

road-holding and top speed.

3. Advertisers should not portray speed in a way that might encourage motorists to drive irresponsibly or to break the law.
4. Vehicles should not be depicted in dangerous or unwise situations in a way that might encourage or condone irresponsible driving. Their capabilities may be demonstrated on a track or circuit provided it is clearly not on a public highway.
5. Care should be taken in cinema commercials where moving images may give the impression of excessive speed. In all cases where vehicles are shown in normal driving circumstances on public roads they should be seen not to exceed speed limits.
6. When making environmental claims for their product, advertisers should conform to the rules on Environmental Claims.
7. Prices quoted should correspond to the vehicles illustrated. For example, it is not acceptable to feature only a top-of-the-range model alongside the starting price for that range.
8. Safety claims should not exaggerate the benefit to consumers. Advertisers should not make absolute claims about safety unless they hold evidence to support them.

#### **PART 11 – Environmental Claims**

1. The basis of any claim should be explained clearly and should be qualified where necessary. Unqualified claims can mislead if they omit significant information.
2. Claims such as ‘environmentally friendly’ or ‘wholly biodegradable’ should not be used without qualification unless advertisers can provide convincing evidence that their product will cause no environmental damage. Qualified claims and comparisons such as ‘greener’ or ‘friendlier’ may be acceptable if advertisers can substantiate that their product provides an overall improvement in environmental terms either against their competitors’ or their own previous products.
3. Where there is a significant division of scientific opinion or where evidence is inconclusive this should be reflected in any statements made in the advertisement. Advertisers should not suggest that their claims command universal acceptance if that is not the case.
4. If a product has never had a demonstrably adverse effect on the environment, advertisements should not imply that the formulation has changed to make it safe. It is legitimate, however, to make claims about a product whose composition has changed

or has always been designed in a way that omits chemicals known to cause damage to the environment.

5. The use of extravagant language should be avoided, as should bogus and confusing scientific terms. If it is necessary to use a scientific expression its meaning should be clear.

#### **PART 12 – Database Marketing**

1. Advertisers should comply with all relevant data protection legislation. Guidance on this legislation is available from the Malaysian Communications and Multimedia Commission (MCMC). Although data protection legislation has a wide application, these clauses relate only to databases used for direct marketing purposes. The clauses should be observed in conjunction with the legislation; they do not replace it.
2. Advertisers should take all necessary steps to ensure that:
  - (i) Advertisements are suitable for those targeted;
  - (ii) Advertisements are not sent unsolicited to consumers if explicit consent is required;
  - (iii) Advertisements are not sent to consumers who have asked not to receive them or who have not had the opportunity to object to receiving them, if appropriate. Those consumers should be identifiable;
  - (iv) Databases are accurate and up-to date and, if rented, bought, etc., have been run against the most relevant suppression file operated by the relevant Preference Service. Reasonable requests for corrections to personal information should be acted upon within 60 days;
  - (v) Anyone who has been notified as dead is not mailed again and the notifier is referred to the relevant Preference Service; and
  - (vi) If asked in writing, consumers or the ASA (with consumers' consent) are given any information available on the nature and source of their personal details. Responsibility for complying with the above sub-clauses may not rest directly with advertisers but with other data controllers. Those responsible will be expected to comply.
3. Unless it is obvious from the context, or if they already know, consumers should be informed at the time when personal information is collected:
  - (i) who is collecting it (and the representative for data protection queries, if different);