

# GRAEME OWENS' GUIDE TO THE ADVERTISING CODE

## FOR COMPETITORS AND ORGANISERS

From January 2009 in Australia

Advertising on boats and boards is governed by the Advertising Code (ISAF Regulation 20) and it is not permitted for sailing instructions or a National Authority to make any amendments to that Code.

The regulations can be complex issues, and the legal language, cross referencing, National Authority prescriptions and fee arrangements which are part of the Code have caused people to seek further and simplified explanations.

This document is not a replacement for the Advertising Code and Yachting Australia's prescriptions, but the Code's main requirements have been brought together and summarised in a format which may make it a little easier to find the answers.

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## WHAT IS ADVERTISING ?

Advertising is defined in the Code as the name, logo, slogan, description, depiction, a variation or distortion thereof, or any other form of communication that promotes an organization, person, product, service, brand or idea so as to call attention to it or to persuade persons or organizations to buy, approve or otherwise support it.

Advertising must meet generally accepted moral and ethical standards and must comply with any Government legal advertising restrictions.

There must be no display which is political, religious or racial propaganda on boats, boards, equipment, clothing or any other object at an event.

## ADVERTISING BY COMPETITORS

When competitor advertising is permitted on hulls, spars or sails, the choice of advertising (if any) rests with the person on board who is the designated 'Person in Charge'.

The chosen advertising may be displayed on hulls, spars and sails without restriction unless the event is being sponsored or equipment is being supplied by the event organiser or there are other special restrictions of a club, class or event.

## ADVERTISING ON CLOTHING

Competitors may display advertising on clothing and personal equipment without restriction (unless agreement is not given by the Person in Charge).

## ADVERTISING BY ORGANISING AUTHORITIES ON COMPETITORS' BOATS AND BOARDS

An event organiser may require its chosen advertising to be placed on both sides of boats' hulls and/or booms.

Hull advertising must be placed on the forward part and its length is restricted to:

1.2 m for hull lengths up to 4.8 m

25% of the hull length for boats of 4.8 to 8 metres

20% of the hull length for boats over 8 metres.

Boom advertising must be placed on the foremost 20%.

A sponsor's flag maximum 500 x 750 mm can be required on the backstay. It may be required to be carried throughout the event and even when the boat is in harbour or ashore.

An event organiser cannot require advertising on sailboards' hulls but it may require a display on both sides of the sail between the numbers and the wishbone to a maximum area of 0.4 square metres.

The required advertising must be placed on ALL boats and boards, except competitors have the right to refuse if the advertising is for alcohol or tobacco or should they genuinely object for moral, political or religious reasons.

The organizer's advertising requirements must be stated in the Notice of Race.

**CONFLICT** The organising authority may not reject or cancel the entry of a boat or competitor because the boat's or competitor's advertising conflicts with the advertising or the sponsor of that event.

## **ADVERTISING WHEN THE ORGANISING AUTHORITY SUPPLIES EQUIPMENT**

An organizing authority is permitted to require its advertising to be on any of its supplied equipment (hulls, boards, sails, spars) without restriction.

If bibs, or their equivalent, displaying advertising are supplied at an event then they may be worn at the absolute discretion of a competitor.

## **ISAF CLASSES AND RATING SYSTEMS**

ISAF Classes and Recognised Rating Systems may prescribe that no advertising, or limited advertising only, may be displayed on competitors' hulls, spars and sails. If so, the Class Rules or the Rules of that Rating System must specify the limitations.

If an ISAF Class boat is also sailing under a Rating System then that boat is governed by whichever prescription is more limiting.

An ISAF Class may enter into a sponsorship contract for that class but only for events where the class is the organising authority.

## **NATIONAL CLASSES**

**(e.g. Australian class associations)**

The National Authority decides the limitations on advertising for recognised national classes.

*Printed in the Yachting Australia issue of the Racing Rules of Sailing is a prescription to the Advertising rule 80 which refers to Category C. Subsequent to that issue ISAF Regulation 20 was amended and 'categories' no longer apply, so Yachting Australia has officially cancelled that prescription. So the current situation is that advertising chosen by the person in charge may be displayed on hull, spars and sails without restriction on boats of Australian class associations and boats racing under handicap/measurement systems (subject, of course, to other provisions which may apply at an event).*

## **CLUB AND INVITATIONAL EVENTS**

For club events and for events open only by invitation, the organising authority may seek the approval of the National Authority (*Yachting Australia*) to restrict the advertising on competitors' hulls, spars and sails.

## **BUILDERS', MANUFACTURERS' AND SAILMAKERS' MARKS**

Builders', manufacturers' and sailmakers' marks are restricted in their content, size and position, and these vary for boats and sailboards, and vary for spinnakers and other sails. Rather than include the lengthy provisions in this document, reference is being made to ISAF Regulation 20.9 where the restrictions are set down.

Class insignia and national and club letters and numbers are not controlled by the Advertising Code. These are covered by the Racing Rules.

## **FEEES AND LICENSES**

A National Authority of a boat carrying advertising is permitted to require the payment of a fee from that boat.

*Yachting Australia does not currently require any fee or license.*

Only the National Authority is permitted to require a fee from a competitor who has chosen to display advertising on their boat.

There must be no variation in the entry fees at an event between boats which have chosen different categories or extent of advertising.

ISAF has designated that special conditions apply to some particular special events and classes. In these cases written ISAF agreement is required and an advertising fee is payable to ISAF.

## **PROTESTS AND PENALTIES**

Alleged breaches of the Advertising Code may be protested by another boat or sailboard, or the race committee, or the protest committee, and will proceed to a normal hearing.

There is a broad range of available penalties, for the protest committee may:

- give a warning, or
- apply some other penalty if so stated in the sailing instructions, or
- disqualify the boat from the race, or
- disqualify the boat from more than one race (or the whole series) if it feels a stronger penalty is deserved, or
- proceed under rule 69.1 (Gross Misconduct) for a gross breach. This could lead into wider national or international suspensions.