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# **Standards of Advertising Acceptability**

The success of advertising depends on its credibility.

No matter how technically brilliant an advertisement may be, unless readers believe it, it fails in its purpose.

What's more, the confidence that the readers of a newspaper place in its news, editorial and advertising columns depends on the integrity of those columns. For these reasons The New York Times makes every effort to protect its readers from messages that are misleading, inaccurate or fraudulent, or fail to comply with our advertising standards of decency and dignity.

The New York Times maintains an Advertising Acceptability Department whose function is to review advertisements and identify those advertisements that, in our opinion, may be misleading, inaccurate or fraudulent, or do not meet the standards of acceptability The Times has developed over the years.

If an advertisement contains statements or illustrations that are not deemed acceptable, and The Times thinks should be changed or eliminated, the advertiser will be notified. The Times will attempt to negotiate changes with the advertiser; however, if changes cannot be negotiated, the advertisement will be declined.

The New York Times maintains a clear separation between news and editorial matter and its advertisements. Accordingly, ads that include elements usually associated with New York Times editorial matter will not be accepted. Additionally, The Times reserves the right to label an advertisement with the word "advertisement" when, in its opinion, this is necessary to make clear the distinction between editorial material and advertising.

**It should be made clear, at the outset, that The Times retains the right to decline any advertisement offered to us.**

This principle is firmly established in law and has been affirmed by the courts on numerous occasions. We try not to decline advertisements, however, unless we feel that there is a compelling reason for us to do so.

**It is of utmost importance to remember that each advertisement must be judged on its own merits; we do not evaluate advertisements comparatively.**

This means that copy and illustrations found acceptable in one context may be found unacceptable in another. In this respect, the task of determining the acceptability of advertising is more an art than a science.

On the following pages are examples of our advertising acceptability standards for some major categories. These examples will answer many of the most frequently asked questions regarding New York Times advertising standards. If you have questions which are more specific or not found in these pages please contact the Advertising Acceptability department at (212) 556-7171 or by e-mail at Sjespersen@NYTimes.com.

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## Advertising Acceptability Policy for Selected Categories

### Advocacy Advertising / Opinion Advertising

We believe that the broad principles of freedom of the press confer on us an obligation to keep our advertising columns open to all points of view. Therefore, The New York Times accepts advertisements in which groups or individuals comment on public or controversial issues. We make no judgments on an advertiser's arguments, factual assertions or conclusions. We accept advocacy/opinion advertisements regardless of our editorial position on any given subject.

We do not, however, accept advocacy advertisements that are attacks of a personal nature, that seek to comment on private disputes or that contain vulgar or indecent language.

We do not accept advertisements that are gratuitously offensive on racial, religious or ethnic grounds or that are considered to be in poor taste. We do not verify, nor do we vouch for, statements of purported fact in advocacy/opinion advertisements. We reserve the right, however, to require documentation of factual claims when it is deemed necessary.

In addition, we do not accept advocacy advertisements that promote illegal activities or actions. We do not accept ads that are libelous or might be legally actionable, and we would not accept an advocacy ad that accused an entire country, race or

religion as being guilty of a crime. For example we would not accept an ad that characterized all French people as murderers, or all Catholics as thieves or all Asians liars. However, there are groups, or governments that have committed criminal or terrorist acts. If these acts are widely accepted as facts and can be proved, we would accept these charges. And, conversely, we will not accept advertising that denies great human tragedies. Events such as the World Trade Center bombings, or the Holocaust, or slavery in the United States, or the Armenian Genocide or Irish Famine cannot be denied or trivialized in an advertisement.

Advertisements that include photographs of individuals or the names of individuals as signatories, or which state or imply that named individuals support or endorse the messages, must be accompanied by a signed release wherein the sponsors certify that no one's name or photograph has been used in the advertisements without his or her consent. If affiliations of signatories are included in the opinion advertisement, then a line of copy which reads "Affiliations listed for identification purposes only" must appear in the advertisement.

The sponsor's name must be in the advertisement. If the advertiser is not known to our readers, the sponsor's mailing address or telephone number or Web site address (that leads to direct contact with the advertiser) must appear in the advertisement.

## Cigarettes/Cigars/Tobacco

Advertisements for cigarettes, cigars, pipe tobacco, chewing tobacco and snuff are unacceptable.

Advertisements for smoking-related items such as cigarette lighters, papers, ashtrays, smoking jackets, etc., are acceptable.

Advertisements for special events (sports, music, art, etc.) sponsored by tobacco companies are acceptable provided no direct offers of tobacco products are included in the ads.

Advertisements for events where smoking is permitted or encouraged are acceptable. For example a wine-tasting and cigar-smoking event would be acceptable.

## Complaints

We try to assist readers who experience difficulties as a result of responding to advertisements in The Times. All written complaints are referred to the advertisers involved. Should we refer complaints to an advertiser and that advertiser fails to correct the conditions that led to the complaints, or we are unable to come to a suitable resolution, we then may decide to decline further advertisements from that advertiser until this dispute is resolved.

## Diet Pills & Regimens

Advertisements offering “miracle” diet pills or regimens, e.g., those for which incredible, unreasonable and unsubstantiated weight loss claims are made, are unacceptable.

Diets that include fasting as a main component are acceptable provided that it is clear that this regimen is for a short period of time, solid food is not part of the diet and that it is a “fasting diet.”

## Discrimination

Advertisements that discriminate on grounds of race, religion, national origin, sex, age, marital status or disability are unacceptable. Advertisements submitted by companies located in foreign countries where discrimination based on race or religion is practiced as a matter of official government policy are acceptable provided the advertisements themselves do not contain discriminatory language.

## Firearms

Advertisements for firearms and ammunition to be sold by mail order or at gun shows are unacceptable. All advertisements for contemporary handguns are unacceptable.

Advertisements for rifles to be sold at retail are acceptable. Antique or relic firearms (pistols or rifles) sold at retail or at auction are also acceptable.

## Language

The New York Times does not accept vulgar language in its advertisements. Language that may be described as coarse and in questionable taste must be approved by the advertising acceptability department.

## Offensive to Good Taste

Advertisements that are, in the opinion of The Times, indecent, vulgar, suggestive or otherwise offensive to good taste are unacceptable. Taste is judgment in which time, place and context make vital differences. Each advertisement must, therefore, be judged on its own merits.

## Op-Ed Page

The New York Times views the Op-Ed position as unique within the newspaper. Because of its proximity to the Editorial page, the creative for the advertisements should be clear and uncluttered.

Advertisements will be accepted from any legitimate source, including corporations, retail stores, foundations, trade associations, schools and colleges, unions, and special interest groups. In all advocacy ads where the advertiser is not known to our readers, a telephone number, mailing address or Web address that leads to direct contact with the advertiser will be required within the advertisement. The use of response coupons, or direct appeals for donations, are not acceptable for advertisements in the Op-Ed position. As well, advertisements on behalf of candidates for any public office are unacceptable. Books written by Op-Ed columnists and products endorsed by them may not be advertised on the Op-Ed page of the newspaper. However, such books or products may be advertised online when the opinion section front is bought, but an ad cannot be bought adjacent to a specific column. The layout and typography of the advertisement must be sufficiently distinctive to avoid any chance of confusion with editorial material.

## Political

Political advertisements are those that advocate the election or defeat of candidates for public office. Opinion advertisements, on the other hand, are those that comment or express a point of view about public or controversial issues but do not advocate the election or defeat of candidates for public office. Our stance with regard to the acceptance of political advertisements is the same as it is for the acceptance of opinion advertisements (see Opinion, this manual) with the following additional requirements: Political advertisements that expressly advocate the election or defeat of clearly identified candidates for federal office must include one of the following notices:

When an advertisement is authorized and paid for by the candidate's authorized committee:

- “Paid for by the John Doe for President Committee.”

When an advertisement is authorized but not paid for by the candidate's authorized committee:

- “Paid for by the XYZ Committee and authorized by the John Doe for President Committee.”

When an advertisement is not authorized and not paid for by the candidate's authorized committee:

- “Paid for by the XYZ Committee and not authorized by any candidate.”

Political advertisements that solicit funds must, where applicable, disclose that contributions are not deductible for income tax purposes.

## Real Estate

All display residential real estate advertising must contain one of the following:

1. The Equal Housing Opportunity (EHO) logo, which includes the words “Equal Housing Opportunity,” or
2. “We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status or national origin.” Or,
3. The phrase “Equal Housing Opportunity.” Advertisements that do not contain one of the above statements will be rejected or amended at Times option, and without notice to the advertiser. If depictions of human models are used in display advertising for housing, the models should be clearly identifiable as reasonably representing majority and minority groups in the New York-Northern New Jersey-Long Island, NY-NJ-CT Consolidated Metropolitan Statistical Area (“CMSA”), \*including without limitation that area’s black population, so that the models employed convey a message of general inclusiveness of all persons regardless of race or color.  
\*According to the 2000 Census, the population of the CMSA is approximately 70 percent white, 20 percent black and 10 percent other. The sole exception to the above is that display residential real estate advertisements placed by individuals offering their own homes, apartments, condominiums, etc., for sale, lease or rental are acceptable without the Equal Housing statement. Real estate advertisements that disparage or contain unfair negative references to the properties or locations of competitive properties or locations are unacceptable. Advertisements that contain offers to sell “novelty” real estate, e.g., “one inch of Ireland,” etc., are unacceptable. Real estate for sale by auction companies is acceptable. Residential real estate offered by the owner of a house for private auction is not acceptable.

## Sexual Stimulants

Advertisements for nonprescription pills, creams or potions that make claims that they increase sexual stimulation, arousal or performance are unacceptable. Advertisements for prescription medications to treat erectile dysfunction, such as Viagra, are acceptable.

## Simulation of News or Editorial Matter

Advertisements that, in our opinion, simulate New York Times news or editorial matter or that may be confused with our news or editorial matter are unacceptable.

The use of column widths, typefaces, layouts, subheads, photographs, captions or other elements usually associated with New York Times news or editorial matter in a manner that may mislead the reader is not permitted.

In borderline cases, an advertisement will be slugged with the word “ADVERTISEMENT.” Keep in mind, however, that the use of the slug, by itself, is not sufficient if the overall appearance of the advertisement tends to confuse the reader. The rule of thumb is this: if it confuses, it’s unacceptable.

## Special Sections/Advertorials

The New York Times maintains a clear separation between news/editorial matter and advertising. Accordingly, advertisements, advertorials, and advertising supplements, free standing inserts, etc. that include elements usually associated with New York Times news/editorial matter (Times-style captions beneath photographs, brief biographies of authors, news-style column arrangements, layouts and typography, etc.) will not be accepted for publication or distribution.

## Broadsheet Advertorials (added pages)

- 1) The use of The New York Times logo may not appear anywhere within the pages.
- 2) Body type must be set in a sans-serif typeface. Headlines may not be set in typefaces that resemble those used by The New York Times.
- 3) The reading matter may be set in three-, four- or five-column format, but the design may not resemble New York Times format or be set in six columns.
- 4) The slug ADVERTISEMENT must appear horizontally in 8-point Helvetica capitals type or equivalent sans serif, at the upper right and left corners of each page.
- 5) The following disclaimer must appear on the first page of the advertorial: This advertising supplement is produced by [name of sponsor] and did not involve the reporting or editorial staff of The New York Times.
- 6) Bylines may not appear under the headline of an article. Authorship credit may come within the text or at the end of the article.
- 7) A one-point border must surround all editorial matter.

## Freestanding Inserts

- 1) The use of The New York Times logo may not appear anywhere within the section or insert.
- 2) Legend lines [Advertising Supplement to The New York Times] must appear on the cover and be set horizontally in 10-point Helvetica type or equivalent sans serif. Legend lines must be legible and not obscured by other elements on the cover.
- 3) All inside pages that include editorial-style material must be slugged with one of the following:  
[1] Advertisement,  
[2] Advertising Supplement,  
[3] Special Advertising Supplement or  
[4] Special Advertising Supplement to The New York Times.

Slugs must appear horizontally in 8-point Helvetica type or equivalent sans serif, all capitals, at the top of the page. No italic, script or vertical slugs will be accepted.

- 4) The following disclaimer must appear on the cover or on the masthead page: This advertising supplement is produced by [name of sponsor] and did not involve the reporting or editorial staff of The New York Times. If the masthead in the section or insert uses the terms editor, writer or publisher, then the disclaimer must appear on the same page as the masthead, as opposed to being placed on the cover.
- 5) Bylines that mimic or may be confused with bylines used by The New York Times are unacceptable.

## Use of New York Times Material

The use of New York Times editorials, news reports, photographs, feature articles, reviews or Op-Ed page columns in advertising to be published in The New York Times is permitted subject to the following conditions.

1. Use of The New York Times logo for use outside The Times must be acquired by The New York Times Agency on extension 1989.
2. The use, in whole or in part, of New York Times editorials, news reports, feature articles, reviews or Op-Ed page columns written by members of The New York Times staff is permitted provided the material is quoted accurately and has not been taken out of context.

If an article is reproduced in full, such material must contain a copyright credit line (© 2009 The New York Times Co.) and clearly disclose the identity of the advertiser. The advertisement will be slugged "ADVERTISEMENT" in 8-point Helvetica capitals. Any statement or implication that The New York Times endorses a product or service or that The New York Times endorses or vouches for statements, assertions or conclusions in a political or opinion advertisement or in an advertising supplement is unacceptable.

3. The use, in whole or in part, of news reports, feature articles, reviews or Op-Ed columns written by other than members of The New York Times staff is permitted, as above, provided the use has been approved by The New York Times Agency.
4. The use of New York Times photographs is permitted as above, provided The New York Times Agency has approved the use. The appropriate credit line and any copyright notice must be shown.
5. Restaurant reviews may be used as provided under Restaurants, this manual.
6. The use of texts of speeches or documents as published in The Times is permitted if such texts are not copyrighted. The use of New York Times editorials, news reports, photographs, feature articles, reviews or Op-Ed page columns in advertising to be submitted to publications other than The New York Times must be approved in advance by The New York Times Agency.

## Web Site Guidelines — Internet Advertising Guidelines on NYTimes.com

1. Within standard banner, skyscraper and big ad units, ad animation can run for a maximum of 30 seconds without being re-initiated by the user. No flashy creative types permitted.
2. All ads with uninitiated sound must be individually approved. Sound can run a maximum of 30 seconds and cannot repeat unless re-initiated by the user. All creative must include a prominently visible and clickable on/off button for sound.
3. To clearly distinguish advertisements from editorial content we require that all white background ads come with a border.
4. Ads that lead to Web sites where the 'Back' button is disabled and as a result users cannot return to The New York Times on the Web will not be accepted.
5. Mouse-over interaction with an ad within a nytimes.com page can only provoke ad interaction within the current open browser window and cannot link a user to a new Web site. Within a pop-up or pop-under ad window a mouse-over can link users to a new Web site within the same open window that the pop-up/under appears in.
6. All versions of creative that will be served via a third party must be provided for testing and approval prior to appearing on the site.
  - (a) The subject matter, form, size, wording, illustration and typography of the advertising shall be subject to the approval of Publisher, but unless otherwise authorized in advance no change shall be made without the consent of Advertiser or Agency.
  - (b) Where material furnished by Advertiser or Agency does not conform to advertising specification, Publisher shall communicate with Advertiser or Agency for definite instructions. If Publisher is unable to secure definite instructions from Advertiser or Agency, the advertising shall be omitted.
7. Advertisements cannot mislead the user. For example, they may not mimic or resemble Windows/Mac/Unix dialogue boxes, error messages, or the like.
8. Advertisements cannot resemble nytimes.com content.
9. Advertisements cannot contain graphics that simulate interactivity (i.e., drop down menus, search boxes, etc.) without that functionality actually existing. NO fake or simulated HTML interactivity.
10. Advertisements cannot mimic news headlines in design, tone, third-person sentence structure, or topic.
11. NYTimes.com reserves the right, in its sole discretion, to preserve the user experience of its sites and to remove any advertisement which is deemed annoying and/or harmful to our users at any time.