the purposes of this code, a food or non-alcoholic beverage referred to in the previous sentence means a food or non-alcoholic beverage that the advertiser declares to fall within this category of food or non-alcoholic beverages.

30.9.

Advertisements that are aimed at children or immediately precede or follow a children's program or are included or inserted in such a program shall not encourage irresponsible or excessive consumption of food or non-alcoholic beverages, especially in the case of food or non-alcoholic beverages containing nutrients and substances with nutritional or physiological effects, in particular fat, saturated fats, trans fatty acids, salt or sodium, and sugars, the excessive intake of which in the overall diet is not recommended.

31. Advertising in schools

31.1.

Any promotional activity in schools of all levels and types is subject to the approval of the school's head teacher.

**Chapter IV
TOBACCO ADVERTISING**

32.1

For the purposes of this Code, tobacco products are defined as products containing tobacco, primarily cigarettes, cigarillos, cigars, pipe tobacco, snuff, chewing tobacco, including alternatives to tobacco products, such as e-cigarettes, vaporizers, and nicotine pouches.

32.2

Advertising of tobacco products must not be aimed at minors and encourage them to smoke, nor shall it depict scenes that could be particularly attractive to them.

32.3.

Advertisements for tobacco products may not feature minors, but only persons who are or appear to be over 25 years of age.

32.4.

Advertisements for tobacco products must comply with legal restrictions on their distribution.

32.5.

The names and brands of tobacco products may not be used on goods intended primarily for children.

32.6

Clothing bearing the names or logos of cigarettes must only be available in sizes intended for adult consumers.

32.7

Advertisements for tobacco products may not claim that the use of tobacco products promotes or enhances sexual, business, or athletic performance.

32.8

Advertisements for tobacco products must not claim that the use of tobacco products is an aid to relaxation or concentration.

Only adult consumers may compete in tobacco advertising competitions.

32.9

Advertisements for tobacco products must contain the labels specified by the relevant laws.

Chapter V
ADVERTISING OF MEDICINES
(human medicinal products and medical devices)

33.1.

Advertisements for medicines may only feature medicinal products and devices that are registered in the Czech Republic or have been duly approved and are not restricted to prescription only or intended exclusively for use by a doctor.

33.2

Advertising of medicines intended for the general public must focus only on medicinal products and medical devices intended for the public.

33.3.

Advertisements for medicinal products intended for the general public must not contain advertisements for medicinal products containing narcotic or psychotropic substances.

33.4

Advertisements must not contain information that could lead to a misjudgment of one's own health or the impression that simply using a medicinal product or medical device can influence the consumer's health.

33.5

Advertisements must not contain information about the harmlessness of a medicinal product based solely on its natural origin.

33.6

Advertisements must contain the name of the medicinal product or medical device, information on its correct use, a call to read the package leaflet, and instructions on the packaging of medicinal products and medical devices.

33.7

Advertisements may not feature persons who, due to their position or professional activities, may influence the consumption of medicinal products or medical devices.

33.8

Advertisements must always clearly indicate whether they concern a medicinal product, medical device, or dietary supplement.

Chapter VI
IDENTIFICATION OF ADVERTISEMENTS IN THE STYLE OF EDITORIAL MATERIAL

34.1

All persons involved in the creation or publication of an advertisement are obliged to ensure that anyone who sees the advertisement can immediately and without detailed reading see that it is an advertisement and not editorial material.

34.2

If the space provided for a fee is printed in the same style as editorial material, regardless of whether these advertisements are paid for by one or more advertisers, it is necessary to clearly mark such an advertisement as an advertisement, e.g., with the words "advertisement" or "paid advertisement."

34.3.

As a general rule, if an advertisement or series of advertisements paid for by one and the same organization or organizations under the same management exceeds the scope of one page, the word ADVERTISEMENT must be printed in the header of each page in such a way that the reader cannot overlook it. Similarly, a supplement paid for entirely by an advertiser or advertisers must normally be identified by the words ADVERTISEMENT SUPPLEMENT, printed in bold letters, or a similar designation, and each page of this supplement must have the words ADVERTISEMENT – ADVERTISEMENT or ADVERTISEMENT SUPPLEMENT or similar designation in the header.

34.4.

Since no guidelines can cover every possible case, it may not always be sufficient to follow the letter of the above principles. In addition, it may sometimes be necessary to review each advertisement to ensure that it is clearly distinguishable from the editorial content of the publication in which it appears. If this is not the case, measures must be taken to ensure sufficient distinction.

34.5.

The above principles apply mutatis mutandis to electronic media.

34.6

All posts by influencers on social networks for which remuneration or other non-monetary consideration (so-called barter) has been provided must be explicitly marked or distinguished as advertising. This can be done, for example, using a function offered by the platform (e.g., "Paid partnership"), directly in the text of the post, or through hashtags. In such a case, the hashtag informing that it is advertising should be placed before all other hashtags. The labeling of an advertising post must be clear and must not mislead the audience as to the nature of the post.

Chapter VII ADVERTISING FOR MAIL ORDER SALES

35. Mail order

35.1

For the purposes of this section of the Code, the term mail order advertising shall include all advertisements and announcements, except those expressly mentioned below, which directly or indirectly offer to send or deliver goods to the buyer upon receipt of a written order, accompanied by partial or full payment, without the consumer having to visit a retail store and inspect the goods before purchase. The rules in the following paragraphs apply to all mail order advertisements, including those submitted by advertisers who also engage in regular retail sales.

35.2.

Advertisements for mail order services must comply with all the principles set out in the Code and, in addition, with the requirements set out in points 3 to 5 below.

36. Obligations of advertisers in mail order service advertisements

36.1.

The basic advertisement (targeted offer, mailing) must include the name or title of the advertiser along with the actual address of their registered office and (if different) the contact point for customer relations where the advertiser can be contacted, not just a P.O. BOX or telephone number. If the advertisement includes a coupon, the name and full contact address of the advertiser, including the street address, must also be stated on the coupon.

36.2.

The name or title of the advertiser must be clearly displayed in the address given in the advertisement.

36.3.

Sufficient measures must be taken to ensure that any queries are answered by the responsible person at the given address.

36.4.

The advertiser must be prepared to fulfill all orders placed as a result of advertising a mail order service, either immediately upon receipt or within the period specified in the advertisement. If this is not possible, the advertiser must inform the customer immediately, no later than 45 days after the order is placed.

37. Goods unacceptable in mail order advertising.

37.1.

Good luck charms, mascots, or other goods that seek to exploit superstition.

Chapter VIII

ADVERTISING OF GAMBLING

38.1 Basic principles

Advertising for gambling must be socially responsible, must protect minors, and must not encourage irresponsible or impulsive gambling.

38.2 Protection of minors

38.2.1.

The promotion of gambling must not be targeted at persons under the age of 18, in particular through the use of elements, means, or events that predominantly appeal to such persons, such as language or communication channels.

38.2.2.

Advertisements must not be placed in media aimed at children and young people.

38.2.3.

Persons appearing in advertisements must be over 25 years of age and must not give the impression of being younger.

38.2.4

Advertisements by gambling operators must not be placed on sports jerseys in competitions for children and young people under the age of 18.

38.2.5.

Outdoor advertising for gambling shall not be placed near schools and school facilities, facilities for children and young people, playgrounds, or buildings and places where children and young people gather, with the exception of stadiums and sports halls. If a school or other facility referred to in the first sentence of this provision is established after the placement of outdoor advertising, the operator must remove such advertising no later than one year from the date of establishment of such facility.

38.3 Restrictions on online advertising

38.3.1.

Streaming gambling for the purpose of promoting it is only permitted on websites or in applications of gambling operators that have been issued the relevant permits by the Ministry of Finance, and only after the gambling participant has logged into their user account. The transmission of live games operated in a land-based form is not considered streaming gambling for the purpose of promoting it.

38.3.2.

Gambling operators may only commission so-called influencers¹ to advertise gambling (including on social media) for the sole purpose of informing consumers about the existence of products and directing players to legal, controlled systems, and such advertising must not encourage or promote active participation in these games², in particular in the form of a direct invitation to place a bet, purchase the advertiser's products, or use bonuses.

38.4 Content restrictions

38.4.1.

Advertisements for gambling must meet the following requirements:

- a) It must not give the impression that gambling contributes to an increase in social status.
- b) It must not present gambling as a skill-based activity if this is not true.

¹ Definition according to the Influencer Code: "an internet user who uses their influence to participate in the communication activities of a client in exchange for monetary or non-monetary compensation," see <https://ferovynfluencer.cz/kodex>.

² In accordance with EC Recommendation 2014/478/EU on principles for the protection of consumers and players of online gambling services and for the prevention of online gambling by minors, see point 6) Preamble

- c) Gambling must not be presented as a way of solving financial problems.
- d) It must not downplay the possible negative effects of participating in gambling.
- e) It must not encourage irresponsible behavior.
- f) It must not give the impression that not participating in gambling is a sign of weakness or immaturity.
- g) They must not misrepresent the odds of winning.
- h) People who are popular with children and young people, public figures, and athletes must not directly encourage active participation in gambling.

38.5 Restrictions on outdoor advertising

38.5.1.

Outdoor advertising for gambling must not be placed on public transport.

38.6 Affiliate marketing

38.6.1.

Entities promoting gambling through affiliate programs:

- a) Must be registered with a self-regulatory body and adhere to ethical advertising principles.
- b) They must provide contact information and links to responsible gambling.

38.6.2.

Gambling operators undertake to cooperate only with affiliate partners who have completed training on ethical advertising.

Chapter IX

ADVERTISING OF COSMETIC PRODUCTS

39. Substantiation of claims about the product

39.1.

Claims about cosmetic products, whether explicit or implicit, should be substantiated by adequate and appropriate evidence demonstrating the effects of the product. At the same time, the specific context and circumstances in which the claims are made (including social and societal factors) should be taken into account.

40. Fairness of product representation

40.1.

The image of the product may be enhanced using digital technologies to better express the personality of the brand and its position or any specific benefits of the product, provided that the image of the effect of the advertised product is not misleading or suggestive of characteristics and functions that the product does not have.

Digital technologies should not alter the appearance of models, such as body shape or features, in a way that would be unrealistic and misleading in relation to the claimed effect.

41. Customer experiences and expert recommendations

41.1.

To highlight the properties of cosmetic products, it is possible to use examples of customer experiences with the product, provided that they are presented as personal evaluations of the product, and recommendations from experts.

41.2.

The experiences of celebrities, private individuals, or consumers with the product may be used, provided that they are presented as personal evaluations of the product or their own impressions of it, but they cannot serve as a substitute for substantial evidence supporting the claim.

41.3.

Recommendations by experts from among doctors, non-medical healthcare personnel, or scientists concerning a particular ingredient of the product, the entire product, or a general message related to the hygienic or cosmetic effect are acceptable provided that they are based on adequate and sufficient evidence.

42. Environmental aspects of advertising

42.1.

When making environmental claims, cosmetic companies should respect the principles of truthfulness, clarity, relevance, and scientific substantiation.

42.2.

If an environmental claim is not explicitly true, or there is a legitimate risk that it will be misinterpreted by consumers, or it is misleading due to the omission of important facts, such a claim must not be made.

42.3.

Environmental claims must be relevant to the product concerned and used only in an appropriate context or location.

42.4.

Claims must specify what environmental benefit or improvement is being made; it follows that environmental benefits may be claimed provided that an appropriate assessment of the product's environmental impact has been carried out.

43. Use of symbols/indications of third-party certification

43.1.

Any supporting information, pictorial fiction, or symbols must be justified in a manner understandable to the average consumer; any use of a symbol or logo must not imply that the product has achieved the required relevant support from a third party if this is not actually the case.

44. Respect for the human person

44.1.

Given the impact that advertising and marketing communications can have on consumers' self-esteem, the following should be taken into account when models are used in advertising: do not focus on the body or parts of the body that are not relevant to the advertised product; do not use nude models in a manner that is degrading, alienating, or sexually offensive. When using nudity, consideration should be given to the type of media for which the advertisement is intended and the audience for which it is intended.

45. Advertising aimed at children

45.1.

Cosmetic products specifically designed for children may be advertised provided that:

- a) the advertising focuses on promoting hygiene and the hygienic benefits of products intended for children, in particular sun protection products, oral care products, and skin cleansing products, including soap, shampoo, and acne concealers for adolescents;
- b) advertisements for decorative cosmetics and perfumes should not encourage children to use these products excessively;
- c) Advertising for cosmetic products, including their depiction, should not promote the premature sexualization of young people.