

CLEARANCE GUIDELINES

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CLEARANCE GUIDELINES

OBJECTIVES

The purpose of these guidelines is to provide advertisers and agencies with an outline of standards and requirements which must be adhered to when producing commercials, infomercials and/or public service announcements. The guidelines are reviewed on a regular basis in order to ensure they are up-to-date and address the changing values and beliefs in Canadian society.

Broadcasters who subscribe to the thinktv Clearance Services, expect that all creative will meet the requirements of these member-approved guidelines, realizing there can be no clearly defined set of criteria that would be acceptable to all viewers. No guideline can anticipate every possible scenario that may be problematic, however, thinktv Clearance Services expects each depiction will comply with the intent and spirit of not only these objectives but of each individual guideline as well.

Advertising cannot be misleading to viewers. When claims are made, such as competitive claims, an Attestation Letter may be required to support the claims being made. We also have an Annual Attestation Letter which will be accepted. **Contact us for a copy of either letter: info@thinktv.ca**

Please note that in some cases, such as issue and opinion advertising, substantiation of claims will be required. Clearance will provide preliminary script/storyboard approvals, if requested, and the final production must be reviewed before Clearance numbers can be issued.

Advertisers should bear in mind that all commercials must be of good taste and sensitive to matters of public opinion. In general, all persons appearing in commercials, infomercials, and PSAs must be clothed so that private body parts are not visible. Alternatively, in the case of a commercial message that comprises nudity of a non-sexual nature, private body parts must be blocked from view. Please contact your Clearance Analyst for further direction.

Clearance members feel it is imperative to keep the best interests of young children and youth in mind when producing commercials. Because children and youth are very impressionable, commercials should not contain any visual or audio portrayals which are detrimental to their well-being.

Commercials containing elements of negative or degrading sex-role portrayal, negative racial or ethnic portrayal, sexualization of children, excessive violence, horror, or any other portrayals likely to be offensive to the majority of viewers will be rejected. Clearance has received complaints focused on the use of animals in commercials, death-related issues, children's behaviour and the use of religious figures and connotations.

Clearance acknowledges that some images and/or representations in advertising may be objectionable to some viewers and caution should be exercised but not limited to the following areas of concern:

Public decency: care should be given to depictions and activities that may be inappropriate. For example: defacing public property or indecent actions or movements.

Health & safety: when necessary, the general public's health and safety should be taken into account. For example, drivers and passengers depicted in a moving vehicle must be wearing seatbelts correctly and the seatbelts must be visible; appropriate safety gear should be worn when performing certain sports. In some instances, Clearance will request that a "dramatization only" video disclaimer or similar words to that effect be added to the commercial when showing unsafe acts.

Violence: even comedic violence can be found to be excessive. For example, hitting someone or something with an object.

Sexual innuendo: this may not be appropriate for all types of programming and suggested scheduling restrictions and rating codes may be assigned when necessary. Please refer to the guidelines section entitled "Sexual Innuendo" for further information.

Moral, legal and/or ethical issues in modern-day society: the encouragement of an illegal activity, inappropriate behaviour or the bullying of others is unacceptable.

Legality: It is the responsibility of the advertiser to ensure that the airing of a commercial is permitted by law and the review by Clearance does not include a review of the law. If an allegation is made that a commercial is illegal, Clearance may require from the advertiser's lawyer a copy of a legal opinion without material qualification indicating that it is within all applicable law. In some circumstances, Clearance may also require from the advertiser other assurances such as an indemnity.

Language issues: Profanity is not permitted. Depending on the context, some language may or may not be appropriate for all types of programming and suggested scheduling restrictions and rating codes may be assigned when necessary. Phrases or comments of a derogatory tone or that encourage the bullying of others are unacceptable.

Offers and Purchase Terms: All commercials that contain limited time offers, special financing offers, "Do not pay until" and "Do not pay the tax" offers, must adhere to the following requirements:

- "All" commercials that contain financing terms such as "0% financing" and "Do Not Pay Until...(Date)" must add a video super that indicates that the offer is based on approved credit or "O.A.C."
- For "all" commercials that contain an offer such as "Do Not Pay The Tax" or "We Pay The GST," a video disclosure statement will need to be added to the commercial to indicate how this is calculated at the time of sale or a "see store for details" video super will need to be added to the commercial.

BILLBOARDS

Please note that Clearance does not formally approve billboard messages as individual members administer their own billboard clearances. An example of a billboard spot would be, “This program is brought to you in part by (client name and slogan).”

Should the billboard message contain elements such as a sell line, special offers, sales or cost of product then it would fall under commercial clearance and would be reviewed by Clearance under the Clearance Guidelines.

CHILD DIRECTED ADVERTISING

Commercials which Clearance has deemed child directed as well as commercials that are to be broadcast during or adjacent to children's programming, must be submitted to **Advertising Standards Canada (ASC)** for review under The Children's Code.

Adherence to the Advertising to Children Guideline is subject to conditions of broadcaster licenses in Canada, with the exception of the Province of Quebec where advertising to children is prohibited. Please contact a Francophone Clearance Analyst for further explanation concerning this topic.

A Clearance approval number will be issued when a commercial has received ASC approval and when the message complies with all other Clearance Services Guidelines.

CLOSED CAPTIONING

Please note that Clearance does not formally approve Closed Captioning messages as individual members administer their own Closed Captioning clearances. An example of a closed captioning spot would be, “Closed captioning of this program is brought to you in part by (client name and slogan).”

Should the closed captioning message contain elements such as a sell line, special offers, sales or cost of product then it would fall under commercial clearance and would be reviewed by Clearance under the Clearance Guidelines.

COMPARATIVE ADVERTISING

Clearance Services of think^{tv} recognizes that, when used truthfully and fairly, comparative advertising provides the consumer with needed and useful information. However, extreme caution should be exercised. The use of comparative advertising, by its very nature, can convey information to the consumer that misrepresents the truth.

Therefore, Clearance Services believe that comparative advertising should comply with the following guidelines:

1. The intent and connotation of the commercial should be to inform and never to discredit or unfairly attack competitors, competing products or services. Emphasis should be placed on the relative benefits of the products or services rather than the defects of competitive products or services.
2. When a competitive product is named, it should be one that exists in the marketplace as significant competition. For example, it would be unfair to state “costs 40% less than Brand X” when Brand X has an insignificant share, but the other leading brands are comparably priced.
3. The competition should be fairly and properly identified when specific claims are being made about their products, but never in a manner or tone of voice that degrades the competitive product or service. Grimaces or disdainful voices should be avoided. In addition, products should be shown in comparable light (e.g. background colour, setting, light, music).
4. The advertising should compare related or similar properties or ingredients of the product, dimension to dimension, feature to feature. Comparative advertising should not isolate and highlight only the superior attributes of the product to imply overall superiority.
5. The identification of a competitor should be for honest comparison purposes and not simply to upgrade by association. If for example, one were stating that software replaces a particular model of software which holds the lion share of the market, the obvious intention of the use of the name would be to gain awareness by association.
6. If a competitive test is conducted, it should be done by an objective testing source, preferably an independent one, so that there will be no doubt as to the veracity of the test. In the event that internal tests are relied upon due to superior testing facilities and/or technology, an executive of the advertiser should verify the findings in writing and include an executive summary in layman terms of the research findings.
7. In all cases the test should be supportive of all claims made in the advertising that are based on the test and reflective (visually and/or orally) of the test represented in the ad.
8. The advertising should never use partial results or stress insignificant differences to cause the consumer to draw a false conclusion. Overall superiority should not be implied based on singular attribute differences.
9. The property being compared should be measurable and significant in terms of value or usefulness of the product to the consumer. For example, comparison of minute ingredients, such as the salt used in the pickles served on a hamburger, should not be the subject of comparative comment.
10. Comparatives delivered through the use of testimonials should not imply that the testimonial is more than one individual thought unless that individual represents a sample of the majority viewpoint. An advertiser cannot say through a third party testimonial what it knows to be untrue. (e.g., “I think this product is so much more effective than the leading brand”.)

11. Comparative advertising, by its nature, raises various legal issues, such as trademark and copyright. It is recommended that an advertiser obtain legal advice before submitting commercials to Clearance Services. Notwithstanding acceptance of a commercial for broadcast as always, the advertiser remains solely responsible for its content.
12. Clearance Services requires each advertiser to provide an Attestation Letter (on advertiser letterhead) confirming that all claims are true as well as provide a brief description of how they have been substantiated. Clearance Services makes no further enquiry and is not qualified to review test results or data provided by the Advertiser to support any such claims.

CONTEST ADVERTISING

Contests or prizes related to the promotion of products or services must comply with Canadian laws. It is important to note that Clearance Services does not provide a legal review. Therefore, advertisers using these marketing practices should seek the advice of legal experts in this regard first. Clearance Services will require a letter from the advertiser or its representative confirming that they have received a positive legal review on the rules and regulations of the contest promoted in their commercial messages. To avoid viewer confusion, each product and/or advertiser's name must be clearly displayed in the audio and video portion of a commercial promoting a contest.

DIRECT RESPONSE ADVERTISING

Direct Response Advertising (DRTV) refers to commercials that include all of the following elements:

- Directly encourages viewers to purchase products or services via the telephone and/or internet in audio and video, and;
- Discloses the actual price of the product or service in audio and video, and;
- Provides a station specific 800# and/or Url

For example; “Call now to order the new (product/service) for \$29.95” or “Order the new (product/service) online now at www...ca for \$29.95.” Once a DRTV commercial is approved, the letters “DR” will appear after the dash of the Clearance Approval Number i.e. C1234567-DR

Please note that the following purchase terms must also be displayed on the price screen (in a clear and concise manner) in video only for a minimum of 3 seconds:

1. Whether the price stated is in Canadian (CDN) or US funds
2. Plus applicable taxes
3. Plus shipping & handling *
4. When relevant, the advertiser should indicate that a money back guarantee does not include the shipping costs to return the product. For example, “30 Day Money Back Guarantee (Less S+H).”

* Point three is applicable to products that are offered without cost and where a shipping and handling fee will apply.

If the viewer will incur charges for placing the call please refer to the Phone Service Guideline.

Important To Note:

Offers and Purchase Terms: “All” commercials that contain; limited time offers, special financing offers, “Do not pay until” and “Do not pay the tax” offers, must adhere to the following requirements:

- “All” commercials that contain financing terms such as “0% financing” and “Do Not Pay Until ... (Date)” must add a video super that indicates that the offer is based on approved credit or “O.A.C.”
- For “all” commercials that contain an offer such as “Do Not Pay The Tax” or “We Pay The GST<,” a video disclosure statement will need to be added to the commercial to indicate how this is calculated at the time of sale or a “see store for details” video super will need to be added to the commercial.

DR Commercials must also comply with all other relevant Clearance Services guidelines.

ELECTION ADVERTISING

When either a federal, provincial or municipal election has been called, Clearance requests the following guidelines to be applied:

- That either the audio or video portion of the commercial clearly identify – for a minimum of 3 seconds – the person, corporation, trade union, registered party or registered constituency association who is causing the political advertisement to appear.
- That election commercials comply with all applicable federal and provincial law and in respect of a Federal Election, comply with all Broadcast Guidelines established under the Canada Elections Act.
- An indemnity letter from any non-government advertiser, (political parties for example) indemnifying thinktv and stating that the airing of the commercial is in compliance with all applicable laws and regulations in the Province where the commercial is to be aired.

If an election has not been called and a political party is submitting commercials for approval numbers, they must adhere to the **Issue and Opinion guidelines**.

GAMBLING ADVERTISING

The ability of the broadcaster to air commercials of any kind relating to betting or gaming including casinos, bingo parlours and lotteries (“Gambling Advertising”) is contingent upon compliance with a complex set of Federal and Provincial laws including the Criminal Code and Provincial licensing laws. It is the responsibility of the advertiser to ensure the legality of airing all its commercials and the review by Clearance does not include a legal review.

For all commercials that fall under Gambling Advertising, Clearance will require an Indemnity Letter from the advertiser stating that the gambling activity, as well as the airing of the commercial is in compliance with all applicable laws in the Province where the commercial is to be aired. In some circumstances, Clearance may also require from the advertiser a legal opinion from its lawyer.

There are some specific commercial requirements for each type of Gambling Category as outlined below.

Home Lotteries:

- The lottery license number must appear in video super.
- The advertiser name must clearly appear in both audio and video.
- A responsible use message must appear in video super i.e. “Please play responsibly.”
- If a ticket price is shown, the currency must appear in video super on the price screen i.e. “CDN Funds.”
- If claims are made and or testimonials are used, an Attestation letter will also be required from the advertiser.

Provincial Lottery Corporation Products (ALC, BCLC, ILC, LotoQuebec, OLG, WLC):

- The advertiser name or brand name of the lottery product must clearly appear in both audio and video.
- A responsible use message must appear in video super i.e. “Please play responsibly” or the corporate responsible use message required by that province.
- If claims are made and or testimonials are used, an Attestation letter will also be required from the advertiser.
- If there is a contest element, a Contest letter will be required from the advertiser or agency.

Casinos:

- The advertiser name must clearly appear in both audio and video.
- A responsible use message must appear in video super i.e. “Please play responsibly.”
- If claims are made, an Attestation letter will be required from the advertiser.
- If there is a contest element, a Contest letter will be required from the advertiser or agency.
- If the casino is located outside of Canada, please see point 11 below.

Free Play Only Online Gambling:

Advertising “for fun” gaming web sites which do not constitute gaming or betting, are treated separately by Clearance. In addition to the requirements below, an Undertaking Letter will be required to be signed by the advertiser that the site is for amusement purposes only with no

opportunity to gamble for real money or money's worth, that there are no links to illegal sites and there will be no contact made with users to promote any illegal sites.

Per the Undertaking, Clearance will also require a Canadian legal opinion without material qualification indicating that it complies with all applicable laws.

- The advertiser name must clearly appear in both audio and video and the url for the site must also be in audio and video i.e. "XYZPoker.net."
- A responsible use message must appear in video super i.e. "Please play responsibly."
- The statement "This is not a gambling website" or "Free Play Only Website" must clearly appear in video super.
- An age restriction disclaimer must clearly appear in video super.
- If claims are made or testimonials are used, an Attestation letter from the advertiser will be required.
- If there is a contest element, a Contest letter will be required from the advertiser or agency The Clearance Gambling Advertising Guidelines are as follows:

1. Gambling Advertising shall not imply directly or indirectly that the gaming or betting activity promotes or is required for social acceptance, personal success, financial success or the resolution of any economic, social or personal problems. More particularly, the Advertisement shall not:
 - i. imply the certainty of financial reward or the alleviation of personal or financial difficulties;
 - ii. encourage play as a means of recovering financial losses, whether from past gaming or betting or otherwise;
 - iii. present the gaming and betting activity as an alternative to employment or as a financial investment; or
 - iv. suggest that participation in such gaming and betting can enhance personal qualities, improve self-image or self-esteem.
2. Gambling Advertising shall not contain endorsements by well-known personalities suggesting that gaming or betting has contributed to their success.
3. Gambling Advertising shall not use individuals who are or appear to be minors, to promote gaming and betting. Nor shall it be targeted at minors.
4. Gambling Advertising shall not encourage or promote irresponsible or excessive participation in gaming and betting, or encourage people to play beyond their means, and shall incorporate positive messages encouraging responsible participation in gaming and betting, for example, "Keep gambling enjoyable, play responsibly." (Please note that wording requirements may vary by province.)
5. Where the Gambling Advertising includes camera shots of rooms such as casinos in which gaming or betting takes place, the shots shall highlight the customers, rather than money being exchanged, games being played or betting taking place. Long shots of casinos are acceptable.
6. Where Gambling Advertising shows alcoholic beverages, it shall show them in glasses only, with no brands being shown and with no visible or implied alcoholic beverage consumption being depicted.
7. Gambling Advertising shall not imply that a player's chances of winning increase the longer he or she plays or bets, nor shall it depict intrinsic luck as attaching to any part of gaming and betting.
8. The Advertisement shall not depict a pre-occupation with gaming and betting.

9. The Advertisement shall not depict winning as the most probable outcome of gambling, nor shall it misrepresent a person's chance of winning a prize.
10. Gambling Advertising shall not portray participation in gaming and betting as indispensable or as taking priority in life, for example over family, friends or professional or educational commitments, nor shall it suggest peer pressure to gamble or disparage abstention from gaming and betting.
11. Advertisements for foreign casinos (outside of Canada) may not make any direct references to gambling activities or promote gambling in any way (audio or video). Such advertisements must focus entirely on the other non-gambling attributes of the organization such as; hotel accommodations, dining, shows, and or spa facilities. Please note that receipt of a Telecaster Approval Number does not guarantee that all stations will air foreign casino commercials. Please contact all broadcasters included within the media buy for confirmation.
12. The advertiser must be clearly identified in both the audio and video portions.

INFOMERCIAL GUIDELINES

An infomercial is a paid commercial program that exceeds 12 minutes in length and promotes or sells products or services. The CRTC also requires that any commercial message exceeding 2 minutes in length adheres to the requirements indicated below, concerning the identification of paid commercial programming. In addition, infomercials may not be directed to children.

Advertisers selling products or services by direct response television must comply with the fulfillment practices set out in the Code of Ethics and Standards of Practice of the Canadian Marketing Association (CMA).

The purpose of this guideline is to provide all infomercial advertisers an effective guide in developing their programs for any type of product or service while recognizing there can be no clearly defined set of criteria that would be acceptable to all viewing audiences. No guideline can anticipate every possible permutation that may be problematic, however, Clearance expects every infomercial and its content to comply with the intent and spirit of this guideline. Therefore, all infomercials must follow these guidelines and where applicable must adhere to all Clearance Guidelines and Objectives set forth in these guidelines.

As such, Clearance will review infomercials to determine their approval in support of, but not limited to, the following criteria:

1. Each infomercial must be preceded and concluded with a clear and prominent video and audio disclaimer which states that the infomercial is indeed paid commercial programming. This announcement must also state the product or service being offered and the advertiser's name. For example: "This program is/has been a paid presentation for (name of service/product) and is brought to you by (company/advertiser name)." *Infomercials which are intended for adults only must incorporate a disclaimer in both audio and video which notify viewers that the paid programming contains content which is sexually suggestive, is intended for adults only and that all persons participating in the program are 18+. For example: "This program is/has been a paid presentation for (name of service/product) and is brought to you by (company/advertiser name). This advertisement is intended for adults only and may contain sexually suggestive content. All persons participating in the paid program are 18+." In addition to the above requirements, infomercials intended for adults only must display a video super throughout the programming which states, "Adults only."
2. Throughout the infomercial, prior to each (verbal) ordering opportunity, a clear and prominent video super must be displayed which indicates to the viewer that they are watching paid programming. An ordering opportunity is defined by the CRTC as a direct solicitation made by an on-screen host or through a voice-over, that provides information on how to purchase the product or service being advertised. In addition to the host, if a customer/audience member is giving a testimonial and suggests that viewers call, this will be considered a direct solicitation. The display of either a phone number, website address, a company name or address by itself does not constitute an ordering opportunity. Examples of a direct solicitation are "call now," "call the number on your screen," "here's how to order," "go to the phone right now." Direct solicitation applies to audio only. If "order now" or "here's how to order" appear in video only, this does not constitute a direct solicitation. A minimum of three video supers

indicating, “Paid programming,” must be displayed throughout an infomercial regardless of the number of call to actions. For infomercials which are greater than 2 minutes in length and not longer than 12 minutes, we will require a minimum of one “Paid programming” super to appear throughout the message.

3. Infomercials which solicit orders must clearly disclose the price and purchase terms in a video super next to or near the price:
 - a. Canadian or US funds;
 - b. Plus applicable taxes; and
 - c. Shipping and handling*

*Note: In the case where a money back guarantee exists, but does not include the reimbursement of the shipping and handling fees, there must be a video super on the screen which indicates, “Less shipping and handling.”

4. Infomercials presenting any first person testimonials citing or endorsing product use by persons who have been reimbursed for their participation must feature a disclaimer such as “actor portrayed, participants reimbursed or dramatization.” Wording and placement of this disclaimer is at the discretion of the producer.

5. Infomercials promoting consumer drugs, cosmetics, food, beer or wine will require preclearance through Advertising Standards Canada or Extreme Reach Clearances. If requested, Clearance will submit infomercials for clearance to the appropriate organization and, if a script is not available, Clearance will arrange for transcriptions at a nominal fee. If clearance is required through either Advertising Standards Canada or Extreme Reach Clearances, the clearance numbers are valid for the life of the infomercial unless the word “new” is being used.

6. Whenever product superiority and comparative claims are made an Attestation Letter from the advertiser stating that all testimonials by individuals appearing in the infomercial and all claims made throughout the program are true will be accepted in lieu of individual affidavits and documentation.

7. Advertisers of infomercials using an 800, 900, web site or any other variation and/or combination where the possibility exists that callers may incur a cost for using the service should pay particular attention to the Clearance Phone Service Guideline.

In addition to the requirements in point 1, these types of infomercials must also be preceded and concluded with a clear and prominent disclaimer in audio and video which states the total cost the viewer will incur for placing the call or accessing the website. For example:

“This program is/has been a paid presentation for (product name) and is brought to you by (company/advertiser name) and is intended for adults only and may contain sexually suggestive material. The cost of the call is (price) per minute OR charges may apply depending on the service selected (the maximum amount a caller may be charged must be stated. E.g. “up to \$35 CDN/call or starting at .50 CDN/minute up to \$5.99 CDN/minute”) and access is via a 900 number.

The cost of the call and access via 900 number must be mentioned in audio and video (this includes the opening and closing disclaimer) at least three times throughout the infomercial for a minimum of 5 seconds each time.

8. For chat lines, dating services etc., the infomercial must not contain any audio in the first person. For example: “call me,” “we’re waiting” or similar words to this effect. Also, you cannot have any scenes showing the models mouthing “call me,” “we’re waiting,” etc.

Cost for reviewing infomercials

The cost for the initial review of an infomercial is \$14.00 CDN per program minute, plus GST/HST/QST where applicable. Payment must be made through the Clearance Online System – logging in to Clearance - using credit card only.

When revisions are requested by Clearance for the purposes of compliance with the above requirements and Clearance Guidelines, there will be no charge for the first review, but for all subsequent reviews full charges will apply. Payment of the fee does not guarantee Clearance approval. However, Clearance staff will provide all reasonable assistance to achieve clearance.

Infomercials that have been altered by the advertiser subsequent to Clearance approval will be required to resubmit for a new Clearance number. However, the clearance of infomercial tags, e.g. a variety of different telephone numbers for the same infomercial will be cleared at no additional cost.

ISSUE AND OPINION ADVERTISING

Clearance will rule on the acceptability of commercials from governments, corporations, associations, or individuals when such advertising attempts to sway public opinion on an issue under public debate or of public controversy.

The ability to purchase and pay for commercial time cannot be the only criteria in accepting announcements which advocate a particular point of view on an issue of public concern, or on a government, political or social policy.

Each commercial will be judged individually on its own merit. Clearance suggests that any advertiser who is uncertain of the acceptability of any commercial component should submit a script or storyboard prior to producing the commercial. Clearance numbers which have been issued that fall under this category, will expire the day an election is called — whether federal, provincial, or municipal.

All commercials in this category must meet the following criteria:

- The advertising must not appear to be intentionally deceptive, erroneous or misleading.
- If claims are being made, Clearance will require an Attestation Letter from the advertiser stating that all claims are true, that they assume all responsibility for these claims and an Indemnity Letter from any non-government advertiser, (political parties for example) indemnifying thinktv and stating that the airing of the commercial is in compliance with all applicable law in the Province where the commercial is to be aired.
- The points of view expressed must be clearly identified as the opinions belonging to the advertiser.

The advertiser has two options for identification:

- The advertiser must be clearly identified in both the audio and video portions. The audio disclaimer and video super must be preceded by one of the following: “these are the opinions of,” “opinions expressed are those of,” “message brought to you by,” “brought to you by,” “sponsored by” or a similar statement.

OR

- The advertiser must be clearly identified in video only. The video super indicating the advertiser name must be clear, prominent, on screen for at least 3 continuous seconds and must occupy 1/4 of the screen size (vertically). The video super indicating the advertiser name must also be preceded by one of the following statements listed above such as “Message brought to you by” and the statement must remain on screen for the same 3 second duration as the video super indicating the advertiser name.

For election advertising, each commercial must comply with the all federal and provincial law. If an election has not been called, political party and third-party advertising may be considered Issue & Opinion advertising. The message must meet all legal, regulatory and Clearance requirements.

PERSONAL PRODUCT ADVERTISING

The sensitive and personal nature of this product category warrants that particular care be exercised when producing commercials promoting personal products. Some examples of products which fall under this category include feminine sanitary products, laxatives, haemorrhoidal products, feminine sprays, douches, personal lubricants, etc.

Due to the sensitivity of some products which fall under this category we may enforce a scheduling restriction for the broadcasting of such commercials. Commercials must comply with all other Clearance Guidelines.

PUBLIC SERVICE ANNOUNCEMENTS

Clearance defines a Public Service Announcement (PSA) as an awareness message from a Charitable, Government or Not For Profit organization that informs and educates the viewer about the purpose or mission of the organization. The PSA Message may also invite the viewer to participate in the organization's fundraising or donation appeal efforts to further the cause of the organization and ultimately benefit the community in some way. Please note that a PSA Message is not a forum for corporate sponsors to advertise or sell their brands or services.

PSA clearance is a two-step process that includes: Registration and PSA Message Review.

1. Registration

The organization (Charitable, Government or Not for Profit) must first register their organization to qualify for PSA Status. The registration forms may be obtained by contacting Clearance Services. PSA status will not expire, however, confirmation of not-for-profit or charitable status will be required annually. Clearance must be made aware of any change in status, should it occur prior to an annual check. Clearance reserves the right to revoke any Clearance number previously issued to an organization which no longer qualifies as a registered charity or not-for-profit organization, without further notice.

2. PSA Message Review

After completing step one, the organization may submit their script(s) online for review. Please note that Clearance will require the final production of the PSA prior to issuing a Clearance PSA Number. Clearance PSA Numbers are valid for one year and must be renewed each year along with registration.

The following points outline important content details to be aware of when creating PSA Messages:

- The name/logo of the organization listed on the Registration Forms must appear at the end of the PSA Message; at minimum in video only, for three continuous seconds and take up ¼ size of the screen vertically.
- If corporate sponsors will be part of the PSA Message, their identification will be limited to their corporate logo/name and or audio mention of their name. Corporate sponsors may not advertise their brands or services in a PSA Message. Please note that the identification of the registered organization must be more prominent than that of the corporate sponsors. Corporate sponsors may be introduced with the following line "with the (generous) support of these sponsors" and not "brought to you by these sponsors."

3. An Indemnity Letter will be required for all Not for Profit organization submissions.

PHONE SERVICE COMMERCIALS

Phone Service commercials promote various services (such as adult chat lines and all online dating services) that are available via telephone or internet whereby the consumer may incur charges for placing the call or using the website.

Commercials intended only for adult viewers must not contain elements of negative and/or degrading gender portrayal. Although creative material containing sexual innuendo and provocativeness is permitted, please refer to the Objectives Guideline and to the Sexual Innuendo Guideline. We also recommend that you seek guidance from a Clearance Commercial Analyst concerning this type of creative matter.

The following criteria are meant to provide guidance relative to the production of Phone Service commercials:

1. The advertiser responsible for the message must be clearly identified in audio and video. The advertiser must be identified using the contractual name listed with the phone service provider. The video portion must remain on the screen for five continuous seconds.
2. The terms of the transaction for all charges must be clearly defined in audio and video. The terms must appear in video for a minimum of five seconds. The following are a list of examples:
 - When charging a flat rate, you must indicate the rate. Eg. \$50 CDN per call. Also if the minimum charge for the call is the same as the maximum charge, a flat rate fee must be shown. For example, if the minimum charge the caller will incur is \$10 CDN, you may not indicate \$2 CDN per minute, 5 minute minimum.
 - When charging by the minute you must indicate the rate per minute. Eg. \$5.99 CDN per minute.
 - For per minute rates up to a maximum amount, you must indicate that rate as well as the maximum. Eg. \$.50 CDN per minute up to a maximum of \$50 CDN.
 - When various packages are available and prices may or will vary, the maximum amount that a caller may incur must be indicated.
 - If the advertiser is not charging for the call but toll charges will be applied, the term “long distance charges” must be used not toll charges.
 - Indicating “some charges may apply” or similar phrases or words to that effect will not be acceptable. The specific cost of the call must be disclosed.
 - If any taxes are applicable, this information must be indicated in audio and video.
3. Regulations regarding age must be clearly defined in audio and video. For example, “Callers must be 18 year of age or over”.
4. If the commercial is restricted to those 18 years of age and over a disclaimer in audio and video, on a blank screen, must precede the commercial. For example, “This commercial is for adults only and may contain sexually suggestive content. All persons participating in the commercial are 18+”.

Advertisers in this category must ensure that the images portrayed do not project promises that cannot be legally met. Advertisements must sell the service, not the model/actor. Therefore, there must be no audio in the first person. For example, “call me” is unacceptable. Also, you cannot have the model/actor mouthing the words “call me” or similar words to this effect.

Commercials must comply with all other Clearance Guidelines.

RATING CODE GUIDELINE

“All” Commercials, Infomercials and Public Service Announcements (PSA) will receive a rating code upon approval. The rating of each Commercial, Infomercial and PSA is the responsibility of Clearance. The rating code letter will appear after the dash of the Clearance Approval Number, for example C169PH01-G.

Commercials must accurately reflect the subject matter/content of the movie, video, video game, product or service being advertised. A script may be requested if the audio is not distinct or if foreign language words are used in which case a translation will be requested. Gratuitous violence or scenes that sanction, promote or glamorize violence will not be acceptable.

For video games, each commercial will receive a rating code based on commercial content and we will require the ESRB rating code that has been assigned to the game before a number can be issued. Consistent with ESRB practices, all video-game related commercials must include both audio and video mentions of the ESRB rating code. If the game is not rated, we may request the product to ensure the commercial accurately reflects the content of the game.

Advertisers not satisfied with Telecaster’s decision may send a written appeal to the Manager, Clearance Services. The commercial may be reviewed by an appeals committee whose decision is final.

Rating Code and Content

C-Child Directed Advertising

Advertising directed to children as defined in The Broadcast Code for Advertising to Children (Children’s Code). Advertising to children in Quebec is prohibited. Please contact a Francophone Clearance Analyst for further explanation on this topic.

G-General Audience

Commercial content is suitable for all viewers and will appeal to many people of different ages and tastes. There is little or no violence (physical, verbal, emotional); there may be scenes of adventure /fantasy violence (non-realistic or historical violence, non-bloodletting), mild language, and romantic involvement which is not sexually explicit.

M/PG-Parental Guidance

Commercial content reflects a theme suitable for mature audiences and may contain some background or non-detailed scenes of realistic violence (physical, fantasy, supernatural), horror, terror or sexual activity (nudity is unacceptable). Content may have mildly suggestive language (use of profane language is unacceptable).

Examples include; explosion scenes in the background in which no one is shown getting hurt, kissing scenes that are intimate but not the main focus of the commercial, or a dramatic car chase scene with gunfire but no one is shown getting hurt.

P9/14+ (Viewers 14 and Over)

Commercial content is suitable for viewers 14 years of age and older and may contain more detailed scenes of violence (physical, fantasy, supernatural), horror, terror or sexual activity. The content may deal with mature themes and societal issues in a realistic manner. Scenes may be accentuated with special horrifying sound effects (screams, creaking doors etc); quick flash cuts of the topics listed above that set a tone of horror and fear. Nudity and profane language are unacceptable.

Examples include; horror and action movies that have many scenes of horror and violence, people being shot at with a gun, fight scenes with multiple punches and kicks that make contact with other people in the scene, an intense kissing scene that takes over the commercial as the main focus (same sex kissing as well as heterosexual kissing) and scenes that build on sexual innuendo such as a couple coming out of an airplane washroom together in a way that implies some form of sexual activity may have been going on.

P11/18+ (Viewers 18 and Over)

Commercial content reflects a theme suitable for adult audiences only. The rating is reserved for commercials that show more extreme scenes of violence, horror, terror or sexual innuendo. Nudity and profane language are unacceptable.

Examples include; commercials that promote videos for extreme fighting/wrestling or extreme sports/stunts where people are getting seriously injured from a stunt that went wrong or from the action in the fight. Showing someone being set on fire or killed is not acceptable. A commercial/infomercial for an adult chat line service or adult video may also fall under this rating.

SEXUAL INNUENDO

Sexual Innuendo may not be appropriate for all types of programming and suggested scheduling restrictions may be assigned when necessary. Should a scene or scenes contravene the objectives and/or any of the guidelines, the scene(s) in question must be removed. The examples listed below are for reference purposes only and are not limited to the following examples:

- a. A commercial must not contain explicit sexual acts.
- b. There must be no voyeurism and must not contain any close-ups that focus on private body parts; e.g.: buttocks, breasts and/or crotches.
- c. There must be no self-stimulation; e.g.: no rubbing of breasts, buttocks and/or crotches.
- d. Commercials for adult store/sex toys should not demonstrate products in the use for which they were intended. Depending on the nature of the product, visuals may be restricted to wide pan shots inside the store with no product names, logos, or trademarks visible. An appropriate scheduling restriction will be applied depending on the nature of the commercial.

TEXT MESSAGING

1. The cost per message and the currency must be disclosed in both Audio and Video (i.e. US or CDN funds). The cost per message must be clearly articulated in the voiceover and the cost per message must be clearly displayed on screen wherever the call to action is displayed.
2. Specific messaging for the various categories of costs associated with text messaging services should be detailed by one of the applicable references below:
 - Standard Rate Programs: Notification that “Standard carrier messaging fees apply” must be communicated in both Audio and Video.
 - On-Demand Premium Rate Programs (i.e. no subscription element exists)
 - i. Cost per message must be indicated in both audio and video. Example as follows: “\$0.25 CDN per message received (or sent).”
 - ii. Notice that the charge will be billed on the customer’s wireless phone bill or deducted from their prepaid balance must be communicated, at a minimum, in video.
 - Premium Rate Subscriptions: In addition to the requirements in ii above, a subscription service must note the fact that it is indeed a subscription, the duration of the service (i.e. 2 weeks, 1 month, ongoing, etc.), frequency of message receipt (daily, weekly, etc.) or the premium charge interval if applicable. All of the above information must be clearly articulated in both Audio and Video.
 - A premium charge interval refers to situations where a person could subscribe for a charge of \$X in order to receive Y messages over a duration of Z time. (i.e. A person pays \$5 CDN to receive 30 messages each month from their favourite Hockey team).

NOTE 1: No program is to be promoted as “Free” when either premium fees or standard rate fees are associated with the program that the subscriber will have to pay with a reasonable level of participation in the program.

NOTE 2: In cases where an On-Demand Premium Rate Program or Premium Rate Subscription takes it upon themselves to add a reference to (a) above, the wording in (a) must be changed to “Standard carrier messaging fees may apply” to be accurate in the Canadian market.

3. The advertiser must be disclosed in both Audio and Video. The advertiser name that must be identified is the name of the service provider responsible for managing customer service inquiries related to the specific service being advertised.
4. The age restriction must be disclosed in both Audio and Video. If the service is applicable for all ages the following disclaimer must be indicated at a minimum in Video: “Under 16, must seek permission from bill payer or have parental approval.”
5. Instructions for how to cancel/unsubscribe from the service must be clearly articulated in both Audio and Video. The <STOP> keyword must be specifically noted as an available opt-out mechanism.
6. Instructions on how to acquire assistance and/or more program information from the service provider must be displayed, at a minimum, in Video. A complete website address or toll-free number must be clearly displayed on screen.
7. The fonts used in any supers for fulfilling any of the above guidelines must be sized at 50% or greater than the font used in the call to action display. The font used should be Arial and must be presented in contrasting colour to the background. Any supers providing program information must stay on screen for a minimum of five (5) seconds. NOTE: All supers relating to the cost/frequency of

the service as in points 1 and 2 above must be fully noted whenever the call to action is displayed superseding the 5 second guideline noted here.

8. Any voiceover information fulfilling any of the above must be at the same audio level as the rest of the spot. This voiceover can be read no more than 25% faster than the rest of the voiceovers in the spot.

VIOLENCE IN COMMERCIALS

In keeping with the CRTC and the Canadian Broadcast Standards Council's concern with the portrayal of violence in television programming, the Clearance Services of thinktv is extending this concern to the clearance of commercials.

Commercials which sanction, glamorize or promote violence may not be accepted. Commercials depicting violent scenes which are unsuitable for children may be given a suggested post 9:00 p.m. scheduling and in some cases a post 11:00 p.m. scheduling. If violent scenes encompass the entire commercial, the commercial may be rejected. Each commercial will be judged on its individual merit.

Commercials showing scenes of excessive or gratuitous violence or showing graphic depictions of delicate subject matters such as sexual assault will be subject to this scrutiny. Advertisers are asked to employ discretion in the use of graphic violence, for example, sexual or destructive violence.

Commercials should not sanction, promote or glamorize violence based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age or mental or physical ability. Commercials may utilize some aspects of violence for educational purposes.

In the case of comedic violence, depending on the context, certain allowances will be given. Please contact your Clearance analyst for further direction.