

Annex I, Part 10

GUIDELINE FOR COSMETIC ADVERTISEMENT

1. INTRODUCTION

1.1 This guideline is drawn up with the intention to provide guidance to the cosmetic industry in developing advertising message in ethical manner and to ensure responsible advertising by the advertiser.

1.2 Advertisements include any notice, circular, report, commentary, pamphlet, label, wrapper or other document, and any announcement made orally or by any means of producing or transmitting light or sound.

“advertisement” means every form of advertising (whether or not accompanied by or in association with spoken or written words or other writing or sounds and whether or not contained or issued in a publication) by the display of notices or by means of catalogues, price lists, circulars, labels, cards or other documents or materials or by the exhibition of films or of pictures of photographs, or by means of radio or televisions, or in any other way including through electronic means.

“Electronic” means the technology of utilizing the electrical, optical, magnetic, electromagnetic, biometric, photonic or other similar technology.

2. OBJECTIVE

The objective of the guideline is to ensure that the marketing and advertising of cosmetics to the public is conducted in a manner that promotes the quality use of cosmetics, is socially responsible and does not mislead or deceive the consumer.

3. PROHIBITION

Advertisement should not refer to any medicinal claim or claim which is beyond the scope of cosmetic product. All claims whether being described either in written, pictorial, verbal statement or in any other mode purported to deliver such claim shall comply with the Annex I, Part 8: Cosmetic Claims Guideline.

4. PRINCIPLES

Advertisements should contain information that is reliable, accurate, truthful, informative, balanced, up to date, and capable of substantiation and in good taste. They should not contain misleading or unverifiable statements or omissions likely to induce unjustifiable use or give rise to undue risks.

4.1 Impressions of Professional Advice or Endorsement

(a) Advertisements should not:

- (i) Have any visual and/or audio presentation of individual(s) e.g. doctors, dentists, pharmacists with the impression of giving professional recommendation or endorsement; or
- (ii) Contain statements giving the impression of professional by endorsement, advice or recommendation made by associations or persons who appear in the advertisements and who are presented directly or by implication, as being qualified to give such endorsement, advice or recommendation e.g. the use of white coat, stethoscope, healthcare professional environment/ any expression that provides undue authority that the product is recommended by a healthcare professional

(b) Advertisement may contain statements that are concluded from unbiased/ objective surveys/information, genuinely obtained from professionals. Care shall be taken, that the statements do not transgress any relevant regulations that the professionals institution to which they belong

Endorsement by professional bodies may be allowed with the consent from the respective professional bodies. Authorization from said bodies should be given in writing and produced upon demand.

Advertisement shall not refer to a 'hospital' or similar establishment.

It is important to note that registered healthcare professionals are governed by ethics of the relevant statutory body that grants the respective registration and personal involvement in such promotion may lead to breach of ethics.

4.2 Standard of Morality or Decency

Advertisements should not contain statements or visual presentation which are, or likely to be interpreted to be contrary or offensive to the standard of morality or decency prevailing in the Malaysian society or in any way defamatory or humiliating to any segment of the public.

4.3 Honesty or Truthful Presentation

- (a) Advertisements should not be so framed as to abuse the trust of the consumer or exploit his/her lack of experience or knowledge.
- (b) All descriptions, claims and comparisons which relate to matters of objectively ascertainable fact should be capable of substantiation, and should be held ready for immediate production upon request by the authority.

4.4 Fear, Superstition, Religious

Advertisement should not:

- (a) Play on fear without justifiable reason. Advertisements should not contain any statement or illustration likely to induce fear on the part of the viewer or listener that he is suffering and without the use of the cosmetic product may worsen the condition.
- (b) Play on superstition or exploit superstitions. Advertisements should not contain any presentation or reference to mythical object or supernatural beings or powers.
- (c) Directly or by implication exploit the religious requirements/beliefs of any community.

4.5 Acts of Violence or Illegal Activities

Advertisement should not contain anything which might lead or lend support to acts of violence, criminal or illegal activities, nor should they appear to condone such activities.

4.6 Dangerous Practices or Disregard for Safety

Advertisement should not, without justifiable reason, show or refer to dangerous practices or manifest a disregard for safety. Special care should be taken in advertisements directed towards or depicting children or young people.

4.7 Children and Young People

Advertisements addressed to infant, children or young people or likely to be seen by them, shall not contain anything whether an illustration or otherwise, which result in harming them physically, mentally or morally or which exploit their credulity, natural sense of loyalty or their lack of experience.

4.8 Imitation

- (a) Advertisements shall not be similar in general layout, copy, slogans, visual presentation, music or sound effects to other advertisement as to likely mislead or confuse.
- (b) Particular care shall be taken in the packaging and labelling of goods to avoid causing confusion with competing products.

5. COMPARISON

5.1 Disparagement and Denigration

- (a) Direct comparison advertisements against competitors' products or service are strictly not allowed.
- (b) Comparison advertising may be permitted provided it does not use symbols, slogans, titles, or statements that are clearly identified or directly associated with competitive brands. Competitive claims inviting comparison with a group of products or with other products categories (without identifying any specific brands) may be allowed provided these are adequately substantiated.
- (c) Advertisements should not directly or indirectly disparage, ridicule or unfairly attack competitors, competing products or services including distinguishing feature of their advertising campaigns such as specific layout, copy, slogan, visual presentation, music/jingle or sound effects.
- (d) Advertisement shall not contain any statement which either expressly, or by implication disparage any profession, product, services or advertisers in an unfair or misleading way.

5.2 Before and After Effects

- (a) "Before" and "after" situation must reflect truthful and factual comparisons. Comparisons of the "antecedent" situation with the "subsequent" situation must not be exaggerated or misleading.
- (b) Advertising comparing "before" and "after" situations should cite with prominence the specific time elapsed between the two situations.

6. TESTIMONIAL

Advertisements shall not contain or refer to any testimonial or endorsement unless it is genuine and related to the personal experience over a reasonable period or time of the person giving it. Testimonials or endorsements which are obsolete or otherwise no longer applicable, (e.g. where there has been a significant change in formulation of the product concerned) shall not be used.

Advertisement with a testimonial is suggested to include this statement:

‘The effects of the product may vary among individuals’

7. TEST, TRIALS AND RESEARCH

- (a) Reference expressly or by implication to test, trials, research and the likely may only be used if they are fully substantiated and not misleading. References to tests or trials conducted in a named hospital, clinic, institute, laboratory or college or by named professional or official organization are permissible only if authorized, approved and found acceptable by the authority of the institution or organization concerned.
- (b) Test, trial and research in supporting medicinal claims are not allowed to be used in the advertisement.

8. HYPERBOLE WORDS/SUPERLATIVE/CLAIMS

- (a) All claims in the advertisement should be substantiated and readily available when being challenged by authority or competitors.
- (b) Advertisement may contain hyperbole words or superlative or claims only when it can be substantiated when challenge.