

INDEPENDENT MEDIA COMMISSION



MEDIA CODE OF PRACTICE

**RULES AND REGULATIONS GOVERNING THE
ESTABLISHMENT AND OPERATIONS OF THE PRINT,
ELECTRONIC MEDIA AND ADVERTISING
IN SIERRA LEONE**

**Rules and Regulations Governing the Establishment and
Operations of the Print and Electronic Media in
Sierra Leone**

Introduction

- 1.0 This document is the outcome of five media workshops held between 2001 and 2005 through collaboration with the Sierra Leone Association of Journalists (SLAJ) , the Independent Media Commission (IMC), PANOS Institute of West Africa (PIWA) and the Ministry of Information and Broadcasting (MIB)

The workshops were conducted in an open and transparent manner, through dialogue and debate involving media stakeholders at all levels.

The regulations adopted here are expected to address the real issues confronting Sierra Leone's media and reflect the true needs and aspirations of all stakeholders.

Sierra Leone's emerging democracy requires institutions that will respond to and sustain the development of core democratic values and the alignment of its economy to global best practices.

The media being one of such core institutions, rules and regulations are necessary to guide journalists on their day to day activities.

**Guiding Principles and Objectives of the Rules
Governing the Operations of the Sierra Leone Media**

1.1 Introduction

Sierra Leone's vision is to become a stable democracy and vibrant economy, a united people, progressive nation and attractive country. (Vision 2025)

To realise this dream the country is working relentlessly to combat corruption in public institutions, reduce poverty and enhance good governance.

For the media to support and enhance this vision, its underlying ideals must be consistent with national values and aspirations, as well as international norms and instruments.

Objectives

Accordingly, the Media will be guided by the following principles:

- i. democratization
 - ii. popular participation
 - iii. equity and access to information and communication
 - iv. freedom of expression
 - v. pluralism and diversity
 - vi. cultural promotion and preservation
 - vii. responsibility
 - viii. communication rights and
 - ix. coherence with other social/sectorial policies.
- 1.2. In view of the foregoing considerations, the Rules and regulations have the following objectives:-
- i. to support national development initiatives and programmes, and to positively affect the quality of life of the people of Sierra Leone through facilitating systematic and effective use and coordination of mass communication strategies and activities;
 - ii. to promote participation in national dialogue on development issues by all citizens, consistent with the emerging democratic culture and national constitutional provisions
 - iii. to enhance access to information and communication infrastructures and new technologies, especially in

rural communities.

- iv. to preserve national cultural identity, promote the national cultural heritage and enhance the development of cultural and artistic capabilities and institutions for public communication;
- v. to ensure the timely, orderly and effective growth of information and communication institutions and professions through standards setting, capacity-building and human resources development and management; and
- vi. To promote productive community , national regional and international interchange,

1.3 **Dimensions**

For the rules and regulations to be effective, they must be comprehensive and relevant to Sierra Leone. The document therefore focuses on, among others, the following areas:-

- i. Print Media
- ii. Electronic Media
- iii. Complaints
- iv. Elections Coverage
- v. Advertising

- 1.4. It is expected that the application of these guiding principles and regulations by all media institutions will enhance professionalism and the balanced development of mass media and related professional institutions that will enable Sierra Leone achieve its national, regional and international aspirations.

**SECTION 1:
PRINT MEDIA**

Introduction

Low literacy level, declining national economy as well as falling circulation and advertising revenue, poor printing facilities, lack of training and capacity building and unethical practices have all impaired the growth and development of the print media in Sierra Leone and their capacity to serve as agents of positive change.

The print media is required to see news as a social product with a utilitarian value, and to balance the flow of news between urban and rural areas and between the elite and the poor.

Therefore, news reporting and analysis shall be on the stimulation of critical awareness and understanding. In this regard, continuous re-training of journalists is crucial to a sustained ethical discharge of their responsibility to the public.

Policy Objectives

- i. The print media shall carry out its functions in such a way as to reflect the centrality of development efforts, to protect the basic interests of society and to promote the exchange of ideas and information through accurate and balanced reporting as well as informed and objective comments.
- ii. The constitutional principle of plurality of ownership and control shall be upheld. However, appropriate measures should be taken, to prevent monopoly and concentration of media resources and infrastructures as these can constitute a serious threat to the existence of a free and pluralistic press.
- iii. The print media shall promote a distinct Afro-centric perspective by reflecting national and African concerns, aspirations, values and cultural traditions in

their coverage and content.

- iv. The State shall enhance the quality, accessibility and viability of the print media.

Implementation strategies

- i. The State shall enact laws that promote the free and balanced flow of information. Accordingly, all laws therefore perceived to impede the free flow of information shall be repealed.
- ii. The State shall provide incentives for the development of community, and indigenous language newspapers and publications that promote literacy and reading culture.
- iii. The print media industry shall be encouraged with incentives such as single digit import and excise duties on equipment, newsprint, ink and other production inputs of the industry.
- iv. The print media shall be encouraged to practice self-regulation which is anchored on the Code of Ethics of SLAJ. It shall promote the observance of the Code of Ethics.
- v. The Independent Media Commission shall critically examine the state of the Sierra Leone Press and its role in society, the challenges that confront it and improvements that may be required for the effective performance of its responsibilities.
- vi. The Independent Media Commission shall publish an Annual Report on the state of the Sierra Leone Media.

Regulations contained In The IMC Act

1. According to the Independent Media Commission Act, no person shall publish any newspaper or magazine in Sierra Leone unless the newspaper or magazine has been registered under the Act and such registration is renewed annually.
 - a. Failure to obtain licence under Section 24 of the IMC Act shall make the defaulter liable to an injunction in the High Court.
 - b. An application for the registration of a newspaper or magazine shall be made by the Proprietor in such form as may be prescribed
2. An application made to the Commission shall state the name of the newspaper or magazine and the permanent business address of the proprietor/proprietress of the newspaper or magazine and shall be accompanied with the non-refundable prescribed processing fee.
3. A proprietor/proprietress shall not submit for registration the name of a newspaper or magazine which is the same as the name of an existing newspaper or magazine, or which so closely resembles the name of an existing newspaper or magazine as is likely to mislead members of the public.
4. Upon receipt of an application for the registration of a newspaper or magazine, the Commission shall, if satisfied that:
 - (a) the particulars contained in the application are correct and sufficient
 - (b) the application is accompanied by the processing fee and all other relevant documents; and
 - (c) the provisions of the Act with regard to registration have been otherwise complied with: grant the application and inform the proprietor/proprietress in writing of its decision.

5. Where the Commission grants an application it shall cause a copy of its decision to be forwarded to the Registrar-General for the registration of the proprietor in a book called "Register of Newspaper and Magazine Proprietors."
6. Upon notification of the decision granting the application, the proprietor/proprietress shall be entitled to obtain a certificate of registration upon the payment of the prescribed fee to the Commission
7. Upon receipt of the certificate of registration, the proprietor/proprietress must publicly display the said certificate at the business address of the newspaper/magazine.
8. The Commission may refuse an application for the registration of a newspaper or magazine if the application:
 - (i) contravenes any provision of the IMC Act and any other related media law
 - (ii) contains any false particulars
9. Before the Commission refuses an application for the registration of a newspaper or magazine, it shall -
 - (a) inform the applicant in writing of its intention to refuse the application, stating the grounds of the refusal
 - (b) give the applicant or any legal practitioner representing him/her the opportunity to be heard
10. Where, after a hearing the Commission refuses to grant the application, it shall, by notice in writing inform the applicant of its decision.
11. An applicant who is aggrieved by the decision of the Commission in refusing to grant this application may appeal to the High Court within thirty days of being notified under sub section 9 (3) of the IMC Act and the High Court shall within thirty days of the receipt of the appeal make a

decision thereon.

12. All newspapers or magazines and related publications shall be renewed annually by the Commission following the payment of the prescribed renewal fee.
13. Any party to a transfer of ownership, share or interest in any newspaper or magazine whereby a person ceases to be a proprietor/proprietress or a new proprietor/proprietress is introduced, the Registrar-General should be informed according to the Form prescribed in the Schedule and containing the particulars therein indicated.
- 14 Any person:
 - (a) who willfully makes or causes to be made any return required or, as the case may be permitted to be made by the IMC -
 - (i) which is inserted the name of any person as a proprietor / proprietress of a newspaper or magazine who is not such proprietor or proprietress
 - (ii) in which there is any other misrepresentation: or
 - (iii) from which there is made any omission of any of the prescribed particulars.

Whereby such return is misleading: or

- (b) who being a proprietor, willfully permits any return to be made which is misleading as to any of the particulars regarding his/her own name, occupation or business or residential address, commits an offence and is liable on summary conviction to a fine not exceeding Le500,000. (Five Hundred Thousand Leones).
- 15 Every return made in conformity with the Act shall be registered by the Registrar-General in the Register of Newspapers and Magazines.
16. Any person may search and inspect the Register referred to in

sub section (1) during the hours of business at the office of the Registrar-General; and may on payment of the stipulated fee require a copy of any entry in or an extract from that register to be certified by the Registrar-General.

17. Any person who produces any newspaper or magazine intended to be published or circulated shall print his/her name and business address in legible characters on the front or back of that newspaper or magazine.
18. Any proprietor/proprietress and any person who publishes or distributes any newspaper or magazine on which the name and business address of the Proprietor/proprietress or publisher is not printed contrary to the requirement of the IMC Act commits an offence and is liable to a fine not exceeding Le5, 000,000 (Five Million Leones)
19. The Editor and Publisher of every newspaper or magazine shall, on each day on which the newspaper or magazine is published, deliver three copies to the Sierra Leone Library Board and one (1) copy to the Commission of the newspaper or magazine and of every supplement thereto, signed by the Editor or Publisher thereof, and such copies shall be filed and kept by the Library Board and the Commission.
20. When the Proprietor/Proprietress or Publisher is a company, the copies referred to in paragraph 18 shall be signed by a Director or the Secretary of the company.
21. A Proprietor/Proprietress or Publisher who contravenes this section commits an offence and shall be liable on summary conviction for each such contravention to a fine not exceeding Le250,000.00 (Two Hundred and Fifty Thousand Leones)
22. The Commission may suspend or cancel the registration of a newspaper or magazine in respect of which there has been

consistent contravention of the Media Code of Practice.

CODE OF PRACTICE

1. **Accuracy**
Newspapers and periodicals must take care not to publish inaccurate, misleading or distorted materials including pictures.

They must make all reasonable efforts to check and cross-check the accuracy of stories prior to publication.
2. Newspapers/magazines while free to be partisan, must distinguish clearly between comments, conjecture and fact.
3. Failure to comply with the accuracy requirement in the code of ethics will result in a fine not exceeding Le1,000,000 (One Million Leones) to be levied against the Proprietor/ Proprietress or Publisher.
4. **Copyright**
Any material culled from another publication must be acknowledged or credited or must have the permission of the original publisher. Failure to do so shall make the newspaper/magazine liable to a fine not exceeding Le500, 000. (Five Hundred Thousand Leones)
5. **Opportunity to reply**
A fair opportunity to reply to inaccuracies must be given to individuals or organizations when reasonably called for.
Privacy
6. Everyone is entitled to respect for his or her private and family life, home, health and correspondence. A publication will be expected to justify intrusions into any individual's private life without consent.

7. The use of photography to take pictures of people in private places without their consent is prohibited.

Harassment

8. Journalists and photographers must neither obtain nor seek to obtain information or pictures through intimidation, harassment or persistent pursuit.
9. They must not photograph individuals in private places without the individual's consent. Must not persist in telephoning, pursuing or photographing after having been asked to desist; must not remain on their property after having been asked to leave and must not follow such individuals.
10. Editors must ensure that submissions made to their newspapers comply with these requirements as in 7 and 8 above.

Intrusion into grief or shock

11. In cases involving grief or shock enquiries must be carried out and approaches made with sympathy and discretion. Publication must be handled sensitively at such times, but this should not be interpreted as restricting the right to report judicial proceedings.

Children

12. Journalists must not interview or photograph children under the age of 18 on subject involving the children's welfare, in the absence of or without the consent of a parent or guardian.
13. Pupils must not be interviewed or photographed while at school without the permission of the school authorities.
14. Where information about the private life of the child is .

published, there must be justification for such publication

Children in sex and criminal cases

15. The press must not, even where the law does not prohibit it, identify children under the age of 18, who are involved in cases concerning sexual or criminal offences whether as victims, witnesses or perpetrators.
16. In any press report of the case involving a sexual offence of a child:-
 - i. the child must not be identified
 - ii the adult may be identified
 - iii the word “incest’ must not be used where a child victim might be identified
 - iv. care must be taken that nothing in the report implies the relationship between the accused and the child

Listening devices

17. Journalists must not obtain or publish material obtained by using clandestine listening devices or by intercepting private telephone conversation. Media practitioners must obtain the permission of the interviewee before being recorded.

Hospitals

18. Journalists or photographers making enquiries at hospitals or similar institutions must identify themselves to a responsible executive and obtain permission before entering non public areas.
19. The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

Reporting of crime

20. The press must avoid identifying relatives or friends of

persons convicted or accused of crime without their consent. Particular regard should be paid to the potentially vulnerable position of children who are perpetrators, witnesses or victims. This should not be interpreted as restricting the right to report judicial proceedings.

Misrepresentation

21. Journalist must not generally obtain or seek to obtain information or material through misrepresentation or subterfuge or surreptitious means.
22. Subterfuge can be justified only in the public interest and only when materials cannot be obtained by any other means.
23. **Indecency and Pornographic materials**
Indecency and Pornographic materials are strictly prohibited as they are mainly for titillation and add no value to the news

Victims of Sexual assault

24. The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification, and by law, they are free to do so.

Discrimination

25. The press must avoid prejudicial or pejorative reference to a person's colour, ethnicity, sex or individual lifestyle, or to any physical or mental illness or disability.
26. It must avoid publishing details of a person's religion, ethnicity, individual lifestyle, or of any physical or mental disability unless these are directly relevant to the story.

Confidential Sources

27. Journalists have a moral obligation to protect confidential sources of information.

**SECTION 2:
COMPLAINTS**

COMPLAINTS

- 28 Any complaint, whether made by a member of the public or otherwise against a media institution or a person engaged in the provision of media services in which it is alleged that the institution or person :-
- (a) is in contravention of the IMC Act, the Rules and Regulations governing the operations of the media and/or the Media Code of Practice;
 - (b) has contravened the terms and conditions of registration of a newspaper, magazine or related publication granted under the IMC Act, may be referred to the Commission.
- 29 Where a complaint is referred to the Commission, the Complaints Committee appointed under the IMC Act shall inquire into the complaint and make recommendation to the Commission for a final decision to be taken.
30. If a complaint is discovered to merit a retraction, the offending newspaper shall carry on its very next edition a retraction with due prominence in the newspaper and a letter of apology to the complainant. Failure to comply with the Commission's directive shall be liable to a fine not exceeding Le500,000 (Five Hundred Thousand Leones) each time the newspaper is published without the retraction. Where such ruling is made, other media are encouraged to publish or broadcast it. Failure to pay the fine will lead to suspension of the publication by the IMC until the fine is paid.
31. Where no penalty is prescribed by or under the IMC Act for any complaint inquired into by the Commission, the Commission may impose on the media institution

concerned a fine not exceeding Le5,000,000 (Five Million Leones). Failure by the newspaper or magazine to pay the imposed fine shall lead to suspension of the publication until the fine is paid.

32. The procedure to be followed in an inquiry into any complaints referred to the Commission shall be determined by the Commission.
33. The Commission shall normally arbitrate a complaint in the presence of the Complainant and Editor or Publisher of the offending publication. If the Editor or Publisher of the offending publication refuses to respond to the summons of the Commission for arbitration without reasonable excuse, the Commission may impose a fine not exceeding Le500,000 (Five Hundred Thousand Leones) for each occasion **in which the editor of the offending publication fails to show up**. After three consecutive occasions, the Commission may suspend the registration of the newspaper.
34. The Commission shall establish and keep a register in such form as the Commission may determine and shall record in it:-
 - (a) licenses and any registration granted under the IMC Act and the relevant terms and conditions of such licenses and registrations; and
 - (b) suspension and cancellations of Licence and registrations.
35. Any person may upon the payment of the prescribed fee require the Commission to supply copy of an extract from any part of the register.
36. Any person who:
 - (a) operates a newspaper, magazine or related publication without a licence from or registration by the Commission as provided in the IMC Act;

(b) uses any registration certificate not issued or granted to him/her by the Commission under the IMC Act commits an offence and shall be liable to a fine of not more than Le5,000,000 (Five Million Leones).

37. All media organisations shall be obliged to carry rulings on complaints as adjudicated by the Commission.

**SECTION 3:
ELECTRONIC MEDIA**

Introduction

The electronic media, which comprise radio, television and DTH/DSTV play a vital role in the lives of the citizens of the modern world. The potential of these media institutions including DSTV particularly the visual oriented ones, are immense and limitless. Electronic media constitute the most effective means of reaching the largest number of people simultaneously. They have become even more efficient and accessible with the advent of the information and communication technologies (ICTs) than the Print media. Their efficiency and effectiveness have led to their convergence.

Electronic media are mostly spectrum-driven. Because spectrum is affected by the limitations of frequency allocation, the general practice is to regard spectrum as belonging to the people, while the licence is regarded as holding the facility in trust for them.

Therefore the Electronic Media regulations regard the facility as:

- i. the people's right to all its benefits and advantages and not of the managers; and
- ii. a vehicle for people and issue-oriented delivery rather than personality – driven.

Policy Objectives

The electronic media shall:

- i. be made accessible and affordable to all Sierra Leoneans
- ii. be used for the preservation and promotion of the nation's culture and values;
- iii. promote professional ethics;
- iv. observe the professional practice of regarding news and news related programmes as non-commercial items;

- v. enhance national capacity for producing high-quality indigenous broadcast programmes;
- vi. support the growth and development of broadband and multimedia;
- vii. encourage stakeholders to maintain capacity for innovation and currency in communicating practice and technology;
- viii. encourage strong collaboration among stakeholders of the ICT spectrums in areas such as service and technology delivery and content;
- ix. encourage an environment conducive to growth, profit and service delivery;
- x. promote the development of public and private broadcasting;
- xi. promote the convergence and consolidation of broadcasting and other communication services; and
- xii. promote and project Sierra Leone's domestic and foreign policies internationally, with a view to attracting goodwill, development and inflow of investment in the country.

Implementation Strategies

To achieve these policy objectives:

- i. all qualified applications for broadcast licence shall be considered on merit without delay;
- ii. broadcast programmes shall reflect the various shades of opinions and interests in the society;
- iii. there shall be an equitable spread of the categories of

- licence to ensure that no community or segment of the population is denied access to information through the electronic media.
- iv. the development of community broadcasting shall be promoted.
 - v. all broadcast stations shall allocate specified percentage of their airtime to local production
 - vi. Adherence to professionalism shall be achieved through any of the following:
 - (a) self-regulatory model;
 - (b) statutory regulations;
 - (c) combination of (a) and (b) above
 - vii. the IMC Statutory Licensing/regulatory authority shall be an independent, non partisan, non sectional body, with well defined sources of funding
 - viii. the Commission shall make rules and regulations that are consistent with the Constitution of Sierra Leone and the National Media Policy and the law establishing it;
 - ix. The Commission shall implement:
 - (a) ICT frequency determination and allocation policies;
 - (b) Infrastructural standardization and development policies;
 - (c) Content regulation policies in a manner to accommodate the country's cultural diversity in order to promote national unity and cohesion;
 - (d) Local and foreign ownership policies as well as Franchise and Copyright laws;
 - (e) ITU policies especially regarding incoming and

outgoing trans-border transmissions.

- ix. The IMC shall ensure that fees are not charged for news and news analysis

Regulations for the granting of broadcasting license

According to the Independent Media Commission Act 2000, a radio/television broadcasting license shall be granted to:-

- (a) A Citizen of Sierra Leone
- (b) A Body corporate established by an Act of Parliament or registered under the Companies Act;
- (c) A Partnership registered under the Business Registration Act.

In addition, broadcasting license shall also be granted to:

- (i) International Radio Relay Stations
- (ii) Cable/Satellite Television Network Providers
- (iii) Government and Non-Governmental Organizations
- (iv) Religious Bodies
- (v) Any other body that the Commission may deem fit to operate a radio/television station

An application for a Radio/Television broadcasting/Direct to Home (DTH)/DSTV service license shall be made to the Commission and shall be in such form and supported by such documents and on such conditions including fees and charges as the Commission shall determine.

The Commission shall, within five working days of the receipt of an application, acknowledge receipt of the application and shall within a reasonable period after the acknowledgment of the receipt, but not later than sixty days

thereafter, inform the applicant in writing of the receipt, but not later than sixty days thereafter, inform the applicant in writing of the decision of the Commission regarding the application .

The Commission shall grant a radio/television, DTH/DSTV broadcasting license where it is satisfied that the media institution in respect of which the application is made is technically suitable for the service intended to be rendered and that the service is in the interest of the public. "The interest of the public" means access to plurality of views and variety of programming.

An application shall not be granted by the Commission if:

- (a) it is not in the public interest and
- (b) there are compelling reasons for refusal founded on technical data, national security and public safety

The Commission shall, on refusing an application under the IMC Act, notify the applicant in writing of such refusal and the reasons thereof.

A license granted by the Commission under the IMC Act shall be subject to such conditions as may be specified in the license having regard to the objects and functions of the Commission. A license granted under section 17 of the IMC Act may include conditions requiring a licensee to: -

- (a) pay to the Commission for the duration of the license such fees as may be determined by the Commission.
- (b) provide the Commission in such manner and at such times as may be reasonably required such documents, accounts, estimates, returns or other information as the Commission may require for the purpose of performing its functions under the Act.

- (c) operate the media institution in accordance with such standards of performance as the Commission considers appropriate and
- (d) do or do not do such things as are specified in the licence unless written approval is given by the Commission.

Where the commission grants a radio/television broadcasting/DTH/DSTV service licence, it shall forward its decision to the body responsible for allocating broadcasting frequencies with a request for a suitable frequency to be allocated to the successful applicant.

A radio/television broadcasting/DTH/DSTV service licence granted under these Regulations shall not be transferable.

A radio/television/DTH/DSTV licence shall be for such period as shall be specified therein and shall be renewed annually.

A radio/television/DTH/DSTV licence shall be renewed annually the person holding the license, on payment of the prescribed renewal fees, unless there is clear evidence of the breach by him of the conditions under which the licence was originally granted.

Where there has been such breach as is referred to in the IMC Act, the procedure for the renewal of a radio/television/DTH/DSTV service licence granted shall be the same as that applicable to the grant of the original licence.

The Commission may, where it is satisfied that a radio/television/DTH/DSTV broadcasting institution has not complied with any of the conditions of a licence granted under the IMC Act, either suspend or cancel that licence

No suspension or cancellation shall be made unless the Commission has given a written notice to the media institution concerned specifying the conditions of the licence which have not been complied with, giving directions for the rectification of the breach and the action proposed to be taken by the Commission in the event of non-compliance with the notice.

The Commission shall not suspend or cancel a licence unless that media institution has been given an opportunity to comply with the directions of the Commission and to rectify the breach.

The Commission may also suspend or cancel a radio/television license in respect of which there has been three consistent contravention of the Media Code of Practice.

A person aggrieved by the refusal of the Commission to grant or renew his licence under this Act or by the suspension or cancellation of a licence granted under this Act may appeal to the High Court within thirty days of the refusal, suspension or cancellation, as the case may be and the High Court shall within thirty days of receipt of the appeal make a decision thereon.

The Commission may determine such standards of overall performance or specific standards of performance in relation to the provision of radio/television/DTH/DSTV services by a media institution as in the opinion of the Commission ought to be achieved by that media institution.

Categorization of Radio/Television Stations

The categories of radio/television stations are as follows:

- i. Community radio/television stations
- ii. Commercial radio/television stations
- iii. Public radio/television stations

- iv. Religious Broadcast radio/ television stations
- v. Rebroadcast radio/television Stations.
- vi Direct to Home Service/DSTV
- vii Other categories approved by the Commission

Definition of Categories

- i. **Community Radio/Television station**
A community radio/television station is one, which is for, by and about the community, whose ownership and management is representative of the community, which pursues social development agenda and which is not for profit..
- ii. **Commercial Radio/Television Station**
A commercial radio/television station is one that is in the business of broadcasting for profit but is not exempt from public service responsibility under the Independent Media Act and Media Code of Practice.
- iii. **Public Radio/Television Station**
A public radio/television station is one set up by legislation, accountable to the public through an independent board, protected against interference of a political or economic nature, with editorial independence and adequately funded in a manner that protects it from arbitrary interference. Its transmission should cover the whole country and its programmes should be politically balanced.
- iv. **Religious Broadcasting/Television Station**
A religious broadcasting/television station is one that is set up purposely for religious broadcast, but which is not exempt from public service responsibility under

- the Independent Media Commission Act and Media Code of Practice and is not for profit.
- iv. **Rebroadcast Station**
A rebroadcast station (radio or television) is set up by international radio/television stations or national, public broadcasting service to rebroadcast their programmes in Sierra Leone.
 - v. **DTH/DSTV Broadcast Service**
A DTH/DSTV broadcast service is one that has been given the franchise by a satellite service operator overseas to establish and operate a direct to home broadcast outfit in Sierra Leone.
 - vi. **Media Production House**
A media Production House is an outfit engaged in media business for public consumption and any other organization whose functions include media business.

**LICENCE FEES FOR RADIO STATIONS
(BASED ON POWER OUTPUT)**

Community Radio Station (subject to inflation)

	Registration	Annual Renewal
Max. Transmitter Output		
250 watts	Le 1, 000,000	Le500,000

Commercial Radio Station (subject to inflation)

	Registration	Annual Renewal
Max. Transmitter Output		
250 watts	Le 2, 000,000	Le1,000,000

Religious Radio Station

	Registration	Annual Renewal
Max. Transmitter Output		
250 watts	Le 1,000,000	Le 500,000

All categories of radio stations in Western Area are restricted to a maximum transmitter output of 250 watts. For all categories of radio stations, every 100 watts increase will incur Le500,000 increase on registration fee

and Le250,000 increase on annual renewal fee

Public Service Radio

Registration	Annual Renewal
Gratis	Gratis

Rebroadcast (International)

Registration	Annual Renewal
VOA -2000 watts - \$2,000 (to be paid in foreign exchange)	\$2,000

Rebroadcast (local)

Registration	Annual Renewal
500 watts Le 500,000	Le250, 000
additional increment of 500 watts -	Le 100,000

Media Production House

Non-commercial

Registration	Annual Renewal
International- \$1000	\$1,000
Local - Le500,000	Le500,000

Commercial

Registration	Annual Renewal
International- \$2,000	\$2,000
Local - Le1,500,000	Le1,500,000

Satellite Radio Providers/DTH/DSTV Service Providers

Registration	Annual Renewal
Le5,000,000	Le2,500,000

Licence Fees for television stations ((subject to inflation)

Community Television Station

Registration	Annual Renewal
Le 2,000,000	Le1,000,000

Satellite /DTH/DSTV Service Provider

<u>Registration</u>	<u>Annual Renewal</u>
Le10 million	Le5, 000,000

Video and Cinema Halls

<u>Registration</u>	<u>Annual Renewal</u>
Le250, 000	Le100,000

These fees are subject to review from time to time by the IMC.

**CODE OF PRACTICE GOVERNING RADIO/
TELEVISION STATIONS OPERATING IN SIERRA
LEONE**

The standards of practice developed by the Independent Media Commission and approved by SLAJ prescribe the following ethical considerations for the operations of radio and television stations in Sierra Leone:

1. Radio and TV stations shall endeavour to promote Sierra Leonean culture and the arts as a means of sustaining national cohesion and unity in diversity.
2. Every radio/television station must devote at least ten hours a week to public service broadcasting which shall include programmes on areas covered by the fundamental principles of state policy as described by Section 11 of the Constitution of Sierra Leone 1991 (Act No. 6 of 1991) and the Fundamental Rights and Freedom in Section 25 thereof:
3. The programmes referred to in sub paragraph (1) shall take the form of features, documentaries and current affairs, news briefs with a producer, presenter and supporting reporting staff, but phone-in programmes shall not need to fulfil this requirement..

of their programmes and forward to the Commission at least two copies of such programme schedules.

5. All media organizations shall be obliged to carry rulings on complaints as adjudicated by the Commission.
6. All stories aired by radio stations must be presented with due accuracy, truth and impartiality.
7. Radio/television stations shall not broadcast before 11:00 pm each day, programmes that are violent, pornographic or obscene in character or will tend to lead children below the age of 18 to crime and anti-social behaviour, or portray smoking, drinking or illegal drug-taking as a normal way of life.. Such programmes should clearly indicate their unsuitability for young people.
8. Television programmes must be categorised according to age for viewing e.g.
G - General audience
GP –General but parental guidance needed because of violence and/or nudity
RV - Restricted viewing- must be eighteen years of age to view.
9. Phone-in and live programmes must be managed by radio/television stations in such a way that they are not used to incite violence and public disorder. They should avoid the use of abusive language and statements likely to cause ethnic or religious dissatisfaction.
10. For live phone-in programmes, the radio/ TV station must have the capacity for screening in-coming calls before putting the caller on air, as well as the capacity for delayed broadcast.

11. To create a level playing field, radio stations should ensure that the opportunity is provided for different views of the issue to be represented.
12. The management/ownership of radio/television stations shall take full responsibility for the content of live programmes.
13. All live programmes should be recorded and made available on demand to the Independent Media Commission within 30 days of broadcast.
14. Radio/Television Stations should endeavour to promote gender equality.
15. Every Media Practitioner employed by a radio/television station shall be given a letter of appointment and Conditions of service with a salary and allowances that reflect his/her qualification and experience.
16. Complaints to the Commission by the public against radio/television stations shall be dealt with speedily. The complainant as well as the station against which the complaint is lodged will be summoned to appear before the Commission for arbitration. Failure to respond to the summons shall be tantamount to contempt and shall be liable to a fine of not less than Le500,000 (Five Hundred thousand Leones). Failure to pay the fine may lead to suspension of broadcasts on the orders of the IMC until the fine is paid.
17. If Radio/TV station broadcasts information that is discovered to be untrue, including slanderous

statements made during phone-in programmes, it should carry an immediate retraction, failing which a fine of Le500, 000 (Five Hundred Thousand Leones) will be imposed by the IMC. Failure to pay the fine may lead to suspension of the licence of the radio station until the fine is paid.

18. The Code shall be applicable to every radio/television and DTH/DSTV service operating in Sierra Leone.

**REPORTING AND COVERAGE OF GENERAL AND LOCAL
ELECTIONS**

1. The media in its coverage and reporting of elections shall:
 - (a) refrain from publishing or broadcasting any matter with the potential for, or likely to promote or incite racial hatred, bias or contempt or any matter with the potential for, or likely to, promote or cause public disorder, oppose or become a threat to the security of the nation;
 - (b) refrain from ridiculing, stigmatizing or demonizing people on the basis of gender, race, class, ethnicity, language, sexual orientation and physical or mental ability;
 - (c) hold themselves independent and free of any, or all, government and political opposition control and direction;
 - (d) hold themselves independent and free of any, or all, control and direction from any of the political parties officially registered to contest the elections;
 - (e) hold themselves free of any, or all, control and direction from any individual, group, or organisation representing or promoting the special interests of any of the political parties officially registered to contest the elections.
2. The media in the exercise of their constitutional right of free expression, and in recognition of their social responsibility shall at all times endeavour to:
 - a. provide a truthful, comprehensive, accurate, balanced and fair account of events in a context which gives them meaning;
 - b. Serve as a forum for the exchange of public comment, opinion, discussion and criticism in a balanced and reasonable manner;

- c. offer an accurate picture of the constituent groups, organisations and parties contesting the elections and of the society in general;
 - d. present and clarify as far as possible, the goals and values of the constituent groups, organizations and parties contesting the elections and of the society in general.
3. The media, in accepting the principle of “fair and balanced” reporting, recognize that:
- (a) No story is fair, if it omits facts of major importance or significance and is therefore incomplete;
 - (b) No story is fair, if it includes essentially irrelevant information, rumour or unsubstantiated statements at the expense of significant facts;
 - (c) No story is fair, if it consciously or unconsciously misleads or even deceives the reader, listener or viewer.
4. The Media in accepting the principle of “accuracy and balance” in reporting, particularly during the period of campaigning for elections, acknowledge that omitting relevant facts and points of view from the reporting of major issues of public interest inevitably distorts the view of reality a journalist, reporter or broadcaster presents and so misleads and misinforms the public, and that the deliberate distortion of reality can poison the processes of democracy,
5. The Media shall deal responsibly with any complaints received in respect to reports published or broadcast and containing errors of fact, and where, in their opinion, these are justified to publish or broadcast appropriate corrections.
- 6. Free Space And Time For Political Parties AFTER Nomination Day**
In the period after Nomination Day and in the interest of even handed treatment for all political parties, the media agree to

make available an equal amount of free space and time for all political parties that have met the legal criteria for contesting the election. Print and broadcast media will make available, free of charge, their technical facilities such as layout and printing, basic studio, audio and video recordings for the production and presentation of articles and programmes, but not including the provision of editing, talent, or outside production or broadcast facilities, or reproduction and distribution for use by any other media organisation.

7. Equal access to Paid Political Advertising

Media organisations have an obligation to provide equal access and opportunity to all political parties without discrimination, to purchase space in newspapers and prime time on radio and television stations to promote their respective views during the period of electioneering. In this regard, the media will make available to contesting political parties full information about space and time availability for advertising and their published advertising rates to be available to all public relations firms and advertising agencies.

8. Coverage on Polling Day

No coverage of any activity by the political parties shall take place for a period to begin 24 (twenty four) hours prior to the opening of Polling Stations on the day of Polling and continue to the close of Polling stations.

Annex: Election Coverage Guidelines

i. “Inciting Racial Hatred and Promoting Public Disorder”.

Media outlets may not censor, or edit any material or materials submitted by political parties, or their agents, for either free, or paid for, publication in newspapers or broadcast on radio or television stations. However, media organisations observing the law and exercising editorial judgement in favour of good taste and respect for public safety and decency should refuse any material submitted by political parties or their agents, likely to be hateful, ethnically offensive, to promote public disorder or threaten the security of the state. In all cases of such refusal, the concerned political party must be immediately informed of the reasons for rejection and assuming that time permits the concerned party or its agent, must be given the opportunity to modify the rejected material in order to conform to acceptable legal, moral and other standards.

ii. “Accuracy and balance”

The two main characteristics in reporting, accuracy and balance, distinguish professional journalism from unprofessional, and journalism from propaganda. Both these ingredients are necessary for citizens to gain a full and realistic picture of the issues during election campaigns as well as of their local, national, regional and international environment. Democracy, which requires the active participation of informed citizens, depends on journalists and broadcasters to keep citizens informed about major issues.

(a) Accuracy requires the verification (to the fullest extent possible) and presentation of all facts that are pertinent and necessary to understand a particular event or issue, even if some of the facts conflict with a journalist’s, or

a broadcaster's particular beliefs and feelings

- (b) Balance or impartiality, requires the presentation of all the main points of view or interpretations of an event or an issue, regardless whether the journalist, reporter, broadcaster, editor or the audience agrees with these views.

iii "News Reports and Current Affairs programmes"

News reports and current affairs programmes may, at any time, subject to the Media Code of Conduct, deal with any issue, cause, organisation or individual. However, given the large number of contesting parties, coverage of election campaign events and other related issues will be limited by the capacity of media outlets to assign staff for these activities. The allocation of free and paid for time and space for political parties to present their views in the media is a response to this constraint. Editorial judgements, therefore, continue to rest solely with the respective media. These judgements aim to subscribe to the highest principles of impartiality, fairness and integrity, always separating fact from interference in matters of political and other controversy and supported by eye-witnesses and attributable official statements and other sources to corroborate facts in particular stories.

iv. "Political activities of media functionaries and the likelihood of charges of bias"

Media organisations agree that individual owners, full-time staff members, part-time employees or other individuals contracted to write, produce or present articles, scripts, programmes, commentaries or other media material intended for public dissemination and who (a) are publicly identified as candidates for election to parliament or Presidency; or, (b) hold office in a political party, are likely to be open to charges of bias. Accordingly, the media will not encourage

/allow such individuals to use their newspapers or radio/
TV stations for the purpose of promoting their political
objectives.

*(This section on Election Reporting was culled from the
Guidelines for the coverage of elections developed by
UNIOSIL in collaboration with SLAJ)*



SECTION 4:
ADVERTISING

Introduction

Recognizing the central role that advertising plays in the economic, social and political development of Sierra Leone and even in the sustainability of the country's media, the industry has assumed an important posture in the media.

Policy Objectives for Advertising

All advertisements shall:

- i. be truthful, honest, decent, legal and culturally acceptable as stipulated by the Advertising Code of Practice
- ii. contain no misleading statements about the products or services advertised.
- iii. reflect the country's cultural heritage and values
- iv. be produced by well-trained professionals, preferably Sierra Leoneans

Implementation Strategies:

The IMC shall implement the Code of Practice by:

- i. imposing sanctions for misleading or deceptive advertisement;
- ii. compelling any media house/institution accepting any advertisement to take reasonable steps to verify the authenticity and truth of the advertisement;
- iii. requiring sponsors of misleading or deceptive acts to run corrective ads using the same media and the same amount of space or time;
- iv. requiring that advertisements are indigenous in content, style and character;
- v. stipulating the standards of training to be attained by those who wish to engage in advertising practice;
- vi. ensuring prompt payment for all advertisements;

SECTION 1 - APPLICABILITY AND DEFINITIONS

1. This Code applies to:
 - (a) advertisements in newspapers, magazines, brochures, leaflets, circulars, mailings, e-mails, text transmissions, fax transmissions, catalogues, follow-up literature and other electronic and printed material
 - (b) posters and other promotional media in public places, including moving images
 - (c) cinema and video commercials
 - (d) advertisements in non-broadcast electronic media, including online advertisements in paid-for space (e.g. banner and pop-up advertisements)
 - (e) sales promotions
 - (f) advertisement promotions
 - (g) broadcast commercials
 2. It does not apply to:
 - (a) marketing communications in foreign media. Direct marketing that originates outside Sierra Leone but is targeted at Sierra Leone consumers will be subject to the jurisdiction of the relevant authority in the country where it originates so long as that authority operates a suitable cross-border complaint system. If it does not, the IMC will take what action it can.
 - (b) Health-related claims in marketing communications addressed only to the medical, dental, veterinary and allied professions
- © classified private advertisements, including those

appearing online

- (d) statutory, public, police and other official notices/information, as opposed to marketing communications, produced by public authorities and the like
- (e) works of art exhibited in public or private
- (f) private correspondence, including correspondence between companies and their customers about existing relationships or past purchases
- (g) live oral communications, including telephone calls
- (h) press releases and other public relations material, so long as they do not fall under 1 above
- (i) editorial content, for example of the media and of books
- (j) regular competitions such as crosswords
- (k) packages, wrappers, labels, tickets, timetables and price lists unless they advertise another product, a sales promotion or are visible in a marketing communication
- (l) point of sale displays,
- (m) election advertisements,
- (n) website content, except sales promotions and advertisements in paid-for space
- (o) sponsorship; marketing communications that refer to sponsorship are covered by the Code

(p) customer charters and codes of practice.

3. These definitions apply to the Code:

- (a) a product encompasses goods, services, ideas, causes, opportunities, prizes or gifts
- (b) a consumer is anyone who is likely to see, hear or read a given marketing communication, whether in the course of business
- (c) a claim can be implied or direct, written, spoken or visual
- (d) a marketing communication includes all forms of communication listed in 1.
- (e) a marketer includes an advertiser, promoter or direct marketer
- (f) a supplier is anyone who supplies products that are sold by distance selling marketing communications (and may also be the marketer)
- (g) a child is anyone under 18.
- (h) corporate subscriber includes corporate bodies such as limited companies, or any partnerships. It also includes schools, hospitals, Government departments or agencies and other public bodies. It does not include sole proprietors.

4. These criteria apply to the Code:

- (a) the IMC's interpretation of the Code is final. Aggrieved parties may seek redress in the courts if they so wish.
- (b) conformity with the Code is assessed according to the

marketing communication's probable impact when taken as a whole and in context. This will depend on the medium in which the marketing communication appeared, the audience and its likely response, the nature of the product and any additional material distributed to consumers

© the Code is indivisible; marketers must conform with all appropriate rules

(d) the Code is primarily concerned with the content of advertisements, promotions and direct marketing communications and not with terms of business or products themselves. Some rules, however, go beyond the content, for example those that cover the administration of sales promotions, the suitability of promotional items, the delivery of products ordered through an advertisement and the use of personal information in direct marketing. Editorial content is specifically excluded from the remit of the Code (see 1.2i), although it might be a factor in determining the context in which marketing communications are judged (see 1.4b)

(e) the rules make due allowance for public sensitivities but will not be used by the IMC to diminish freedom of speech unjustifiably

SECTION 2—GENERAL RULES

Principles

5.1 All marketing communications should be legal, decent, honest and truthful.

5.2 All marketing communications should be prepared with a sense of responsibility to consumers and to society.

- 5.3. All marketing communications should respect the principles of fair competition generally accepted in business.
- 5.4. No marketing communication should bring advertising into disrepute.
- 5.5. Marketing communications must conform with the Code. Primary responsibility for observing the Code falls on marketers. Others involved in preparing and publishing marketing communications such as agencies, publishers and other service suppliers are also obligated to abide by the Code.
- 5.6. Any unreasonable delay in responding to the IMC's enquiries may be considered a breach of the Code.
- 5.7. The IMC will on request treat in confidence any genuinely private or secret material supplied unless the Courts or officials acting within their statutory powers compel its disclosure.
- 5.8. The Code is applied in the spirit as well as in the letter.

6. Substantiation

- 6.1. Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove all claims, whether direct or implied, that are capable of objective substantiation. Relevant evidence should be sent without delay if requested by the IMC. The adequacy of evidence will be judged on whether it supports both the detailed claims and the overall impression created by the marketing communication.

The full name and geographical business address of marketers should be provided without delay if requested by the IMC.

- 6.2. If there is a significant division of informed opinion about any claims made in a marketing communication they should not be portrayed as generally agreed.
- 6.3. Claims for the content of non-fiction books, tapes, videos and the like that have not been independently substantiated should not exaggerate the value, accuracy, scientific validity or practical usefulness of the product.

7. Legality

- 7.1. Marketers have primary responsibility for ensuring that their marketing communications are legal. Marketing communications should comply with the law and should not incite anyone to break it.

8. Decency (i.e. avoiding causing serious or widespread offence)

- 8.1. Marketing communications should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, ethnicity or disability. Compliance with the Code will be judged on the context, medium, audience, product and prevailing standards of decency.
- 8.2. Marketing communications may be distasteful without necessarily conflicting with 8.1 above. Marketers are urged to consider public sensitivities before using potentially offensive material.

- 8.3. The fact that a particular product is offensive to some people is not sufficient grounds for objecting to a marketing communication for it.

9. Honesty

- 9.1. Marketers should not exploit the credulity, lack of knowledge or inexperience of consumers.

10. Truthfulness

No marketing communication should mislead, or be likely to mislead, by inaccuracy, ambiguity, exaggeration, omission or otherwise.

11. Matters of Opinion

- 11.1 Marketers may give a view about any matter, including the qualities or desirability of their products, provided it is clear that they are expressing their own opinion rather than stating a fact. Assertions that go beyond subjective opinions are subject to 6.1 above (also see 12.1 below).

12. Fear and distress

- 12.1 No marketing communication should cause fear or distress without good reason. Marketers should not use shocking claims or images merely to attract attention.
- 12.2 Marketers may use an appeal of fear to encourage prudent behaviour or to discourage dangerous or ill-advised actions; the fear likely to be aroused should not be disproportionate to the risk.

13. Safety

- 13.1 Marketing communications should not condone or encourage unsafe practices. Particular care should be taken with marketing communications addressed to or depicting children.
- 13.2 Consumers should not be encouraged to drink or use mobile phones whilst driving. Marketing communications should, where appropriate, include a prominent warning on the dangers of drinking and driving or using a mobile phone while driving and should not suggest that the effects of drinking alcohol can be masked.

14. Violence and anti-social behaviour

- 14.1 Marketing communications should contain nothing that condones or is likely to provoke violence or anti-social behaviour.

15. Political advertising

- 15.1 Any advertisement or direct marketing communication, whenever published or distributed, whose principal function is to influence voters in local, regional, national or international elections or referendums is exempt from the Code.
- 15.2 There is a formal distinction between Government policy and that of political parties. Marketing communications by central or local government, as distinct from those concerning party policy, are subject to the Code.

16. Protection of privacy

- 16.1 Marketers should not unfairly portray or refer to people in an adverse or offensive way. Marketers are urged to obtain written permission before referring to or portraying members of the public or their identifiable possessions; the use of crowd scenes or general public locations may be acceptable with permission from the persons involved.
- 16.2 Referring to people with a public profile; references that accurately reflect the contents of books, articles or films may be acceptable without permission
- 16.3 While implying any personal approval of the advertised product; marketers should recognise that those who do not wish to be associated with the product may have a legal claim.
- 16.4 Prior permission may not be needed when the marketing communication contains nothing that is inconsistent with the position or views of the person featured.
- 16.5 References to anyone who is deceased should be handled with particular care to avoid causing offence or distress.
- 16.6 The National Arms and Emblems should be used only with the prior permission of the President's office.

17. Testimonials and endorsements

- 17.1 Marketers should hold signed and dated proof, including a contact address, for any testimonial they use. Unless they are genuine opinions taken from a published source, testimonials should be used only with the written permission of those giving them.
- 17.2 Testimonials should relate to the product being advertised.
- 17.3 Testimonials alone do not constitute substantiation and the opinions expressed in them must be supported, where necessary, with independent evidence of their accuracy. Any claims based on a testimonial must conform with the Code.
- 17.4 Fictitious testimonials should not be presented as though they are genuine.
- 17.5 Unless they are genuine statements taken from a published source, references to tests, trials, professional endorsements, research facilities and professional journals should be used only with the permission of those concerned.
- 17.6 Marketers should not refer in marketing communications to advice received from the IMC or imply any endorsement by the IMC.

18. Prices

- 18.1 Any stated price should be clear and should relate to the product advertised. Marketers should ensure that prices match the products illustrated.

- 18.2 Prices quoted in marketing communications addressed to the public should include all taxes and duties imposed on all buyers.
- 18.3 If the price of one product is dependent on the purchase of another, the extent of any commitment by consumers must be made clear.
- 18.4 Price claims such as 'up to' and 'from' should not exaggerate the availability of benefits likely to be obtained by consumers.
- 18.5 A recommended retail price (RRP), or similar, used as a basis of comparison should be genuine; it should not differ significantly from the price at which the product is generally sold.

19. Availability of products

- 19.1 Marketers must make it clear if stocks are limited. Products must not be advertised unless marketers can demonstrate that they have reasonable grounds for believing that they can satisfy demand. If a product becomes unavailable, marketers will be required to show evidence of stock monitoring, communications with outlets and swift withdrawal of marketing communications whenever possible.
- 19.2 Products which cannot be supplied should not normally be advertised as a way of assessing potential demand unless it is clear that this is the purpose of the marketing communication
- 19.3 Marketers must not use the technique of switch Selling, where their sales staff criticise the advertised product or suggest that it is not available and

recommend the purchase of a more expensive alternative. They should not place obstacles in the way of purchasing the product or delivering it promptly.

20. Guarantees

- 20.1 Guarantees may be legally binding on those offering them. The word 'guarantee' should not be used in a way that could cause confusion about consumers' legal rights. Substantial limitations on the guarantee should be spelled out in the marketing communication. Before commitment, consumers should be able to obtain the full terms of the guarantee from marketers.
- 20.2 Marketers should inform consumers about the nature and extent of any additional rights provided by the guarantee, over and above those given to them by law, and should make clear how to obtain redress.
- 20.3 Marketers should provide a cash refund, postal order or personal cheque promptly to those claiming redress under a money-back guarantee.

21. Comparisons with identified competitors and/or their products

- 21. 1. Comparative claims are permitted in the interests of vigorous competition and public information. They should neither mislead nor be likely to mislead.
- 21.2 They should compare products meeting the same needs or intended for the same purpose.

21.3 They should objectively compare one or more material, relevant, verifiable and representative features of those products, which may include price.

21.4 They should not create confusion between marketers and competitors or between marketers' products, trade marks, trade names or other distinguishing marks and those of competitors.

22. Other comparisons

22.1 Other comparisons, for example those with marketers' own products, those with products of others who are not competitors or those that do not identify competitors or their products explicitly or by implication, should be clear and fair. They should neither mislead nor be likely to mislead. The elements of comparisons should not be selected in a way that gives the marketers an artificial advantage.

23. Denigration and unfair advantage

23.1 Although comparative claims are permitted, marketing communications that include comparisons with identifiable competitors and/or their products should not discredit or denigrate the products, trade marks, trade names, other distinguishing marks, activities or circumstances of competitors. Other marketing communications should not unfairly attack or discredit businesses or their products.

23.2 Marketers should not take unfair advantage of the reputation of trade marks, trade names or other

distinguishing marks of organisations or of the designation of origin of competing products.

24. Imitation

- 24.1 No marketing communication should so closely resemble any other that it misleads, is likely to mislead or causes confusion.
- 24.2 Marketers making comparisons with identifiable competitors and/or their products should not present products as imitations or replicas of products bearing a protected trade mark or trade name.

25. Recognising marketing communications and identifying marketers

- 25.1 Marketers, publishers and owners of other media should ensure that marketing communications are designed and presented in such a way that it is clear that they are marketing communications. Unsolicited e-mail marketing communications should be clearly identifiable as marketing communications without the need to open them.
- 25.2 Distance-selling marketing communications should contain the full name of the marketers (and the suppliers if different). Distance-selling marketing communications that require payment before products are received and have written response mechanisms should also contain the geographical address of response mechanism only may contain the marketers' telephone number instead.

- 25.3 E-mail and mobile marketing communications should contain the full name and a valid address (e.g. an e-mail address) of the marketers to which recipients can send opt-out requests.
- 25.4 Fax and non-live-sound automated-call marketing communications should contain the full name and a valid address or phone number of the marketers to which recipients can send opt-out requests.
- 25.5 Sales promotions and marketing communications for one-day sales, homework schemes, business opportunities and the like should contain the full name and geographical address of the marketers.
- 25.6 Marketing communications for employment agencies should contain the full name and contact details of the marketers.
- 25.7 The law may require marketers to identify themselves in some other marketing communications. Marketers should take legal advice.

26. Advertisement features

- 26.1 Advertisement features, announcements or promotions, sometimes referred to as “advertorials”, that are disseminated in exchange for a payment or other reciprocal arrangement should comply with the Code if their content is controlled by the marketers rather than the publishers.
- 26.2 Marketers and publishers should make clear that advertisement features are advertisements, for example by heading them “advertisement feature”.

SECTION 3

27. Other Specific Rules

27.1.1. Alcoholic drinks

For the purposes of the Code, alcoholic drinks are those that exceed 1.2% alcohol by volume.

27.1.2 The drinks industry and the advertising business accept responsibility for ensuring that marketing communications contain nothing that is likely to lead people to adopt styles of drinking that are unwise. Marketing communications may be humorous but must still conform with the intention of the rules.

27.1.3 Marketing communications should be socially responsible and should neither encourage excessive drinking nor suggest that drinking can overcome boredom, loneliness or other problems. Care should be taken not to exploit minors or those who are mentally or socially vulnerable.

27.1.4 Marketing communications should not be directed at people under 18 through the selection of media, style of presentation, content or context in which they appear. No medium should be used to advertise alcoholic drinks if more than 25% of its audience is under 18 years of age.

27.1.5 People shown drinking should not be, nor should they look, under 18. Younger models may be shown in marketing communications, for example in the context of family celebrations, but it should be obvious that they are not drinking.

27.1.6 Marketing communications should not feature or portray real or fictitious characters that are likely to appeal particularly to people under 18 in a way

that might encourage them to drink.

- 27.1.7 Marketing communications should not suggest that any alcoholic drink has therapeutic qualities or can enhance mental, physical or sexual capabilities, popularity, attractiveness, masculinity, femininity or sporting achievements.
- 27.1.8. Marketing communications may give factual information about the alcoholic strength of a drink or its relatively high alcohol content but this should not be the dominant theme of any marketing communication. Alcoholic drinks should not be presented as preferable because of their high alcohol content or intoxicating effect.
- 27.1.9. Marketing communications should not portray drinking alcohol as the main reason for the success of any personal relationship or social event. A brand preference may be promoted as a mark of the drinker's good taste and discernment.
- 27.1.10 Drinking alcohol should not be portrayed as a challenge, nor should it be suggested that people who drink are brave, tough or daring for doing so.
- 27.1.11 Particular care should be taken to ensure that marketing communications for sales promotions requiring multiple purchases do not actively encourage excessive consumption.
- 27.1.12 Marketing communications should not depict activities or locations where drinking alcohol

would be unsafe or unwise. In particular, marketing communications should not associate the consumption of alcohol with operating machinery, driving, any activity relating to water or heights, or any other occupation that requires concentration in order to be done safely.

27.2. Low alcohol drinks

- 27.2.1 Low alcohol drinks are those that contain between 0.5% - 1.2% alcohol by volume. Marketers should ensure that low alcohol drinks are not promoted in a way that encourages their inappropriate consumption and should not depict activities that require complete sobriety.

27.3 Children

- 27.3.1 For the purposes of the Code, a child is someone under 18. The way in which children perceive and react to marketing communications is influenced by their age, experience and the context in which the message is delivered; marketing communications that are acceptable for young teenagers will not necessarily be acceptable for young children. The IMC will take these factors into account when assessing marketing communications.
- 27.3.2. Marketing communications addressed to, targeted at or featuring children should contain nothing that is likely to result in their physical, mental or moral harm:
- 27.3.2.1 They should not be encouraged to enter strange places or talk to strangers.

- 27.3.2.2 Care is needed when they are asked to make collections, enter schemes or gather labels, wrappers, coupons and the like
- 27.3.2.3 They should not be shown in hazardous situations or behaving dangerously in the home or outside except to promote safety. Children should not be shown unattended in street scenes unless they are above 18 and old enough to take responsibility for their own safety. Pedestrians and cyclists should be seen to observe the Highway Code
- 27.3.2.4 They should not be shown using or in close proximity to dangerous substances or equipment without direct adult supervision. Examples include matches, petrol, certain medicines and household substances as well as certain electrical appliances and machinery, including agricultural equipment .
- 27.3.2.5 They should not be encouraged to copy any practice that might be unsafe for a child.
- 27.3.3 Marketing communications addressed to, targeted at or featuring children should not exploit their credulity, loyalty, vulnerability or lack of experience.
 - 27.3.3.1 they should not be made to feel inferior or unpopular for not buying the advertised product
 - 27.3.2.2 they should not be made to feel that they are lacking in courage, duty or loyalty if they do not buy or do not encourage others to buy a particular product

27.3.3.3 it should be made easy for them to judge the size, characteristics and performance of any product advertised and to distinguish between real-life situations and fantasy

27.3.3.4 adult permission should be obtained before they are committed to purchasing complex and costly products.

27.3.4 Marketing communications addressed to or targeted at children should not:

27.3.4.1 actively encourage them to make a nuisance of themselves to parents or others and should not undermine parental authority

27.3.4.2 make a direct appeal to purchase unless the product is one that would be likely to interest children and that they could reasonably afford.

27.3.4.3. distance selling marketers should take care when using youth media not to promote products that are unsuitable for children

27.3.4.4 exaggerate what is attainable by an ordinary child using the product being marketed

27.3.4.5 actively encourage them to eat or drink at or near bedtime, to eat frequently throughout the day or to replace main meals with confectionery or snack foods

27.3.4.6 exploit their susceptibility to charitable appeals and should explain the extent to which their participation will help in any charity-linked

promotions.

27.3.5 Promotions addressed to or targeted at children:

27.3.5.1. should not encourage excessive purchases in order to participate

27.3.5.2. should make clear that adult permission is required if prizes and incentives might cause conflict. Examples include animals, bicycles, tickets for outings, concerts and holidays

27.3.5.3. should clearly explain the number and type of any additional proofs of purchase needed to participate

27.3.5.4. should contain a prominent closing date

27.3.5.5. should not exaggerate the value of prizes or the chances of winning them.

27.4. **MOTORING**

27.4.1 Marketing communications for motor vehicles, fuel or accessories should avoid portraying or referring to practices that encourage or condone anti-social behaviour.

27.4.2 Marketers should not make speed or acceleration claims the predominant message of their marketing communications. However it is legitimate to give general information about a vehicle's performance such as acceleration and mid-range statistics, braking power, road-holding and top speed

- 27.4.3 Marketers should not portray speed in a way that might encourage motorists to drive irresponsibly or to break the law and should not condone irresponsible driving.
- 27.4.4 Vehicles should not be depicted in dangerous or unwise situations in a way that might encourage or condone irresponsible driving. Their capabilities may be demonstrated on a track or circuit provided it is clearly not in use as a public highway.
- 27.4.5 Care should be taken in cinema commercials and those in electronic media where the moving image may give the impression of excessive speed. In all cases where vehicles are shown in normal driving circumstances on public roads they should be seen not to exceed Sierra Leone speed limits.
- 27.4.6 When making environmental claims for their products, marketers should conform with the rules on Environmental Claims.
- 27.4.7 Prices quoted should correspond to the vehicles illustrated. For example, it is not acceptable to feature only a top-of-the-range model alongside the starting price for that range.
- 27.4.8 Safety claims should not exaggerate the benefit to consumers. Marketers should not make absolute claims about safety unless they hold evidence to support them.

27.5. ENVIRONMENTAL CLAIMS

- 27.5.1 The basis of any claim should be explained clearly and should be qualified where necessary. Unqualified claims can mislead if they omit significant information.
- 27.5.2 Claims such as 'environmentally friendly' or 'wholly biodegradable' should not be used without qualification unless marketers can provide convincing evidence that their product will cause no environmental damage when taking into account the full life cycle of the product. Qualified claims and comparisons such as 'greener' or 'friendlier' may be acceptable if marketers can substantiate that their product provides an overall improvement in environmental terms either against their competitors' or their own previous products.
- 27.5.3 Where there is a significant division of scientific opinion or where evidence is inconclusive this should be reflected in any statements made in the marketing communication. Marketers should not suggest that their claims command universal acceptance if that is not the case.
- 27.5.4 If a product has never had a demonstrably adverse effect on the environment, marketing communications should not imply that the formulation has changed to make it safe. It is legitimate, however, to make claims about a product whose composition has changed or has always been designed in a way that omits chemicals known to cause damage to the environment.

27.5.5 The use of highfaluting language should be avoided, as should bogus and confusing scientific terms. If it is necessary to use a scientific expression, its meaning should be clear.

27.6 HEALTH & BEAUTY PRODUCTS AND THERAPIES

27.6.1 General

27.6.1.1 . Medical and scientific claims made about beauty and health-related products should be backed by evidence, where appropriate consisting of trials conducted on people. Where relevant, the rules will also relate to claims for products for animals. Substantiation will be assessed by the IMC on the basis of the available scientific knowledge

27.6.1.2. Marketers inviting consumers to diagnose their own minor ailments should not make claims that might lead to a mistaken diagnosis.

27.6.1.3 Marketers should not discourage essential treatment. They should not offer specific advice on, diagnosis of or treatment for serious or prolonged conditions unless it is conducted under the supervision of a doctor or other suitably qualified health professional (e.g. one subject to regulation by a statutory or recognised medical or health professional body). Accurate and responsible general information about such conditions may, however, be offered.

- 27.6.1.4 Consumers should not be encouraged to use products to excess and marketers should hold proof before suggesting their products or therapies are guaranteed to work, absolutely safe or without side-effects.
- 27.6.1.5 Marketing communications should not suggest that any product is safe or effective merely because it is 'natural' or that it is generally safer because it omits an ingredient in common use.
- 27.6.1.6 Marketers offering individual treatments, particularly those that are physically invasive, may be asked by the media and the IMC to provide full details together with information about those who will supervise and administer them. Where appropriate, practitioners should have relevant and recognised qualifications. Marketers should encourage consumers to take independent medical advice before committing themselves to significant treatments, including those that are physically invasive.
- 27.6.1.7 References to the relief of symptoms or the superficial signs of ageing are acceptable if they can be substantiated. Unqualified claims such as 'cure' and 'rejuvenation' are not generally acceptable.
- 27.6.1.8 Marketers should hold proof before claiming or implying that minor addictions and bad habits can be treated without effort from those suffering.

27.6.1.9 Marketers should not use unfamiliar scientific words for common conditions.

27.7 Medicines

27.7.1 Medicines must have a marketing authorisation from the Pharmacy Board before they are marketed and any claims made for products must conform with the authorisation. Medicinal claims should not be made for unauthorised products. Marketing communications should refer to the IMC, the authorisation or the Pharmacy Board only if required to do so by the IMC.

27.7.2 Prescription-only medicines may not be advertised to the public. Health-related claims in marketing communications addressed only to the medical, dental, veterinary and allied professions are exempt from the Code.

27.7.3. Marketing communications should include the name of the product, an indication of what it is for, text such as 'Always read the label' and the common name of the active ingredient if there is only one. There should be no suggestion that any medicine is either a food or a cosmetic.

27.7.4 Marketers must not use fear or anxiety to promote medicines or recovery from illness and should not suggest that using or avoiding a product can affect normal good health.

27.7.5 Illustrations of the effect or action of any product should be accurate.

27.7.6 Marketing communications for medicines should not be addressed to children.

27.7.7 Marketers should not use health professionals or celebrities to endorse medicines.

27.7.8 Marketing communications for any medicine should not claim that its effects are as good as or better than those of another identifiable product.

27.7.9 Homeopathic medicinal products must be registered in Sierra Leone. Any product information given in the marketing communication should be confined to what appears on the label. Marketing communications should include a warning to consult a doctor if symptoms persist. Marketing communications for unauthorised products should not make any medicinal or therapeutic claims or refer to any ailment.

27.8. **Vitamins, minerals and other food supplements**

27.8.1 Marketers should hold scientific evidence for any claim that their vitamin or mineral product or other food supplement is beneficial to health. In assessing claims the IMC will bear in mind recommendations made by bodies such as the Ministry of Health, the Medical and Dental Association and the Pharmacy Board.

27.8.2 A well-balanced diet should provide the vitamins and minerals needed each day by a normal, healthy individual. Marketers may offer vitamin and mineral supplements to certain groups as a safeguard to help maintain good health but should not imply that they can be used to prevent or treat illness, elevate mood or enhance normal performance. Without well-established proof, no marketing communication should suggest that there is widespread vitamin or mineral deficiency or that it is necessary or therapeutic to augment a well-balanced diet. Individuals should not be encouraged to swap a healthy diet for supplementation.

27.8.3 People who are potentially at risk of deficiency may be safeguarded by vitamin and mineral supplementation. Products must be appropriate and marketing communications should specify the group they are addressing when claiming or implying that health may be maintained. Indicative groups include:

- people who eat nutritionally inadequate meals
- the elderly
- children and adolescents
- convalescents
- athletes in training or others who are physically very active
- women of child-bearing age
- lactating and pregnant women
- people on restricted food or energy diets
- people who smoke.

27.8.4 Serious vitamin and mineral depletion caused by illness should be diagnosed and treated by a doctor. Self-medication should not be promoted that it will influence the speed or extent of recovery.

27.9. **Cosmetics**

27.9.1. Claims made about the action that a cosmetic has on or in the skin should distinguish between the composition of the product and any effects brought about by the way in which it is applied, such as massage. Scientific evidence should also make this distinction.

27.9.2. Some cosmetics have an effect on the kind of skin changes that are caused by environmental factors. Marketing communications for them can therefore refer to temporarily preventing, delaying or masking premature ageing.

27.9.3. Marketers should not advertise products that are harmful to the skin.”

27.10 **Hair and scalp**

27.10.1 Marketers should be able to provide scientific evidence, where appropriate in the form of trials conducted on people, for any claim that their product or therapy can prevent baldness or slow it down, arrest or reverse hair loss, stimulate or improve hair growth, nourish hair roots, strengthen the hair or improve its health as distinct from its appearance.

27.11. WEIGHT CONTROL

- 27.11.1 . A weight reduction regime in which the intake Of energy is lower than its output is the most Common self- treatment for achieving weight reduction. Any claims made for the effective ness or action of a weight reduction method or product should be backed if appropriate by rig orous trials on people; testimonials that are not supported by trials do not constitute substantia tion
- 27.11.2 Obesity in adults is defined by a Body Mass Index (BMI) of more than 30 kg/m². Obesity is frequently associated with medical conditions and treatments for it should not be advertised to the public unless they are to be used under suitably qualified supervision.
- 27.11.3 Marketing communications for any weight re duction regime or establishment should neither be directed at, nor contain anything that will appeal particularly to, people who are under 18 or those in whom weight reduction would pro duce a potentially harmful body weight (BMI of less than 18.5 kg/m²). Marketing communica tions should not suggest that it is desirable to be underweight.
- 27.11.4 Marketers must show that weight reduction is achieved by loss of body fat before claims are made for a weight reduction aid or regimen. Combining a diet with an unproven weight reduction method does not justify making weight reduction claims for that method.

- 27.11.5 Marketers should be able to show that their diet plans are nutritionally well-balanced (except for producing a deficit of energy) and this should be assessed in relation to the kind of person who would be using them.
- 27.11.6 Vitamins and minerals do not contribute to weight reduction but may be offered to slimmers as a safeguard against any shortfall when dieting.
- 27.11.7 Marketers promoting Very Low Calorie Diets and other diets that fall below 800 calories a day should do so only for short term use and should encourage users to take medical advice before embarking on them.
- 27.11.8 Marketing communications for diet aids should make clear how they work. Prominence must be given to the role of the diet and marketing communications should not give the impression that dieters cannot fail or can eat as much as they like and still lose weight.
- 27.11.9 Marketing communications should not contain claims that people can lose precise amounts of weight within a stated period or that weight or fat can be lost from specific parts of the body.
- 27.11.10 Claims that individuals have lost exact amounts of weight should be compatible with good medical and nutritional practice, should state the period involved and should not be based on unrepresentative experiences. For those who are normally overweight, a rate of weight loss greater than 2 lbs (just under 1 kg) per week is unlikely to be compatible with good medical

and nutritional practice. For those who are obese, a rate of weight loss greater than 2 lbs per week in the early stages of dieting may be compatible with good medical and nutritional practice.

27.11.11 Resistance and aerobic exercise can improve muscular condition and tone; this can improve body shape and posture. Marketers should be able to substantiate any claims that such methods used alone or in conjunction with a diet plan can lead to weight or inch reduction. Marketing communications for intensive exercise programmes should encourage users to check with a doctor before starting.

27.11.12 Short-term loss of girth may be achieved by wearing a tight-fitting garment. This should not be portrayed as permanent, nor should it be confused with weight or fat reduction.

27.12 BETTING AND GAMING

27.12.1 The gaming industry and the advertising business accept responsibility for ensuring that marketing communications contain nothing that is likely to lead people to adopt styles of gambling that are unwise.

27.12.2. Marketing communications should be socially responsible and should not encourage excessive gambling.

27.12.3 Care should be taken not to exploit the young, the immature or those who are mentally or socially vulnerable.

- 27.12.4 Marketing communications should not be directed at people under 18 through the selection of media, style of presentation, content or context in which they appear. No medium should be used to advertise betting and gaming if more than 25% of its audience is under 18 years of age.
- 27.12.5 People shown gambling should not be, nor should they look under 25.
- 27.12.6 **Licensed casinos can only use classified advertisement to advertise to the public. Such advertisement should be restricted to the name, logo, address, telephone and fax numbers of the premises, factual information about ownership, the facilities provided, those who may be admitted and how to apply for membership**
- 27.12.7 Marketing material other than classified may be sent only to the members of such casinos.
- 27.13 **TOBACCO, ROLLING PAPERS AND FILTERS**
- 27.13.1 For the purpose of these rules, claims encompass statements and visual presentations and can be direct or indirect. Claims which the IMC regards as eroding or diminishing the effectiveness of the rules will be judged contrary to the spirit of the rules. Humour is acceptable provided it is used with care and is not likely to have a particular appeal to the young.

27.13.2 The IMC is the final arbiter of the meaning of the rules. Marketers are urged to check their marketing communications with the IMC before publishing them. Point of sale material featuring executions, themes or elements already checked for other marketing communications should normally need no additional checking by the IMC.

27.13.3 When interpreting the rules, the IMC will make due allowance for the medium in which the marketing communication is to appear, the audience and its likely response.

27.13.4 RULES

27.13.4.1 No marketing communications should depict anyone smoking.

27.13.4.2 Marketing communications should not encourage people to start smoking.

27.13.4.3 Marketing communications should not encourage smokers to increase their consumption or smoke to excess.

27.13.4.4 Marketing communications should not be targeted at, or be likely to appeal to, people under 18. Anyone depicted in marketing communications should always be, and clearly be seen to be over 18. No medium should be used to market cigarettes, tobacco, rolling papers or filters if more than 25% of its audience is under 18 or women under 24.

- 27.13.4.5. Marketing communications should not play on the susceptibilities of those who are physically or emotionally vulnerable, particularly the young or immature.
- 27.13.4.6 Marketing communications should not encourage or condone the use of illegal drugs. Save in exceptional circumstances, for example in the context of an anti-drug message, any reference to illegal drugs will be regarded as condoning their use.
- 27.13.4.7 Marketing communications should not be sexually titillating.
- 27.13.4.8. Marketing communications should not imply that smoking is glamorous or aspirational or that it enhances people's femininity, masculinity or appearance. Nor should they imply that smoking leads to social, sexual, romantic or business success. In particular, marketing communications should not link smoking with people who are evidently well-known, wealthy, fashionable, sophisticated or successful or who possess other attributes or qualities that may reasonably be expected to command admiration or encourage emulation.
- 27.13.4.9 Marketing communications should not appeal to the adventurous or rebellious, imply that it is daring to smoke or imply that smoking enhances people's independence.

- 27.13.4.10 Marketing communications should not imply that smoking is safe, healthy, natural, popular or appropriate in all circumstances. Marketing communications should not suggest that smoking promotes relaxation or concentration, through references to people smoking when they are relaxing or concentrating may be acceptable. Marketing communications should avoid any suggestion of a healthy or wholesome lifestyle and should not associate smoking with healthy eating and drinking, sport or active/outdoor games.

SECTION 4

28. SANCTIONS

- 28.1. The IMC shall establish an Advertising Advisory Committee made up of members of the IMC and representatives of stakeholders in the advertising business, including consumer protection bodies, children and women's rights organisations, the legal profession, media houses, etc. This body shall be responsible for adjudicating complaints and advising the IMC on compliance by marketers with the rules outlined above.
- 28.2 All those involved in the business of advertising shall be expected to voluntarily comply with these rules, failing which the IMC shall enforce them.

- 28.3. By providing advice, guidance and, in some cases, pressure, media owners, agencies and other intermediaries play a crucial role in ensuring compliance. If marketing communications break the Code, the marketers responsible will be asked by the IMC to amend or withdraw them. If they do not, sanctions will be applied.
- 28.4. The IMC will not adopt a legalistic attitude towards sanctions and will ensure that sanctions are proportionate to the nature of the breach. The sanctions will focus on ensuring that non-compliant marketing communications are amended, withdrawn or stopped as quickly as possible.
- 28.5. The IMC will not be restricted to applying sanctions only against marketers who have been subject to a formal investigation based on complaints. If marketing communications are obviously misleading or offensive, the IMC may take compliance action in the absence of complaints or while an investigation proceeds.
- 28.6. **Sanctions against an offending marketer will include** but will not be limited to the following:
- 28.6.1. Publicising the IMC's rulings. This will be essential to sustaining wide acceptance of the system's integrity. Thus the first level of sanctions available to the IMC will be the unwelcome publicity that may result from the publication of its rulings. Adverse publicity is damaging to most marketers and serves to warn the public. The IMC will therefore publish its rulings in the print and electronic media on a regular basis.

- 28.6.2. The IMC may issue Ad Alerts to all media houses, advising them to withhold their services from non-compliant marketers or deny the latter access to advertising space. Ad Alerts will be issued at short notice and be carefully targeted for greatest impact. They will contain the name and contact details of the non-compliant marketer, a description of the compliance problem and, if possible, an image/ copy of the marketing communication in question.
- 28.6.3. When instructed by the IMC, media houses will refrain from publishing any marketing communication that the IMC deems to be in violation of the rules. Failure to comply may result in a fine not exceeding five million Leones being imposed on the offending media house.
- 28.6.4 Any media house that repeatedly violates the rules may have its licence or registration suspended or revoked by the IMC.
- 28.6.5 Where the offending marketing communication falls under the category of direct marketing, the marketer will be informed in writing of the IMC's ruling and be given a time frame within which to amend the offending marketing communication.
- 28.6.6 If a marketer fails to comply with rulings of the IMC, the IMC may seek an injunction in the courts to force the marketer to comply. Failure to abide by the court's ruling will be considered contempt of court and punished accordingly.

28.7 Pre-publication vetting

- 28.7.1. The IMC may require offenders to have some or all of their marketing communications vetted by the IMC's Advertising Advisory Committee until the IMC is satisfied that future communications will comply with the Code.