

City of St. Clair Shores Underwriting Standards and Guidelines

Section 1: Overview

All material broadcast over **SCSTV**, the City of St. Clair Shores government access cable television channel, printed in **Inside St. Clair Shores**, the City newsletter, the City calendar or other City-published print media must conform to governmental laws and regulations and to the standards and policies of the City of St. Clair Shores Communications Commission.

It is the policy of the City of St. Clair Shores Communications Commission to present underwriting that is truthful and tasteful. This policy is mandated by our obligation to operate in the public interest, convenience and necessity, and by state and federal laws and regulations.

The Underwriting Standards and Guidelines are for use by advertisers, their agencies, legal counsel, the personnel of the City of St. Clair Shores Communications Department and members of the City of St. Clair Shores Communications Commission. The basic principle of underwriting acceptance is summarized as follows: ***Underwriting shall be honest and in good taste. Claims should be substantiated and qualifying information about the attributes or use of a product should be disclosed and/or available to avoid misleading residents and/or potential consumers.***

Section 2: Role of Communications Department

The City of St. Clair Shores Communications Department or its designee is responsible for reviewing all underwriting material broadcast or printed in City-owned media.

Section 3: General Standards

The City of St. Clair Shores Communications Department and Communications Commission reserve the right to:

- 1) Reject, at any time, underwriting for any product, service or business submitted for broadcast or print in City-owned media;
- 2) Require elimination or revision of any material in sponsorship copy, which violates the City's standards, policies, or guidelines, federal, state or local laws or regulations; or is otherwise contrary to the public interest.

In order to determine the acceptability of underwriting material submitted for broadcast or print, the City of St. Clair Shores Communications Department may investigate the sponsors and the accuracy of any statements/claims made in the copy. When affirmative claims are made for a product, service or business, the sponsor shall have substantiation or documentation providing a reasonable basis for the claims.

All underwriting shall be prepared with proper consideration for the type of product, service or business being advertised, the type of City-owned media used, and the audience to which the underwriting is directed. Good taste must always govern the content, placement, and presentation of advertising.

The City of St. Clair Shores Communications Department reserves the right at any time to revoke its approval and to require the elimination or revision of any advertising matter, which is inconsistent with the City of St. Clair Shores standards and policies. The City of St. Clair Shores Communications Department also reserves the right to require revision of any sponsorship matter to meet emergency circumstances or situations of unusual significance.

Section 4: Alcoholic Beverages

Hard liquor, beer and wine underwriting is prohibited. Hard liquor is defined as any beverage legally classified as a distilled spirit, which includes, but is not limited to, whiskey, vodka, gin, rum, brandy, cordials, liqueurs, fortified wines, and mixed products which contain hard liquor, including liquor-based coolers, even if the percentage of alcohol is less than that contained in beer or wine. Underwriting for businesses, which sell liquor in addition to other products or services (liquor stores, cocktail lounges, restaurants, etc.), is permitted provided there is no reference to, or display of, hard liquor, beer or wine or associated props. The words "liquor," "beer," "wine" or "package" are prohibited except when they constitute part of the retailer's name. In underwriting for cocktail lounges, restaurants etc. incidental, general references to mixed drinks are permitted when limited to language such as "cocktails," "mixed drinks," "drinks," or "beverages," if beverages other than hard liquor, beer or wine are available.

Section 5: American Flag

The City of St. Clair Shores recognizes and adopts the "Flag Code" (the Joint Resolution of Congress promulgated in 1942) which serves as a guide to the use of the American Flag, and the State of Michigan statute governing the American Flag's use in underwriting. Generally, the appearance of the flag is permitted in underwriting if it is treated in a dignified manner and displayed with proper respect, is incidental to the main thrust of the commercial or print advertisement and in a natural setting.

Section 6: Billboards

A billboard is an audio and/or video announcement within a broadcast program that identifies the sponsor(s) of the program. Sponsorship opportunities on the City of St. Clair Shores government access cable channel, **SCSTV**, will include billboard identification. Billboard copy, including the standard boilerplate language (e.g. ***The Mayor's Corner*** is brought to you by "XYZ Corporation"), must be capable of being easily delivered within the time allotted to the billboard.

Billboard copy may contain generic comparisons but may not contain competitive comparisons, endorsements, premiums, prizes, contests, prices, special sales, gratuitous/secondary mentions, guarantees, nor utilize exhortations to purchase or patronize the sponsor's product(s), business, or services(s).

The video portion of a billboard announcement must be confined to the sponsor's product(s), name(s), or services(s) and/or its logo. A slogan or phrase may also be used adjacent to this logo. For visual clarity, impact and compatibility, package designs and/or product shots will not be accepted.

Section 7: Community Sensibilities

The City of St. Clair Shores Communications Department will accept no underwriting, which misrepresents, ridicules, or attacks an individual or group based on age, color, national origin, race, religion, sex, sexual orientation, or handicaps. Special sensitivity should be exercised in

dealing with such matters. Underwriting which promotes violence, crime, obscenity or other forms of anti-social behavior is prohibited.

Section 8: Comparative Advertising

Comparisons and demonstrations must be based on specific differences between the products or services advertised, and shall compare similar or related properties or ingredients, dimensions or features. Such comparisons must be significant and material.

Comparative underwriting may not distort or exaggerate differences between competitive products or services or otherwise create a false, deceptive or misleading impression.

Section 9: Controversial Issues and Political Advertising

The City of St. Clair Shores believes that, as a general matter, it can most fairly and thoroughly inform the residents about important city issues, including candidates for election to federal, state, county, and city posts, through City-produced, news and special programming rather than through paid underwriting. City-owned media exist to provide accurate and timely information about issues important to the resident's health, welfare, safety and quality of life in St. Clair Shores rather than to persuade or sway public opinion.

Both political advocacy and controversial issues are matters that have an impact of life in St. Clair Shores and to which different segments of the community have opposing positions.

An advertisement will be unacceptable if it directly or indirectly addresses a political candidacy or controversial issue of public importance and takes an explicit position or if the advertisement presents information or makes statements which have the effect of paralleling (and therefore advancing) the positions taken by partisans in the controversy or election.

Section 10: Criminal Activities

Underwriting may not contain the portrayal of specific, detailed techniques that provide instruction in the commission of crimes, the use of weapons, or the avoidance of detection from criminal activity.

Section 11: Financial Advertising

Advertising of banking services, brokerage services, stocks and bonds, mortgage services, real estate, futures and options trading services, and other investments is permitted, if all relevant material restrictions, risk factors and qualifications are disclosed, and if the underwriting compiles with applicable law. Whenever the underwriting includes any prediction of potential investment results, risk factors must be disclosed.

Section 12: Firearms, Ammunition and Fireworks

The underwriting of handguns, ammunition, firearms, sporting rifles, and fireworks is prohibited. The use of firearms as a prop in non-firearm advertising is generally prohibited, and then usually permissible only in advertising for legitimate security services, safety courses, military recruiting and the like. Such uses in historical footage or period settings shall be permissible.

Section 13: Free

The word "free" is recognized as a strong inducement in underwriting copy. An offer may be described as "free," if all conditions for obtaining the "free" product or service are clearly and conspicuously disclosed.

Section 14: Gambling

Lawful underwriting by not-for-profit organizations that involves gambling may be permitted and will be reviewed on a case-by-case basis. Such advertising may not falsely or unfairly raise hopes or expectations of winning. Such advertising must comply with all legal requirements, including 18 U.S.C. 1304 and 1307.

Section 15: Guarantees or Warranties

Reference to guarantees, warranties, or similar terms in advertising copy must comply with all applicable laws and governmental rules and regulations, particularly with the Magnuson-Moss Warranty Act and the rules promulgated thereunder by the Federal Trade Commission. Advertisers shall disclose whether an advertised warranty is "full" or "limited", its duration, and any major limitations of the warranty, such as parts excluded, or costs or responsibilities the customer must undertake. Disclosure should also be made that the rest of the warranty can be obtained at the store, or "See dealer for details," or the like.

Section 16: Hypnotism

Underwriting for clinical hypnosis services is permitted. Underwriting which includes realistic hypnosis or hypnotic techniques by act or demonstration is prohibited in any context.

Section 17: Mail Order, Telephone, Internet, and Direct Response Advertising

Mail order, telephone, Internet and direct response underwriting must comply with all applicable legal and regulatory guidelines, including the Federal Trade Commission's Mail and Telephone Sales Order Rule.

Section 18: Music Performance Rights

The performance rights for any music contained in underwriting on **SCSTV** must be either in the public domain, cleared directly by the commercial supplier, or accompanied by music release affidavit.

Section 19: "New," Use Of

Use of "new" is limited to no more than one year from the time a business opens in St. Clair Shores or from a time a product or service achieves substantial distribution in the City. Terms such as "introducing," "now" and the like are generally limited to no more than one year from when the product or service enters the marketplace.

Section 20: "900" Number and Other Pay-Per-Call Services

Because of the widespread abuses, the use of "900" and other telephone exchanges for pay-per-call services in underwriting is prohibited.

Section 21: Price and Value Claims

Underwriting statements of prices and values must be factual. Unfair comparisons must not be used. "Bait and switch" underwriting, whereby goods and services which the advertiser has no intention of selling are offered merely to lure the customer into purchasing higher-priced substitutes, is prohibited.

Section 22: Professional Advertising

Underwriting for the services provided by duly accredited lawyers, doctors, and persons in other generally recognized professional occupations is permitted.

Section 23: Psychics and Other Pseudo-Sciences

The underwriting of astrology, character reading, fortune-telling, mind reading, numerology, palm reading, or similar subjects is acceptable only when specifically acknowledged and disclaimed to be for the purpose of entertainment only. Underwriting for these pseudo-sciences must not state nor imply that they have any scientific basis or validity whatsoever.

Section 24: Religious Time

The City of St. Clair Shores may sell underwriting space or time to religious organizations to call attention to lectures, meetings, or crusades. These announcements shall not include the presentation of religious doctrine or solicit funds.

Section 25: Safety

Underwriting which disregards normal safety precautions is prohibited. Children shall not be represented except under proper adult supervision, as using or being in proximity to a product or a situation recognized as potentially dangerous to them.

Section 26: Simulation of News Techniques

Underwriting on **SCSTV** may not contain language, visual techniques, or sound effects associated with newscasts when such underwriting is likely to confuse or alarm the resident, or trivialize actual newscasts. Examples of techniques that are generally prohibited include: "Bulletin," "Flash," "Special Report," "We interrupt this program to bring you..." newsroom settings, simulated interviews or newscasts, horizontal crawls, and teletype sound effects. Such techniques are reserved specifically for news broadcasts.

Section 27: Sponsor Identification

Underwriting which does not contain sponsorship identification is prohibited.

Section 28: Subliminal Perception

Since all commercial announcements on **SCSTV** must be clearly identified as such, the City of St. Clair Shores will not broadcast messages utilizing the technique of "subliminal perception" (e.g. the transmission of information below the audience's threshold of sensation or awareness), or any other similar technique.

Section 29: Supers

When superimposed copy is used in a commercial message on **SCSTV**, it must be displayed clearly and conspicuously. Generally, supers must be presented against a contrasting background, and must be displayed for sufficient duration and in large enough letters to be read easily.

Section 30: Tobacco

Underwriting for tobacco and tobacco paraphernalia is prohibited. The use of cigarettes as props in commercials aired on **SCSTV** should be avoided. Underwriting for clinics and products for the purposes of assisting people to stop smoking is permitted.

Section 31: Indemnity

It is the responsibility of the advertiser to ensure that the advertisements comply with the U.S. Fair Trading Act 1986, as amended, and all rules adopted under it. All advertisements are accepted on the condition that the advertiser indemnify the City and its officials against all actions, suits, claims, loss and/or damages resulting from anything published on behalf of the advertiser.

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Approved by City Council September 2, 2003