

No. S 44

EMERGENCY (BROADCASTING) ORDER, 1997

BROADCASTING (CODE OF PRACTICE) NOTIFICATION, 1998

It is hereby notified for general information that, in exercise of the power conferred by section 9 of the Emergency (Broadcasting) Order, 1997, the Minister responsible for broadcasting matters, with the approval of His Majesty the Sultan and Yang Di-Pertuan, has issued, with effect from 1st. January, 1998, the Broadcasting Services Programmes Code and Code of Practice for Advertising, as set out in the First and Second Schedule respectively :

FIRST SCHEDULE

BROADCASTING SERVICES PROGRAMMES CODE

Introduction :

- A. This Code of Practice (hereinafter referred to as "the Code") is issued under section 9 of the Emergency (Broadcasting) Order, 1997 and applies to all television and radio programmes, including all free-to-air broadcasting services.
- B. The provisions in this Code should be observed in the spirit as well as the letter. Broadcasters, including editors and producers of television and radio programmes should ensure that programmes which fail to meet the provisions in this Code are not broadcast.
- C. All programmes which are against public interest, national harmony or are offensive or against public decency should not be broadcast.

Service Guidelines

All programmes broadcast must observe the following :

1. National Security

- a) Programmes should not undermine the interests of public security, national defence and public confidence in the law and its enforcement.
- b) Programmes should not promote values and attitudes that are clearly opposed to national objectives.
- c) Programmes of a political nature or of activities that are against the present system of Government of Brunei Darussalam should not be broadcast at all.

2. Racial and Religious Harmony

- a) Programmes of a religious nature should be given due consideration to ensure that it does not infringe the stability of the faith towards the practices according to Ahli Sunnah Wal-Jemaah in Brunei Darussalam in particular and the stability of Islam in Brunei Darussalam in general.
- b) Programmes that may lead to a Muslim losing faith in Islam or that which ridicule and/or belittle Islam should not be broadcast at all.
- c) Programmes broadcast should not potentially infringe the faith and observance of the Muslim community in Brunei Darussalam towards the teachings of Islam.
- d) Programmes that depict or are able to raise sympathy towards the faith of other religion other than Islam should not be broadcast at all.

3. Warning Indicators

- a) All television programmes including movies, drama, entertainment, documentary, sitcom and others (except news programmes) should be given proper and suitable warning indicators.
- b) Warning indicators are as follows :-
 - i) U – Suitable for the viewing of all age groups.
 - ii) 12 – Only suitable for viewing by children ages 12 and above.
 - iii) PG – Only suitable for children viewing with parents ; or for children viewing with parental guidance.
 - iv) 18 – Only suitable for viewers age 18 and above or adults.
- c) Television programmes that have been given proper warning indicators must be broadcast within suitable hours with consideration given towards the age group of possible viewers that may be viewing within the time concerned.
- d) Warning indicators should be stated besides programme titles within newspapers, TV magazines, programme promotions and also during on-air announcements before programme broadcast and during programme broadcast.

4. Family Viewing

- a) Programmes specifically for the viewing and listening of all family members should be the type of programmes that are suitable to be viewed and listened by every family member of all age level, whether viewed and listened individually or as a group.
- b) Programmes specifically for viewing by children under the age of 12 years should be broadcast during early time period within a particular day's broadcast.
- c) Television programmes specifically for adult viewing should be broadcast during a time period where it is not probable for children to be viewing.
- d) Warning indicators "PG" (Parental Guidance) should be stated for programmes requiring parental guidance or those which may be considered sensitive ; for example, programmes containing adult themes or scenes that portrays violence, horror and the supernatural. Within the TV screen, warning indicators PG may be accompanied by an explanation for example : "due to adult themes, parental guidance are advised".

5. Children's Programmes

- a) Children's programmes should not contain violent, horrific or sexual scenes.
- b) Children's programme should portray the Malay Muslim Monarchy philosophy and values and inculcate and promote respect for :
 - i) law and order ;
 - ii) parents and elders ;
 - iii) each other as well as their property in communal living ; and
 - iv) honourable characteristics.
- c) Programmes should contain positive values with clear distinction between good and bad values and should highlight good moral values.
- d) Programmes broadcast should not contain scenes depicting :
 - i) the consumption of alcohol, cigarette smoking, misuse of drugs or promoting the consumption of alcohol, cigarette

smoking or misuse of drugs (other than it being broadcast with the objective of giving an educational point towards its negative effects) ;

or

ii) brand or trade names relating to alcohol or prohibited drugs.

- e) Programmes broadcast containing scenes depicting brand or trade names relating to cigarettes should initially be approved by the Minister responsible for broadcasting matters.
- f) Programmes featuring excessive violence towards other humans, animals, including animation/cartoons of humans or animals and property should be avoided from being broadcast for the viewing of children.
- g) Programmes meant for children should never end in a way that could disturb or negatively effect the emotions of children.

6. Public Morals and Social Values

- a) The sanctity of marriage should be defended and divorce should not be treated casually.
- b) Fornication, homosexuality, single motherhood (by choice) and multiple or free sexual relations should not be treated in a way that shows or incite sympathy or attraction towards such behaviour.
- c) Information or themes on homosexuality, lesbianism, bisexualism and incest should be treated with caution. Their portrayals should not promote, justify or glamorise such lifestyles. Explicit scenes on sexual, homosexual or lesbian behaviour should not be broadcast at all.
- d) Jokes, gestures, song lyrics, dialogues including subtitles that are obscene should be avoided.
- e) Programmes with portray and/or promote discrimination against people on account of their handicap (physical or mental), old age, low income or status, race, nationality, colour or religion should be avoided. This requirement, however is not intended to prevent the broadcast of any programme material which :
 - i) is factual ; or
 - ii) expresses objectively-derived or genuinely-held opinion in a news or current affairs programme ; or

iii) fits into the context of a humorous, satirical or dramatic work, which is done without improper intent or malice.

f) Kissing scenes or sexual physical intimacy should be avoided from programmes broadcast.

7. Actions/Activities that are Anti-Social and Improper

- a) Behaviour such as greed, bribery, disrespect for parents and elders and child abuse, misuse of drugs, alcohol consumption and cigarette smoking should not be presented as being favourable. Such behaviour should be limited to the needs of a particular film plot or character only.
- b) Programmes must not promote or glamorise a character or individual with known criminal record. When there is a need to feature such individuals, great care must be exercised to avoid giving negative acceptance to viewers (particularly for locally-produced programmes).
- c) Scenes depicting hooliganism, vandalism, juvenile delinquency, lifestyles of subcultures (eg. motor-cycle gangs) should not be portrayed as a behaviour that can be proud of or having full attraction.
- d) References to mental and physical incapacity should be handled with caution in order not to offend any party suffering such incapacity.
- e) Short story programmes, dramas, legends, myths, comedies and others that portray acts or words that are improper should be avoided altogether.

8. Crime and Violence

- a) Programmes on crime and the commission of crime should not be promoted or glamorised. It should portray a concept that "crime does not pay".
- b) Suggestions that justice can be achieved by violence (other than judicial process) should be avoided. Any exceptions must take into account the period in which the programme is set and the values that exist during those times, by stating any good qualities that exists during those times to redeem any violence that occurred.

- c) Scenes on excessive violence or suffering, such as close-up shots of persons being brutally killed or tortured or raped should be minimised.
- d) Graphic portrayals of violence, such as the use of a sharp object for the cutting of body parts and the spurting of blood should be avoided.
- e) The use of animals for any programme character should be done at a humane level.

9. Sex

- a) All programmes portraying either graphically or verbally implicit or explicit sexual scenes should be avoided altogether.
- b) All programmes on AIDS, birth control, etc should be given due consideration so as not to offend taste and decency.

10. Nudity

- a) Programmes portraying nudity or offensive words that are meant to arouse its viewers or listeners should not be broadcast.

11. Horror and the Supernatural

- a) Programmes which contain scenes of horror and the supernatural should only be broadcast during a time period where it is not probable for children to be viewing.
- b) Consideration should be exercised to ensure that broadcasts of such programmes are not too excessive and frequent.
- c) Editing should be done to filter down the more horrifying sequences.

12. Gambling and Fortune Telling

- a) Scenes depicting gambling and fortune telling should be presented with discretion and in a manner that does not encourage or offer instructions to viewers.
- b) Transmission of horse-racing and other gambling tips are strictly prohibited.

13. Factual Programmes

- a) Factual programmes such as news, current affairs and documentary should present information in an objective, fair, accurate and balanced manner.

- b) Local news programmes, current affairs and documentary showing distinguished individuals (eg. Heads of State, community leaders, etc) should not be used or portrayed in such a way that is denigratory or in a way that may compromise the public respect towards them.
- c) The Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam or its agencies have the right to correct any mistakes, inaccuracies, insufficient or misleading reports that are broadcast.
- d) Significant mistakes and inaccuracies discovered relating to news reports, current affairs and documentaries should be corrected and broadcast immediately.

14. Entertainment Programmes

- a) Song lyrics and artistes' costumes in entertainment programmes should be in compliance to acceptability and decency in accordance to the Malay Muslim Monarchy (MIB) concept.
- b) Music relating to the misuse of drugs, violence and worships that are proscribed by Islam and which is obscene should be avoided.
- c) Choreographed dance should not portray sexual acts or erotic fantasies.
- d) Songs banned by the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam should not be broadcast.

15. Language

- a) Language used in news programmes, current affairs and local documentaries should be the standard Malay language or the official English language (whichever is applicable).
- b) Except in specific programmes intended to promote the culture and heritage of Brunei Darussalam, interviewers, spokesmen, hosts, etc., should use standard Malay language or the official English language (whichever is applicable) even though the interviewee uses the Brunei dialects.
- c) Words which are offensive, unsuitable, immodest, etc (whether directly or otherwise) and which may offend any parties are prohibited.

16. Hypnotism

- a) For any broadcast on demonstration of hypnotism for entertainment, care must be taken to minimise the risk of hypnosis being induced to susceptible viewers.
- b) Hypnotists should not be performing straight into the camera. Hypnosis broadcast through radio are prohibited altogether.

17. Subliminal Messages

- a) Broadcasters should not employ the process known as "subliminal perception" or any other techniques which attempts to convey information to the viewer by transmitting messages below or near the threshold of normal awareness.
- b) Other than programmes containing hidden verbal messages or information, programmes containing messages or information that are transmitted using graphics and which may influence the mind without the viewers realising it, is also prohibited from broadcast.

18. Event Sponsorship

- a) All broadcast relating to all types of illegal drugs and alcohol are prohibited.
- b) Sports programmes that are sponsored by cigarette companies may only be broadcast on condition that the cigarette brand name is only visible/appear at the background of the sporting activity in question. If the cigarette brand name or the name of the cigarette company in question dominates the sporting activity, such programme should not be broadcast.

19. Values to be Promoted

Programme producers (local and foreign) must give due consideration to ensure that their programmes may result in bringing about the promotion of the following values amongst its viewers in Brunei Darussalam :

- a) the moral values demanded by Islam and the MIB concept ;
- b) responsible attitudes toward the development of Brunei Darussalam ;
- c) the will toward self development in terms of knowledge, skills, etc ;

- d) self confidence ;
- e) self motivation to come forth in contributing service toward achieving national aspiration and objectives.

SECOND SCHEDULE

CODE OF PRACTICE FOR ADVERTISING

Introduction :

- A. This Code of Practice (hereinafter referred to as "the Code") is issued under Section 9 of the Emergency (Broadcasting) Order, 1997 and applies to all advertisements broadcast or intended for broadcast on television and radio.
- B. The provisions in this Code should be observed in the spirit as well as the letter. Broadcasters including editors and producers of television and radio programmes should ensure that advertisements which fail to meet the provisions in this Code are not broadcast.
- C. All advertisements should be legal, decent and truthful. Any advertisement which is against public interest, national harmony or is offensive or against public decency should not be broadcast.
- D. In the broadcast of any advertisement, the following values should be borne in mind :
 - i) national interest, religion and society in general ;
 - ii) family as the principal unit in a society ;
 - iii) community support and respect for the individual ; and
 - iv) consensus, not conflict.
- E. This Code is not intended to suppress or restrict free competition amongst businesses.
- F. Consumer interests should be safe-guarded. Any advertisement broadcast should be true and accurate in terms of the information conveyed.
- G. Advertisers must clear the copyrights in the music and/or visuals used in advertisements.

The following guidelines should be complied with in any advertisement intended for broadcast :

1. National Policy

- a) Advertisements should not contain visuals or messages which constitute a breach of the law, nor should they appear to condone illegal activity as an act accepted by society.
- b) Advertisements concerning alcohol, illegal drugs or any thing or product prohibited by the laws of Brunei Darussalam should not be broadcast.
- c) Advertisements concerning products having cigarette brand names or cigarette trade name products should be initially approved by the Minister responsible for broadcasting matters.
- d) Advertisements should not, directly or indirectly, attempt to disrupt the harmony and stability of the country.
- e) Advertisements which are seen as detrimental to the interest of Brunei Darussalam to defend, strengthen or develop relations with other countries should not be broadcast.

2. Race and Religion

- a) Advertisements should not contain statements or suggestions which may infringe the stability of the faith towards the practices according to Ahli Sunnah Wal-Jemaah in Brunei Darussalam in particular and the stability of Islam in Brunei Darussalam in general.
- b) Advertisements should not proselytize, propagate or indirectly develop views or beliefs towards other religion other than of Islam.
- c) Advertisements should not make use of the practices of Islam or other religion to sell products or services ; except related sales during the month of Ramadan.
- d) Advertisements concerning any things or products prohibited by Islam or proscribed by relevant religious authority should be avoided.

3. Moral Standards/Social Behaviour

- a) Advertisements should not portray or condone undesirable or immoral values.
- b) Suggestive or revealing sexual scenes and sexual innuendoes in advertisement should be avoided.

- c) Advertisements should not promote materialistic values.
- d) Advertisements which are offensive to good taste or which portray {directly or by implication} anti-social behaviour should be avoided.

4. Children and Advertising

- a) Advertisements should not introduce values infringing the concept of respect between children and adults (eg. disrespectful or disobedient to adults).
- b) Advertisements primarily targeted at children, or placed in programmes likely to be seen by children, should not contain visuals or words which may result in physical, emotional or moral harm.
- c) Advertisements featuring children should be carefully considered from the point of view of safety and should not show them doing acts which might endanger themselves or others.
- d) Advertisements targeted at children or which feature children should not portray negative, undesirable, indecent or inappropriate practices or values.

5. Claims and Comparisons

- a) Advertisements should not contain claims or comparisons which are misleading directly or otherwise, or highly exaggerated.
- b) All claims and comparisons which are objectively verifiable should be capable of substantiation.
- c) Comparisons with other products or services are acceptable provided they are based on fact and do not disparage directly or by implication.

6. Film Trailers

- a) Advertisements portraying excessive violence, horror and close-up shots of infliction of bodily wound and bloody wounds should not be broadcast.
- b) Advertisements of any films restricted by the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam should not be broadcast.

7. Public Figures and Organisations

Footage or caricatures of public figures or organisations should not be used in a manner which might be denigratory to them.

8. Endorsements by Professionals

Where endorsements by professionals are used in advertisements, prior approval should be obtained from related professional bodies.

9. Use of National Symbols and Anthems

Advertisements which feature the national flag, 'Istana' buildings, mosques, official Government buildings, state symbol(s), national anthem or flags of other nations require prior written approval from the Prime Minister's Office and the Ministry of Home Affairs.

10. Medical Products/Equipment

Prior written approval from the Ministry of Health should be obtained before any advertisement featuring medical products/equipments containing medical statements/claims is broadcast.

11. Mail Order

Advertisements concerning mail order should satisfy the following conditions :

- i) name and address of advertisers are clear and stated in full ;
- ii) sufficient preparations are made so that callers can make enquiries at the stated address of the advertiser during normal business hours ;
- iii) samples or advertised products are made available at the address stated for public scrutiny,
- iv) guarantees are given by the advertisers that they will refund any payments made by any customer who is dissatisfied with the products bought so long as the product is returned within the specified grace period laid down by the advertisers.

12. Others

- a) Promotion, directly or otherwise, of gambling acts/activities are prohibited.
- b) Advertisements which specifically promote fortune-telling, geomancy and other superstitious beliefs or which make reference to occult practices are prohibited.
- c) Advertisements relating to undertaker services and products associated with death are prohibited.

- d) Advertisements should not use 'subliminal advertising' that may influence the minds of its viewers towards anything that is prohibited by this Code.
- e) Advertisements concerning massage parlours/services, social escort agencies/services and other establishments not of a reputable nature are prohibited.

Made this 25th. day of Syaaban 1419 Hijriah corresponding to the 14th. day of December, 1998.

PEHIN ORANG KAYA LAILA SETIA BAKTI DIRAJA
DATO LAILA UTAMA HAJI AWANG ISA
BIN PEHIN DATU PERDANA MANTERI
DATO LAILA UTAMA HAJI IBRAHIM
Minister responsible for broadcasting matters,
Prime Minister's Office,
Brunei Darussalam.