

**MINISTRY OF THE POST AND TELECOMMUNICATIONS**  
**DECREE December 9 1993, n. 581**

**"Regulations relating to sponsorships of radio programs and offers to the public"**

(Published in Official Gazette n. 8 of 12 January 1994)

The Minister of the Post and Telecommunications

Given article 8, paragraph 15 of Law 6 August 1990, n. 223;

Given the Ministerial Decree of 4 July 1991, n. 439, concerning the regulation of radio and TV sponsorship;

Given article 3, paragraph 2 of Law Decree 19 October 1992, n. 408, ratified with amendments by Law 17 December 1992, n. 483;

Given article 9 of Decree - Law 27 August 1993, n. 323, converted with amendments by Law 27 October 1993, n. 422;

The need to change the rules on sponsorship of television programs adopted by Ministerial Decree 4 July 1991, n. 439;

Given the proposal of the guarantor for broadcasting and publishing;

After hearing the competent parliamentary committees;

Hearing the opinion of the State Council, expressed in the meeting of the General 28 October 1993;

Considered that the grounds for a ban on sponsorship of news or scientific programs whose content is in marked contrast to the nature of the sponsor, and do not conform to the principles of Community law and Directive October 3, 1989, n. 89/522/EEC, and can lead to difficulties of application and misinterpretation;

Given that Article 8, paragraph 5 of Law 6 August 1990, n. 223, prohibits the indirect advertising of tobacco products, but not said similar rules on sponsorship;

Given also the opportunity to put into order and professional colleagues independent assessment of compliance with ethical rules of membership;

Given article 17, paragraph 3 of Law 23 August 1988, n. 400;

Given the communication to the President of the Council of Ministers (the Prime Minister of Italy) made 9 December 1993 under Article 17, paragraph 3 of Law 23 August 1988, n. 400;

ADOPTS

the following rules:

Article 1

Subject of regulation

1. This regulation concerns the regulation of radio and television programs and for the purpose under article 3, paragraph 2 of Law Decree 19 October, 1992, n. 408, ratified by Law 17 December, 1992, n. 483, in Article report 8 of Law 6 August, 1990, n. 223, as supplemented and modified by the decree-law 19 October, 1992, n. 408, and article 9 of Decree-Law 27 August, 1993, n. 323, ratified with amendments by Law 27 October, 1993, n. 422.

2. The provisions set forth herein apply to both public and private dealership, except as otherwise expressly provided.

Article 2

Definition of sponsorship

1. Sponsorship for this purpose means any contribution by a company, public or private not engaged in business or radio or television production or broadcasting of audiovisual works to fund programs to promote its name, its brand, its image, its activities or its products if they do not do special promotional references to those activities or products.

2. The term sponsor means any single person who has sponsored radio or television.

3. Radio programs are sponsored also by natural or legal persons who, while not a legal entity, act professionally on behalf of one or more legal entities, pursuing, through sponsorship, to promote the name, logo, image, activities or products of the entity.

4. Not subject to the limitations imposed by this regulation are programs initiated by state administrations or public institutions, or public but not economic, as well as those for social utility generally recognised, promoted by foundations, associations and not

for profit organizations.

## Article 3

### Sponsored Programs

1. Programs sponsored shall meet the following criteria:

- a) the content and scheduling of a sponsored program may under no circumstances be influenced by the sponsor in such a way as to affect the responsibility and editorial independence in respect of broadcasts;
- b) they must be clearly identified as such and the name and/or logo of the sponsor at the beginning and/or end the program;
- c) they must not encourage the purchase or rental of goods or services of the sponsor or a third party, especially by making special promotional references to those products or services.

## Article 4

### Forms of television sponsorship

1. Sponsorship of television programs can be expressed exclusively in invitations to view and the offers of programs immediately preceding the program itself not in the acknowledgements of appreciation for the viewing or other messages at the end of the program (called "Billboards"), accompanied only by citation of name and/or logo of one or more companies, other than the dealership, excluding any advertising slogan and the presentation of these products or services.

2. Announcements or invitations to listen are also allowed, each no longer than eight seconds, for programs for which the transmission is provided by the dealer at a later time (so called "promos"), accompanied only by the rules and/or logo of the sponsor, to the exclusion of any advertising slogan of the presentation of products or services on this. The announcements or invitations are not to exceed the number of three for each program broadcast by dealers nationwide.

3. If the sponsored transmission is not less than forty minutes then the name or logo of the sponsor during the broadcast is allowed to appear once for a period no longer than five seconds. The program duration is determined by including the letters and evidence of the opening and closing and excluding any breaks, commercial breaks and any other type of interruption, including those due to technical reasons.

4. When the sponsorship is intended to finance a program of games or contests, products or services of the sponsor may be awarded as

prizes to individuals, including the statement that the prize was provided by the sponsor, on the condition to not illustrate or advertising slogans and to be punctual and discreet at the moment of delivery. In any event the admission to the game or competition or the award should not be conditional on proof of purchase of goods or services of the sponsor or third parties.

5. Except as stated in article 6, all forms of promotional communication which that present different or additional content or otherwise different form than indicated in the preceding paragraphs, must be considered advertisements for the purposes of article 8 of Law 6 August, 1990, n.223.

## Article 5

### Forms of radio sponsorship

1. The sponsorship of radio programs can be expressed not only in the forms referred to in paragraphs 1 and 2 of article 4, acoustic signals transmitted during the interruption of programs (known "Spot-jingles") accompanied by quotations only in name and/or logo of the sponsor, to the exclusion of any advertising slogan of the presentation of these products or services.

2. Notwithstanding the provisions of paragraph 2 of article 4, announcements or invitations to listen are not subject to numerical limits for each program.

3. When the sponsorship is intended to finance a program of games or contests, products or services of the sponsor may award a prize to individuals, including the statement that the prize was provided by the sponsor, on the condition to not illustrate or advertising slogans. In any event the admission to a game or competition or the award of a prize should not be conditional on proof of purchase of goods or services of the sponsor or third parties.

4. Except as stated in article 6, all forms of promotional communication which present different or ulterior content or form than indicated in the preceding paragraphs, must be considered advertisement for the purposes of article 8 of Law 6 August, 1990, n. 223.

## Article 6

Co-productions; suppliers of goods and services events, demonstrations sponsored events

1. It is not considered advertising:

a) the mere mention visual or auditory in the opening credits

and/or tail of a program, or the name or brand of a company that have contributed to the program as a co-producer, provided that the citation is not accompanied, in the program, any kind of promotional communication and co-producer on the companies they represent, means co-producer for the company, although not exclusively or primarily engaged in the activities of production, distribution or dissemination of audiovisual programs or broadcasting, which contributes to funding for a radio or television in response to the mere acquisition of shares of the rights of exploitation of co-production program, the rights to particular geographical areas or forms of use, or participation in its profits;

b) the mere mention visual or auditory, in the titles of head or tail of a program, the name or logo of companies, for consideration or free of charge, have supplied goods or services used for the realization of that program, provided that citation is not accompanied by any kind of promotional communication on the same suppliers;

c) the broadcasting of artistic content, cultural, sporting or other entertainment or information, relating to the reproduction of events, exhibitions or shows, not due to actions of the dealership and it has acquired the rights of recovery and/or transmission, although these events, sponsored events or events resulting in force for economic arrangements directly intervening between their organizers and one or more undertakings to which the dealership remained alien, it is regarded as forms of advertising, for the purposes of application of Article 8 of Law 6 August 1990, n. 223, quotes in form either visual or auditory name, logo, symbols, activities or products of the organizers and/or sponsors of the aforementioned events, during the commentary, if that quote is repeated, not occasional, not technically necessary, but not without avoidable injury to the smooth conduct of affairs. This last rule applies even if the sponsor of the event is the actual sponsor of the transmission.

## Article 7

Political, economic and financial news broadcasts.

1. Radio news broadcasts and newspapers referred to in paragraph 1 of article 10 of Law 6 August 1990, n. 223, and political, economic and financial news can not be sponsored.

2. Sponsorships are not permitted to provide counselling programs for consumers.

## Article 8

Tobacco products, liquor, medicines, medical

1. The programs can not be sponsored by natural or legal persons whose principal activity is the manufacture or sale of cigarettes or other tobacco products, the manufacture or sale of spirits, the manufacture or sale of medicines or the provision of medical treatment available only under prescription.

2. In order to determine what is the "principal activity" under subsection 1, reference must be the effect of sales of individual assets, whereby the core activity is more prevalent than any other of the firms activities in the country.

## Article 9

### Container program

1. If the program is included in a program sponsored container and is identified by specific symbols in the latter opening and closing or for film and television fiction, from the opening credits and closing credits, the information required article 8, paragraph 13b) of Law 6 August 1990, n. 223, and article 3, b) of this Regulation shall be placed at the beginning and end of each program content and not the container program.

2. The container program can not include more than one sponsored program for each full hour of transmission.

## Article 10

### Offers made directly to the public

1. Contracts for the supply of goods or services negotiated by undertakings other than the dealership based on offers made directly to the public on television are regulated for issues of protection of provisions of Article 9 of Legislative Decree, 15 January 1992, n. 50, and those referred to therein.

2. Broadcasts on the offers referred to in paragraph 1 must be clearly recognizable as such and kept separate from other programs into a space detached from any other editorial content. They must be defined by a special symbol of openness and closure to allow the public a clear perception of the particular type of program, for they shall apply the provisions of paragraphs 1 and 3 of article 8 of Law 6 August 1990, n. 223.

3. Broadcasts on deals in the first paragraph may be interrupted by ads and "break" advertising, provided these are clearly distinct from the transmission by optical or evident acoustic perception.

4. Objects, products or services covered by the public offers should be described precisely in their quantitative and qualitative elements. Television pictures must faithfully represent the objects, products, services and shall not result in ambiguity about

their characteristics and in particular the size, weight and quality. Tenders must be clear and comprehensive such as key elements i.e. price, guarantees, control the supply or provision.

5. Each transmission on the offers referred to in paragraph 1 shall have a continuous period of not less than three minutes, including opening and closing symbols.

6. The supply of products covered by Article 8 of this Regulation are prohibited.

## Article 11

### Offers made via radio

1. Offers made directly to the public through the radio will apply, in as much as compatible with the provisions of Article 10 of this Regulation.

## Article 12

Commercials, TV promotions, quotes, direct offers to the public:  
the limits of crowding

1. For the purposes of paragraphs 6, 7, 8 and 9 of Article 8 of Law 6 August 1990, n. 223, are for advertisements:

a) the messages sent by a company to promote the provision, for payment of goods or services;

b) Subject to the provisions of article 13 of this Regulation, the exhibition of products, the words or pictures of goods, services, the name, mark or the activities of a producer of goods or a service provider by the issuer (c.d. "Television - promotions"), to which the letter a) under a program sponsored;

c) non-occasional quotes, unnecessary and avoidable under letter c) of Article 6 of this Regulation;

d) All forms of promotional communication referred to in paragraph 5 of Article 4 and paragraph 4 of article 5 of this Regulation.

2. Except to the extent of crowding and daily schedule referred to in paragraph 7 of Article 8 of Law 6 August 1990, n. 223, the time spent by private dealers for broadcasting nationally featured in article 10 of this Regulation should not exceed 5 percent of the daily program under the 20 percent daily required by subparagraph of Article 9-a. 8 of Law 6 August 1990, n. 223, added by Decreed - Law 19 October 1992, n. 408, ratified by Law December 17 1992, n. 483.

3. Subject to the daily advertising limit and time referred to in

paragraph 9 of Article 8 of Law 6 August 1990, n. 223, the time spent by private dealers for broadcasting locally from other forms of advertising spots must not exceed the limit encompassing 35 percent daily indicated in paragraph 9-c of Article 8 of Law 6 August 1990, n. 223, added by Decree-Law 17 October 1992, n. 408, ratified by Law 17 December 1992, n. 483, and amended by article 9 of Decree 27 August 1993, n. 323, ratified by Law 27 October 1993, n. 422.

## Article 13

### Rules promotional communications

1. The provisions of paragraphs 1, 2, 3, 5 and 10 of Article 8 of Law 6 August 1990, No. 223, shall apply mutatis mutandis to all forms of communication considered in article 12 of this Regulation. They also apply the ban on subliminal advertising and other provisions contained in Legislative Decree 25 January 1992, n. 74.
2. Television promotions can not be placed over the news and programs in article 7.
3. Television promotions must be recognizable as such and kept separate from the rest of the program using the word "marketing message" for the duration.

## Article 14

### Regulatory Update

1. If there is a need to amend this regulation, the Minister of Post and Telecommunications on the proposal of the Guarantor and acquired the opinion of the relevant parliamentary committees, shall under Article 17 subsections 3 and 4 of Law 23 August 1988, n. 400.
2. This Regulation shall enter into force on the sixtieth day following its publication.

This decree, bearing the seal of the State, will be included in the official collection of normative acts of the Italian Republic. It is the obligation of whoever sees it to respect it and see that it is enforced.

Rome, 9 December 1993

