

## COHV ADVERTISEMENT AND MARKETING

### CODE OF ETHICS

#### ***GUIDELINES FOR ADVERTISING AND PROMOTIONAL MATERIALS***

##### **I. SCOPE**

These guidelines shall apply to all promotional communications to consumers to promote the sale of all-terrain vehicles (ATVs) and off-road motorcycles, including promotion in electronic media (e.g., television, video and radio, internet) and in print (e.g., magazines, newspaper, posters, brochures, billboards and mail).

##### **II. VISUAL AND COPY GUIDELINES**

The visual presentation and written and spoken content of all advertising shall conform to the following guidelines:

###### **A. General provisions**

1. Advertisements shall not appear in magazines designated as youth, children's or comics and comic techniques magazines or within or adjacent to (immediately preceding or following) any television program whose audience *is* projected to be composed of one third or more of children less than 16 years old.
2. Advertisements shall not portray a use or activity that requires substantial experience or advanced skills, except as provided in paragraphs II.H.4 and 5.
3. Advertisements shall not represent directly or by implication that a use of an ATV or off-road motorcycles, which is not possible is in fact possible.
4. Advertisements shall be consistent with all safety messages, including those in warning labels and owners' manuals

## **B. Stability**

Advertisements shall not state, directly or by implication that ATVs are stable or steady in all or almost all operational modes or on all or almost all surfaces. This shall not prohibit comparative statements based on actual tests or documentation; that specific mechanical features make an ATV model demonstrably more stable in operation than other ATV models. This also shall not prohibit accurate statements concerning traction on specific types of terrain.

## **C. Necessary skills/training**

1. Advertisements shall not state, directly or by implication that ATVs or off-road motorcycles are easy or simple to ride or maneuver or that ATVs or off-road motorcycles can be operated without proper training. This specifically prohibits stating, directly or by implication, that an ATV or off-road motorcycle is a toy. This shall not prohibit statements that specific controls are themselves easy to operate or that specific features are designed for improved operation. For example, statements that an electric starter makes the vehicle easy to start are permissible, while statements that the vehicle is easy to ride, or that a novice can simply get on the vehicle and operate it without proper instruction are prohibited.
2. Advertisements shall not depict the operation of ATVs or off-road motorcycles in a manner that is inconsistent with the recommendation for training. For example, if an advertisement depicts an operator being introduced to the controls, the driver shall be depicted on flat terrain free of obstacles and shall not be shown doing turns, except gradual turns.

## **D. Terrain**

1. Advertisements shall not state, directly or by implication, that ATVs are able to go anywhere or that they have an unlimited or almost unlimited ability to operate on different kinds of terrain. This does not require that any names used to refer to ATVs be changed.
2. Difficult terrain
  - a. Advertisements shall not state, directly or by implication, that an operator may safely negotiate difficult terrain, such as steep hills or hills with bumpy or slippery surfaces, without substantial experience or advanced skills.
  - b. Advertisements shall not depict operators traversing slopes other than gradual slopes, or negotiating steep hills, hills with large bumps or ruts, or with slippery surfaces where the vehicle's traction may be impaired or other difficult terrain.

3. Use on unpaved surfaces

- a. Advertisements shall not state, directly or by implication, that it is safe or appropriate to operate an ATV on paved surfaces.
  - b. Depictions of ATV use shall be limited to trails and other proper riding areas. Advertisements shall not show ATV use on paved surfaces
4. Advertisements shall not depict an ATV driving through water deeper than the recommended limits for that model and may only depict an ATV crossing water at a slow speed.

**E. Age recommendations**

1. Except for advertisements described in paragraphs III.A.1. and III.A.2.b. and c., advertisements must state the age recommendations applicable to any ATV model that the advertisement depicts or refers to specifically, or that is part of a class or group of ATV models referred to in the advertisement.
  - a. ATVs with engine sizes of 70 cubic centimeter displacement (cc) up to and including 90 cc may be used only by those aged 12 and older.
  - b. ATVs with engine sizes of greater than 90 cc may be used only by those aged 16 and older.
2. Advertisements shall not state, directly or by implication that persons who do not meet the applicable age recommendations may or should operate an ATV. For example, this prohibits assertions that ATVs are appropriate for use by everyone, by everyone in the family, or by persons of all ages.

**F. Use of children in advertisements**

1. Except as provided in paragraphs II.F.2. all operators and potential operators in all other advertisements must be and appear to be at least 16 years old.
2. Magazine and newspaper advertisements and advertisements used or distributed at the point of purchase may depict operators who are less than 16 years old provided they meet and appear to meet the age recommendations for the ATVs advertised:
  - (1) Operators of ATVs with engine sizes of 70 cubic centimeter displacement (cc) up to and including 90cc must be and must appear to be at least 12 years old.
  - (2) Operators of ATVs with engine sizes greater than 90cc must be and must appear to be at least 16 years old.



## **G. Adult Supervision**

1. Any advertisements depicting a child who is or appears to be less than 16 years old, in accordance with paragraph II.F.2. operating an ATV must also depict an adult clearly supervising the child.
2. Except for advertisements described in paragraphs III.A.1. and 2., any advertisement that depicts or refers to (specifically or as part of a class of ATV models) an ATV model which, in accordance with applicable age recommendations, may be operated by a person less than 16 years of age, must state that persons less than 16 years of age must always be supervised by an adult when operating the vehicle.

## **H. Speed/Racing**

1. Except as provided in paragraph II.H.4. and 5. advertisements shall not state, directly or by implication that an attribute of an ATV is its speed or that racing an ATV or operating an ATV at a fast speed is safe or appropriate. Statements concerning any ATV's power must be directly related to its use for utility purposes, or consist solely of a description of its mechanical characteristics.
2. Except as provided in paragraph II.H.4. and 5. advertisements shall not depict ATVs being operated at fast speeds or being operated in formal or informal races.
3. These restrictions shall not prohibit advertising upcoming races as long as the advertisement promotes the race, not the vehicle. This does not prohibit describing the vehicles involved in the race so long as the primary focus and purpose of the advertisement is to attract spectators to the race itself.
4. Advertisements for "sport models" and "competition models" may state, directly or by implication, that an attribute of the model advertised is its speed or depict ATVs being operated at organized races in: (1) advertisements appearing in race programs distributed at organized races; (2) sales brochures distributed at the dealership, consumer shows, and race events; and (3) rider enthusiast publications.
  - a. Any such advertisements depicting racing must contain the following disclosure in conspicuous and legible type in contrast by typography, layout, or color with other printed material in the advertisement: 'Photographed using professional or race-sanctioned operator under controlled conditions'. The disclosure shall appear adjacent to the racing depiction.

- b. Any photographs must make it clearly evident that the ATVs are actual racing vehicles with professional operators or race-sanctioned amateurs.
- 5. Any promotional videos depicting scenes from actual organized racing events must conform to the following requirements:
  - a. Any racing scenes that are inconsistent with the provisions of section II. (except paragraphs II.D.2. and 4) will be edited from the tape, except that an ATV's wheels may be shown leaving the ground during the normal course of racing.
  - b. The video must contain the following message: "Racing scenes photographed during an organized race involving professional or race-sanctioned operators under controlled conditions". The message must be delivered orally and visually at both the beginning and end of the video. In addition, the message must be superimposed during race scenes as follows:
    - 1. In racing scenes of five minutes or less, it must be superimposed at the beginning of the scene, and every sixty seconds thereafter. In racing scenes lasting more than five minutes, it must be superimposed at the beginning of the scene and every two minutes thereafter.
    - 2. Each time, it must be superimposed on the screen for ten seconds in legible print, against a contrasting background, and of sufficient size to be clearly read by a person of normal eyesight at normal viewing distance.

## **I. Stunt Maneuvers and Operator Behaviour**

Advertisements shall not state, directly or by implication, that any of the following maneuvers or forms of operator behaviour are safe or appropriate and shall not depict any of the following maneuvers or forms of operator behaviour:

- 1. Wheelies, jumps, or any other maneuver in which one or more of an ATV's wheels leaves the ground (ATVs must have wheels on the ground at all times, except that wheel(s) may leave the ground slightly and momentarily as part of normal operation);
- 2. Aggressive or prolonged sliding or skidding [This does not prohibit depictions of an ATV during turns at moderate speed, but highlights or close-ups of

wheels spraying dirt, sand, gravel, snow, or other material are prohibited (except in racing scenes as provided in paragraphs II.H.4. and 5)];

3. Operator inattention, including operator failure to keep his or her eyes on the path ahead or failure to keep both hands on the handlebars;
4. Wild, reckless, or aggressive behaviour or dangerous use of ATVs (except that aggressive behaviour may be depicted in racing scenes depicted pursuant to paragraphs II.H.4. and 5.);
5. More than one rider on an ATV designed for only one rider;
6. Formations of operators grouped too tightly or following too closely for the speed travelled (except for racing scenes as provided in paragraphs II.H.4 and 5):
7. Headlights (where present) not on when the ATV is running (except in racing scenes as provided in paragraphs II.H.4 and 5):

#### **J. Protective Equipment**

1. a. All operators must wear a helmet, eye protection, gloves, long pants, long-sleeved shirt or jacket, and boots that cover the ankle. If a racer is depicted pursuant to paragraph II.H.4. or 5, the racer must wear full motocross race protective gear.  
  
b. Such apparel must also be worn or clearly visible for any person appearing to be a potential operator.
2. Advertisements shall not state, directly or by implication, that ATV operation without proper use of safety apparel and other protective equipment discussed in paragraph II.J.1.a. is safe or appropriate.

#### **K. Cargo and Trailers**

1. a. Advertisements shall not state, directly or by implication that it is safe or appropriate to carry cargo or tow a trailer, which exceeds recommended weight limits for an ATV.  
  
b. Trailers and cargo shall be within recommended weight limits for towing and carrying. Cargo that is within the recommended weight limits shall not give the appearance of being heavier than it actually is.



2. Cargo on racks or in trailers shall always be properly secured and evenly balanced, left to right, and appropriately balanced front to rear. Headlights must not be obscured.
3. Advertisements shall not state, directly or by implication, that heavy loads may be carried or towed up or across steep slopes.

### **III. SAFETY MESSAGES**

#### **A. Scope**

The provisions of this section shall apply to all advertising and promotional materials covered by these guidelines except:

1. Dealer advertising or promotional material which promotes only:
  - a. local dealer sales events
  - b. model price information; or
  - c. dealership product and location information.
2. Advertising and promotional materials which:
  - a. depict only an ATV(s) and the manufacturer's name and/or model designation(s) without accompanying text;
  - b. are designed simply to present multiple product lines of the respective companies, including products other than ATVs, without addressing ATV performance in operation or "image" characteristics of individual products; or
  - c. are primarily intended to promote company products other than ATVs (motorcycles, outboard motors, etc.) but which also refer to or depict ATVs as part of the company's product line without addressing ATV performance in operation or "image" characteristics of ATVs.

#### **B. Magazines, Newspapers, Sales Brochures and Internet**

1. Contents of safety messages in magazines, newspapers, sales brochures and Internet:
  - a. All such advertisements and promotional materials shall contain:
    - i. The age recommendations for each model depicted or referred to (specifically or as part of a class of ATV models).
    - ii. A message similar to the following: "[Company name] recommends that all ATV riders take a training course. For safety and training information, see your dealer.
    - iii. The following warning: "ATVs Can Be Hazardous To Operate."

- b. In magazines and newspapers, the warning required by paragraph B.1.a.iii shall be followed by the words "For your safety" and appropriately worded messages addressing at least two of the following "safety tips" on a rotating basis:
    - i. Always wear a helmet, eye protection, and protective clothing
    - ii. Never ride on paved surfaces
    - iii. Never carry passengers on vehicle designed for one person only
    - iv. Never engage in stunt driving
    - v. Riding and alcohol/drugs don't mix
    - vi. Avoid excessive speeds and
    - vii. Be particularly careful on difficult terrain.
  - c. In sales brochures, the warning required by paragraph B.1.a.iii shall be followed by the words \*For your safety\* and appropriately worded messages addressing each of the \*safety tips\* listed in paragraphs B.1.b.i. through vii.
2. Form of safety messages
- a. The safety messages required by paragraphs B.1.a. through c. may appear as part of the advertising copy or may appear as a separate message set apart from the rest of the promotional copy.
  - b. The safety messages shall appear in conspicuous and legible type in contrast by typography, layout or colour with other printed material in the advertisement.
3. An example of the possible text of a warning statement and safety tips

message required for magazines and newspapers pursuant to paragraphs B.1.a.iii and B.1.b appears in Attachment #1.

### **C. Television and Video Promotional Tapes**

1. Contents of Safety Messages: All such advertisements and promotional materials shall contain a safety message that states the age recommendations for each model depicted or referred to (specifically or as part of a class of ATV models) and addresses the importance of training.

2. Form of Safety Messages: The safety messages shall be either:
  - a. verbal; or
  - b. superimposed on the screen in legible print, against a contrasting background, and of a sufficient size and for a sufficient duration to meet network standards for commercials.
  - c. Must use the safety messages in the most appropriate official language.

**D. Radio:**

All such advertisements shall include a verbal safety message that states the age recommendations for each model depicted or referred to (specifically or as part of a class of ATV models) and addresses the importance of training.

**E. Posters**

1. All posters intended for distribution to consumers (not including materials intended solely for use in dealership showrooms or company offices) shall:
  - a. affirmatively represent the age recommendation(s) for the model(s) depicted; and
  - b. contain the warning statement set forth in paragraph B.I.a.iii.
2. The above messages shall appear in conspicuous and legible type in contrast by typography, layout or colour with other printed material in the posters.



