

Advertising standards for the UAE

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Upon publication in the Federal Gazette¹, the new Advertising Standards will serve to consolidate the various principles governing content in relation to advertisements in the UAE, reinforcing a number of fundamental edicts.

1. Objectives.

With a view to ensuring the advertising industry's conformity with the laws and regulations of the UAE, the new Advertising Standards are intended to:

- instill respect for the local religious, cultural and social values which prevail in the UAE;
- strengthen the freedom of expression of the media;
- establish the advertisement sector as one which contributes to the advancement of economic development in the UAE; and ensure that all advertisement content is:
 - impartial;
 - truthful;
 - respects the privacy of individuals; and
 - protects society from harmful influences.

2. Standards in relation to advertisements.

The Advertising Standards set out principles in relation to all digital and traditional advertisements broadcast or published through any media corporation and outlet in the UAE. Although, the Advertising Standards do not define the meaning of these terms, they may be interpreted broadly to include advertisements issued by shops, for example.

Many of the standards set out in the Advertising Standards reiterate principles already established under various existing legislations and regulations, while others introduce new rules governing advertisements and advertising content in the region. We summarize the main standards below:

- Respect for religion and political institutions:

Advertising content must be respectful of all divine religions and not offend Islamic beliefs. It must not disrespect the regime in the UAE and/or the symbols and political institutions thereof. Further, no content broadcast or published by a media corporation or outlet may disrespect the local and international policies of the UAE or disrespect the cultural heritage of the UAE.

- Prohibited products/services:

The Advertising Standards explicitly prohibit advertising alcoholic beverages, tobacco, smoking and all banned products or services including banned narcotics.

- Prohibited content:

The Advertising Standards prohibit the publication of words and pictures that breach public morals. They further prohibit the spread and dissemination of information that may prejudice children, women or any

other members of society. The Advertising Standards also prohibit the provocation of violence, hatred and sectarianism via advertising content.

- Privacy:

With a view to protecting the privacy of individuals, the Advertising Standards explicitly prohibit the broadcast and publication of misleading news and rumors.

- Consumer Protection:

The Advertising Standards mandate compliance with the laws governing consumer protection and commercial activities particularly in relation to anti-competitive practices and illegal monopolies.

- Health regulations

Advertising content relating to medicines or pharmaceutical products must comply with the rules set out by Cabinet Resolution No. 7 of 2007 Regarding Health Advertisements Regulation.

3. Requirements of advertising content.

The most notable requirement under these new Advertising Standards is that advertisements are now required to be in standard Arabic or the local Emirati dialect. Prior to the issuance of these Advertising Standards, there was no such requirement.

We summarize additional requirements in respect of advertisements below:

- All advertisements broadcast or published in the UAE must be clear and must not contain incorrect information. Advertisements must not create confusion between products. Misleading claims of a comparative nature that have a tendency to mislead consumers are prohibited. Additionally, statements relating to uniqueness that have a tendency to deceive consumers are also prohibited.
- The Advertising Standards prohibit the unlawful use of trademarks in advertisements. Advertisements must not contain fraudulent or imitated trademarks. The use of labels or pictures that are unrightfully used is also prohibited.
- Broadcast or publication of specialized advertisements, i.e. advertisements about medicines or pharmaceutical products, food products and promotions require special permission of the relevant authority prior to issuance. Similarly, advertisements relating to properties, universities and kindergartens must be approved by the relevant authority.

4. Enforcement.

The National Media Council is authorized, under the Advertising Standards, to apply various penalties for non-compliant advertisements. Such penalties may not be in isolation of any other penalties that may perhaps be imposed upon an entity under Federal Law No. 15 of 1980 Regarding Printed Matters and Publications. Enforcement of such penalties can occur against any or all of the “advertiser”, “producer” and “publication means” (the Advertising Standards do not define the meaning of these terms) where each of these can be liable for advertising content that does not comply with standards as set forth in these Advertising Standards.

Al Tamimi & Company’s Technology, Media & Telecommunications team regularly handles issues related to advertising and promotions. For further information please contact Sana Saleem at s.saleem@tamimi.com or Anita Siassios at a.siassios@tamimi.com.

1 - At the time of publication of this article, the Advertising Standards had not been published in the Federal Gazette. We expect this will happen in due course.