

TAPS | therapeutic advertising pre-vetting service

GUIDELINE 3	Mandatory Product Information on Television Commercials & Closed Captioning (for hearing impaired viewers)
General	
Last Updated	July 2016
What kind of product is this guideline for?	Medicines, Medical Devices, Related Products, Natural Health Products & Dietary Supplements, Health Services and Weight Programmes.
What is the purpose of this guideline?	To provide guidance on the development and placement of legislated or code required mandatory information in television and other digital commercials.

BACKGROUND

1. Legislation and the ASA Therapeutic and Health Advertising Code

For medicines, medical devices and related products there are legislated requirements (Medicines Act 1981 & Medicines Regulations 1984) with regard to product information that must be included in advertisements. The information required varies depending on the medicine classification or whether the product is a medical device or a related product. Refer to the legislation (Medicines Act 1981, Medicines Regulations 1984) or the Medsafe guideline 7, [Advertising of Therapeutic Products](#) or the TAPS Guidelines in the relevant sections, for details on the required information.

The ASA Therapeutic and Health Advertising Code has mandatory information requirements outlined in Principle 1, Guideline 1 (a) for Medicines, Medical Devices, Natural Health Products and Dietary Supplements, Health Services and advertisements for Weight Management. There is also a statement as follows;

This information shall be set out in a way (legible / audible) that ensures it can be readily understood by the audience to whom it is directed.

The Medicines Act is also clear that mandatory information must be present such that the target audience can read or hear it clearly. If the information is present but cannot be read or heard properly, then it would be deemed to be absent and the advertisement would breach the Medicines Act. The relevant section from the Medicines Act is;

Medicines Act 1981, Part 4, 57 (2). For the purposes of subsection (1), any words that must be included in an advertisement in order to avoid a contravention of that subsection shall, where they appear in an advertisement published by television or otherwise in a transitory manner on a screen, be disregarded unless they are exposed in clearly legible lettering for a length of time sufficient to enable them to be read by the ordinary viewer.

2. Commercial Approvals Bureau

The following statements were provided by CAB at the time of the introduction of wide screen televisions to assist advertisers with determining size, clarity and time of screen of mandatory information.

MANDATORY SUPERS ON TELEVISION FOR MEDICINES

In the question of size, duration and contrast there are some new variables to consider. With the changes in format to wide screen 16:9, as opposed to the old 12:9 we need to ensure that the mandatories, while they may be perfectly visible on the 16:9 format, will be reduced in size when displayed on a 12:9 TV set. The old recommended Swiss 12 point is no longer large enough for clarity.

It is recommended that the minimum font size for Medicine advertisements be 20 point in a plain font (See guidance and examples below). This will ensure clarity for all viewers, and ensure that we meet the requirement of the Medicines Act 1981 for such information to be clearly visible and able to be read by the ordinary viewer - Section 57 (2)

Studio conditions create optimum quality. Home viewing is likely to have a much reduced resolution which should be allowed for to some degree, but should be relevant to a modern TV set of average quality. A suggestion from an experienced vision editor/technical director was that if the benchmark of readability was for the viewer, **a super should be able to be read from a distance 5 times the height of the screen.** While that ratio may be debated it may be a practical way of setting a guideline.

3. TAPS

Execution of the mandatory information is as important as the content. There is limited time in a 15 or 30 second Digital commercial and there is the challenge in practical terms of the mandatory product information being clear enough to be read by the average viewer under normal broadcast conditions. There is the need to present a balance of the mandatory/risk information clearly whilst ensuring that there is not too much "clutter" in the advertisement. An ordinary viewer must be able to read (or hear) and assimilate the information.

Note: The Medicines NZ Code of Practice requires TV commercials for prescription medicines to be at least 30 seconds in time duration.

It is not a requirement to have all the information on the end panel. A better result is often gained when the mandatory information is split up and spread across a number of panels to improve clarity. Clumps of text more than 2-3 lines long are also difficult to read. Breaking up text onto different parts of the screen or on different parts of the advertisement helps readability.

Audio can be used in addition to help with the mandatory information. This is an effective way to include some information, particularly where there is important risk information and it **does not need to be repeated in the visual supers.** This also helps to reduce "clutter".

Many complaints about TV advertisements are not about the mandatory information but on the concept and creative. This will always be a grey area and it requires judgment on matters such as public taste and offensiveness. However the overriding principle of the Therapeutic and Health Advertising Code should be noted "Advertisers should observe a high standard of social responsibility particularly as consumers often rely on therapeutic products, devices and services for their health and well-being." Complaints Board decisions will often help to define this area for advertisers and certain decisions will be useful precedents.

TAPS recommends a two stage process for the review and approval of television commercials. Stage one is concept approval where the script, storyboards and positioning of the mandatory

information is considered. Stage two is final approval when production is complete. Advertisers should allow plenty of time for this process.

GUIDANCE

Font Size

The font size for visual supers should be large enough to read easily (particularly for some older people to whom medicine advertisements are often pitched).

CAB recommends 20 point (on A4) in a plain font, for example;

Arial 20 point

Garamond 20 point

Calibri 20 point

Times New Roman 20 point

Verdana 20 point

This 20 point font size should be identified to the TAPS adjudicators before Concept Approval is given.

Text should be able to be read from a distance 5 times the height of the screen

Clarity & Contrast

20 point font would be conditional on contrast (no bleeding), for example;

- In some instances a drop shadow would enhance clarity
- Print of any size can be compressed, which may lessen clarity
- Depending on background, black or white may be preferred, with or without drop shadow
- Text ALL IN UPPER CASE is more legible than Upper and Lower case
- The **thickness** of a stroke of a letter impacts on clarity – where an upstroke is thin and a down stroke is thick the thin stroke has a tendency to break up and obscure the text
- **Contrast is critical to clarity**
- **Boxed graphics** against an even and still background show up best
- Large amounts of essential text are best broken up and shown sequentially, or separately on screen

	<ul style="list-style-type: none"> ▪ Consider using a combination of Voice over and text for mandatory information. ▪ Background and movement also affect the readability of a super ▪ Preferred option is a plain background. Use a separate box or strip for mandatory product information which is independent of the visual, so is not affected by moving backgrounds and corresponding changing colour.
Duration	CAB recommends 0.2 of a second per word (5 words per second) as the accepted minimum standard. <i>For Therapeutic and Health Products / Devices / Services TAPS recommends 4 words per second.</i>
End Panels	Where there is an end panel it is better not to have other distractions or movement such as visual graphics.

CLOSED CAPTIONING OF TELEVISION COMERCIALS (MAY 2013)

As a television advertiser you want your message to reach as many people as possible. You may not be aware, but here in New Zealand, around 700,000 people are Deaf or hearing-impaired. Many of them are unable to access the audio message of television broadcasts and instead use closed captioning technology on their sets to view free-to-air channels.

However, while most programmes are captioned, the same is not true of advertisements, with very few captioned. Not only does this mean a significant segment of the community cannot access your message in full, they are in fact frustrated by those advertisements which cannot be understood without captioning. For this reason ANZA is partnering with The National Foundation of The Deaf to increase the proportion of and recommends that all television commercials be closed captioned, except where the advertising message is already clearly communicated visually.

You can simply and very cost-effectively increase the reach of your message and enhance your brand image by simply and very cost-effectively by reaching this audience with closed captioned commercials. This costs just \$200+GST per commercial for use cross all TVNZ and MediaWorks channels (details below).

We urge advertisers to support this initiative.

What are Closed Captions?

Closed captions are the visual (text) representation of the soundtrack of a video, film, television program, or commercial. In addition to dialog, closed captions include sound effects, speaker identification information, music notations, lyrics, and other key aural information. Closed captions are embedded in the television signal and visible, usually at the bottom of the screen, only when activated by the viewer. Closed captions are activated through the remote control or on-screen menu.

Closed captioning allows people who are Deaf or hearing-impaired to maximize their enjoyment of television programming and commercials. Your brand will be recognised as ones that cares about equal access and inclusion for all New Zealanders.

What do I have to do?

When briefing your agency on new creative, or updating existing creative, simply ask them to ensure your commercials are captioned. They will need to provide:

- The name of the advertiser / brand
- Key numbers of the ad(s)
- On-air dates
- The method of file distribution to the network (eg: DubSat, Ebus or Adstream)
- Expected delivery time

Alternatively, and to ensure this happens with all advertisements, your TVNZ Account Manager can arrange for all new material to be captioned as a default option.

What will TVNZ Access Services do?

Once the ads are ingested into the system at TVNZ, Access Services create captions for broadcast on TV ONE, TV2, TV3 and FOUR (currently SKY is unable to broadcast captions on commercials). They will provide high quality captions, conveying messages wholly and accurately, including music, tone-of-voice and sound effects. TVNZ Access Services will advise when the commercials have been captioned and can supply the captions to you or your agency if required.

For more information go to TVNZ Access Services at www.tvnz.co.nz/access-services

ANZA encourages your support of this initiative and looks forward to a time when all television commercials are closed captioned.