

Code of **Ethics**

MARKETING ASSOCIATION OF AUSTRALIA
AANA + ADMA

1 MAY 2027

OBJECTIVES

This Code has been adopted by the Marketing Association of Australia (MAA) as part of advertising and marketing industry regulation.

Its object is to ensure that advertisements and other forms of marketing communications are responsible, legal, honest and have been prepared with respect for human dignity, an obligation to avoid harm to the consumer and society and a sense of fairness and responsibility to competitors.

The Rules set out in this Code are the standards expected in all advertising.

Other MAA Codes may also be applicable and many sectors have their own specific advertising rules. For specific issues where both this Code and The ABAC Responsible Alcohol Marketing Code apply, consideration of the ad will be undertaken by ABAC.

This Code is accompanied by Practice Notes which provide guidance to advertisers and complainants and must be applied by the Ad Standards Community Panel in making its determinations. In the event of any ambiguity the provisions of the Code prevail.



Definitions

In this Code, unless the context otherwise requires.

Advertising means:

a. any advertising, marketing communication or material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer,

- over which the advertiser or marketer has a reasonable degree of control, and
- that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct,

b. but does not include:

- political or election advertising. Political or election advertising includes 'political matter', 'election matter' and 'election advertisement' as defined under the Broadcasting Services Act.
- labels or packaging for products. However, when a label or packaging appears in an advertisement, it forms part of the advertisement, and therefore, any visible aspects are covered by the Code.
- corporate reports including corporate public affairs messages in press releases and other media statements, annual reports, statements on matters of public policy.
- in the case of broadcast media licenced under the Broadcasting Services Act, any material which promotes the products, activities of a channel, station, network or program to be broadcast on that network.

Medium means:

any medium whatsoever including without limitation cinema, internet, outdoor media, print, radio, telecommunications, television or other direct-to-consumer media including new and emerging technologies.

Minor means:

a person under 18 years of age.

Prevailing Community Standards means:

the community standards determined by the Ad Standards Community Panel as those prevailing at the relevant time in relation to Advertising or Marketing Communication.

Prevailing Community Standards apply to clauses **2.1 – 2.6** below on the following pages.

Target Consumer means:

the average and reasonable consumer of the target audience.

01. Competitor Complaints

SECTION 1.1	Advertising shall comply with Commonwealth law and the law of the relevant State or Territory.
SECTION 1.2	Advertising shall not be misleading or deceptive or be likely to mislead or deceive.
SECTION 1.3	Advertising shall not contain a misrepresentation, which is likely to cause damage to the business or goodwill of a competitor.
SECTION 1.4	Advertising shall not exploit community concerns in relation to protecting the environment by presenting or portraying distinctions in products or services advertised in a misleading way or in a way which implies a benefit to the environment which the product or services do not have.
SECTION 1.5	Advertising shall not make claims about the Australian origin or content of products advertised in a manner which is misleading.

02. Consumer Complaints

SECTION 2.1	Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.
SECTION 2.2	Advertising shall not employ sexual appeal: a. where images of Minors, or people who appear to be Minors, are used; or b. in a manner which is exploitative or degrading of any individual or group of people.
SECTION 2.3	Advertising shall not encourage or condone violence.
SECTION 2.4	Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.
SECTION 2.5	Advertising shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.
SECTION 2.6	Advertising must not encourage or condone unhealthy or unsafe behaviour.

03. Truth and Accuracy

SECTION 3.1 Advertising shall not be misleading or deceptive or be likely to mislead or deceive the Target Consumer.

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THIS SECTION DOES NOT FORM PART OF THE CODE OF ETHICS AND IS PROVIDED HERE FOR INFORMATION ONLY.

Complaints under the Marketing Association of Australia self-regulatory system

Complaints about the content of an advertisement can be made under this Code and the other MAA Codes to Ad Standards. Complaints under SECTION 1 are heard by the Ad Standards Industry Jury. Complaints under SECTION 2 are heard by the Ad Standards Community Panel. If your complaint is about a program (not advertisement) on television or radio, please contact the relevant industry body.

If you are making a complaint under **SECTION 1**, an application fee is payable. The Industry Jury complaints process is designed to determine complaints involving issues of truth, accuracy and legality of advertising on a user pays cost recovery basis. The Industry Jury is comprised of variable panels of lawyers who are certified as having experience and expertise in advertising and/or competition and consumer law.

If you are making a complaint under **SECTION 2**, once Ad Standards has received your complaint, it will determine whether it is eligible for consideration by the Ad Standards Community Panel. The Community Panel is a body of independent members of the community established to consider complaints. If accepted, the advertiser/marketer is notified and a response is requested. The complaint is then considered by the Community Panel and the advertiser and complainant are advised of the determination. If the Community Panel decides that there is a breach of one or more of the advertising codes, the advertiser is informed and is expected to either modify or remove the ad.

You can make a complaint by going to the Ad Standards website:

www.adstandards.com.au