



## CABLE ADVERTISING GUIDELINES

### **GENERAL:**

NBCUniversal's Advertising Standards Department ("Advertising Standards") only reviews advertisements intended for broadcast on NBCUniversal's cable entertainment, cable news and cable sports networks (collectively "NBCUniversal Cable") IF such advertisements are no more than 5 minutes in length AND in one of the following sensitive categories:

- 1) **Controversial Issues & Political**
- 2) **Dietary Supplements**
- 3) **Homeopathic Remedies**
- 4) **Weight Loss Supplements & Programs**
- 5) **Non-Casino Gambling & Fantasy Sports**

Advertisements that do not fall into the above categories and are intended for broadcast on NBCUniversal Cable, do not require approval from Advertising Standards. For these advertisements and for any advertisements intended for broadcast on NBC Owned Television Stations, please consult the appropriate Sales representative for further information in advance of production.

**PLEASE NOTE:** The use of false or deceptive Emergency Alert System (EAS) Signals or Tones is not acceptable in any advertisement. The FCC prohibits the transmission of the EAS codes or Attention Signal (853 Hz and 960 Hz transmitted simultaneously) or a recording or simulation thereof except in the case of an actual emergency or authorized EAS test. This rule applies to all forms of content, including programs, advertisements and other paid programming, public service announcements (PSAs), promos and other interstitial material. Content containing EAS tones, simulations or other related sound effects will not be accepted for broadcast.

### **CLEARANCE PROCEDURES:**

**SUBMISSION OF MATERIALS:** There are two ways to submit materials to Advertising Standards for clearance:

1. Upload your materials to [www.nbcuadstandards.com](http://www.nbcuadstandards.com), or
2. Submit your materials via MediaVu.

All clearance materials must be submitted using one of the above methods or they will not be reviewed. **Clearance materials should not be sent to Sales, Sales Operations or the Media Operations Center (MOC) in Englewood Cliffs.**

**PRE-PRODUCTION REVIEW:** Prior to production, advertisers should submit a script or storyboard of the proposed advertisement to Advertising Standards. Advertising Standards will request substantiation for all claims and authentication of all demonstrations and testimonial statements, as applicable. **NOTE:** The advertiser and its representatives are responsible for ensuring that the submitted materials are in compliance with all applicable governmental laws and regulations, including the rules of the Federal Communications Commission (FCC), the Federal Trade Commission (FTC) and the Federal Drug Administration (FDA), as well as NBCUniversal's internal guidelines, standards and policies. After reviewing the submitted materials, Advertising Standards may approve the script or storyboard, request additional information, require modifications to the advertisement, or deem the advertisement not acceptable for air.

**ROUGH CUT REVIEW:** Advertisers may submit rough cuts for review before final production.

**SUPPORTING DOCUMENTS:** When possible, supporting documentation including but not limited to product testing, claim support, and producer's affidavits should be submitted along with the script, storyboard, rough cut or final as "related documents" via [www.nbcuadstandards.com](http://www.nbcuadstandards.com) or attached to the "post-it note" in MediaVu. If you are responding to an editor's request, any materials you send must be submitted through the "click [HERE](#)" link at the bottom of the editor's clearance report or attached to a message sent to the editor via [www.nbcuadstandards.com](http://www.nbcuadstandards.com) or MediaVu.

**FINAL APPROVAL:** All finished advertisements must be slated with a unique ISCI code, a title, and the length of the advertisement and submitted via one of the above submission methods. Advertising Standards must review every creative in the above categories, even if only minor changes are made to previously approved advertisements. This includes changes to 1-800 numbers or website addresses. Advertising Standards cannot give final approval to un-slated advertisements.

**TIME FOR REVIEW:** Advertisers should allow **3 business days** for review of clearance materials.

**QUESTIONS:** Please contact Jennifer A. Logan, Director, NBCUniversal Advertising Standards, with any questions about these Guidelines by telephone at 212-664-3969 or via email at [Jennifer.Logan@nbcuni.com](mailto:Jennifer.Logan@nbcuni.com).

<b>CONTROVERSIAL ISSUE &amp; POLITICAL ADVERTISING</b>
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Controversial issue advertisements will not be reviewed until an order to buy is placed with NBC Sales. NBC will accept advertisements that comment on controversial issues, subject to the below conditions. Except for the required disclaimers/disclosures, the below conditions do not apply to political advertisements by legally qualified candidates that we are required by law to accept.

I. General Standard for Acceptance

- A. NBC does not make judgments on an advertiser's opinions, and we accept issue advertisements that express divergent points of view. We do, however, reserve the right to require substantiation of factual claims made by an advertiser. Advertisements generally will be accepted if there is a basis for the claims and such claims fall within the bounds of reasonable debate.

II. Use of NBC Content is Not Authorized

- A. The inclusion of NBC content in controversial issue advertising can potentially mislead viewers as to NBC's endorsement of the position taken in an issue advertisement or otherwise be misconstrued. Accordingly, NBC does not grant permission for the use of our footage in issue advertisements, and we ask advertisers not to include our footage in these advertisements.

III. Unacceptable Content

- A. An advertisement may be rejected if its content, or other content referenced in the advertisement or otherwise disseminated by the advertiser, is grossly offensive (e.g., on racial, religious or ethnic grounds).
- B. An advertisement may also be rejected if: (1) it is merely an attack of a personal nature, a direct attack on a specific organization (either a non-profit or a business) or a comment on a private dispute; or (2) it contains violent or otherwise graphic or potentially offensive content that is deemed incompatible with a network's viewing environment or general standards; (3) its content or style of production is otherwise deemed inconsistent with a network's viewing environment or general standards, as determined by the applicable network in its sole discretion; or (4) it includes NBC content in violation of the above policy. An acceptance may be subject to limitations regarding time period and type of programming.

IV. Disclaimers/Disclosures

- A. Issue advertisements must disclose the party who paid for the advertisement for at least four seconds in a readable and contrasting font equal to 4% of screen height or larger. Any issue advertising that refers to any federal candidate or solicits contributions must disclose whether the advertisement was authorized by a candidate. If the advertisement was not so authorized, the disclaimer should state: "Paid for by [Advertiser Name] and not authorized by any candidate." If the advertisement was paid for by a federal candidate, the candidate must sign a certification at the time the advertisement is purchased that pledges that the relevant advertisement either: (1) does not refer to any opposing candidate or (2) includes a statement in the paying candidate's voice disclosing that he or she has paid for the advertisement, along with the candidate's likeness.

<b>DIETARY SUPPLEMENTS</b>
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Congress defined the term "dietary supplement" in the Dietary Supplement Health and Education Act (DSHEA) of 1994 as an ingestible that contains a "dietary ingredient" intended to supplement the diet. Dietary ingredients include vitamins, minerals, herbs, botanicals, amino acids, and substances such as enzymes and metabolites.

- I. Dietary supplement advertisements may not include disease claims, explicit or implied, unless the claims have been approved by the FDA (e.g., osteoporosis and calcium, anemia and iron). For more information about FDA-approved health claims and qualified health claims, see the FDA's [Label Claims for Conventional Foods and Dietary Supplements](#).
- II. Under DSHEA, nutritional supplement manufacturers are allowed to make "structure/function" claims, defined as statements that describe the role of a specific substance in maintaining normal healthy structures or functions of the body (e.g., "helps maintain digestive health"), under certain circumstances:
  - A. Structure/function claims are acceptable provided that they are supported by "competent and reliable scientific evidence" defined as "tests, analyses, research studies or other evidence based on the expertise of professionals in the relevant area conducted and evaluated in an objective manner by qualified persons and using generally accepted procedures to yield accurate and reliable results."
  - B. Claims must be accompanied by the DSHEA disclaimer: "This product is not intended to diagnose, treat, cure, or prevent any disease. This statement has not been evaluated by the Food and Drug Administration".
- III. NBC generally will not accept advertisements for dietary supplements with claims that have been the subject of FTC, FDA, Better Business Bureau, or ERA action.
- IV. NBC requires studies conducted on the advertised product to substantiate claims when the claims in the advertisement make a link between the product itself and the results attained. Studies of other products, individual ingredients, or alternate formulations will not be accepted as adequate support. However, when the link is made between the ingredients in the advertised product and the results attained, then reliable scientific data on the ingredients themselves may be acceptable.
- V. The following are not acceptable:
  - A. Claims about the safety of dietary supplements.
  - B. Claims that compare or equate dietary supplements with over-the-counter or prescription drugs, explicitly or by implication.
- VI. Nutrient comparisons between dietary supplements may be acceptable provided no comparative health benefits are claimed.
- VII. Physicians, dentists, nurses, or actors representing them may appear in dietary supplement advertisements so long as the advertiser provides sufficient documentation to support the professional endorsement of the advertised product where such professional endorsement is implied. Additionally, other health professionals such as pharmacists, nutritionists, physical therapists, or actors representing them are permitted in these types of advertisements under the same conditions.
- VIII. "Doctor recommended" and "pharmacist recommended" claims require a nationally representative survey of at least 250 doctors/pharmacists in the relevant specialty, showing that at least 20% of those surveyed recommend the advertised product in their practice.

<b>HOMEOPATHIC REMEDIES</b>
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- I. NBC will accept advertisements for OTC homeopathic remedies for minor, self-limiting conditions provided that the product is made from homeopathic ingredients recognized by the Homeopathic Pharmacopoeia of the United States (HPUS).
- II. Pursuant to the FTC's [Enforcement Policy Statement on Marketing Claims for OTC Homeopathic Drugs](#), unqualified treatment claims for self-limiting disease conditions amendable to self-diagnosis and treatment must be substantiated by competent and reliable scientific evidence, defined as "tests, analyses, research, or studies that have been conducted and evaluated in an objective manner by qualified persons and generally accepted in the profession to yield accurate and reliable results." When such support is not available, advertisers must communicate the following:
  - A. There is no scientific evidence that the product works; and,
  - B. The product's claims are based only on theories of homeopathy from the 1700s that are not accepted by most modern medical experts.
- III. NBC generally will not accept advertisements for products with claims that have been the subject of FTC, FDA, Better Business Bureau, or ERA action.
- IV. NBC requires studies conducted on the advertised product to substantiate claims when the claims in the advertisement make a link between the product itself and the results attained. Studies of other products, individual ingredients, or alternate formulations will not be accepted as adequate support. However, when the link is made between the ingredients in the product and the results attained, then reliable scientific data on the ingredients themselves may be acceptable.
- V. The following are not acceptable:
  - A. Claims about safety of homeopathic remedies.
  - B. Claims that compare or equate homeopathic remedies with OTC or Rx drugs, explicitly or by implication.
- VI. Physicians, dentists, nurses, or actors representing them may appear in homeopathic remedy advertisements so long as the advertiser provides sufficient documentation to support the professional endorsement of the advertised product where such professional endorsement is implied. Additionally, other health professionals such as pharmacists, nutritionists, physical therapists, or actors representing them are permitted in these types of advertisements under the same conditions.
- VII. "Doctor recommended" and "pharmacist recommended" claims require a nationally representative survey of at least 250 doctors/pharmacists in the relevant specialty, showing that at least 20% of those surveyed recommend the advertised product in their practice.

<b>NON-CASINO GAMBLING &amp; FANTASY SPORTS</b>
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**I. General Overview**

- A. The following guidelines apply to lawfully licensed betting, gambling, lottery, and other games of chance:
  - i. Advertisements for any publication, “tip sheet,” electronic or mechanical device, application, or other product or service whose primary purpose is the giving of odds or promotion of betting, are unacceptable;
  - ii. The lawful advertising of lotteries permissible under the law of the state in which they are conducted and in which the broadcast station is located may be acceptable, so long as any such lottery is conducted by a:
    - 1. Not-for-profit 501(c) organization,
    - 2. Governmental organization, or
    - 3. Commercial entity, provided that the lottery is promotional, occasional, and clearly ancillary to the primary business of that commercial entity.
- B. The advertising of private or governmental organizations that conduct legalized betting on sporting contests, including horse racing may be acceptable provided the advertisement is not instructional in nature and the organization complies with all state and federal laws. At a minimum such advertising must include a video disclaimer stating “Void where prohibited.”
- C. Advertisements permitted under these guidelines must not present fictitious winners or winnings or misrepresent actual winners or winnings.
- D. As a general rule, visual disclaimers should appear in a font that is easy to read and remain on the screen long enough to be noticed, read, and understood by an average viewer. The first line should appear on screen for at least three seconds. Each additional line should appear for one second (e.g., five seconds for a three-line disclaimer).

**II. Online Gambling and Other Gambling-Related Websites**

- A. NBCUniversal Cable does not accept online gambling advertisements; however, online gambling advertisements may be submitted for review to air on the NBC Owned Television Stations. Please contact your NBC Owned Television Stations Sales representative for further information on submitting online gambling advertisements for review.
- B. Advertisements for websites that provide gaming simulations or instructions for educational purposes only (e.g., online poker schools), will be reviewed on a case-by-case basis.

**III. Fantasy Sports Leagues**

- A. Advertisements for fantasy sports leagues, including fantasy sports leagues with real cash prizes, are acceptable, provided that the following disclaimers are included:
  - i. “Not a gambling website.”
  - ii. “Void where prohibited.”

- B. The “Void where prohibited” disclaimer should list states where fantasy sports are prohibited or the legality of fantasy sports is unclear.
- C. Visual disclaimers should appear in a font that is easy to read and remain on the screen long enough to be noticed, read, and understood by an average viewer. The first line should appear on screen for at least three seconds. Each additional line should appear for one second (e.g., five seconds for a three-line disclaimer).

## WEIGHT LOSS PRODUCTS & PROGRAMS

- I. Weight loss supplements are subject to the Dietary Supplements and Homeopathic Remedies guidelines above, as well as the guidelines in this section.
- II. Weight loss advertisements must disclose that weight loss is achieved as part of a healthy reduced-calorie diet and exercise program.
- III. All weight loss claims must be supported by valid and reliable scientific evidence. Studies must provide strong evidence that the advertised product, as part of a diet and exercise program, resulted in weight loss above and beyond weight loss caused by diet and exercise alone. Study subjects should be representative of the targeted audience.
- IV. Documented “before and after” representations will be approved on a case-by-case basis and must be accompanied by a producer’s affidavit.
- V. Advertising for weight control may not be directed to children.
- VI. Advertising including mentions of specific weight loss amounts or the rate of weight loss consumers can expect must comply with the following:
  - A. Rates of weight loss advertised must not exceed two pounds a week for a month or more without diet and exercise or three pounds per week for more than four weeks. Mentions of specific weight loss amounts must be accompanied by a disclosure of the amount of time it took to lose the weight (e.g. “I lost four pounds in two weeks”).
  - B. When a featured consumer lost weight at a faster rate than a typical consumer can expect, the typical results consumers can expect to achieve must also be disclosed (e.g. “Typical consumers lose one to two pounds per week on average”). Typical results must also be disclosed when an advertisement refers to the rate of weight loss (e.g. “Lose weight quickly”).
  - C. Weight loss advertisements containing testimonials must be accompanied by a testimonial affidavit from each featured consumer. If a specific amount of weight loss is mentioned, the affidavit must include the amount of weight loss and the length of time it took to achieve the loss.
- VII. The FTC has issued a document that warns against deceptive weight loss claims entitled [Gut Check: A Reference Guide for Media on Spotting False Weight Loss Claims](#). Consistent with the FTC’s recommendations, NBC will not accept claims that a weight loss product:
  - A. Causes weight loss of two pounds or more a week for a month or more without dieting or exercise;
  - B. Causes substantial weight loss no matter what or how much the consumer eats;
  - C. Causes permanent weight loss even after the consumer stops using product;
  - D. Blocks the absorption of fat or calories to enable consumers to lose substantial weight;

- E. Safely enables consumers to lose more than three pounds per week for more than four weeks;
- F. Causes substantial weight loss for all users; or
- G. Causes substantial weight loss by wearing it on the body or rubbing it into the skin.

VIII. As a general rule, visual disclaimers should appear in a font that is easy to read and remain on the screen long enough to be noticed, read, and understood by an average viewer. The first line should appear on screen for at least three seconds. Each additional line should appear for one second (e.g., five seconds for a three-line disclaimer).