

Advertorial Guidelines

So, what's the difference between sponsorship and advertising anyway? Aren't they the same thing? Isn't sponsorship just an advertisement with a sponsor graphic on it?

They're not quite the same, but they can sometimes be similar. A sponsorship announcement can contain advertising material, and in fact they often do. But if you mention that your program has been supported or funded by a company or business, even without putting in any advertising details, it still counts as sponsorship.

Even if you're acknowledging that you've received funding from a not-for-profit organisation, a charity, a government department or through a grant, it has to be counted as sponsorship.

Okay, so if sponsorship and advertising aren't the same thing, what exactly is sponsorship?

According to the Broadcasting Services Act 1992, a sponsorship announcement is an announcement "that acknowledges financial support by a person of the licensee or of a program broadcast on a service provided under the licence".

Any time C31 or a program mentions on air that it has been supported financially by someone else, that has to be counted as a sponsorship announcement. This is the case whether the support is in cash, or in-kind (i.e. contra).

Most commonly, sponsorship announcements on community television are acknowledged by placing a "Sponsor" graphic on a commercial spot.

Sponsorship can also be acknowledged verbally, by saying this like "This program was brought to you by..." or "Thanks to...".

A community television station like C31 can only broadcast seven minutes of sponsorship announcements in each hour of broadcasting. The sponsorship announcements can only be broadcast in-between programs or in the breaks within programs, but cannot be a part of the program content itself.

So you can't thank your sponsors as part of your program, but you can mention them in program billboards, or in spots placed in the breaks in the show.

This is true even if you're acknowledging support through a government grant or philanthropic donation.

Alright, so what's advertising then?

That's the complicated part. The Broadcasting Services Act 1992 states that a condition of community television licensees is that "the licensee will not broadcast advertisements".

Rather unhelpfully, it does not include any definition of what an advertisement actually is. This makes life difficult both for us as broadcasters, and for the Australian Communications and Media Authority (ACMA).

When a complaint is made, the ACMA has to determine whether a broadcaster has breached their licence conditions.

To assess this, the ACMA has used a definition of advertising from a High Court case finding, along with the dictionary definition of "advertisement".

The ACMA has concluded that an advertisement is "potentially any broadcast that is intended to promote a product or service, regardless of whether payment in cash or in-kind has been received by a licensee, or any employee, agent, contractor or volunteer of the service".

Promoting a product or service can cover a wide range of things. Obvious examples are giving out the address, phone number, email or website address of a

business; or saying how good a product or business is; or giving out the price of products.

Less obviously, a company's logo displayed on-screen will also count as an advertisement.

If I'm not allowed to get company logos in shot, how can I shoot anything?

There is an exemption. Material of an advertising nature may be included in a community television program if it meets two conditions:

- The advertisement is an accidental or incidental accompaniment to the broadcasting of the other matter.
- Payment (in cash or in-kind) is not received for broadcasting the advertising matter.

The classic example of this is televising a football match.

There will often be advertising banners around the edge of the ground.

They are allowed to be in shot because the main focus of the program is the football match taking place in front of the banners, and it would be impossible to film the match without getting the banners in shot.

So if I "accidentally" film my program in front of my sponsor's store, can I claim...

No. Firstly, if they're your sponsor, they've paid you something, so you wouldn't meet condition two.

But if you've clearly arranged your shot to get some advertising matter in frame, then it doesn't meet the accidental exemption in condition one either.

How about if I just put the sponsor's logo discretely in shot, without any contact details? Or what if it's on the shirt of my host, or a guest?

As noted above, even a company logo on its own without any contact details is still considered by the ACMA as an advertisement for the company.

If they are your sponsor and have paid you, it doesn't meet the exemption.

The golden rule is: don't mention your sponsors in your program at all, and avoid their logos.

How am I supposed to keep my sponsors happy if I can't mention them in the show? It's almost like they don't want us to make money!

Unfortunately, that's about right. The whole point of community broadcasting is that it's not for profit, and not commercially driven.

We do understand that that makes it difficult to make shows, especially when everything costs money.

But as long as I'm not being paid by a company, is it okay to have their logo in shot?

It still needs to be incidental to the main content of your show.

You can't stand in front of a Coca-Cola sign for ten minutes, even if you are talking about something completely unrelated.

What about if it's my own business? I'm not sponsoring myself!

Still not allowed, because you're deemed to have received some benefit by publicising your own business activities.

What about promoting the products or services of a not-for-profit organisation or government department? Does that count as advertising too?

Yes it does. It doesn't matter if the business is for profit or not.

The only exception is if the proceeds are going to charity (e.g. a fundraiser to help victims of a natural disaster). In that case, it is permitted to give details and encourage people to buy a product to support the charitable cause.

Can I be paid to broadcast community information or a community service announcement?

No. Any message you or the station are paid to broadcast has to count as a sponsorship announcement.

Can I review products?

Yes, as long as it's a genuine review and not just a sales pitch for the product. By now it should be unnecessary to add that to be safe you should avoid reviewing the products of your sponsor.

If I'm interviewing a performer or band, can I mention where they're performing, or that they've got a CD out?

Yes, so long as it's a brief mention, and incidental to the main topic of the interview. If you keep repeating where the band is playing, where a theatre production is on or where they can purchase the album, it will no longer be judged as incidental to the interview.

If I'm running a competition, can I mention the prizes?

Yes, you can give a description of the prizes so that people can judge whether to enter the competition or not.

You could say "The prize is a Panasonic TV worth \$2,500", because that's describing the prize. But giving a sales pitch on the prize, such as "This is a great TV, it has really vibrant colours and amazing sound" crosses into advertising, and as such is not allowed.

Can I put my sponsor's logos or contact details in the closing credits of my show?

No. Even if it's the closing credits, it's still considered advertising.

You can however name your sponsors (in text), as long as you don't display any logos, contact information or specific products.

So why do the rules keep changing? Isn't it hard enough already?

The ACMA decides whether something is advertising only when a complaint is made.

When complaints are made about things that haven't been considered before, the ACMA's decision may clarify something that was previously thought to be a grey area.

For example, in dealing with one recent complaint, the ACMA concluded that promoting a product that isn't available to buy in Australia, but is sold elsewhere in the world, is still an advertisement (because you could order the product from overseas).

To recap:

- You can't have your sponsor's logos or contact details anywhere in the program, and you can't thank them in the show itself. You can however do all those things in a sponsorship announcement.
- Even if a company isn't a sponsor, you should avoid getting their logo or details in the program as much as possible - only if it's a genuine unavoidable accident, and incidental to the content of the program.
- You can't name your program after a business, including your own.
- You can mention your website, but not a sponsor's website, or any other businesses website.
- Reviews and competition prizes are allowed as long as you don't talk up the product.
- Now go out there and make a great program!

What about my website, is that restricted too?

At last, some good news! Since your website is not part of the community television broadcast service, you can do whatever you like. If your website mentions C31, you must ensure that anything on your website does not bring C31 into disrepute.

Plug your sponsors, give their address, extol their products and mention prices.

You can mention your website in your program as well, saying something like "For more information on anything in this program, you can visit our website".

Just make sure that the website is clearly about the show, and not about your business. Plugging your businesses website in the program will be considered advertorial.

