

# GUIDE TO ETHICALLY RESPONSIBLE ADVERTISING

POLAND 2022

## INTRODUCTION

The Advertising Ethics Committee is a self-regulatory organisation established by the advertising and marketing industry in Poland. The Committee was established to promote and protect principles that should be followed by advertisers. The resolutions of the Committee are based on the Code of Ethics in Advertising – a document defining a set of rules of what is acceptable and what is unethical in an advertising message.

This guide illustrates the nature of the issues relevant to ad recipients and covered by the Committee's resolutions in 2021. It highlights the sensitivities of consumers on the ad market. Thus, the Advertising Ethics Committee's resolutions may provide value to any person responsible for ad clearance.

The importance of socially responsible advertising continues to grow. Advertisers, marketing companies and their clients face many legal and social challenges while adapting to the creative demands placed on the advertising sector.

## OVERVIEW

### HOW TO USE THIS GUIDE

The Committee's resolutions are divided into the following thematic sections:

- I Social customs, discrimination
- II Religious beliefs
- III Pharmaceutical and food products
- IV Advertisements related to ecological products including green claims
- V Misleading advertisement
- VI Road traffic

The descriptions of individual resolutions contain hyperlinks to the source resolutions of the Committee.

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## ETHICS AND POLICY

### SSW OP-ED

Although the main concern of advertising is to encourage consumers to buy advertised goods, advertisements are increasingly becoming a topic of public debate. Although not subject to a resolution of the Advertisement Ethics Committee, this is well illustrated in a case of a jewellery ad campaign which became notorious in Poland in 2021.

A TV commercial titled "I am a woman" presented:

- » a mother breast-feeding her baby inside a contemporary art gallery,
- » a woman after a mastectomy with her cleavage exposed,
- » two women kissing – one of them being a well-known Polish Olympian.

This ad became a major topic for the local advertisers when the Polish public television

broadcaster refused to air the ad. The reasons provided were that a breastfeeding mother and woman after mastectomy could be shown in TV after 8 p.m., whereas kissing women are unacceptable at any broadcasting time.

Nonetheless, the advertisement grossed over five hundred thousand views on Youtube ([link](#)) over the span of a few days after this information had been made public. At the time of writing this guide, it sits at well over one million four hundred views. In response, certain media outlets offered the advertiser free or discounted deals to air the ad.

This example shows how certain themes or topics may be perceived as polarizing and politicized, especially in the eyes of state-owned media, even though not being ethically dubious.

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### ABOUT THE AUTHORS

The IP/TMT team at SSW advises advertisers, agencies and media houses from the stage of drafting scripts and storyboards, through advice during production and treatment, to representation before public administration bodies and self-regulatory organisations such as the Advertising Ethics Committee. Not only do we advise in the course of negotiations of co-marketing agreements,

agreements on organisation of events, production of merchandise, Ts&Cs of competitions and lotteries, but we also draft necessary documents.

We believe that a read-through of the guide would inform you about the issues we often encounter as advertising lawyers. Please feel free to contact us if you have any questions or wish to explore the issues raised in more depth.



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# ADVERTISING ETHICS COMMITTEE RESOLUTIONS



## I SOCIAL CUSTOMS, DISCRIMINATION

### 1. ADVERT OF BEER DEGRADING THE NURSING PROFESSION

[Uchwała Nr ZO/001/21u z dnia 10 lutego 2021 r. Zespołu Orzekającego w sprawie skargi B2B o sygn. akt: KER/215/20](#)

#### Complaint

A label on bottles of alcohol called 'The Nurse' contains a scantily clad nurse. The complaint states that a combination of the medical profession with the promotion of alcohol is astonishing, given that alcohol dependence is the cause of many diseases and is a disease in itself. What is more, this label, by advertising a product in an objectifying manner, reproduces and reinforces the harmful stereotype of a nurse as a person defined by sexual attractiveness, rather than by the professionalism and reliability of the profession of public trust. The design of the label is negative, hurtful and infringing the nurses' rights to respect for their dignity. The character of this communication is additionally strengthened by the name of the producer. The name unambiguously constitutes a play on the meaning of the expression "procreation", thus undermining the dignity of every person performing the profession of a nurse.

#### Advertising Ethics Committee Resolution

The Advertising Ethics Committee shares the view of the Complainant and finds the advertisement in question to be in breach of the provisions of the Code of ethics in advertising.

The advertisement is not conducted with a sense of social responsibility and violates good practice.

The Advertising Ethics Committee states that the advertisement includes instances of discrimination against nurses, which is a profession of public trust, and female nurses in particular.

The beer advertisement in question uses the image of a nurse in a manner that could be considered offensive or degrading.

The Advertising Ethics Committee notes that the proper image of a profession determines its prestige and position.

Social studies in many countries show that many videos and images available mainly on social media portray nurses in a very derogatory way, mainly as sex objects and as "dumb blondes", much less as skilled professionals. Such an image is very difficult to change, especially if it is constantly reinforced. This problem does not concern only Poland. It is a stigmatizing problem in many countries around the world, including the USA, the UK, the Netherlands, and Australia.

The stereotype of a nurse as a sex symbol has been forming over decades. Many people are unaware of the medical level of education and the breadth of nursing practice and are therefore susceptible to the promotion of false, negative stereotypes.

The media have a huge influence on shaping the social values and characteristics of the health professions. Harmful stereotypes of nurses as sex

objects lead the media to overlook the true importance of nurses' role in medical care. This breeds disrespect for the profession. Ignorance and disrespect for the work of nurses make it difficult for them to perform their professional work, but can also threaten their safety (e.g. sexual harassment by patients).

Referring to the argument of using satire, taking into account the fact that the boundaries of satire are wide, the Advertising Ethics Committee pointed out that there are no grounds to accept the view that any satire excludes the unlawfulness of the satirist's action.

## 2. ADVERT OF BEER DEGRADING THE TEACHING PROFESSION

[Uchwała Nr ZO/015/21o z dnia 24 marca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/022/21](#)

### Complaint

A beer advertisement uses an image of a female teacher in a way that is degrading, sexist and demeaning to the profession, especially to women in this profession. It shows a female teacher in an outfit inappropriate to the teaching profession – with a deep cleavage and a mini skirt. It uses vulgar stereotypes about women who are supposed to seduce, excite and be attractive to men. It undermines the value of the profession as a profession of public trust. In such a way it is socially irresponsible and against the law on alcohol advertising.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee finds the advertisement in question not offending social responsibility expectations and not violating good practice rules. The Advertising Ethics Committee does not find any discriminatory content in the advertisement against women working as teachers.

## 3. MOTHER SMOKING CIGARETTES DURING PREGNANCY

[Uchwała Nr ZO/004/21uz dnia 3 marca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/218/20](#)

### Complaint

The ad begins with a woman saying: "When I became a mother, I promised myself I would quit

smoking. It wasn't easy. Finally, I came across Recigar. A medicine that reduced my nicotine craving." Woman then takes out a tablet from the packet, which shows the dosage. Then she says that she has successfully quit smoking. In the background of the advertisement, healthy children are running around and a man with a Christmas tree enters.

The advertisement suggests that the woman smoked while pregnant (as evidenced by the words "When I became a mum"). Therefore, it, promotes smoking during pregnancy. People who do not know the harms of smoking during pregnancy may be encouraged to do so. Taking the pills during pregnancy according to the information on the leaflet is not allowed. The advertisement is misleading for the consumer.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee finds the advertisement in question to be in breach of the Code of ethics in advertising as it contains unclear statements concerning smoking cessation by women who became mothers.

The Advertising Ethics Committee rules that the advertisement was not carried out with a sense of social responsibility and it violated good practice.

In the opinion of the Advertising Ethics Committee, the advertisement in question may abuse the trust of viewers and take advantage of their lack of experience or knowledge. The Advertising Ethics Committee notes that there is no room for ambiguity in advertisements for medicinal products as to whether a woman has just given birth or is breastfeeding.

In the opinion of the Advertising Ethics Committee, the statement "When I became a mum, I promised myself that I would quit smoking" may be too semantically unclear for consumers. In addition, no other information contained in the advertisement indicates when the woman smoked – at which stage of "being a mum".

Advertising Ethics Committee is of the opinion that advertising of medicinal products is a very sensitive type of activity and should be characterized by far-reaching caution.

## 4. CAN A LUBRICANT ADVERTISEMENT BE INAPPROPRIATE FOR CHILDREN?

[Uchwała Nr ZO/012/21u z dnia 17 marca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/171/20](#)

### Complaint

The advertisement states that: "It makes me ready immediately. It is gentle and reliable. It smells beautiful. What more could you want from a lubricant? Only that it counteracts intimate infections and advertised product does that. advertised product has a beneficial effect on the pH of intimate places, limiting the development of pathogenic bacteria and Candidia yeasts. You, too, should swap your lube for advertised product. Make love to your health. A medical product available in pharmacies."

The advertisement is aired at a time when young children, who are not ready for such information, may come into contact with it. The complaint gives an example of a 5-year-old child hearing this advertisement in a car on their way to kindergarten. The complainant did not have time to react and faced questions about such phrases from the ad as what "lube", "be ready immediately", "make love" are.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee states that the advertisement was made with a sense of social responsibility and does not violate good practice. In the opinion of the Advertising Ethics Committee, the advertisement in question does not pose a threat to the physical, mental or moral development of children or young people.

At the same time, the Advertising Ethics Committee recommends that the hours of broadcasting the commercial should be chosen more carefully to avoid embarrassing the listeners.



## 5. TOYS IMITATING GUNS

[Uchwała Nr ZO/069/21o z dnia 7 lipca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/049/21 – Rada Reklamy](#)

### Complaint

The advertisement shows projectile launchers (this is how the product is called by the manufacturer), which look like guns. The advertisement shows boys aiming at each other with these launchers in the same way as one aims at someone with a gun.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee finds that the advertisement violated the principles of advertising standards for advertisements aimed at minors.

The Committee states in particular that the advertisement in question could encourage adolescents and children to engage in activities that pose a threat to their health or safety. The content of the advertising message could negatively influence the psychological and moral development of the youth.

The Advertising Ethics Committee points out that when creating advertisements for products intended for use by minors, advertisers should take into account a message that is adequate to the psychological and moral development, which in no way encourages the use of violence against oneself or third persons.

## 6. UNDRESSING SCENES IN OOH

[Uchwała Nr ZO/083/21u z dnia 16 czerwca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/027/21](#)

### Complaint

The advertisement shows a boy and a girl in a car who start to undress and touch each other. The advertisement shows sexual poses, and the woman being undressed by the man. The advertisement violates advertising standards by broadcasting an advertising message that could threaten the mental and moral development of the youth. Sexual themes should not be included in advertisements.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee finds that the advertisement may violate the standards arising from Article 25 in connection with Article 32 of

the Code of Ethics in Advertising, i.e. advertisements aimed at children or the youth must take into consideration their level of development and cannot endanger their physical, mental or moral development.

It should be emphasized that this standard applies to advertisers even if the ads are not directly aimed at children, but children are their recipients due to the form, location and manner of presentation of the ads. This applies, in particular, to commercials broadcast on television close to the time of children's programs, commercials shown in cinemas before screenings of films for children, and outdoor advertising.

The advertisement in question is an example of OOH (out-of-home advertising), hence the conclusion that children may be its involuntary recipients.

Considering this, the advertiser is obliged to make effort to ensure that the image presented does not evoke controversies that could affect the psycho-moral development of children and adolescents.

## 7. SUICIDE AND STOCKINGS – A RISK-LADEN COMBINATION

[Uchwała Nr ZO/057/21u z dnia 22 czerwca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/077/21](#)

### Complaint

The advertisement of women's stockings uses suicide as an element of promotion. While the problem of violence and suicide to be important and worthy of publicity, it is used in this case for advertising purposes, which according to the complainant is unethical. Using such a scene as advertisement may lead to trivializing the phenomenon of violence and suicide.

The advertisement violated advertising standards by failing to advertise in the spirit of social responsibility and good practice, and presenting content that encourages violence.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee finds that the advertisement may violate the standards arising from Art. 2.1 of the Code of Advertising Ethics, i.e. the principles of advertising in the spirit of social responsibility and good practice..

The Advertising Ethics Committee finds that the advertisement undoubtedly exceeded the limits of acceptable use of mental disorders, such as depression and suicidal thoughts, within the current advertising standards. The Advertising Ethics Committee addressed the advertiser to be more cautious about linking such situations, which often affect many people in real life, with an attempt to encourage people to buy any products.

At the same time, the Advertising Ethics Committee does not note any attempts by the advertiser to encourage acts of violence. However, it still finds the content of the advertisement inappropriate and unacceptable in the public space from the perspective of ethical standards arising from the Code of Advertising Ethics.

## 8. SEXISM AND THE OBJECTIFICATION OF WOMEN

[Uchwała Nr ZO/042/21u z dnia 17 czerwca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/101/21](#)

### Complaint

An advertisement located on company vehicles shows a barely clothed woman. The advertisement is offensive, sexist and it is objectifying women. There is no reason for using a woman's body in such a way.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee finds the advertisement in violation of art. 2.1 of the Code of the Advertising Ethics, i.e. general principles of creating advertising message, thus the obligation to create advertising with sense of social responsibility and observing good practice.

In the opinion of the Advertising Ethics Committee, the advertisement in question also disregards the guidelines arising from art. 4 of the Code of the Advertising Ethics, i.e. it contains gender discriminatory content.

The Advertising Ethics Committee feels obliged to point out that due to a rise in social awareness, advertisers must now consider the impact of their work. Although the Advertising Ethics Committee is aware that the disputed image has been used by the advertiser's brand for a long time, the Advertising Ethics Committee would like to encourage the advertiser to possible changes.



## II RELIGIOUS BELIEFS

### 1. THE CROSS AS A SYMBOL OF ALL POLES

[Uchwała Nr ZO/100/21u z dnia 6 października 2021 r. Zespołu Orzekającego w sprawie o sygn.: KER/155/21 – Rada Reklamy](#)

#### Complaint

The advertisement suggests that a gold-plated holy medal with a cross is a sign of all Poles.

#### Advertising Ethics Committee Resolution

After analyzing the evidence in the case, the Advertising Ethics Committee rules that the advertiser violated the standards of advertising message by using generalizations that could lead to discriminatory treatment.

The Advertising Ethics Committee states that the symbol of the cross may be associated with the Christian religion and in the context of Poland in particular with the Roman-Catholic faith. This could further be generalized as a sign of all Polish people as indicated by the message of the advertisement.

In the opinion of the Advertising Ethics Committee, this kind of message may suggest that to be recognized as a Pole, the consumer should also recognize the cross as his or her mark. Otherwise, he or she may automatically be perceived as not belonging to the Polish community.

The Advertising Ethics Committee stresses the necessity of formulating all types of advertising messages in a non-discriminatory manner.



## III PHARMACEUTICAL AND FOOD PRODUCTS

### 1. DIETARY SUPPLEMENTS AS A CURE FOR DEPRESSION

[Uchwała Nr ZO/008/21u z dnia 17 marca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/012/21](#)

#### Complaint

Two people talk about the emotional state of one of them, resulting from a failed relationship and

the abandonment by a partner. The other person gives the advertised dietary supplement as a cure, and the further conversation reveals that thanks to it, another person got rid of problems.

The advertisement suggests that the product helps in case of a crisis caused by abandonment by a partner, thus downplaying the causes of depression – an illness that usually

requires drug treatment under the supervision of a psychiatrist.

The advertisement says: "After all you have done for him", which suggests that the person has a moral obligation to stay in the relationship out of gratitude or as a repayment of a debt, which is a symptom of emotional blackmail and fits the description of a toxic relationship. Apart from anything else, the advertised product will certainly not help in the described situation

### Advertising Ethics Committee Resolution

Taking into account the content of the advertising message and the supportive nature of the dietary supplements, the Advertising Ethics Committee rules that the advertising was conducted with a sense of social responsibility and does not violate good practice.

In the opinion of the Advertising Ethics Committee, the advertisement in question does not abuse the trust of the recipients or exploits their lack of experience or knowledge.



## 2. "CLOSEST TO MOTHER'S MILK"

[Uchwała Nr ZO/016/21u z dnia 11 marca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/017/21](#)

### Complaint

The manufacturer is informing consumers that the product, in terms of both its composition and its beneficial effects on a baby's body, is closer to mothers' milk than any other product of this kind on the market.

It should be noted that advertisements of products meeting the needs of infants belong to a special group of communication with consumers. A claim that the advertised product is the closest to mothers' milk misleads the recipients about the properties of the product and its composition;

it also abuses their trust and takes advantage of their lack of knowledge. . advertisement A unique combination of prebiotics and probiotics was indicated in the advertisement as a distinguishing feature of the product, whereas this combination is not a particularly unique or distinguishing one.

Furthermore, by using the phrase "nothing is closer to mothers' milk" the manufacturer communicates that a product is exceptionally close to mothers' milk, suggesting that the advertised product is almost as good as mothers' milk. This message is also false. In reality, breast milk is unique, and its composition is far more complex and rich than that of the advertised product. The beneficial properties of breast milk and milk-substitute products are also incomparable. The extent to which the disputed message "nothing is closer to mother's milk" deviates from reality is underlined by the fact that even the macronutrient content (i.e. the main components of breast milk) present in the product is not similar to that of the mother's milk.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee examined issues of consumer awareness and the consumer's ability to judge the accuracy of advertisements, the construction of marketing messages and, in this particular case, the meaning of the advertising slogan "nothing is closer than".

Taking into account that the awareness of the Polish consumer (according to the definition of an aware consumer described also at the level of European law), it can be assumed that the consumer, based on his knowledge, could correctly assess the slogan of the advertising message. It cannot be assumed that the advertising message misled him/her.

Only one of the arbitrators submitted an opinion diverse from the rest of the Committee concerning the wording of the advertising slogan "nothing is closer than" itself. Consequently, the Advertising Ethics Committee dismisses the complaint.

The Advertising Ethics Committee does not address issues directly related to the product, such as its composition, as it is beyond the competence of the Advertising Ethics Committee to rule on the composition of a product.





## IV ADVERTISEMENTS RELATED TO ECOLOGICAL PRODUCTS

### 1. COAL-FUELED ENVIRONMENT PROTECTION

[Uchwała Nr ZO/089/21u z dnia 22 września 2021 r. Zespołu Orzekającego w sprawie o sygn.: KER/150/21 – Rada Reklamy](#)

#### Complaint

A statement appearing in an advertising message suggests that a customer, by using burning fuel labeled “blue coal”, contributes to protection of the environment and clean air.

#### Advertising Ethics Committee Resolution

The Advertising Ethics Committee finds this type of advertising inconsistent with the guidelines and pointed out that the message should have been shaped using graded terms, which would have lowered the expectations of the offered product, thus making the advertising message closer to reality.

The Advertising Ethics Committee emphasizes that it appreciates the effort made by the advertiser to offer a product that meets high standards of gas emissions.

In the light of the above, the Advertising Ethics Committee recommends adjusting the advertising message, so that it meets the standards arising from the Code of Ethics of the Advertising Ethics Committee.

### 2. BIO-COAL

[Uchwała Nr ZO/080/21u z dnia 27 lipca 2021 Zespołu Orzekającego w sprawie o sygn.: KER/093/21 – Rada Reklamy](#)

#### Complaint

The term BIO is used to advertise a product that is not biologically/environmentally friendly. A fire starter in itself is harmful to the environment. A consumer may think that by buying a BIO fire starter, he/she buys an environmentally friendly product.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee states that the use of the prefixes “bio” and “eco” evokes unambiguous associations in consumers and may be regarded by them as synonymous. To consider a given product ecological, the advertiser must be able to prove that it is at least minimally harmful to the environment.

The Advertising Ethics Committee does not require producers to be completely environmentally neutral, however, it would like to draw attention to the necessity of not suggesting false information to potential consumers. It should be pointed out that such action may lead to a misleading perception of the message and encourage the consumers to purchase a product which they may consider to be fully ecologically or environmentally friendly.

The Advertising Ethics Committee points out that the fact that the offered product is natural does not make it organic and it may not be described with the prefix “eco” or “bio” in the advertising message.

### 3. ECOLOGICAL FOOTWEAR

[Uchwała Nr ZO/081/21u z dnia 27 lipca 2021 r. Zespołu Orzekającego w sprawie o sygn.: KER/095/21 – Rada Reklamy](#)

#### Complaint

The advertisement of footwear uses a “GO FOR NATURE” slogan.

The advertiser does not belong to the LWG (Leather Working Group – an association of ecological tanneries and manufacturers), and yet uses their logo.

No sources and examples of optimization of water and energy use are given. The complaint also questions the origin of the rest of the advertiser’s entire footwear collection, indicating that

a significant part of the advertiser's products does not meet the requirements of being environmentally responsible. Therefore it is doubtful if the business can be classified as an environmentally responsible one.

The advertisement does not specify the Code of Conduct for suppliers, nor does it show how it verifies compliance with the Code, nor does it make the full list of suppliers available. Thus, it is impossible to verify whether the company is certified and whether its production activities are environmentally neutral.

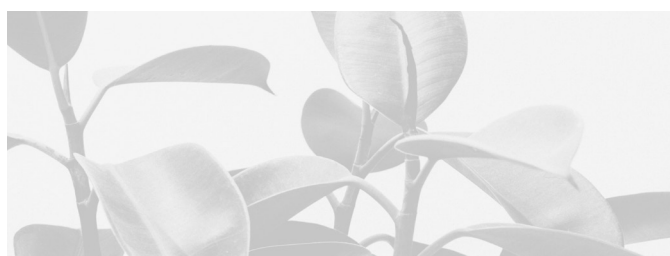
The advertisement is misleading, misuses "eco-science" word, does not provide reliable information, and relies on consumers' naivety and ignorance.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee finds it justified to dismiss the complaint against the footwear collection advertised with the "GO FOR NATURE" slogan. In the opinion of the Advertising Ethics Committee, the advertising campaign of the "GO FOR NATURE" footwear collection should be treated as an element of a broader pro-environmental campaign of the manufacturer.

Since no rigid quantitative definition has been established as to what the actual percentage of an advertiser's activities must be pro-environmental to be recognized as eco-friendly, it should be recognized that the advertiser did publish its non-financial report for 2020 indicating the company's overall commitment to sustainable development.

In the opinion of the Advertising Ethics Committee, the advertiser sufficiently fulfils its actions aimed at promoting pro-environmental activities; and the advertising campaign of the indicated footwear line is a part of a broader and consistent company policy.



## 4. ECOLOGICAL DEBIT CARD

[Uchwała Nr ZO/098/21u z dnia 6 października 2021 r. Zespołu Orzekającego w sprawie o sygn.: KER/142/21 – Rada Reklamy](#)

### Complaint

The advertisement expresses that one can have an eco-plastic debit card and be eco-friendly. The complaint considers this formulation to be too simplistic and therefore misleading.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee rules that the advertiser violated the standards for advertising messages containing ecological information. A determinative statement was used which suggests that using the advertised product makes a potential consumer "eco-friendly".

Since social awareness of environmental protection is still developing, advertisers should be particularly cautious about advertising message wording on the possibility of achieving the goal of being fully ecological.

In the opinion of the Advertising Ethics Committee less definite phrasing and wording such as "be more environmentally friendly" may not mislead potential consumers.

## 5. GREENWASHING OF FUELS

[Uchwała Nr ZO/077/21o z dnia 23 czerwca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/068/21](#)

### Complaint

The subject of the complaint is an Internet advertisement of heating fuel.

The advertised products (e.g. stearates) are not environmentally friendly and are not ecological in burning. The combustion process produces suspended particulate matters and causes air pollution.. The advertisement misleads consumers and provides incorrect information.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee finds the advertisement violating the standards of environmental information.

The Advertising Ethics Committee notes that the advertiser may use the phrase "natural fire starter", but warns against using the term

“ecological”. Concept of ecology cannot be applied to products intended for burning, so generating emissions.

In light of the above, the Advertising Ethics Committee decides that the advertisement violated acceptable advertising standards.



## 6. CAN FUEL BE GREEN?

[Uchwała Nr ZO/061/21o z dnia 23 czerwca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/066/21](#)

### Complaint

A product is advertised as “Eco-Energy” ecological fuels.

Coal is not ecological fuel, and the use of such a phrase violates the principles of ethics and fairness in advertising. The complainant claims the advertisement misleads consumers with the environmental information provided by the advertiser.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee rules that the phrase “ecological fuel” was not used with a sense of social responsibility and could mislead consumers about information of an ecological nature.

The Advertising Ethics Committee notes that the juxtaposition of terms used by the advertiser, i.e. “Polish pellet”, “eco-energy”, “ecological fuel”, is contradictory, may mislead potential consumers and cannot be regarded as reliable information. Each combustion process generates specific emissions that harm the environment. It is unacceptable to make eco-pellet coal seem environmentally friendly or ecological.

At the same time, the Advertising Ethics Committee considers “ECO-ENERGY” to be the product’s name, therefore not subject to assessment from the point of view of the advertising message.

## 7. ARE YOU SURE YOU'RE GREEN?

[Uchwała Nr ZO/082/21u z dnia 16 czerwca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/054/21](#)

### Complaint

A bank indicates in an internet advertisement that it adopted a target to reduce CO2 emissions per employee by 25% by 2020 starting from 2012. It indicates that globally the group have achieved carbon neutrality.

The advertisement states that the bank has a policy to promote energy efficiency, including minimizing energy consumption and the number of business trips, gradually introducing hybrid cars into the fleet, designing an environmentally friendly new headquarters building and eco-initiatives for employers.

The complainant points out that the declaration of achieving carbon neutrality is false. In complainant’s opinion it is not possible with the current global economy and using global solutions. Furthermore, the complainant states that the bank does not provide any objectively validated evidence and certification from independent experts and organizations that it is carbon neutral.

The advertisement is based on unacceptable advertising techniques, exploiting consumers’ lack of knowledge and their trust; it also contains misleading information about the advertiser’s environmental activities.

### Advertising Ethics Committee Resolution

The Advertising Ethics Committee rules that the advertisement violates the standards set out in the Code of ethics in advertising because of the possibility of misleading consumers with the information in the advertisement about carbon footprint emissions.

The Advertising Ethics Committee agrees with the complaint and notes the necessity of introducing changes in the advertisement in order to remove the violations of the Code of ethics in advertising.



## V MISLEADING ADVERTISEMENTS

### 1. RADIO AD'S SOUND SIGNAL IMITATING A BROADCASTER'S NEWS JINGLE

[Uchwała Nr ZO/009/21u z dnia 17 marca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/013/21](#)

#### Complaint

An advertisement is broadcast in the advertising block of Channel Three of the Polish Public Radio. In the first part of the ad, there is a dialogue (seconds 1–8), then there is a transition to information about the product (second 12 and further). However, the 3–4-second long interval between the first and second part (seconds 9 to 12) is filled with a signal almost identical to that one signalling a full hour on Channel Three.

This is a measure intended to draw the listener's attention to the content, since it is customary to broadcast news after such a sound. Therefore, the such an action violates the principle that the recipient of an advertisement should always be able to identify that the message is an advertisement; hence the complaint, as after such a signal the listener expects news and not advertising content.

#### Advertising Ethics Committee Resolution

The Advertising Ethics Committee, taking into account the content of the advertising message, finds the advertising conducted with a sense of social responsibility and not violating good practice.

In the opinion of the Advertising Ethics Committee, the advertisement in question does not abuse the trust of the recipients or exploit their lack of experience or knowledge. The Advertising Ethics Committee notes that the advertising message is broadcast in an advertising block, so the recipient of the advertisement could identify that the message is an advertisement.

### 2. DEBT PAYMENT SERVICE; UNCLEAR TS&CS

[Uchwała Nr ZO/068/21u z dnia 7 lipca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/092/21 – Rada Reklamy](#)

#### Complaint

The advertised service is aimed at people who have fallen into financial difficulties, but instead of helping them, it only increases their debt.

#### Advertising Ethics Committee Resolution

The Advertising Ethics Committee rules that the advertisement breaches the general principles of advertising on social responsibility and good practice.

Moreover, the Advertising Ethics Committee notices the possibility of misleading potential consumers or abusing their trust and ignorance.

The Advertising Ethics Committee finds the message unclear about the advertised product. In the opinion of the Advertising Ethics Committee, the average consumer may have problems with determining what the advertised product is – whether it is a legal service or a financial product.

Moreover, the Advertising Ethics Committee points out the necessity to include a clear and precise message, easily accessible on the websites to which the potential consumer is referred.

The Advertising Ethics Committee finds the provisions of the Ts&Cs available on the said website to be unclear, particularly about the costs of the advertised service at specific stages of its operation. The Advertising Ethics Committee wishes to emphasize that the advertising message is examined in its entirety, including reference to the company's Rules and Regulations documents informing about the product.

Moreover, in the opinion of the Advertising Ethics Committee, a potential consumer may not understand which stage, if any, of the service is free of charge.



## VI ROAD TRAFFIC

### 1. CYCLIST RIDING ON THE PAVEMENT

[Uchwała Nr ZO/014/21o z dnia 24 marca 2021 r. Zespołu Orzekającego w sprawie o sygn. akt: KER/020/21](#)

#### Complaint

The advertisement shows a cyclist riding aggressively on the pavement hits a pedestrian, who spills his drink.

Aggressive slalom riding is not allowed and hitting a pedestrian is an offence. If one is allowed by law to use the pavement, it is under the rules of doing it safely, slowly, at human speed, giving the right of way to pedestrians.

The advertiser also violates the “Polish language in Poland” principle. The name of the German company is pronounced like it is in English.

#### Advertising Ethics Committee Resolution

The Advertising Ethics Committee considers the advertisement in question to be prepared with a sense of social responsibility and not violating good practice. The Advertising Ethics Committee does not find any content abusing the trust of the recipients or exploiting their lack of experience or knowledge.

## SUMMARY

Complaints to the Advertising Ethics Committee are a good reflection of issues that are present in the public debate. Environmental issues, the truthfulness of information, issues relating to sexuality, or the promotion of harmful stereotypes are the most popular topics of complaints to the Advertising Ethics Committee in 2021.

It is important that those who operate in the advertising space on a daily basis (agencies, companies advertising their products) understand market sensitivities and are able to protect and assert their rights.

Such understanding is extremely useful both when performing a legal review of advertisements and when a complaint is made

to the Advertising Ethics Committee.

Ethical advertising is an excellent tool to promote a brand. Therefore, it is worth preparing well for the advertising process not only creatively, but also legally. It is important to include legal review in the ad production process from the very outset, when drafting scenarios, storyboards, Ts&Cs, etc.