

Section I

# **ADVERTISING STANDARDS MALAYSIA**

## **i) ADVERTISING STANDARDS MALAYSIA**

The Advertising Standards Malaysia (ASA), formed in 1977, is an independent body that ensures the adherence of the self-regulating Advertising industry to the Malaysian Code of Advertising Practice in the print, outdoor, and cinema media, while setting industry standards for advertisements that are legal, decent, honest, and truthful.

### **ASA COMPRISES REPRESENTATIVES FROM**

- Association of Accredited Advertising Agents Malaysia
- The Malaysian Advertisers Association
- Malaysian Newspaper Publishers Association,
- Media Specialists Association,
- The Outdoor Advertising Association of Malaysia.

Its activities include investigating complaints, mediation, as well as updating the Code with amendments and improvements to meet the changing values and needs of society and to protect consumer rights

## **ii) ADVERTISING PRACTICE IN MALAYSIA**

The Malaysian Code of Advertising Practice (hereinafter referred to as “the Code”) is a fundamental part of the system of control by which Malaysian advertising regulates its activities.

The Code has been drawn up by organisations representing advertisers, advertising agencies, media agencies and the media owners. It is administered by the Advertising Standards Malaysia (ASA) whose members are drawn from the Malaysian Newspaper Publishers Association, Association of Accredited Advertising Agents Malaysia, Malaysian Advertisers Association, the Media Specialists Association and the Outdoor Advertising Association Malaysia.

The Code is supplemented by special conditions that may be required by individual media. The broadcast media, online services and other telecommunications and electronic media have their own Codes which are administered by the Communication and Multimedia Content Forum of Malaysia.

Responsibility for observing the Code rests primarily with the advertiser, but also applies to any advertising agency, media agent or medium involved in the publication of the advertiser’s message to the public.

## **iii) PREAMBLE TO THE CODE**

- 1.1 All advertisements should be legal, decent, honest and truthful.
- 1.2 Advertisements must project the Malaysian culture and identity, reflect the multi-racial character of the population and advocate the philosophy of “RUKUN NEGARA” which reads as follows:-

- Believe in God
- Loyalty to King and Country
- Upholding the Constitution
- Rule of Law
- Good Behaviour and Morality

- 1.3 Advertisements must not identify or type – cast any particular racial group or sex with vocations, traditional values and backgrounds.
- 1.4 A list of statutes affecting advertising is set out at the end of this Code.
- 1.5 Advertisements must comply in every respect with the Law, common or statute. Advertising should not propagate fraudulent trade practices.
- 1.6 No advertising material which tends to offend the proprieties or ethics generally observed by the community or contains terms, words or subject matter not generally considered acceptable in polite conversation should be accepted.
- 1.7 All advertisements should be prepared with a sense of responsibility to the consumer.
- 1.8 All advertisements should conform to the principles of fair competition as generally accepted in business.
- 1.9 No advertisement should bring advertising into disrepute or reduce confidence in advertising as a service to the industry and to the public.
- 1.10 Advertisements must be clearly distinguishable as such.

#### **iv) SCOPE OF THE CODE**

- 2.1 The primary object of this Code is the regulation of commercial advertising. It applies therefore (except as expressly provided) to all advertisements for the supply of goods or services or the provision of facilities by way of trade, and also to advertisements other than those for specific products which are placed in the course of trade by or on behalf of any trader.
- 2.2 In addition the Code applies, so far as is appropriate to advertisements by non-commercial organisations and individuals. The Code does not however seek to restrict the free expression of opinion in paid-for advertising space, whether by those engaged in commerce or by political parties, foreign governments, religious or charitable bodies, or other organisations or individuals, provided the identity of such advertisers is made clear, and the advertisements themselves are clearly distinguished from any editorial matter in conjunction with which they may appear.

- 2.3 Exclusion-Political and Election Advertising Malaysians are entitled to expect that “political advertising” and “election advertising” will respect the standards articulated in the Code. However, it is not intended that the Code govern or restrict the free expression of public opinion or ideas through “political advertising” or “election advertising”, which are excluded from the application of this code

## V) INTERPRETATION OF THE CODE

- 3.1 The Code is to be applied in the spirit as well as in the letter.
- 3.2 Additional regulations in the form of bulletins or otherwise, which may from time to time be published by the ASA, have the full force of this Code.
- 3.3 In assessing an advertisement’s conformity to the terms of this Code, the primary test applied will be that of the probable impact of the advertisement as a whole upon those who are likely to see it. Due regard will be paid to each part of its content, visual, verbal and aural, and to the nature of the medium through which it is conveyed.
- 3.4 For the purpose of this Code:
- (i) The word “advertisement” applies to marketing communication or advertising wherever it may appear in the printed form. It includes advertising in leaflets, circulars, posters, billboards, cinemas, advertising claims on packs, labels and point of sale material.
  - (ii) The word “product” includes goods, services and facilities.
  - (iii) The word “consumer” refers to any person who is likely to see an advertisement or a marketing communication.