FOOD AND DRUGS AUTHORITY

GUIDELINES FOR ADVERTISEMENT OF REGULATED PRODUCTS

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1. INTRODUCTION

In exercise of the powers conferred on the Food and Drugs Authority (FDA) by Part Seven (7), Section 148 of the Public Health Act, 2012 (ACT 851) (hereinafter referred to as 'the Act') and in pursuance of Sections 59, 100, 103, 104, 107, 113 and 114 of the Act, these Guidelines are hereby promulgated for information, guidance and strict compliance by all concerned on the procedure and requirements for submission and consideration of applications for advertisement of food, drugs (allopathic, herbal and homeopathic medicines) and other regulated products, either locally manufactured or imported into Ghana.

These Guidelines contain specific requirements for alcoholic beverages, energy drinks, sweet beverages, allopathic/orthodox medicines, herbal and homeopathic medicines, food supplements, medical devices, cosmetics and household chemical substances.

NOTE:

a. Advertisement of tobacco and tobacco products in Ghana is strictly prohibited.
b. Advertisement of infant formula is strictly prohibited.
c. Any product registered for male vitality shall not be advertised.
d. Any herbal medicinal product registered for indications and supplements registered for health benefits that can be considered as POM or P shall not be advertised in the lay media.
e. Homeopathic medicines shall not be advertised in the lay media.
f. Applicants are encouraged to familiarize themselves with this document and the Act before applying for product advertisement.

1.1 PURPOSE

The purpose of these Guidelines are to ensure the following:

a. That advertisement of food, allopathic/orthodox medicines, herbal and homeopathic medicines, food supplements, medical devices, cosmetics and household chemical substances shall be conducted in a manner which is responsible and does not mislead or deceive the consumer;

b. The regulation of advertisements of alcoholic beverages so as to reduce the exposure of minors and vulnerable groups to such advertisements.

c. Instill responsible use of alcoholic beverages, sweet beverages and energy drinks; and

d. Provide industry operators of FDA regulated products with the requirements and the procedures by which advertisements shall be brought into compliance with the Act.

2. GLOSSARY

In these Guidelines, unless the context otherwise requires, the following terms shall have the assigned meanings:

'Advertise' the act of promoting by public notice, the purchase and use of regulated products including product launches and product promotions;

'Advertisement' includes a representation by any means for the purpose of promoting, directly or indirectly, the use, sale or disposal of a regulated product;

'Advertising' means the publicity of goods and description of products; this includes any form of notices in circulars, flyers, handouts, label wrappers, catalogue and price lists, branded items, newspapers, magazines and any other documents, made orally or otherwise or by means of projected light, sound recording, radio, live presenter mentions, television, billboards, mobile vans, social media and writings;

'Alcoholic beverages' means any drink that contains more than 0.5% ethyl alcohol. This excludes medicinal products;

'Applicant' means a legal entity applying for an advertisement;

'Aural' means any form of sound or spoken words;

'Authority' means Food and Drugs Authority (FDA);

'Claims' means any representation which states, suggests or implies that a product has particular qualities relating to its origin, properties, nature, processing, composition or any other quality. Justification in respect of any claim shall be in the light of current scientific knowledge;

'Codex' refers to the standards, codes of practice, guidelines and recommendations issued by the Codex Alimentarius Commission;

Cosmetics include a substance or mixture of substances manufactured, sold or represented for use in cleansing, improving or altering the complexion, skin, hair, eye or teeth and deodorants and perfumes;

'Designated Products' includes infant formula, any other products marketed or otherwise represented as suitable for feeding infants up to six months of age, follow-up formula, feeding bottles, teats and pacifiers and a product so designated by the Minister;

‘Drugs/Medicines’ includes

- a substance referred to in a publication mentioned in the Fourth Schedule of the Public Health Act, 2012 (Act 851).
- A substance or mixture of substances prepared, sold or represented for use in the diagnosis, treatment, mitigation or prevention of disease, disorder or abnormal physical state or the symptoms of it, in man or animal, or restoring, correcting or modifying organic functions in man or animal, and - nutritional supplements;

‘Energy Drink’ means a non-alcoholic beverage that typically contains ingredients such as caffeine, taurine and other stimulants which are marketed as boosting energy;

‘Food/Dietary Supplement’ means a manufactured product intended to supplement one’s diet by taking a pill, capsule, tablet, powder or liquid to provide nutrients to supplement the normal diet;

‘Food’ includes water, a food product, a live animal or a live plant, and

- a substance or a thing of a kind used, capable of being used or represented as being for use, for human or animal consumption whether it is live, raw, prepared or partly prepared,
- a substance or a thing of a kind used, capable of being used or represented as being for use, as an ingredient or additive in a substance or a thing referred to in paragraph (a),
- a substance used in preparing a substance or a thing referred to in paragraph (a),
- chewing gum or an ingredient or additive in chewing gum or a substance used in preparing chewing gum, and
- a substance or a thing declared by the Minister to be a food under section 147 (3) of Act 851;

‘Food Service Establishment’ refers to any place where food is prepared, packaged, served, stored, distributed from or vended, directly or indirectly, to the consumer. These include but not limited to hotels, restaurants, cafés, cafeterias, bakeries, snack bars, pubs, night clubs, mobile food vans, central kitchens and catering operations in educational bodies, hospitals, private clubs, groceries, supermarkets and petrol stations;

‘Household Chemical Substance’ means a substance or mixture of substances packaged for use in domestic or office settings as a germicide, a pesticide, an insecticide, a rodenticide, a vermicide, a disinfectant, an antiseptic, a detergent or any other substance or mixture of substances declared by the Minister, after consultation with the Authority, to be a household chemical substance;

‘Junk Foods’- foods that are high in calories from fat, sugars, and or salt, but low in essential nutrients like vitamins, minerals and fibre.

'Unhealthy Foods' - high in calories, sugar, salt and unhealthy fats, while lacking essential nutrients like vitamins and fibre

'Labelling' includes any written, printed or graphic matter that is present on the label, accompanies the product or is displayed near the product, including that for the purposes of promoting its sale;

'Lay Media' means any form of mass communication accessible to a wide audience and usually not affiliated with any particular profession or academic discipline;

'Liquor' means alcoholic beverages including beer, wine, liqueur and/or spirits;

'Live-Presenter-Mention (LPM) Advertisement' means an FDA approved advertisement text presented by a person in a studio or any other function;

'Media' means tools and platforms used to store and deliver information or data. Examples are: Print, Radio, TV, Social and New media;

'Medicines' the definition of drugs is applicable to medicines (See above)

'Medical Device' means an instrument, apparatus, implement, a medical equipment, machine, contrivance, implant, in vitro reagent or any other similar or related article, including a component, part or an accessory which is recognized in the official national formulary or pharmacopoeia or a supplement to them, or intended for use in the diagnosis of a disease or any other condition, or in the cure, mitigation, treatment or prevention of disease in humans and animals, or intended to affect the structure or a function of the body of the human being or other animal and which does not achieve any of its principal intended purposes through chemical action within the body of the human being or any other animal and which is not dependent on being metabolized for the achievement of any of its principal intended purposes;

'Minors' means persons below the age of 18 years;

'Over-the-counter medicines (OTC)' means those medicines which may be purchased without a prescription;

'Person' includes a media house, publisher and advertiser for purposes of advertisements

'Pharmacist-Initiated Medicines' (P) means drugs which can be made available to a consumer by a duly qualified and registered pharmacist;

‘Pre-packaged food’ means a food substance packaged or made up in advance in a container, ready for offer to the consumer, or for catering purposes;

‘Prescription-only-Medicine’ (POM) means drugs which can only be made available to a consumer through a written order signed by a duly qualified and registered medical practitioner, dentist or veterinary surgeon and dispensed by or under the supervision of a pharmacist;

‘Product’ means food, drug (including allopathic, herbal and homoeopathic), medical devices, cosmetics and household chemical substances;

‘Promotional material’ means all sales representative training materials and all written, printed, graphic, electronic, audio or video matter, including, without limitation to leave- behind , detailing materials, journal advertisements, sales visual aids, formulary binders, reprints, direct mail, direct-to-consumer advertising, internet postings and sites and broadcast advertisements intended for use or used by either Party or its Affiliates or sublicensees in connection with any promotion of a Product;

‘Product Launches’ means a planned activity to outdoor a product or a variant of an existing product to the market;

‘Radio Advertising’ means advertising aired on any radio station;

‘Rational Drug Therapy’ means appropriate therapy, recommended or prescribed, which legally may be expected to remedy or ameliorate a disordered state of physical or mental health. Drugs may be logically employed for diagnostic and prophylactic purposes to prevent or lower the incidence of illness;

‘Related Products’ means products that are complementary products or products with different strengths, pack-sizes or are variants of the same products (different flavours);

‘Script’ means written text (with/without images) of an advertisement;

‘Sponsorship’ includes any arrangement under which a person or a company helps fund a radio or television program, or other events, in return for an opportunity to advertise;

‘Stop-Clock-Time’ means to postpone a deadline by not counting the elapsing period given to resolve any outstanding issues

‘Story sketch’ means written text with illustrations supporting the storyline;

‘Sweet Beverage’ also known as sugary beverages or sugar-sweetened beverages (SSBs) refer to all types of beverages containing various forms of free sugars and artificial sweeteners. It includes but is not limited to carbonated or non-carbonated soft drinks, fruit/vegetable juices and drinks, liquid and powder concentrates, flavoured water, energy and sports drinks, ready-to-drink tea, ready-to-drink coffee, ready-to-drink cocoa and flavoured milk drinks, milk-based beverages, and sweetened plant-based milk substitutes and low-calorie sweet beverages. Sweet Beverages also cover sweetened indigenous Ghanaian drinks like lamugine, sobolo, zonkum, atadwe drink, baobab drink, nmeda, asaanaa (ahei), liha and brukina; This however excludes natural fresh fruit and vegetable juices.

‘Television advertising’ means any advertisement, appearing on television;

‘Tobacco product’ means a product entirely or partly made of tobacco leaf as raw material which has been treated or manufactured to be smoked, sucked, chewed or sniffed or handled;

‘**Variation**’ means any change effected by an applicant in a script or story sketch approved by the Authority.

‘Visuals’ means any writing, symbol, sign, image (moving or still) or any combination of these; and

‘**Well known personality’** includes any person who stirs up sufficient interest in society. This may include historical, political, religious, academic, cultural figures, social media influencers as well as movie, music and sports figures.

3. REQUIREMENTS

3.1 Applications

3.1.1 An application for advertisement of a product shall be made in writing by submitting a completed application form with a cover letter addressed to:

THE CHIEF EXECUTIVE OFFICER
FOOD AND DRUGS AUTHORITY
P. O. BOX CT 2783
CANTONMENTS – ACCRA

or via email: fda@fdaghana.gov.gh

or via the e-application portal to be provided by FDA

3.1.2 The application shall be accompanied by:

a. Proof of valid registration of the product (Copy of Certificate of Registration and approval letter).

b. Proposed script or story sketch/story board for radio & TV and artwork for billboards as well as content for social media and other below-the-line advertising. (Advertising strategy where products are promoted in media other than mainstream radio, television, billboards, print, and film formats).

c. A non-refundable application fee for advertisement (find information on Approved Fee Schedule on the FDA website)-https://fdaghana.gov.gh/approved-fee-schedule/

3.1.3 The Applicant shall:

a. submit the film/video or audio recording of the approved script or story sketch where applicable.

b. ensure that the approved FDA advertisement number is indicated on the artwork and as a scrolling text banner in the video recording.

c. Be the Market Authorization Holder or a person authorized by the Market Authorization Holder.

d. Where the original script is in a local language, attach an English translation to the application.

3.2 The Administrative Process

3.2.1 An application for advertisement may be approved, deferred or rejected.

3.2.2 Regular applications for advertisements may be processed within 21 working days upon receipt of application.

Expedited applications may be processed within 5 working days upon receipt of application.

3.2.3 Script/artwork approvals or deferred applications will be considered null and void if no response is received from the applicant within twelve (12) weeks after the date of receipt of the letter and applicant will be required to reapply.

3.2.4 Notwithstanding the approval or registration of a product, the FDA reserves the right to refuse an advert application for the said product on the basis:

a. That the advertisement will offend public morality;

b. That the Authority finds that the information submitted for the approval was inaccurate;

c. That new evidence emerges concerning the product's quality, safety, performance and efficacy; and

d. Any other circumstances that may require refusal.

3.2.5 An approved advertisement is valid for one (1) year from the date of approval.

3.2.6 An applicant may, however, apply for a validity period of two (2) years. Where the Authority approves an advertisement for a two (2) year period,the fees payable shall be twice the approved fees.

3.2.7 Following approval, any variation in the approved advertisement without prior written notification and subsequent approval by the FDA shall render the approval of the advertisement null and void and shall attract sanctions.

3.2.8 Any variations made to an already approved advertisement script shall be treated as a new application.

3.2.9 Notwithstanding guidelines 3.2.5 and 3.2.6 above, the FDA reserves the right to revoke approval of the advertisement if:

a. The advertisement subsequently offends public morality;
b. The Authority finds that the information submitted for the initial approval was inaccurate;
c. A personality subsequently stirs up sufficient interest in society;

d. New evidence emerges concerning the product's quality, safety, performance and efficacy; and
e. Any other circumstances that may require revocation.

3.2.10 If approval of an advertisement is revoked by the FDA, an appeal may be made by the applicant to the FDA in writing within four (4) weeks after the revocation.

3.2.11 In the event that an advertisement not approved by the FDA is published, the marketing authorization holder/representative, sponsor, advertising agent and the media organization shall be held jointly and severally liable for the advertisement.

3.3 General Requirements for Advertisements

3.3.1 No person shall advertise any regulated product unless the product is registered with the Authority.

3.3.2 Notwithstanding guideline 3.3.1 above, food service establishments advertising their products, shall submit the advertisement for approval by the Authority.

3.3.3 No person shall advertise any registered product that has undergone some variation that has not been approved by the Authority.

3.3.4 Any variation to a registered product that has not been approved by the Authority renders the said product unregistered.

3.3.5 No person shall advertise any product in the print, social, electronic media including internet or by any means unless such advertisement has been approved by the Authority.

3.3.6 All approved advertisements shall include the phrase "This advert is FDA approved" or any other phrase as may be approved by the Authority from time to time.

3.3.7 All Live Presenter Mentions (LPM) are strictly prohibited.

3.3.8 Notwithstanding guideline 3.3.7, presenters may be permitted to read out advertisement scripts approved by the FDA for cosmetics, household chemical substances and food (except alcoholic beverages). The scripts shall be read out in the format or form in which it was approved without any variations.

3.3.9 Where an advertisement script contains more than one product, there should be clarity in the claims made for each product so as not to confuse the public/ audience.

3.3.10 An advertisement shall not directly refer to the fact that a product is registered by or has the approval of the Authority.

3.3.11 No advertisement shall be targeted at pregnant or lactating mothers.

3.3.12 No advertisement shall be targeted at persons with disease conditions specified in the Fifth Schedule of the Public Health Act, 2012 (Act 851).

3.3.13 An advertisement shall be accurate, complete, clear and designed to promote credibility and trust by the public and health practitioners. Statements or illustrations must not mislead directly or by implication.

3.3.14 No advertisement shall bring the respective industry into disrepute, undermine confidence in advertising or prejudice public confidence in the product.

3.3.15 No advertisement shall disparage any product of a competitor, either directly or by implication.

3.3.16 No advertisement shall be framed in such a manner as to exploit the superstitious belief and/or induce fear in the consumer to purchase the product.

3.3.17 No advertisement shall contain exotic descriptions, such as “super potency” or such other words as to induce the daily and continuous use of the product.

3.3.18 An advertisement which contravenes the ethical standards of the health and other professions is prohibited.

3.3.19 Caution statements (where applicable), FDA approval statements and advertisement number shall be at least 30% of the biggest font size used in the advertisement, legible and placed at the bottom of the advertisement.

3.3.20 Claims based on, or quotations that have been selected from a scientific article or series of articles and emphasize only positive features while ignoring negative findings, will not be accepted. Claims and quotations must be readily verifiable by the FDA.

3.3.21 The results of studies conducted on one product shall not be used as a reference for other generics unless data is available to warrant such cross-referencing.

3.3.22 All data illustrations presented in advertisements including charts, graphs and tables extracted from the literature or other sources or reproduced by artwork, shall be

accurate, complete and clear with the source specifically identified. Data illustrations which are misleading or ambiguous or which distort the original intended meaning or interpretation either directly or by implication will be considered a violation of these regulations.

3.3.23 References and sources of claims and quotations related to any product must be mentioned, along with the source of the information. Copies of all cited references should be provided to the FDA for verification.

3.3.24 Consumer promotions that offer prizes, grants, donations or rewards shall not be false, misleading or deceptive. Applicants shall submit the requisite evidence including documentation (where applicable) to substantiate the promotion.

3.4 Specific Requirements for all Medicines/ Drugs

3.4.1 Advertising shall reflect an overall attitude of caution in relation to drug usage, with emphasis on rational use of medicines. It shall provide sufficient and balanced information to permit assessment of risk against the benefits.

3.4.2 Advertisements for a product shall present information that is reasonably balanced between side effects and contra-indications on one hand and efficacy and safety on the other hand.

3.4.3 Promotion of drugs shall not include its free distribution to the general public, except to healthcare professionals in accordance with section 121 of the Public Health Act 2012, (Act 851). Records on distribution of free samples shall be kept to allow traceability.

3.4.4 An advertisement shall not contain material which refers to recommendations by scientists or health professionals or organizations.

3.4.5 No well-known personality shall be used in an advertisement of drugs.

3.4.6 In advertising a drug for indications deemed acceptable by the provisions of this guideline (such as waist pains and piles), the advertisement shall neither directly, indirectly, covertly nor overtly either by words or scenes, advertise the product for sexual enhancement, erectile dysfunction or any other condition connected with the human reproductive functions or disease of the reproductive organ.

3.4.7 The indications for use of any therapeutic agent must conform to the approved label.

3.4.8 All advertisements must comply with existing guidelines for the treatment/management of disease conditions.

3.4.9 No advertisement shall state or imply in absolute terms or by quotations taken out of context, that a drug product "has no side effects", is "safe", "non-toxic" or "has guaranteed efficacy".

3.4.10 No advertisement shall contain any price competition or similar schemes.

3.4.11 No advertisement shall contain offers of gifts or refund of money to dissatisfied consumers.

3.4.12 No advertisement shall make statements claiming or implying superlative functions such as being the "drug of choice", "the most frequently prescribed" or "the only drug for the purpose.

3.4.13 Advertisements for drugs shall contain the statement 'Keep away from/out of reach of children', any caution statements stated on the label and any other health warnings or caution statements prescribed by the Authority.

3.4.14 Advertisements for the treatment, prevention or cure of diseases listed in the Fifth Schedule of the Act are strictly prohibited.

3.4.15 All drug advertisements shall contain the statement:

a. For **TV** or **Radio: "***Report all side effects of this medicine to your healthcare provider or to the FDA using the Med Safety App*".

b. **For Print or Leave Behinds:** ***"****Report side effects of this medicine and any other medicines to the FDA through the Med Safety App, by completing the Adverse Reaction Form online at http://adr.fdaghana.gov.gh, or by calling 0244 310 297, or by emailing drug.safety@fdaghana.gov.gh"*.

3.5 Specific Requirements for OTC Medicines

3.5.1 No advertisement of OTC medicines (including allopathic, herbal and homeopathic) shall:

a. Imply that the consumer is suffering, or without treatment may suffer or suffer more severely from any illness, ailment or disease.
b. Over-dramatize any symptoms or signs.
c. Denigrate or attack unfairly any competitive products, goods and services.

3.5.2 OTC medicines including allopathic, herbal and homeopathic, shall not be advertised for diseases specified in the Fifth Schedule of the Public Health Act, 2012 (Act 851).

3.5.3 An advertisement of an OTC medicine shall advise the consumer on any age restrictions and special precautions and the need to seek medical attention should the symptoms persist after 48 hours.

3.5.4 Advertisements for products for the treatment of malaria shall include the statement to test for malaria before taking the drug or any other health warning that may be prescribed by the Ministry of Health or the Authority. The statement shall appear as a scrolling text banner or remain static throughout the duration of video advertisements.

3.6 Specific Requirements for Pharmacist Initiated (P) and Prescription-Only-Medicines (POM)

3.6.1 No person shall advertise any pharmacist-initiated and prescription only medicine in the lay media or non-medical press (print or electronic). The medicine can only be advertised in scientific / medical journals. Promotional materials/ product launch and such advertisements intended for healthcare professionals shall be approved by the Authority.

3.6.2 Prescription-only and pharmacist-initiated medicines shall be advertised only for indications for which the medicine has been registered by the Authority.

3.6.3 Advertisements for any prescription –only and pharmacist-initiated medicine in a health professional journal or materials shall be aimed at providing information to guide practice to the benefit of the patient. The advertisement shall not be different from the approved product information.

3.6.4 Advertisements of all medicines that may be used by pregnant women and lactating mothers shall state any known side effects of the medicine on the mother, foetus and infant.

3.7 Specific Requirements for Medical Devices

3.7.1 A person shall not advertise a medical device for the diagnosis, treatment, prevention or cure for diseases specified in the Fifth Schedule.

3.7.2 No advertisement for medical devices shall contain any price competition or similar schemes.

3.7.3 Notwithstanding guidelines 3.7.1 and 3.7.2, advertisement of medical devices meant for health promotion and prevention of diseases of public health concern that may not require the intervention of a health professional may be permitted to the extent that such advertisements seek to educate the public as such.

3.7.4 No advertisement for medical devices shall contain offers of gifts or refund of money to dissatisfied consumers.

3.7.5 Promotion of medical devices shall not include its free distribution to the public, except to healthcare professionals in accordance with section 121 of the Public Health Act 2012, (Act 851). Records on distribution of free samples shall be kept to allow traceability.

3.7.6 Despite paragraph 3.7.5, condoms, and any other medical device declared by the Minister may be freely distributed to the public.

3.7.7 No advertisement for medical devices shall state or imply in absolute terms or by quotations taken out of context, that any medical device is “safe”, “non-toxic” or “has guaranteed performance”.

3.8 Specific Requirements for Cosmetics and Household Chemicals.

3.8.1 Claims on cosmetics and household chemical substances shall not imply actions that are normally considered therapeutic in nature.

3.8.2 For insecticide, aerosols and related products, re-entry periods shall be specified as a precautionary and safety measure. In advertising insecticide aerosols, coils and related products, emphasis shall not be placed on the fragrance.

3.8.3 All approved advertisements for skin toning/ skin lightening shall include the phrase “Does not contain hydroquinone and its derivatives”.

3.8.4 Advertisements for cosmetics and household chemical substances shall contain the statement ‘Keep away from/out of reach of children’, caution statements and health warnings indicated on the product label and any other applicable health warnings.

3.9 Specific Requirements for Food

3.9.1 No person shall advertise food as a preventive, treatment or cure for a disease, disorder or an abnormal physical state.

3.9.2 No sweet beverages shall be advertised with energy-dense, nutrient-poor food products (junk/unhealthy food).

3.9.3 All claims on nutrition and health shall be in line with the current versions of Codex Guideline for use of Nutrition and Health Claims and Codex Guideline on Nutrition Labelling.

3.9.4 Food service establishments shall not promote food together with sweet beverages

and shall not offer such as price promotion.

3.9.5 All claims shall be complete, truthful, not misleading and shall be substantiated. Claims shall be in accordance with the WHO and the Codex General Guidelines on Claims.

3.10 Specific Requirements for Designated Products

3.10.1 Designated products shall not be advertised either directly or indirectly.

3.10.2 No person shall:

a. use a trademark, brand, logo or brand name of a designated product; or
b. advertise designated products on billboards, wall murals, in or on retail shops/marts, baby and mother care shops, pharmacies, hospitals, health facilities in any advertisement of a product, or in the organization of an activity or event.

3.11 Specific Requirements for Alcoholic Beverages

3.11.1 Product endorsement by persons used in advertisement shall not directly or indirectly suggest that the consumption of any alcoholic beverage has contributed to the success of their particular endeavours.

3.11.2 Alcoholic beverage advertisements shall contain health warnings as follows:

a. ‘Drink Responsibly’;
b. ‘Not for sale to persons under 18 years of age’;
c. ‘Not recommended for pregnant women and lactating mothers;
d. Don’t drink and drive; and
e. Any other health warnings that may be prescribed by the Authority.

3.11.3 Conventional symbols with the same meaning are allowed for the above.

3.11.4 Health warnings when shown on television, print and social media shall be legible.

3.11.5 The minimum specifications for these health warnings shall be as follows:

a. The health warnings must be placed at the bottom of the advertisement and shall not; be less than thirty percent (30%) of the biggest font size used in the advertisement;
b. The health warnings are to run as crawls or remain static for Television(TV), social, and new media advertisement;

c. The health warnings shall run for the entire duration of the TV, social and new media advertisement; and

d. Where health warnings are read on TV and Radio media, they shall be clear, audible and well-paced.

3.11.6 An advertisement shall not promote or depict excessive consumption of alcohol.

3.11.7 Any consumer promotional activity that encourages or is likely to encourage over consumption of alcoholic beverages is prohibited.

3.11.8 Radio and Television advertisements shall not be aired between the hours of 6:00 am to 8:00 pm.

3.11.9 An advertisement shall not associate alcoholic beverage with:

a. social or professional achievement;
b. personal success;
c. any sporting activity;
d. sexual prowess;
e. pleasure;
f. resolution of social, physical or personal problems; or
g. appetite for food.

3.11.10 Advertising shall not associate alcohol with any activity which requires care and skill or elements of physical danger (e.g., sports, recreation, crafts, and hobbies).

3.11.11 A character in alcoholic beverage advertisement must not be shown to be in control of motorized equipment after consumption.

3.11.12 No advertisement of alcoholic beverages shall enhance, promote or portray nudity, indecent exposure, obscenities, vices, general misconduct or be offensive to public morality.

3.11.13 Where a person features alcoholic beverages in videos, movies and any other audio-visuals meant for public consumption, the said promotion shall be considered as advertising and same shall be submitted for approval.

3.11.14 Videos, movies and any other audio-visuals that portray alcoholic drinks shall state the health warnings provided under Guideline 3.11.2.

3.11.15 No professional or well- known personality shall be used in alcoholic beverage advertising.

3.11.16 No Advertisements shall highlight the nutritive benefits of an alcoholic beverage.

3.11.17 LPMs in any form are not permitted as a form of advertisement for alcoholic beverages.

3.11.18 Alcoholic Beverage companies providing sponsorship shall not sell, offer as prizes, give out samples of their alcoholic products and/or distribute promotional materials to participants of programs organized for persons below the age of 18 years.

3.11.19 Where an Alcoholic Beverage Company sponsors a program, festival and any other function, an advertisement or publicity event that promotes the product must be submitted to the Authority for approval.

3.12 Advertisement Targeted at Minors (Alcoholic beverages)

3.12.1 No advertisement for alcoholic beverages shall appeal, either directly or indirectly, to persons under 18 years, or be placed in media that are targeted specifically at such persons.

3.12.2 Children's songs, cartoon characters, animations etc., or the imitation thereof shall not be used in alcoholic beverage advertisements.

3.12.3 Alcoholic beverages shall not be advertised in children's magazines, newspapers, journals or media targeted specifically at such persons.

3.12.4 Alcoholic beverage advertisements shall not run during the airing of movies with the following ratings: Family (F), Parental Guidance (PG) and Adult Accompaniment (AA).

3.12.5 Stationary outdoor advertisement for alcoholic beverages shall not be placed within 200 metres of preschools, 1st and 2nd cycle schools, children's playground and any other facilities designed for the use of children.

3.12.6 No alcoholic beverage shall be advertised in relation to a public function where persons under the legal drinking age are likely to attend.

3.13 Advertisement Targeted at Minors (Sweet beverages)

3.13.1 No advertisement for sweet beverages shall appeal, either directly or indirectly, to persons under 13 years, or be placed in media that are targeted specifically at such persons.

3.13.2 Children's songs, cartoon characters, animations etc., or the imitation thereof shall not be used in sweet beverage advertisements.

3.13.3 Sweet beverages shall not be advertised in children's magazines, newspapers, journals or media targeted specifically at such persons.

3.13.4 Stationary outdoor advertisement for sweet beverages shall not be placed within 200 metres of preschools, 1st cycle schools, children's playgrounds and any other facilities designed for the use of children.

3.14 Specific Requirements for Energy Drinks

3.14.1 All energy drink advertisements shall include the following;

a. 'Excessive drinking can be detrimental to health';
b. 'Not Recommended for persons under 18 years, Lactating Mothers, Pregnant Women and People Sensitive to Caffeine'; and
c. Any other Health Warnings as prescribed by the Authority.

3.14.2 Advertisement of energy drinks shall not contain statements or illustrations that have the potential to lead to the abuse or excessive consumption of the product.

3.14.3 Energy drinks shall not be advertised as a substitute for rest, remedy for fatigue, sexual non-performance or any other physical non-performance.

4. EXCEPTIONS

4.1 Prior approval may not be required for the following:

a. Advertisement limited to manufacturers' corporate advertising, provided information specific to the product is not included.

b. Manufacturer's advertisement in a form approved by the Food and Drugs Authority appearing within licensed premises. Tent cards, coasters and/or banners displayed in licensed premises in a form approved by the Food and Drugs Authority.

c. Notwithstanding the above exceptions, all advertisements shall comply with all the requirements of these Guidelines.

5. SANCTIONS

The provisions in Sections 77, 110, 129 and 142 of the Public Health Act, 2012 (Act 851) upon conviction on violations of the laws or regulations will apply including the imposition of Administrative Charges as per the Authority's fee schedule.

APPENDIX I

PUBLIC HEALTH ACT, 2012 (ACT 851), FIFTH SCHEDULE (Section 114)
Diseases for which advertisement for treatment, prevention or cure are prohibited:

a. Sexually Transmitted Diseases, other forms of genitourinary diseases. Acquired Immune Deficiency Syndrome (AIDS) or diseases connected with the human reproductive functions.

b. Any of the following: -

Alcoholism
Amenorrhoea
Appendicitis
Arteriosclerosis
Asthma
Bladder Stones
Blindness
Cancer
Convulsion
Deafness
Diabetes
Diphtheria
Diseases of the reproductive organ
Dropsy
Epilepsy or fits
Erysipelas
Fibroid
Gallstones
Goitre
Heart disease
Hernia or rupture
Hypertension
Infertility
Kidney failure
Kidney stones
Leprosy
Leukemia
Locomotortazy
Systemic Lupus Erythematosis
Mental disorders
Nephritis or Bright's disease
Obesity
Paralysis
Pleurisy
Pneumonia
Poliomyelitis
Prostate diseases
Scarlet fever
Septicaemia
Sexual impotence
Smallpox
Tetanus or lock-jaw
Trachoma
Tuberculosis

APPENDIX II

TEMPLATE SCRIPT FOR RADIO

Radio Advertisement script for……

Applicant/Client		Duration	
Product Name		Title (if applicable)	
Media		Language	

Person(s)	Voice
Mr. A:	how are you, my friend?

Mr. B: I am doing great and you?

Mr. A: Not bad at all. Where are you coming from?

Mr. B:	Just from grandma's place.
Mr. A:	Ok then see you later
Mr. C:	But that is your brother you just referred to as friend.
Mr. A:	Yes oo. That is how we describe ourselves friends.

NB:
The above template is applicable to dialogues. Monologues scripts can be written with or without indicating the person speaking.

APPENDIX III
TEMPLATE SCRIPT FOR TV

TV Advertisement script for……

Applicant/Client		Duration	
Product Name		Title (if applicable)	
Media		Language	

VIDEO (Text or Image)		AUDIO (Voice)
Scene 1	Text Camera pans on Kofi as he takes couple of squatting with dumbbells Image  (Collage of all worried mums and babies)	Eish, I have hurt myself ????? Announcer: When babies have teething discomfort or minor tummy upset; they either cry, cream?? or frown at you distressed babies are not encouraged in adverts. not even a good example to use
Scene 2		

Scene 3		