

ADVERTISING AND DIRECT MARKETING CLEARANCE CHECKLIST

TOPIC	ISSUE	LEGAL SOURCE
The message	<p><i>Factually incorrect, misleading or deceptive?</i></p> <ul style="list-style-type: none"> • <i>Time for delivery</i> • <i>Pricing</i> • <i>Discounts</i> • <i>Guarantee</i> • <i>Endorsements</i> • <i>Cooling off period</i> • <i>"free", "new", "independent", "best"</i> • <i>country of origin</i> • <i>unordered products</i> • <i>bait</i> • <i>comparisons</i> • <i>fine print</i> 	<i>Trade Practices Act (Cth); ASIC Act; State Fair Trading Acts</i>
	<i>Breach of intellectual property rights?</i>	<i>Copyright Act, Trade Marks Act</i>
	<i>Defamatory?</i>	<i>Defamation laws</i>
	<i>Discriminatory/racial?</i>	<i>Discrimination Acts</i>
The channels	<i>Direct mail (mailing lists): brochures, flyers</i>	<i>ADMA Code of Practice; Privacy Act; copyright</i>
	<i>Door to door</i>	<i>Fair Trading Acts</i>
	<i>Call Centre/telemarketing</i>	<i>Privacy Act</i>
	<i>Faxes</i>	<i>Privacy Act</i>
	<i>Email</i>	<i>Spam Act; Telecommunications Act; Australian Communications Authority</i>
	<i>M-marketing (eg SMS)</i>	<i>Spam Act</i>
	<i>Television/radio</i>	<i>Australian Broadcasting Authority; FACTS Code</i>
	<i>Newspapers/magazines</i>	<i>Australian Press Council</i>
	<i>e-commerce: internet, adwords in search engines/RSS feeds</i>	<i>Australian Communications Authority</i>
	<i>Multi-level marketing</i>	<i>ASIC Act; Fair Trading Act</i>
	<i>Retail outlet/branch</i>	<i>Trade Practices Act</i>

Chance draw and prize promotions	<i>Rules of competition Lawful prizes</i>	<i>Lotteries/Art Unions Acts</i>
Special industry marketing rules	<i>Financial services/"canvassing" for credit/EFT</i>	<i>Corporations Act; Consumer Credit Code; Codes of Practice</i>
	<i>Fund raising/selling securities("hawking")</i>	<i>Corporations Act</i>
	<i>Health services</i>	<i>Privacy Act</i>
	<i>Food</i>	<i>Food Standards Code</i>
	<i>Motor Vehicles</i>	<i>Trade Practices Act; State Acts</i>
	<i>Real Estate</i>	<i>Trade Practices Act; State Acts</i>
	<i>Health/pharmaceutical products</i>	<i>Therapeutic Goods Act</i>
	<i>Home based business</i>	<i>Trade Practices Act</i>
	<i>Employment</i>	<i>Trade Practices Act</i>
	<i>Alcohol/tobacco products</i>	<i>State Acts</i>

NOTE: THIS LIST DOES NOT DEAL WITH:

- THE LICENSING REQUIRED TO OPERATE A PARTICULAR BUSINESS;
- PRODUCT PACKAGING REQUIREMENTS.