

Hungarian Advertising

CODE OF ETHICS

ADVERTISING. CLEARLY



HUNGARIAN ADVERTISING
SELF-REGULATORY BOARD
ADVERTISING. CLEARLY



Foreword	2
I. General rules	5
1. Article Scope of Application	6
2. Article Basic Principles	7
3. Article General advertising prohibitions and restrictions	8
4. Article Identification of advertising	10
5. Article Protection of the mother tongue	10
6. Article Protection of advertising ideas	11
7. Article Protection of individual rights	11
8. Article Privacy Policy	12
9. Article Liability for advertising	15
II. Specific rules on advertising	16
10. Article Prohibition of misleading advertising	17
11. Article Special rules on advertising for non-profit purposes	19
12. Article Protection of children and young persons (minors)	20
13. Article Sales Promotion (Promotion)	23
14. Article Advertising of weight loss products	24
15. Article Advertising of health products	25
16. Article Rules on advertising of cosmetics	26
17. Article Rules on advertising of food	28
18. Article Rules on the advertising of alcoholic and non-alcoholic beverage bearing the brand name of an alcoholic beverage	31
19. Article Rules on vehicle advertising	34
20. Article Rules on gambling-related advertising	35
21. Article Betting Tip Service advertising	37
22. Article Environmental advertising	38
23. Article Advertising of services which debit the telecommunications balance	40
III. Advertising in the digital space	41
Article 24 General rules	44
Article 25 Identification of digital advertising	45
Article 26 Terms of the digital offer	45
Article 27 Advertising with influencers	46
Article 28 Individually targeted unsolicited digital advertising	48
29. Article Online advertising for children and minors, and featuring children and minors	49
30. Article Online interest-based advertising (OBA)	50



HUNGARIAN ADVERTISING CODE OF ETHICS 2023



FOREWORD

The Hungarian Advertising Code of Ethics was drafted with the aim of serving as a collection of professional-ethical standards for those involved in advertising activities in Hungary, as well as to implement professional self-regulation - based on the provisions of the relevant EU directives recognizing self-regulation and the commitment and results of stakeholders of the advertising sector towards self-regulation - as recognized by the Hungarian Parliament in the preamble of the Act on the Basic Conditions of Economic Advertising Activities and the Act on the Prohibition of Unfair Commercial Practices against Consumers. The first Hungarian Advertising Code of Ethics was established by the Hungarian Advertising Association in 1981, as one of a kind in the whole CEE region. This set of standards reflected the Code of Advertising of the Paris-based International Chamber of Commerce on the one hand, and on the socio-economic circumstances of that era on the other.

As part of its accession to the European Union, Hungary committed to legal harmonization. This also resulted in the consolidation of the basic EU and national regulatory environment affecting the advertising sector. The new revised version is both justified and necessary based on both the practical experience gained in the application of the previous Code of Ethics, as well as the 2018 revised edition of the International Chamber of Commerce's Code of Advertising and Marketing Communication and the constantly changing legal and social environment.

The Code of Ethics does not generally refer to legal requirements, but takes them to be known. Naturally, the Code of Ethics is more detailed than legislation and sometimes can be more restrictive. However, it is still possible that codes of ethics in other professions and sectors contain specific provisions which are not necessarily relevant from an advertising point of view and are not included in this Code.

The Code of Ethics was reviewed and approved by the advertising industry on 4 April 2023, with effect from 30 June 2023.



Direct and Interactive Marketing Association
Federation of Hungarian Food Industries
National Association of Local Radios
Interactive Advertising Bureau Hungary
Hungarian Mineral Water, Fruit Juice and Softdrink Association
Association of Hungarian Confectionery Manufacturers
Association of the Hungarian Electronic Broadcasters
Hungarian Energy Drinks Association
Hungarian Cosmetic and Home Care Association
Branded Goods Association Hungary
Hungarian Marketing Association
Hungarian Advertising Association
Association of Hungarian Brewers
Hungarian Spirits Association and Product Council
Association of Dietary Supplement Manufacturers and Distributors in Hungary
Association of Hungarian Communication Agencies
Federation of Hungarian Event Organizers and Suppliers
Association of Hungarian Content Providers
Hungarian Advertising Self-Regulatory Board
OOH Association
Hungarian Association of Market Researchers
POPAl
Association of Radio Media Service Providers
Hungarian Chapter of the International Advertising Association



01.

General rules

▶ 1. Article ▶ Scope of Application

- 1.** The Code of Ethics is a set of norms for stakeholders in the advertising value chain in Hungary being advertisers, advertising service providers or advertising publishers for economic and non-profit purposes.
- 2.** The personal scope of the Code of Ethics extends to the members of the signatory organizations and all those who voluntarily accept its provisions.
- 3.** The Code of Ethics shall apply to advertising addressed both to an individual acting outside the scope of his/her business activity and to a person carrying out a business activity (an undertaking). (Hereinafter the "consumer".)
- 4.** The scope of the Code of Ethics covers all published advertising and applied commercial practices, including non-profit advertising non-profit purposes, with the exception of political advertising, political advertising, editorial content (including programme trailers), consumer classified advertising, advertising for medicines and medical devices, oral communications by shop assistants, official communications relating to public services, communications to the press.
- 5.** The Code of Ethics applies to all commercial practices directed at consumers, including all forms of marketing communication (hereinafter referred to as advertising), regardless of the form, place or manner in which they are displayed, including, for example, influencer (vlogger, blogger, gamer) communication, search marketing advertising, mobile applications and advertising published in them (e.g. in-app purchases), and content created in connection with a company or goods and services (hereinafter "products") in general. The Code also covers the content of online behavioral advertising (OBA) and its permitted ways of delivery to consumers.

▶ 2. Article ▶ Basic Principles

- 1.** The advertising must be lawful (legal) and (honest) fair, and the presented facts must be true (truthful) and accurate.
- 2.** Advertising must comply with all aspects of the law and shall not be unlawful.
- 3.** Advertising is fair if it complies with the legal and moral rules of fair market conduct generally accepted in market competition.
- 4.** The advertisement must be prepared in a professional manner and with a sense of social responsibility.
- 5.** Advertising, whether by its text, its visual elements, the overall impressions it creates or its nature, shall not be misleading to consumers.
- 6.** Commercial advertising is part of freedom of expression. In itself, the uncomfortable nature of the product or business being promoted does not make commercial communication unethical.
- 7.** Advertising shall not damage the reputation of the advertising sector or undermine public confidence in advertising.
- 8.** The advertising industry and its organizations act to ensure that commercial freedom of expression is respected at all times, within the framework of advertising self-regulation.
- 9.** The Code of Ethics must be applied both literally and in context.
- 10.** Unless otherwise defined by this Code of Ethics, in the case of conflict between the provisions of the Code of Ethics and a piece of legislation, the definitions of certain terms and expressions set out in the effective legislation shall prevail. Otherwise, the interpretation of generally accepted meaning in everyday life or in business-to-business advertising in the given profession shall prevail.
- 11.** In the assessment of advertising activities, the potential impact of advertising on society, having regard to the manner and place of publication, must be taken into account. Because of the different nature of advertising media, advertising which complies with ethical rules on one medium is not automatically acceptable when published on another medium.

3. Article **General advertising prohibitions and restrictions**

- 1.** Advertising shall not unduly contain elements or have an overall effect that is contrary to the generally accepted ethical and moral standards of society or to public taste in general.
- 2.** Advertising shall not contain any element or have any overall effect which encourages, promotes or justifies harm to human life, health or physical integrity, or damage to the natural or built environment or its elements, or to any property.
- 3.** Advertising shall not contain elements or have an overall effect that encourages, promotes or justifies antisocial behavior that is aggressive, violent or unlawful, that violates the objectives and values set out in this Code of Ethics or that is harmful or dangerous to public safety.
- 4.** Advertising shall not abuse the consumer's trust, exploit his or her inexperience, confidence, ignorance or vulnerability and pay particular attention to vulnerable target groups. Advertising should be careful and have a considerate cause to build on anxiety, fear of misfortune, fear of human suffering. Advertising should not exploit superstition.
- 5.** With the exception of advertising for non-profit purposes, advertising shall not create serious fears or fears that are unjustified for a wide range of consumers and are not comfortable with the nature of the product, or use shocking arguments or images merely to grab attention.
- 6.** The representation in advertising of natural, historical, scientific, cultural values or monuments shall not harm their appreciation.
- 7.** Advertising shall not offend any philosophical (including religious) convictions. Religious symbols, motifs and ritual elements of religious practice may be used in advertising only within the bounds of decency.
- 8.** Advertising shall not offend human dignity.
- 9.** Advertising shall not contain any discrimination, in particular any discrimination based on race, nationality, ethnicity, gender, age, sexual orientation, marital status, religious affiliation, disability, characteristic, birth or other status, or promote such views or incite hatred.

- 10.** A progressive, diverse representation of people in advertising – gender, age, ethnicity, occupation, social and health status (e.g. disability) – should be sought, and characters and roles should be presented without discrimination.
- 11.** National symbols may be used in advertising within the bounds of good taste, in particular to indicate the origin of products. Official symbols used in territorial administration (coat of arms and flag) may be used in advertising only with the prior authorization of the competent authority. The use of all these symbols must respect such authority.
- 12.** Advertising shall not contain any element or have any overall effect that encourages, supports or justifies the torture of animals. The presentation of aggressive treatment or harmful behavior towards animals is prohibited. Where animals are featured in advertising, care shall be taken to ensure that the way in which they are presented does not infringe general social expectations regarding the protection of animals.
- 13.** The representation of the human body as an end in itself, objectifying the human body is prohibited. Any advertising in which the person depicted is reduced to an object of sexuality or depicted as sexually available, irrespective of the product advertised, is prohibited. The depiction of the human body within the bounds of good taste is not objectionable, but the manner of depiction shall not infringe human dignity or the rights of the person.
- 14.** The advertisement shall not contain any sexual content that could be degrading to consumers.
- 15.** The advertisement shall not focus on the body or any part of the body of the advertiser as if it were an object or be presented in a degrading, alienating or gender-negative manner.
- 16.** Digital manipulation of body image in advertising should be avoided to protect a healthy self-image.
- 17.** Subliminal advertising is prohibited.
- 18.** It is forbidden to include in advertising any suggestion or reference to illegal substances, psychotropic substances or drugs that encourages their use or suggests their acceptability.
- 19.** No product should be sent to the consumer without prior authorization. The only exceptions to this rule are promotional gifts which the consumer receives free of charge and without obligation to buy.

▶ 4. Article ▶ Identification of advertising

1. An advertising must be clearly identifiable as such, irrespective of the place where it is published and the technical means by which it is published and sent.
2. In media including news and editorial content, the advertisement must be easily and clearly identifiable as such and the advertiser and/or brand must be identifiable.
3. Identification of the advertiser and/or brand is not a requirement for advertisements a short introductory advertisement that stimulates interest and remains non-identifiable (teaser).
4. Economic advertising that (also) refers to non-profit purposes must clearly show the economic nature of the advertising.
5. Advertising shall not be misleading in its way of publication for example, it shall not note impression of being a study, analysis or market research.
6. The name of the sponsor or the brand name, trademark or designation requested by the sponsor must be disclosed in such a way that the viewer, reader, listener or participant of the sponsored publication, programme, event, etc. can become aware of the fact of the sponsorship.

▶ 5. Article ▶ Protection of the mother tongue

1. The text of the advertisement may not be presented in such a way that it violates the basic grammatical rules of the Hungarian language, either in its overall effect or by using elements in foreign languages.
2. For advertisements in foreign languages that may be published under the legislation, the foreign language used is entitled to the same protection as the Hungarian language for Hungarian language advertisements.

▶ 6. Article ▶ Protection of advertising ideas

1. The creative concept of the creator of the advertisement and all the ideas contained therein and related to it are also protected by general protection.
2. Advertising shall not be so similar to the appearance, text, slogan, visuals, music and sound effects of another business's advertising as to be misleading or likely to cause confusion.
3. Where an advertiser has published its own distinctive advertising campaign in one or more countries, another advertiser must refrain from preventing the advertiser from extending the campaign to other countries by advertising similar to that published in another country.
4. With the exception of legally published comparative advertising, the unauthorized use of another brand's designation or trademark in advertising is prohibited.

▶ 7. Article ▶ Protection of individual rights

1. The advertisement shall not make unauthorized use of a person's name, likeness - including a drawing, other graphic representation, caricature, film footage -, sound recording, statement, research material or professional publication.
2. The advertising shall not lead to damage to the honor and good name - business reputation - of a natural person or a group of natural persons, legal entities or organizations. The advertising shall note memory or the historical or cultural respect to persons who are no longer alive.
3. Advertising shall not directly or indirectly damage the reputation of another operator or its brand or product.

▶ 8. Article ▶ Privacy Policy

- 1.** The processing of advertising-related data must respect and protect the right to informational self-determination and privacy and comply with applicable laws. Ensure that the processing and handling of personal data at all stages of the process is lawful, fair, purposeful, transparent and controllable by the data subjects and other data controllers.
- 2.** The use of personal data for advertising purposes requires, as a general rule, the data subject's voluntary, unambiguous and properly informed consent, which must be obtained from the data subject before the processing starts.
- 3.** The processing of personal data for the purposes of direct marketing (as defined) may exceptionally be considered to be in the legitimate interest of the controller carrying out the advertising activity, where the interests, fundamental rights and freedoms of the data subject do not prevail, taking into account the relationship and reasonable expectations of the data subject vis-à-vis the controller. Processing based on the legitimate interest of the controller should be interpreted narrowly by controllers, taking into account the practice of the public authority, and should be established by considering all the circumstances of each processing operation, taken together or individually. Data subjects should also have the right of objection (opt out) in this case. This possibility should be explicitly mentioned at the latest at the time of the first contact with the data subject and the information should be clearly displayed and separated from any other information. A balancing test should be carried out on the legitimate interests of the controller and the interests and expectations of the data subjects. Where, in the circumstances, data subjects do not expect processing for direct marketing purposes, the controller should endeavor to refrain from processing on the basis of legitimate interest.
- 4.** Where the processing is based on the legitimate interest of the advertiser or the advertising service provider, the data subject should be granted the right to object to the processing. If the processing is for direct marketing purposes and the data subject exercises his or her right to object, the controller should no longer process the personal data for those purposes and should erase them. Where the data subject objects to processing for direct marketing purposes, the data controller shall not be required to give any reason relating to his or her particular situation and shall have no discretion.

- 5.** When collecting personal data, the data controller is obliged to carry out the collection in a fair and transparent manner (transparency). The controller shall ensure that the data subject's right to adequate information is respected. To this end, the controller must draw up a privacy notice and make it available to data subjects. In a digital environment, where cookies or similar technologies are used, the information notice should also include the characteristics of the processing carried out by these means or provide a supplementary information notice (e.g. cookie notice) and the use of a consent management platform (CMP) is recommended.
- 6.** Personal data may be processed only for the time strictly necessary to achieve the purpose for which it was collected. If the processing is based on the consent of the data subject, personal data may no longer be processed on the basis of consent after the consent has been withdrawn. The withdrawal of consent shall not affect the lawfulness of processing based on consent prior to its withdrawal.
- 7.** If the advertising activity is linked to a subscription, registration, membership, event or campaign that occurs at a specific time or lasts for a certain period of time, such as a promotion, the personal data must be permanently and irreversibly deleted after the subscription, account termination, event ends, taking into account legal obligations and official practice.
- 8.** Data controllers are required to implement appropriate security measures to protect personal data against accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access, taking into account the costs of implementation and the state of the art, the sensitivity of the data and the risks, in order to ensure data security. For the purposes of data security, data controllers may use special measures, such as data security enhancing technologies (encryption, pseudonymization, aggregation). The lawful and appropriate use of the lists from a data protection and data security point of view shall be laid down in a written agreement between the list intermediary and the list user.
- 9.** When collecting personal data from a minor (under the age of 18), the controller shall make all reasonable efforts to ensure that the minor and the legal representative are adequately informed about the processing of the minor's personal data, whether knowingly or as may be reasonably assumed under the circumstances.
- 10.** In the case of a minor under the age of 16, the consent of the legal representative is required in all cases. In the case of a minor over the age of 16, the need for the consent of

the legal representative shall be determined on the basis of a cumulative assessment of all the circumstances surrounding the processing. In such a case, the nature and amount of personal data to be processed, the envisaged duration of the processing and whether the minor will only benefit from the processing should be assessed.

11. Where the prior consent of a legal representative is required, reasonable steps should be taken to verify that such consent has been given before providing personal data through digital interactive media, taking into account current practice in the authorities.

12. In the case of advertising to minors, the privacy notice must be provided in plain language that the minor can understand and must be easily accessible.

13. In the case of advertising related to digital online games, the participation of a minor in the game, the offer of a prize or any other activity involving a promotional benefit may not be subject to any condition that requires the provision of personal data in addition to the personal data strictly necessary for participation in that activity.

14. In the case of data processing in connection with advertising activities, the data controller is obliged to prepare a comprehensive, transparent and comprehensible information notice and to comply with the legal obligations in this respect. The privacy notice must include, inter alia, the name and contact details of the controller, a clear description of the purposes and legal basis of the processing, the retention period of the data, the rights of the data subject in relation to the processing, and the other recipients of the personal data processed.

15. The data controller must make the necessary information notice available to the data subject and, depending on the nature of the advertising activity, actively direct the data subject to the place where the notice is located. The controller shall provide further information at the request of the data subject within the time limits set by law.

16. The privacy notice should be easily accessible to the data subject and, in the case of online advertising, should be displayed in a clearly visible part of the internet interface, clearly distinguishable from the substantive content.

17. The controller shall take appropriate measures to ensure the exercise of the rights of data subjects, including:

- a.** provide the possibility to unsubscribe directly from any database containing any personal data provided by the data subject (so-called marketing lists);
- b.** unsubscribe from and withdraw consent for personalized interest-based advertising;

c. withdraw consent to the sharing of personal data with third parties;

d. ensure the correction of incorrect or inaccurate personal data stored about the data subject, such as name, contact details.

18. The controller shall take appropriate measures to ensure that the possibility for the data subject to withdraw consent to the delivery of commercial communications, including unsubscribing from the mailing list, is as clear, simple and easily accessible as the possibility to give consent. The controller shall respect the data subject's choice to no longer receive advertising messages by a particular means or through a particular platform.


19. In the event of a transfer to a third country that does not provide an adequate level of data protection equivalent to the level of data protection required by the applicable legislation, special care must be taken, taking into account the applicable legal restrictions, requirements and judicial and administrative decisions.

20. Care must be taken as to whether joint processing or the use of a processor is involved. In both cases, legal obligations should be taken into account and a written agreement should be concluded.

▶ **9. Article** ▶ **Liability for advertising**

1. In addition to the legal requirements, the advertiser must also fully comply with the rules of the Code of Ethics.

2. Both the advertiser and the publisher are liable for the advertisement with regard to the rules on display and the manner of publication, and also in the event that the identity of the advertiser cannot be established for reasons attributable to the advertiser.



02. Specific rules on advertising

10. Article Prohibition of misleading advertising

- 1.** Advertising shall not be misleading. In assessing what is misleading, the advertising must be considered as a whole.
- 2.** Advertising is misleading if it deceives or is likely to deceive a reasonably well-informed consumer who would normally act with due care and diligence in the circumstances. Advertising is not and cannot be a substitute for the information, knowledge and acknowledgement of the details of the contract of sale or contract for services.
- 3.** In the context of the enforcement of the principles of the Code of Ethics, special protection should be given to certain vulnerable groups of consumers (e.g. consumers who are vulnerable or vulnerable due to their age, social status, health reasons, people with disabilities).
- 4.** The information and facts provided in the advertisement about the characteristics of the product must be true and, where necessary, clearly supported by means of professional third-party investigation. The factual statement shall not go beyond the evidence and the evidence must be timely, relevant and scientifically substantiated. The evidence must comply with the sectoral rules, and the advertiser may use his own research only in accordance with the sectoral rules.
- 5.** The evidence to prove the facts must be available at the time of publication of the advertisement in such a way that the advertiser can immediately make it immediately available at the request of the self-regulatory body during the advertising ethics procedure.
- 6.** The consumer should be clearly informed whether the test result referred to in the advertisement is the result of a subjective (e.g. simple consumer opinion survey) or an objective (e.g. clinical trial) impact assessment.
- 7.** If the main message of the advertisement is that the consumer can contact the advertiser in order to make an optimal consumer choice, the information necessary to make contact without difficulty should be included in the advertisement.
- 8.** In the advertising of a new or substantially changed product, the term “new” may only be used for a reasonable period of time in relation to the normal life cycle of the product, up to a maximum of 1 year from the date of marketing or availability of the product. The term ‘new’ may not be used in a new or relaunched campaign after the advertising campaign for a new product was discontinued.

- 9.** When something is marked as “new” in advertisement, it must be clear from the advertisement whether it refers to the product as a whole or to one of its features.
- 10.** The advertisement shall not falsely suggest that the statement of facts it contains represents a general and widely accepted, verified scientific position.
- 11.** Advertising shall not use research results or quotations from technical and scientific publications improperly. Improper use of scientific and research results and terms is prohibited. In particular, the use of scientific terms and words in advertising shall not be used to falsely imply that the advertising is scientifically based. Where the use of scientific terminology is justified, it must be clear and unambiguous. The use of pseudo-scientific or confusing terms is prohibited.
- 12.** Advertising may only refer to market research results based on scientific methods. The technical parameters (methodology) and information supporting the substantiation of the results must be available at the time of publication of the advertisement in such a way that the party subject to the advertising ethics procedure can present them immediately.
- 13.** A testimonial, including a personal testimonial, to support or reinforce an advertising message may only be included in advertising if it is genuine, confirmable, relevant and timely.
- 14.** An advertising message published as a consumer opinion is a statement of fact, part of the advertisement and must be assessed as such. The integrity of an individual consumer opinion expressed in an advertisement cannot in itself be accepted as basis for the advertising claim. It is the responsibility of the advertiser to ensure that the consumer opinion contained in the advertisement otherwise complies in all respects with the requirements of the Code of Ethics.
- 15.** When advertising a product or service where, due to the way in which it is sold, the consumer’s choice is based solely on the advertisement (e.g. mail order, online sales), the advertiser should pay particular attention to providing accurate and detailed information.
- 16.** If the commercial advertisement states that the purchase of the advertised product is in the public interest or for a charitable purpose, it must clearly state the charitable activity of the advertiser or the proportion of the sales revenue from the sale of the product that is used for the purpose.
- 17.** In the case of commercial advertising linked to a donation, the advertiser must be able to prove that the donation was actually made.

- 18.** The advertising shall not take the form of an invoice or other proof of payment or otherwise create the false impression that the consumer is obliged to pay.
- 19.** Comparative advertising shall not be misleading, lead to confusion with a competitor or its products or discredit a competitor. Comparative advertising shall not disparage a competitor or its products or unfairly prejudice the interests of a competitor.
- 20.** Information on the rate of price reduction should not be presented in such a way that the reference to the rate provides for misleading impressions.
- 21.** It must be clearly indicated if the discount applies only to a certain part of the stock or if or not the eligibility of discount is subject to special conditions.
- 22.** Where the discount is not available in all outlets or distribution channels, the advertising must clearly indicate this fact, specify the outlets where the consumer can obtain the discounted product and provide a list of the outlets involved in the discounted sale.
- 23.** Advertising that omits material information about the product and its use is also misleading.

11. Article **Special rules on advertising for non-profit purposes**

- 1.** The contractor of any non-profit advertising must be clearly identified in such social advertisement.
- 2.** Advertising for non-profit purposes which contains an appeal for financial support or donations must clearly and unambiguously indicate the name of the beneficiary.
- 3.** Advertising for non-profit purposes may only create fear, contain a shocking element or dramatic presentation in a manner and to the extent necessary for the effective communication of the public interest objective or prevention to be communicated.
- 4.** In order to achieve obstacle free access to publication in audiovisual media services, advertisements for non-profit purposes must be subtitled in Hungarian by the customer with accurate subtitles in sync with the events on the screen.
- 5.** In advertising for non-profit purposes, children and minors may only be mentioned in an identifiable manner in justified cases, with the consent of their legal representative.

▶ 12. Article ▶ Protection of children and young persons (minors)

Definition: for the purposes of this Code of Ethics, a minor is someone under the age of 18. A minor is a minor under 14 years of age, and a juvenile is a minor between 14 and 18 years of age.

1. Particular attention must be taken when advertising to children and minors (together referred to as “minors”).
2. In assessing the advertising, the age and experience of the minor, the medium of publication and the context in which the advertising appears must be taken into account. Advertising that is acceptable to an adolescent may not be acceptable to a young child.
3. Advertising directed at minors shall not contain any statement, visual representation or sound effect which may be emotionally, mentally, morally and/or physically harmful, exploiting their acceptance, inexperience and emotional state.
4. The use of elements in advertising that sexualize or objectify minors and/or present them in a situation depicting or suggesting sexuality is prohibited.
5. Advertising aimed at minors shall not, in view of the content of its message and the way it is presented, present a bad pattern of behavior or negative moral values as acceptable or acceptable.
6. The language and imagery used in advertising to minors should be easy to understand, according to the age of the target group.
7. The human dignity of the minor must be respected in advertising and in the process of advertising. It shall be prohibited to place or present a minor in a humiliating, degrading, vulnerable, extremely ridiculous or degrading situation.
8. When advertising to minors, special care must be taken to ensure the identity of the advertisement, including when communicating with influencers (celebrities). Fictional elements of advertising, including fictional characters, should also be easily distinguishable from their original medium (content) for minors.
9. Advertising shall not suggest or imply that minors would feel that if they did not buy the advertised goods they would be shamed, ridiculed, unpopular in their own community or disadvantaged.

10. Advertising to minors shall not suggest that the advertised product will make the owner of the product better than others, provide for any advantage, or be a means of success or envy in his community, whether adult or child. This prohibition does not apply to factual claims about educational or health products.
11. The advertising shall not imply that if the child does not buy the product or use the service, the child or the person he or she has asked to buy it will be in breach of an obligation or promise.
12. Advertising shall not offend the authority of parents and guardians in the eyes of minors or encourage disobedience towards them.
13. Advertising shall not take unfair advantage of the trust minors place in parents and guardians.
14. The advertising shall not be misleading or deceptive as to the true nature of the product advertised to minors and its potential uses. In particular, the presentation of the product shall not underestimate or overestimate the age or skill required for its use. Exaggeration of the true size, value, durability or performance of the product is prohibited.
15. It is important to remember that the results presented in the advertisement can only be achieved by purchasing additional accessories, batteries and collectibles.
16. In advertising aimed at minors, the price shall not be misleading for minors, for example by suggesting a disproportionately low price. The cost of products advertised to minors should not be artificially lowered, for example by means of using terms such as “only”, “low price”, “lowest price”.
17. Advertising should not suggest that the purchase of the advertised product is easily accessible to all families without exception.
18. In the case of a prize linked to advertising, the discretion of the parent should be respected, in particular where the nature of the prize justifies it (for example, typically a parent-assisted device or event ticket).
19. When advertising or using a product where the advertising is combined with an opportunity to sell and/or use the service (e.g. advertising on the internet, in-app purchases or other advertising that encourages use by telephone call), the advertiser should pay particular attention to ensuring that minors obtain the consent of a parent or legal guardian before making a statement of rights to purchase goods or services.

20. When advertising to minors, the exact and detailed terms of the gift, competition or contest advertised must be stated in terms that minors can understand. The communication must be suitable for minors to understand the offer and its conditions accurately.

21. Commercial advertising shall not show minors in a dangerous situation. Advertising shall not promote dangerous or unsafe use of a product.

22. Advertising shall not show a child actor alone in a street environment, in a traffic situation, in a way that could be a source of danger for children of the age of the actor.

23. A minor in a traffic situation shall not be presented in a way that is in breach of the traffic rules in force.

24. Minors shall not be shown using or in the immediate vicinity of dangerous substances, equipment or devices without the direct supervision of an adult.

25. It is prohibited to depict children in advertising using medicines, medical devices or medical equipment alone.

26. Advertising to minors should not encourage them to seek or establish contact with adults they do not know for any reason, or to visit a place they do not know.

27. Advertising of sexual products in a media environment aimed at minors is prohibited.

28. Even in cases not prohibited by the applicable legislation, advertising in educational and social institutions for minors may only be carried out with the permission of the head of the institution. The obligation to obtain authorization applies to the nature of the product advertised, the content of the advertisement, the method of advertising and the place of publication.

29. School advertising shall not interfere with the teaching and educational work, especially with regard to school hours, the organization of teaching and lessons.

▶ **13. Article** ▶ **Sales Promotion (Promotion)**

1. The rules of this Article shall apply - in accordance with the general rules - to any advertising (commercial communication, marketing tool) which aims to enhance the sales value of the product by an added value, special offer (for example: price reduction, free offer, (online) coupon, prize, gift, test product, charity campaigns).

2. When using point-of-sale communications to promote sales (e.g. POS, hostess promotion, secondary placement), particular attention must be taken to comply with the provisions of the Code of Ethics.

3. The terms and conditions of the promotions and the details of how they are run should be transparent and easy to understand for all participants.

4. The organization and conduct of sales promotions should avoid behavior that is likely to cause legitimate consumer dissatisfaction or otherwise give rise to complaints. Satisfying the needs arising from the sales promotion should be prompt and efficient, applied equally to all participants and be fair to competitors and other market players. It is desirable that the conduct of the advertiser, participants and other persons involved should generally be such as not to create distrust in the promotions and sales promotions.

5. It is prohibited to base sales promotions on the bad reputation of competitors.

6. When promoting a sale, special care must be taken to ensure that the promised value of the gift or benefit is not exaggerated, misleading and/or the price of the advertised product is concealed or uncertain.

7. Appropriate controls should also be in place to ensure that the organization and conduct of sales promotions meet the reasonable expectations of consumers. In particular:

- The promised benefit (gift) must be available in an amount and within a reasonable time adapted to the expected needs, and in case of an unavoidable delay, the consumer must be informed and the necessary measures must be taken to remedy the delay.
- The defective gift must be replaced or the consumer must be compensated in an appropriate way.

8. Sales promotion communications should include all relevant information that can influence the consumer's decision. In particular:

- the essential conditions for participation and how to obtain the rules for participation,
- the essential characteristics of the proposed benefit (e.g. gift),
- the time frame/limit for participation,
- possible restrictions on participation (age, geographical limit, availability of other goods or services), limited stocks. If the offer is limited, the consumer must be informed of the possibilities of substitution or reimbursement,
- if a coupon, gift voucher, voucher is offered, the value of the voucher must be provided,
- the possible costs of acquisition,
- the exact name and contact details of the advertiser and, if different, where to lodge a complaint.

9. In the context of a promotion, particular attention must be taken in the processing of personal data which the consumer has provided where necessary.

▶ 14. Article ▶ Advertising of weight loss products

1. Advertising for a product that has a weight-loss or weight-loss effect shall not target minors and shall not set out any reference that is primarily interesting to such minors.
2. Advertising for a weight-loss product or a product with such an effect shall not claim or suggest that excessive, unjustified thinness is attractive.
3. Advertising for a weight-loss product or a product promising such an effect should not promise the extent or rate of weight loss.
4. Advertising a weight loss product or a product promising such an effect should not give the impression that dieters cannot fail in their weight loss.
5. The advertising of a functional garment that provides a short-term slimming effect should not suggest a lasting effect or be confused with weight or fat reduction.

▶ 15. Article ▶ Advertising of health products

1. The advertising of foodstuffs (including food supplements), cosmetics and any other products marketed as non-medicinal products or non-medicinal aids intended to solve or improve health or well-being problems shall not give the impression of being medicinal products or medical devices. The non-medicinal nature of the product must be clearly identifiable.
2. In the case of vaccines and related medicines, in addition to complying with the rules on advertising of non-prescription medicines, advertising authorized by law must clearly indicate the category of the product and, to this end, prominently display the words "the prescription-only medicine" and indicate that the advertising is part of an advertising campaign authorized by the competent professional authority.
3. Advertising for exercise and lifestyle programmes (e.g. diet) should recommend consumers to consider their health and consult a doctor before starting an exercise or lifestyle programme.
4. The information on the training and lifestyle programme must be clear and easy for the consumer to understand. The advertising of a lifestyle programme should not be based on fear and unfair exploitation of the consumer's condition or other circumstances
5. The use of scientific terminology or vocabulary should not imply that a product or lifestyle claim has scientific validity.

▶ 16. Article ▶ Rules on advertising of cosmetics

For the purposes of this Chapter, a **cosmetic product** is any substance or mixture intended to come into contact with the various external parts of the human body (epidermis, hair, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity, solely or principally for the purpose of cleaning, perfuming, cosmeticizing, protecting, protecting, maintaining in good condition or correcting body odour.

1. Statements of fact relating to cosmetic products may only be disclosed if they are adequately and verifiably substantiated, depending on the advertising claim, by means of measured tests, studies, consumer perception tests or publicly disclosed information. The statements of fact relating to advertisement shall be made by the advertiser in accordance with the available evidence.
2. Digital technology can be used in the visual presentation of a cosmetic product if it helps to convey brand personality, positioning or any specific benefits derived from the use of the product.
3. In advertising, pre- and post-production techniques such as styling, retouching, false eyelashes, hair extensions may be used under the following conditions:
 - the advertiser must ensure that the advertisement claiming the effects of the product is not misleading,
 - digital techniques shall not alter the image of models in such a way that their bodies or features are unlikely or misleading as to the effect that the product can achieve,
 - pre- and post-production work is acceptable only if it does not give the product characteristics or effects which it does not possess.
4. Models and post-production used in advertising should not promote an extremely thin body.
5. Clear exaggerations or stylized fashion images used in advertising, the content of which is not to be interpreted literally, and the use of techniques to enhance the aesthetic beauty of the image which are unrelated to the product or the effect being advertised are not misleading.

6. Customer reviews and expert recommendations can be used to highlight the qualities of cosmetic products or to create brand image. Customer reviews and expert recommendations:
 - can be used in the form of written or oral statements,
 - can only be used if they are credible, reliable and confirmable,
 - should not be used as a substitute for evidence supporting claims made for cosmetic products,
 - may be used in such a way that they do not contain false or misleading information about the nature, characteristics and results that the advertised product can achieve.
7. The opinions of celebrities, influencers, individuals and consumers may be used if they are expressed as a personal opinion or impression of the product. Reviews shall not be claimed by advertising as evidence of the effectiveness of the product.
8. Recommendations by medical, health and scientific experts on a product, ingredient or hygiene and beauty in general are acceptable if they are supported by appropriate and sufficient evidence. Experts should be selected on the basis of their qualifications, expertise and experience in the relevant field.
9. Cosmetic product advertising may promote the hygiene and health benefits of a cosmetic product to minors, in particular in the case of sunscreen, oral care and cleansing products (shampoo, soap, oral hygiene and acne concealer).
10. The advertising of decorative cosmetics and perfumes should not encourage their excessive use by minors.
11. Cosmetic product advertising, including visual material, shall not promote sexualization among minors.
12. Cosmetic product advertising should be designed in a way that does not take unfair advantage of consumers' environmental concerns or lack of environmental knowledge. Environmental jargon and scientific terminology are acceptable if it is relevant and easily understood by the target audience.

▶ 17. Article ▶ Rules on advertising of food

- 1.** The advertising of food and (beverages) drink (hereinafter 'food'), including the name of the product, shall not attribute to the product, or imply, any characteristic relating to the prevention, treatment or cure of human disease.
- 2.** Any claim relating to health must be approved and included in the list of permitted claims. The advertising must contain the authorized claim in a manner compatible with the wording of the list. The use of the claim must also comply with the quantitative condition.
- 3.** An on-hold claim can only be used if the advertiser has scientific data to support the claim. The quantitative condition must also be met when using the claim. The use of a pending claim must be discontinued immediately after its rejection or, if the rejection is made by legislation, as provided for in the legislation applicable to the rejection.
- 4.** Nutrition information should be presented in a clear and easily understandable way for the consumer. The use of scientific terminology or vocabulary should not imply that the product or lifestyle claim is scientifically substantiated.
- 5.** Food advertising should not encourage or condone excessive, unnecessary consumption, and portion sizes should be proportionate to the context in which they are presented.
- 6.** Food advertising should not state, suggest or imply that a balanced and varied diet does not generally provide adequate amounts of nutrients.
- 7.** Food advertising should not undermine the importance of a balanced diet or a healthy, active lifestyle.
- 8.** In food advertising where the product is presented as part of a meal, the rest of the meal should reflect the principle of balanced nutrition.
- 9.** The text, sound and visual representations in the advertising of a food must accurately reflect the essential characteristics of the product as presented in the advertising, such as taste, size, nutritional or health benefits of the product or its ingredients, and shall not mislead consumers as to any of these characteristics.
- 10.** A food product that is not intended to be a full substitute for meals cannot be presented as such.
- 11.** Nutritional or health-related comparisons must be based on objective, objectively substantiated, confirmable and clearly understandable grounds.

- 12.** Food advertising shall not negatively portray a person who is active and leading a healthy lifestyle and/or a promotional programme.
- 13.** The advertising of a food shall not mislead the consumer as to the possible health, physiological, social or other beneficial effects of consuming the advertised product.
- 14.** Food advertising should not undermine the role of parents and other adults responsible for the well-being of children and young people in guiding diet and lifestyle choices.
- 15.** The amount of the product in the food advertisement shall not be excessive or greater than would be reasonable for the person in the situation depicted to obtain, use or, where appropriate, consume.
- 16.** Food advertising should avoid showing food waste.
- 17.** The advertiser of a food product shall not use a media personality (live or animated), opinion leader or influencer in advertising aimed at children in such a way that it makes it difficult to distinguish between the programme or edited content and the advertisement.
- 18.** Food advertising featuring well-known characters from children's programmes may not be published in the immediate vicinity of such media content.
- 19.** Imagination, including animation, is acceptable in advertising to both young and older children, but care should be taken not to use children's imagination in such a way that it may mislead children about the nutritional benefits of the product concerned.
- 20.** Food advertising aimed at children should not encourage children to eat or drink just before bedtime.
- 21.** Food advertising to children or minors shall not claim or imply that consumption of the product will help to increase their status, popularity and success among their peers in the community.
- 22.** Advertising of food and non-alcoholic beverages aimed at children should not create a sense of urgency or disproportionate price reductions, for example by using the words "now" or "only".
- 23.** Advertising of food containing alcohol must also comply with the rules on advertising of alcoholic beverages.
- 24.** A food supplement is a food intended to supplement the traditional diet by providing nutrients or other substances with a nutritional or physiological effect in a concentrated form. The advertising of a food supplement shall not go beyond the maintenance of health and shall not that it meets the needs of sick people.

25. The advertising of the food supplement must also include an indication of the product category.

26. Infant formulae and follow-on formulae, processed cereal-based foods and baby foods, foods for special medical purposes and foods for weight control as a substitute for a complete daily diet are targeted at particularly sensitive groups of consumers and should therefore be promoted with particular attention, taking into account the requirements governing specific promotional and commercial practices for the product categories, including:

- the advertising of such products shall not be misleading and must provide information on the appropriate use of these foods,
- include information on the product category,
- not attribute to these products, or imply, properties relating to the prevention, treatment or cure of human disease. An indication of the prevention, treatment or cure of a disease shall not constitute compliance with the obligation, in the case of foodstuffs intended for special medical purposes, to indicate on the labelling and advertising of the product the name of the disease, disorder or health problem from which the product is intended to be used as a dietary food for persons suffering from such a disease, disorder or health problem.
- advertising of infant formulae and follow-on formulae should be designed so as not to discourage breastfeeding.

18. Article **Rules on the advertising of alcoholic and non-alcoholic beverages bearing the brand name of an alcoholic beverage**

The provisions of this Article shall apply to the advertising of all alcoholic beverages, except for medicinal herbal extracts and products made with them, and to the advertising of non-alcoholic beverages bearing the brand name of an alcoholic beverage.

- 1.** Alcoholic beverage advertising shall not state or imply that alcohol consumption is acceptable before or during the driving of any land, water, air, or cargo vehicle, including motorboats, jet skis, quad bikes, airplanes, or any personal or mechanically propelled device (e.g., electric scooter).
- 2.** The advertisement shall not suggest that it is acceptable to consume an alcoholic beverage before or during the operation of a dangerous device or during the performance of any dangerous leisure or work activity.
- 3.** Advertising of alcoholic beverages shall not present superior physical, sporting or mental performance as a result of consuming these beverages, nor must it present alcohol consumption during the performance of superior physical, sporting or mental activities. In particular, the advertising shall not create impression that the consumption of alcohol stimulates mental ability or physical performance or has any stimulating effect, for example when performing a task requiring great attention.
- 4.** Alcoholic beverage advertising shall not show alcohol consumption at work, during working hours or anywhere in connection with work. An exception to this is where the alcohol is shown in connection with the work of a professional associated with the product or its manufacture, for example in connection with a tasting session.
- 5.** Alcoholic beverage advertising should not condone or encourage excessive or irresponsible consumption, which may be indicated by the quantity of beverages consumed and the manner of consumption.
- 6.** Alcoholic drink advertising shall not show a person who appears to be drunk.
- 7.** Advertising of alcoholic beverages and non-alcoholic beverages bearing the brand name of alcoholic beverages should not suggest that drunkenness is a positive state.

- 8.** Alcoholic drink advertising should not present abstinence or moderate consumption as a negative.
- 9.** Advertising of an alcoholic drink that includes a sales promotion shall not encourage excessive or irresponsible consumption.
- 10.** Advertising of alcoholic beverages shall not associate the product or its consumption with violent, aggressive, dangerous or antisocial behavior.
- 11.** The advertising of alcoholic beverages and non-alcoholic beverages bearing the brand name of alcoholic beverages shall not claim or imply that alcohol, or the consumption of alcohol, is a means of growing up.
- 12.** The advertising of an alcoholic beverage shall not create uncertainty about the nature and alcoholic strength of the product. It may include alcohol content as product information, but high alcohol content shall not be a focus element or give the impression that high alcohol content is a positive attribute of the drink.
- 13.** Advertising for low-alcohol beverages and non-alcoholic beverages bearing the brand name of alcoholic beverages shall not claim or suggest that the consumption of alcohol will prevent addiction or excessive consumption of alcohol.
- 14.** Advertisements for alcoholic beverages and non-alcoholic beverages bearing the brand name of an alcoholic beverage may include information about the composition of the beverage, such as calorie content, but may not combine this with health or weight-loss claims, unless permitted by law. Otherwise, legitimate, truthful, carefully used and confirmable claims about nutritional value, carbohydrate content and calorie content may be acceptable in certain circumstances.
- 15.** Advertising of an alcoholic beverage and non-alcoholic beverage bearing the brand name of an alcoholic beverage shall not claim or imply that the beverage has a therapeutic effect or that its consumption helps prevent, treat or cure a disease.
- 16.** Advertising of alcoholic beverages should not claim or suggest that alcoholic beverages can provide a solution to social or psychological problems such as loneliness, stress, boredom, difficulty in making relationships.
- 17.** The advertising of an alcoholic beverage shall not give the impression that the consumption of an alcoholic beverage contributes to sexual success, enhances sexual ability, attraction, or may lead to the development of a sexual relationship.

- 18.** Alcoholic beverage advertising should not claim or imply that drinking alcohol is a condition for social success or acceptance, or that it helps to overcome inhibitions or shyness.
- 19.** Advertising of alcoholic beverages shall not target groups at high health risk for drinking alcohol, such as pregnant or breastfeeding women, or show a person in a group at high health risk.
- 20.** Advertising of alcoholic beverages shall not be directed at children and minors, shall not set out visual or textual elements primarily aimed at attracting them, and the advertising of alcoholic beverages shall not include any person under the age of 25.
- 21.** Advertisements for alcoholic beverages and non-alcoholic beverages bearing the brand name of an alcoholic beverage shall not use any object, image, style, symbol, color, music, person/character (in particular cartoon characters, sportsmen, celebrities, influencers), real or fictional, which is or are primarily aimed at children and minors or which is or are closely connected with their mental or emotional world. A product or visual element that is primarily aimed at children and minors (e.g. brand name, logo, sports equipment, sport, toy) may not be used.
- 22.** Advertising of a non-alcoholic beverage bearing the brand name of an alcoholic beverage shall not be directed at children and minors, shall not set out visual or textual elements primarily appealing to them, and shall not include persons under the age of 18.
- 23.** For advertising of alcoholic beverages and non-alcoholic beverages bearing the brand name of an alcoholic beverage, media selection must ensure that more than 70% of the audience of the relevant medium, including social media, or, in the case of radio and television broadcasting, of the relevant programme, can reasonably be expected to be aged 18 or over. No alcoholic beverage or non-alcoholic beverage bearing the brand name of an alcoholic beverage may be advertised in any medium, including social media, or at an event or, in the case of radio and television broadcasting, immediately before, during or after a programme in which at least 30% of the audience is known in advance or can reasonably be expected to be under 18 years of age.
- 24.** A website promoting an alcoholic beverage or a non-alcoholic beverage bearing the brand name of an alcoholic beverage, or the brand's website and its own social media platforms, must clearly and prominently indicate that the website and its own social media platforms are only for people over the legal age for drinking/buying alcohol. To this end, the

advertiser must ensure that, in order to access the site, the user must provide his/her date of birth or declare that he/she is of legal age to visit the site.

25. The advertiser of an alcoholic beverage or a non-alcoholic beverage bearing the brand name of an alcoholic beverage must set age-related control filters for the user, if available in the relevant social media application

26. Advertisers of alcoholic beverages or non-alcoholic beverages bearing the brand name of an alcoholic beverage must post a clear warning on their social media platforms and on the website advertising the alcoholic beverage about responsible drinking.

27. The advertiser of an alcoholic beverage or a non-alcoholic beverage bearing the brand name of an alcoholic beverage must ask the visitor not to share the content of the website and its social media platforms with persons under 18 years of age.

▶ **19. Article** ▶ **Rules on vehicle advertising**

For the purposes of this Article, a vehicle is defined as any means of transport of passengers or goods by land, water or air, irrespective of the legal definition.

- 1.** Highlighting or emphasizing the speed or acceleration characteristics of a vehicle as a positive should not be the main message of vehicle advertising, but this should not prevent the advertising from including the top speed, acceleration and other data of the product.
- 2.** The display of top speed, acceleration, performance in vehicle advertising shall not show or suggest excessive excitement, aggression or racing.
- 3.** Vehicle advertising shall not promote or encourage reckless driving. In particular, it shall not promote a practice that is offensive, dangerous to the driver, others or the traffic environment, reckless or irresponsible.
- 4.** The vehicle advertisement may only show a driving situation that complies with all traffic rules, but may also show the capabilities of the road vehicle in a non-road environment.
- 5.** Vehicle advertising should realistically demonstrate the benefits of safety and driver assistance systems for driving. Vehicle advertising should not suggest that the vehicle's safety, driver assistance systems are a complete substitute for driver attention and vigilance, nor

should it suggest that the vehicle's capability allows it to be driven faster than the relevant traffic rule and situation or in complete safety.

6. Vehicle advertising shall not claim or imply that the technical characteristics of a particular model, brand or specific vehicle, as recognized in sport and competition, can be adapted to normal transport use without change.

7. Vehicle advertising shall not imply, especially when presenting the characteristics of off-road and all-wheel drive vehicles, that it is acceptable to destroy, damage or cause extreme harm to the environment and nature.

▶ **20. Article** ▶ **Rules on gambling-related advertising**

Gambling is a form of play in which, in return for the payment of money or the provision of property, the player is entitled to win money or other property prizes if certain conditions are met or if they occur, and in which the winning or losing depends solely or predominantly on chance. The object of the game is to match the outcome or result of the event and to obtain an additional prize, whether monetary or otherwise.

- 1.** Only games of chance that have been authorized by the competent professional authority may be advertised. Only an organization with a valid gambling license (also) for the territory of Hungary may advertise on the territory of Hungary.
- 2.** The advertising of a gambling product shall not contain misleading information, in particular with regard to the odds of winning or participating in the gambling game or the prize.
- 3.** The advertising of a gambling product shall not be based on exploiting an individual's concerns about money and recovering the material/financial loss, the amount lost.
- 4.** The advertising of a gambling product cannot claim that those who play for more/more money win more/more money.
- 5.** The advertising of a gambling product should not suggest that gambling is a solution to personal, professional or educational problems, personal or social failures.

6. Advertising should not build on any peer pressure that may arise in relation to a particular gambling activity, nor should it build on any disdain or negative perception of abstinence from gambling.
7. The advertising of a gambling product should not suggest that gambling is an alternative to work and therefore a solution to financial problems. The advertising shall not claim or suggest that gambling can be a substitute for an income from work.
8. Advertising of a gambling product shall not present gambling activity/participation in gambling in lieu of work or in a workplace environment.
9. The advertisement of a gambling product shall not suggest that the prize from gambling will enable the winner to have access to a real-life situation that provides him or her with unlimited opportunities.
10. The advertising of a gambling product shall not suggest that participation in or winning at gambling can improve personal qualities such as self-image, self-esteem, or that it can be a way of gaining control, superiority, recognition or admiration.
11. The advertising of a gambling product shall not claim or suggest that the winnings from gambling will increase sexual attraction or lead to or facilitate sexual relations.
12. The advertising of a gambling product should not encourage spending beyond the financial means of the individual.
13. Gambling product advertising shall not be directed at persons under the age of 18, shall not show or appear to feature persons under the age of 18, or use elements of their subculture.
14. The advertising of gambling products shall not exploit the susceptibility, credulity, inexperience or lack of knowledge of young and vulnerable people about gambling.
15. Advertising about the use of gambling proceeds for socially beneficial purposes may include persons under the age of 18.

▶ 21. Article ▶ Betting Tip Service advertising

Betting tip service: a service provided for a financial consideration whereby the service provider regularly provides advice (tips) on the expected outcome of sports betting events, on an online platform or at special betting sites.

1. The advertising of a betting tip service shall not make unauthorized use of the name of any gambling product or gambling operator.
2. The advertisement for a betting service must clearly state the identity of the service provider and that the advertised service is a betting service.
3. Advertising for betting tip services shall not be directed at, target or be particularly attractive to persons under the age of 18.
4. The advertisement of a betting tip service shall not contain a money-back guarantee.
5. The advertisement of a betting service shall not claim or imply that success is guaranteed or that players can earn a long-term income by following the advertiser's/service provider's picks.
6. The advertisement of a betting service shall not refer to the chance of profit, success or individual victory.

▶ 22. Article ▶ Environmental advertising

Environmental claim (“green claim”): any statement or representation concerning the environment or ecological aspects and their consistency which refers, expressly or implicitly, to the production, packaging, distribution, use, consumption, disposal or positive environmental impact of a product or company.

1. Advertising should be designed in a way that does not abuse consumers’ concerns about the environment and does not take advantage of any lack of consumer information about environmental awareness and environmental impacts.
2. The green claim must be true and accurate, and the advertiser must be able to back it up with evidence such as research, studies, test results or certificates.
3. A general green and organic claim (e.g. green, eco-friendly, environmentally conscious, eco, organic, organic) relating to the production, packaging, distribution, use, consumption, disposal or environmental impact of a given product or company cannot be used on its own, unless it is certified by a trademark of an authorized certification body, whether EU or national.
4. The green claim should be up-to-date, taking into account in particular the legislative environment, current sustainability practices, recent scientific findings and technologies relevant to the product and used in its life cycle.
5. The green claim cannot be exaggerated, the environmental benefits achieved cannot be presented as more significant or outstanding than the actual results.
6. The green claim in the advertisement must be easily understood by consumers.
7. Advertising about the advertiser’s environmental responsibility programme must make clear which element of the product, service or business activity is covered by the green claim.
8. If the advertisement features more than one product/product family, you should specify whether the green claim applies to a specific product or to all the products/product families featured.
9. The green claim must also be accurate whether it relates to the product as a whole, to a particular component, to the packaging or to an element of the packaging.

10. A green claim comparing a product with a competitor’s or the advertiser’s own previous product is acceptable if the advertiser can demonstrate that the product has an environmentally measurable benefit. In this case, the advertising shall not claim/imply that the product as a whole is environmentally friendly/environmentally friendly.
11. Advertising containing an environmental claim should not claim an environmental benefit as a specificity of the product or the producer/distributor if this is required by law or otherwise available to the consumer through normal practice in the relevant market.
12. An environmental claim for selective collection and recovery is acceptable if the recommended method of separation, collection, processing or disposal is available to a reasonable proportion of consumers in the area concerned.
13. An environmental claim that a product is degradable is acceptable if it will degrade completely within a reasonable period of time and return to the environment without releasing any environmentally harmful substances during degradation.
14. An environmental claim that a product is compostable may be accepted if it can be demonstrated that the product actually breaks down into usable compost, and such claims must also clearly state to the consumer whether the product requires industrial or household conditions for composting.
15. If waste management is mentioned in the advertisement, it is desirable to mention separate waste collection.
16. The portrayal of littering in economic advertising is not acceptable in any form, either in an urban environment or in nature.
17. Commercial advertising shall not show or imply as acceptable energy waste and thus behavior that is harmful to nature, or anything that works against the responsible management of natural resources.
18. In the case of car advertising, it is acceptable to show the car on almost empty roads and/or with only the driver. However, where a real-life image is presented as part of an advertisement, it is desirable to include more people in the vehicle and to include positive representations of public transport and/or alternative means of transport other than cars.
19. The use and display in advertising of single-use plastic products, the marketing of which is prohibited by national law, as accessories is also not acceptable.

20. In commercial advertising, it is forbidden to portray behavior that is harmful to the environment, both in the natural and the built environment. It is also prohibited to show harm, danger or its acceptability.

▶ **23. Article** ▶ **Advertising of services which debit the telecommunications balance**

Telecom balance debit service: the premium rate and any value-added service (voice, SMS, video) that the subscriber can use to debit his/her balance with his/her telecom operator and which is not a telecom service (e.g. marketplace shopping, fundraising, mobile parking, e-traffic sticker).

- 1.** The advertisement must clearly and prominently state the nature of the service (premium or non-premium), the description of the service, the exact gross tariff (in the case of subscription-based services, the regular tariff, its frequency and the expected tariff based on the nature of the service, e.g. typically for long calls). The advertisement must also include identifiable information about the advertiser, the direct contact details of the advertiser's customer service, not at a premium rate, and how to unsubscribe.
- 2.** Advertising for a service that charges a telecommunications bill shall not in any way suggest to the user that the service is free.
- 3.** Advertising for a service that charges the telecommunications bill shall not target a group of consumers who are not in a position to assess all the obligations involved in ordering the service, in particular the charges, and to make an informed choice.



03.

Advertising in the digital space

Definitions:

The term “digital advertising” refers to advertising in the digital space. This chapter applies to all participants in digital advertising and all advertising activities, regardless of their form, content or publishing platform. This includes, but is not limited to, the following forms and techniques of digital advertising:

The following are the terms already accepted in digital terminology, the text in brackets is a translation:

- Advergame - (Online game specifically designed around your product/brand)
- Applications - (Application)
- Promotional Blogs / Sponsored-Posts / Promotional Forums - (Promotional outlets)
- Influencer’s communications and brands - (Influencer communication)
- Email / SMS / MMS
- Gamification - (Use of game elements)
- In-game Advertising - (In-game brand advertising in video games)
- Paid-for links - (Search ads)
- Native advertising - (Native advertising)
- Connected objects - (Connected smart devices)
- Behavioral advertising and retargeting - (targeted and retargeted advertising based on browsing behavior)
- Augmented reality - (Augmented reality)
- Social Network - (Social media platforms)
- Video on demand / Connected television
- Teasing - (Teaser communication)
- Virtual world - (Virtual world)
- Viral - (Viral marketing)

Online advertising is a subset of digital advertising. A characteristic of online advertising is that it requires a live internet connection to operate.

Individually targeted communication: a communication sent to an email address, social media message, mobile phone number (e.g. via SMS) or other similar address that can be linked to an identifiable individual.

Behavioral advertising (OBA): a form of advertising that uses data collected from users’ online interests/behaviors to gather information about a user’s online activity on a given device and on different, unrelated websites in order to create ads tailored to that user’s interests and preferences.

First party data: all data that a service provider (website or app operator) collects about its customers or visitors.

Second party data: someone else’s first party data. The user (buyer) of the data acquires (buys) this data directly from the data owner under an agreement.

Third party data: data that is collected by others on other websites and from other sources and that is purchased and used by the advertiser for advertising purposes.

Third party: a person, company or organization that carries out OBA-related activities through a website or application that is not part of its own group of companies.

Special categories of data: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership, genetic data and biometric data revealing the identity of natural persons, health data and personal data concerning the sex life or sexual orientation of natural persons.

Explicit consent: an action taken at the consumer’s own discretion, when the consumer explicitly gives his/her consent in response to an invitation to process his/her data for advertising purposes.

▶ Article 24 ▶ General rules

1. Digital advertising should only take up a reasonable amount of the bandwidth available to the visitor, in particular in the case of advertising transmitted to mobile phones and other digital devices.
2. Digital advertising should not restrict the navigation options of visitors. In any case, visitors should be able to close, minimize or navigate away from the advertisement or the page containing it in one single movement without further advertising being displayed.
3. When advertising a product or service by digital means, where the advertising is combined with an opportunity to sell and/or use the service, the advertiser must pay particular attention to providing accurate and credible information, taking into account the specific characteristics of the device used (e.g. screen size, legibility of texts in the case of mobile phones). In particular, the use of internet or mobile technologies that mislead or otherwise harm consumers must be avoided.
4. When advertising on digital devices, in particular mobile devices/phones, particular attention should be paid to ensure that advertising that is specifically targeted at adults, age-appropriate or harmful to the personal development of children and minors is not delivered to children and minors.
5. You must respect any digital interactive media tools that have their own rules on acceptable commercial behaviour (e.g. news sites, forums, blogs and bulletins or wiki pages). You may only post advertising on a given platform if the platform clearly states that advertising may be posted there.

▶ Article 25 ▶ Identification of digital advertising

1. If digital advertising is individually targeted, this fact must be clear from its subject and content. The indication of the subject of the communication shall not be misleading and conceal commercial nature.
2. The commercial nature of products and product descriptions displayed by or on behalf of businesses must be clearly displayed and shall not be presented as coming from a consumer (including influencers) or an independent organization.
3. Businesses should take appropriate steps to ensure that the commercial nature of the content or social networking site they create/operate is clear and that the rules of this Code of Ethics and the relevant social networking site are respected by everyone on such sites.
4. When moderating social networking sites, it is forbidden to filter comments in order to keep only those that are favorable to the business. Comments that are abusive, insulting, mocking, unpleasant, derogatory or obscene may be deleted.

▶ Article 26 ▶ Terms of the digital offer

1. The consumer must be informed of the identity of the service provider, as required by law. The consumer must also be informed in advance of the steps to be taken to make a purchase or order a product, to obtain a service and to conclude a contract.
2. The general terms and conditions (contract) must be made available in such a way that the consumer can download, store and retrieve them.
3. In order to use the service, to make a purchase, i.e. to place an order, the consumer must provide data, and must therefore be given full and clear information in advance about the data management related to the data request.
4. The consumer should be able to check the data he has provided before any engagement and have the possibility to correct any data entry errors before placing an order.

5. If the digital advertisement contains an offer or promotion to encourage sales - e.g. discounts, gifts, contests, sweepstakes - the prior information must also cover the nature of the sales promotion and the conditions of its use.
6. Neither software nor any other technical means may be used to reduce the clarity of the offer and the conditions to which it relates, or to urge the consumer to make a decision that could influence his/her choice.
7. It is prohibited to put pressure on the consumer with an urgent message which may distort his/her choice and which may give the impression that the offer he/she is looking for is very popular or limited.
8. It is prohibited to indicate as free a service that the consumer would otherwise pay for at a higher price or by ordering an additional service.

▶ Article 27 ▶ Advertising with influencers

Influencer (opinion leader): a known person (e.g. public figure), a non-known person (e.g. consumer), a youtuber, blogger, vlogger, as well as a virtual person (e.g. robot, fictional character), personified character, animal, who or on whose behalf has created content or content created by another (e.g. (guest posts) on their own website, social media page, video sharing or other online platform for commercial purposes (for remuneration), regardless of the size of their following. The advertiser can use the influencer to influence the purchase of their product or service in the digital environment. The cooperation between the influencer and the brand can be ad hoc or long-term (e.g. brand ambassador), and can be established through intermediaries (agency, media company).

Influencer content is defined as any textual, audiovisual and/or photographic content published by one or more influencers in the course of or in connection with their promotional activities, regardless of the platform, for any economic benefit.

1. The influencer, the advertiser and the companies involved (agency, media company) are jointly and severally liable for the content produced and published in the framework of the cooperation.

2. It must be clear to the consumer that there is an economic interest and a business relationship between the advertiser and the influencer. The consumer must be informed in a clearly visible, unambiguous and understandable manner that the influencer is receiving remuneration for the creation and publication of the given post or content, i.e. that the given post/content is advertising.
3. The creation and publication of content by the influencer for commercial interest is considered advertising and therefore all general and sectoral rules on advertising apply.
4. Consideration is defined as any compensation, such as money, product, service, discount, or reciprocal service, that the influencer receives for content created and published or that is created to provide future collaboration or marketing reference. Consideration in kind from the advertiser should never be disguised as a gift. Thus, in the case of a quid pro quo, it cannot be said that the influencer has formed an uninfluenced opinion.
5. The display of the ad should be directly linked to the content in the first view, taking into account the specificities of different devices (e.g. smartphone, laptop, smartwatch, etc.) and social media platforms. It will not be accepted if the reference to the nature of the advertisement is not directly identifiable, but by other means such as clicking on the "Next" button. However, it is acceptable if additional information related to the advertisement is already published on the landing page.
6. The influencer must indicate if the content posted is advertising (e.g. "Advertisement"; "Ad", "Paid Content", "Sponsored Content") and, if using hashtags (#), must indicate the advertising character in the first position. The so-called advertising tag provided by the platform used to identify the content must also be used in Hungarian.
7. In the case of underage influencers, or if the influencer advertisement has an underage participant, special attention should also be paid to compliance with the advertising rules for children and minors.

▶ **Article 28** ▶ **Individually targeted unsolicited digital advertising**

1. The use of personal data for advertising purposes requires, as a general rule, the voluntary, unambiguous and prior informed consent of the data subject (consumer, natural person), based on appropriate prior information (content of the advertising request, possibility to unsubscribe and information on the processing), which must be obtained from the data subject before the processing starts.
2. Only with the prior, explicit, duly informed and separate from any other legal statement, sent electronically or in writing, consent of the data subject, direct marketing advertising may be sent by electronic means.
3. A request may be sent without the consent of the data subject only if:
 - the direct request for a first statement does not contain advertising,
 - contains only the name and designation of the undertaking,
 - provides the data subject with the possibility to opt-out,
 - draws attention to the possibility of unsubscribing, and the information on how to do so is clearly displayed and easily accessible, separately from all other information,
 - the consumer has the opportunity to be informed about the processing.
4. Requests where the data provided for a specific purpose is used for other purposes (e.g. other promotional requests - newsletter) are prohibited.
5. In the case of direct marketing advertising, the mere provision of the possibility to object, delete and opt-out is not sufficient to obtain the explicit prior consent of the data subject.
6. The data controller may encourage participation in a campaign (e.g. promotion) by subscribing to the promotional enquiry (e.g. double the chance of winning), but the subscription cannot be a precondition for participation, a specific prize or benefit.
7. Advertising may only be sent to a data subject whose e-mail address or telephone number has been obtained by the person or organization sending the advertising in accordance with the law and who has given his or her unambiguous prior consent to the sending of the advertising. Such advertising may only be sent by a person or organization which has obtained the consent of the consumer or which has obtained the addresses as a third party but through a person or organization clearly and prior to that authorized by the consumer.

8. If the data subject exercises the right to unsubscribe, the controller may no longer process the personal data and must delete them. In the event of an objection (unsubscribe) by the consumer concerned to the processing, no reason relating to his or her situation need be given and the controller has no discretion.
9. The unsubscribe must be provided at least as simply as the data subject has given his or her consent to the sending of the advertisement (e.g. in the case of an electronic declaration, the unsubscribe cannot be expected to be sent by post).

▶ **29. Article** ▶ **Online advertising for children and minors, and featuring children and minors**

1. The consent of a legal guardian is required for the advertising of children and minors under the age of 18 (hereinafter referred to as minors).
2. The minor in the digital advertisement and his or her legal representative must be informed in writing and in an understandable way before the start of the advertising about the subject of the advertisement and its concept, the details of the child's appearance in the advertisement, in particular about the child's ability, skill or specific life situation and how it will be presented, and the platform on which it will be used.
3. Advertising in the digital space is also prohibited from violating the human dignity of the child and from depicting children in humiliating, vulnerable or extremely ridiculous situations.
4. In the case of advertising in the digital space, particular attention must be paid to the protection of the privacy of minors, especially when it is in their own family, with their parents or friends, or in situations closely linked to their family life.
5. The advertiser must make all reasonable efforts to ensure that the minor or the legal representative is properly informed about the processing of the personal data of the minor concerned.
6. In the case of advertising to minors, the privacy notice must be provided in plain language that the minor can understand and must be easily accessible.

7. In the case of advertising related to digital online games, the participation of a minor in the game, the offer of a prize or any other activity involving a promotional benefit may not be subject to any condition that requires the provision of personal data in addition to the personal data strictly necessary for participation in that activity.
8. Advertising to minors should not make it a condition of participation in a game or the giving of a gift that minors meet strangers online or offline and go to unknown or unsafe places.
9. Video game advertising should include the age rating of the product, including industry practice on age rating.

▶ 30. Article ▶ Online interest-based advertising (OBA)

The aim of **online interest-based advertising (OBA)** is to provide consumers with advertising that matches their interests, as determined by their previous browsing activity. The rules on online interest-based advertising refer to monitoring, whether over a long period of time and across multiple websites, to create interest/behavior-based consumer segments (a set of consumers who share one or more characteristics based on their past online behavior) and to deliver advertising to these consumer segments based on their preferences and interests.

1. Data collection for online interest-based advertising may include 1st party, 2nd party and 3rd party data for the sole purpose of optimizing the targeting effectiveness of advertising.
2. The rules on online interest-based advertising do not apply to the collection of data for legitimate interests, in particular 1st party data, which is related to the operation of the website or the proper functioning of the service provided by the website and which is not compatible with the collection of data for marketing purposes (e.g. optimization of targeting, statistics).
3. Transparency in the collection and use of data, as well as transparency in the rules on the authorization of consumer data for OBA purposes, is essential. The rules on OBA must be respected by those who carry out OBA-related activities.

4. If aggregated data, segment information, from which no data subject can be identified by reconstruction or any other means, are processed, no personal data are processed.
5. Third parties and website operators should make available to consumers a clear and unambiguous notice describing their practices regarding the collection and use of data in relation to OBA. This should include a clear statement of the type of data collected, the purpose of the collection, and a simple mechanism for the consumer to make a decision about whether to consent or opt-out of the collection. This can be verified by certification from AdChoices or another certification body.
6. The logo of AdChoices or another certification body may only be used if the company's conduct fully complies with the rules on the use of the logo.
7. A consumer's refusal to consent to the collection of data in relation to OBA should not imply a limitation of the services available to the consumer (e.g. taking away functionality, differentiating in the content available). However, it is possible for the website involved in the collection of data to provide extra services to the consumer participating in the collection of data related to OBA.
8. The data collector should operate a mechanism (consent management platform, CMP) that is easily accessible to consumers during the data storage period to facilitate consumer decision-making on the collection, use and transfer of data to third parties in relation to OBA.
9. Persons who collect data through certain technologies or practices and use it for OBA purposes are required to obtain the consumer's prior consent. In all cases, the user should be given the possibility to withdraw consent.
10. Data protection must also be ensured at a high and continuous level. If a data protection incident occurs, the necessary measures must be taken immediately, depending on the seriousness of the incident.
11. Data collected for the purposes of OBA may be kept only for the period for which the consumer has given his or her prior consent.
12. The collection of data that are considered sensitive - such as racial or ethnic origin, political opinions, religious or philosophical beliefs; trade union membership; genetic biometrics used for personal identification; health data; and personal data concerning sex life or sexual orientation - requires the prior, validated consent of consumers.

13. Personal data of minors for the purposes of direct marketing, profiling and behavioral targeted advertising will not be processed for commercial purposes.

14. Each participating company or organization is responsible for complying with the OBA data management rules.

