
CODE OF PRACTICE

New Zealand Code of Practice for Marketing Communications

NZ Marketing Association · September 2026



Introduction

This Code sets the benchmark for ethical marketing practice in New Zealand, providing a framework to ensure that marketing communications are legal, decent, honest, truthful, and socially responsible. It exists to protect consumers, support fair competition between businesses, and maintain public trust in marketing as a legitimate and valuable part of commercial life. It is not intended to set standards for governmental or political communications.

All marketing communications should be prepared with a due sense of social, environmental, and professional responsibility - recognising the influence that marketing can have on individuals, communities, and the environment. Communications should also conform to the principles of fair competition as generally accepted in business, ensuring a level playing field for all market participants.

The Code brings together a comprehensive set of disciplines relevant to modern marketing practice, including the responsible use of personal information, fair competition and honest representation of products and services, and specific provisions addressing digital marketing. It addresses the use of artificial intelligence and influencer marketing — as well as heightened protections for vulnerable groups, particularly children.

The 24 Principles that form the foundation of this Code reflect the core standards found across a range of established global self-regulatory codes, adapted to reflect New Zealand's legal environment, cultural context, and consumer expectations. Together, they are designed to give marketers clear, practical guidance while promoting consumer trust and confidence in marketing communications across all channels.

No marketing communication should undermine the public's trust and confidence in marketing communications generally. Compliance with this Code is not a legal or technical exercise — it is a shared commitment by the industry to uphold standards that protect both consumers and B2B customers and strengthen the long-term credibility of marketing as a profession.

All members of the New Zealand Marketing Association are required to abide by this Code as a condition of their membership.

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PRINCIPLE 1

Lawful

1.1 Applicable Legislation

All marketing communications should meet the requirements of New Zealand legislation. Particular attention should be paid to the following laws:

- The Fair Trading Act
- The Commerce Act
- The Privacy Act
- The Consumer Guarantees Act
- The Unsolicited Electronic Messages Act
- The Gambling Act
- The Copyright Act
- The CCCFA (financial advertising)

1.2 Relationship to Legislation

This Code should be read as complementary to, and operating alongside, the relevant legal framework — providing an additional layer of ethical guidance and industry best practice above and beyond the legal minimum. It does not replace, limit, or override any obligations imposed by New Zealand legislation. Where any provision of this Code is inconsistent with, or falls short of, the requirements of applicable law, the legislation prevails.

1.3 Advertising Standards Authority Codes

In New Zealand, the Advertising Standards Authority sets the standards for responsible advertising through the Advertising Codes of Practice. All advertising should also comply with the principles and rules in these Codes.

The ASA Advertising Codes of Practice remain the primary standards for advertising content in New Zealand. This Code provides broader guidance on the full spectrum of marketing communications, including customer data, AI, direct marketing, influencer relationships, subscriptions, privacy, and ethical marketing practice. Compliance with this Code does not replace obligations under the ASA Codes. Where advertising content is concerned, marketers should ensure compliance with applicable ASA principles, rules and guidance.

PRINCIPLE 2

Decent

2.1 Overarching Standard

Marketing communications should be legal, decent, honest and truthful.

2.2 Standards of Decency

Marketing communications should not contain anything that offends accepted standards of decency currently prevailing in New Zealand and should strive to respect social norms and traditions.

2.3 Hate Speech and Harmful Content

Marketing communications should not incite or condone hate speech, or use means such as false testimonials or endorsements, conspiracy theories, or other methods to circulate harmful content.

PRINCIPLE 3

Honest

3.1 Consumer Trust

Marketing communications should be honest and structured in a way that does not take advantage of consumers' trust or exploit what could be considered to be their inexperience or limited understanding.

3.2 Timely Disclosure of Relevant Factors

Relevant factors that can affect consumers' decisions should be communicated in a manner and at a time that allows them to consider those factors effectively.

3.3 High-Pressure Tactics

High-pressure tactics which may unreasonably hamper or distort consumer choice should not be used.

3.4 Misleading or Illegal Practices

Marketing communications should not abuse consumers' trust by using misleading or deceptive practices, including spreading disinformation using elements such as false testimonials or endorsements, conspiracy theories, bait and switch, or clickbait. Nor should they knowingly support, engage in, facilitate, or fund illegal activities.

Truthful

4.1 Accuracy

Marketing communications should be accurate, truthful and not misleading or deceptive.

4.2 Misleading Claims

Marketing communications should not contain any claim that could reasonably be considered to mislead the consumer, regardless of how it is conveyed — by text, sound, visual elements or any combination thereof, whether directly or by implication, omission, ambiguity or exaggeration. The overall impression of words, pictures, logos, graphics, etc., should not mislead the consumer.

4.3 Accurate Overall Impression

The combination of elements used in a marketing communication must provide an accurate impression of a claim and control how it is interpreted. This applies especially to:

- characteristics of the product which are likely to influence the consumer's choice, such as the nature, composition, method and date of manufacture, range of use, efficiency and performance, benefits, quantity, commercial or geographical origin, or environmental, social or economic impact
- the value of the product and the total price, including GST or other taxes to be paid by the consumer
- terms for the delivery, provision, exchange, return, repair and maintenance and the costs associated with these services
- terms of any guarantee
- the full provision, activation or automatic renewal of a subscription or service and any necessary fees or conditions, or process/steps related to cancellations
- copyright and industrial property rights such as patents, trademarks, designs, models, trade names and other distinguishable marks
- compliance with certification and standards or any other use of quality marks, logos (e.g. environmental, sustainable) or recognition symbols
- official recognition or approval, awards such as medals, prizes, and diplomas
- sponsorship, agreement or cooperation with a particular company or brand
- the extent of benefits for charitable causes
- respect for human rights or sustainable behaviour

4.4 Audiovisual and Enhanced Content

Marketing communications should not use audiovisual materials such as photos, video, sounds or other illustrations that are likely to mislead the consumer with regard to a product's characteristics, performance, benefits, quality or effects. This includes the association of a person or organisation with the product where that association is misleading because it has been altered or enhanced (e.g. by AI generation or photo and video editing).

4.5 Aspirational Claims

Communications that reflect specific commitments or goals that are aspirational in nature and unlikely to be met in the immediate future (e.g. carbon-negative, climate-positive, diversity, equality, well-being) must be defensible. The organisation making the claim must be able to substantiate that it has a reasonable capacity and methodological approach to meet such a commitment.

4.6 Future Qualifiers

Clear qualifiers, including time frame or date, should be included if elements or impacts will occur in the future.

PRINCIPLE 5

Socially and Environmentally Responsible

5.1 Human Dignity and Discrimination

Marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon ethnic or national origin, religion, gender, age, physical attributes, mental health, disability, or sexual orientation. Marketers are encouraged to be mindful of diversity and inclusion and seek to avoid stereotypes and objectification.

5.2 Te Tiriti o Waitangi

New Zealand marketers are encouraged to incorporate the three major principles of Te Tiriti o Waitangi — partnership, participation and protection — when specifically marketing to a Māori audience. In a marketing context, this translates to good-faith engagement with Iwi when marketing to, or featuring, Māori audiences, culture, or imagery.

5.3 Prohibited Content

Marketing communications should not, without justifiable reason:

- play on fear or exploit misfortune or suffering
- appear to condone or incite violent, unlawful or anti-social behaviour
- appear to condone or incite animal abuse

- appear to encourage or condone irresponsible use or harmful behaviour
 - play on superstition
 - appear to condone or encourage actions which contravene generally accepted standards concerning climate change, sustainability and environmentally responsible behaviour. Environmental claims which include statements about recycling, biodegradability, and the use of recycled content or natural products must be accurate, scientifically sound and substantiated
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PRINCIPLE 6

Substantiation

6.1 Reasonable Basis for Claims

Claims that state or imply that a particular level or type of substantiation exists should have supporting documentation available to justify the claim.

6.2 Standard of Substantiation

Substantiation should be based on documentation, tests or other factual evidence that is valid, reliable, and sufficiently precise to support the claim made. In the absence of required substantiation, the claim will be regarded as misleading.

6.3 Further Guidance

Marketers may refer to the Commerce Commission's fact sheet on substantiation for further guidance:

https://www.comcom.govt.nz/assets/pdf_file/0030/89850/Unsubstantiated-representations-Fact-sheet-July-2018.pdf

PRINCIPLE 7

Technical or Scientific Data and Terminology

7.1 Marketing communications should not:

- misuse technical data, e.g. research results or quotations from technical and scientific publications
 - present statistics in such a way as to exaggerate the validity of a claim
 - use scientific terminology or vocabulary in such a way as to falsely suggest that a claim has scientific validity, or misuse any label, symbol, logo, or seal to that effect
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PRINCIPLE 8

Responsible Use of Artificial Intelligence

Marketers should use artificial intelligence in ways that improve the quality, relevance, accessibility and effectiveness of marketing while upholding consumer trust, professional responsibility, transparency, fairness and accountability.

This principle applies where AI is used to generate or materially alter content, analyse or infer information, personalise or target communications, interact with consumers, optimise campaigns, or support the delivery of marketing communications. The level of oversight and care applied should be proportionate to the potential effect on consumers.

8.1 Human Responsibility and Oversight

Marketers remain responsible for marketing communications and consumer-facing outcomes produced, informed or delivered using AI.

AI should support professional judgement rather than replace human accountability.

Marketers should apply appropriate and informed human oversight, particularly where AI is used to:

- make or communicate claims;
- depict people, products, services or outcomes;
- provide recommendations, guidance or product information;
- interact directly with consumers;
- use personal or sensitive information; or
- materially influence consumer choices.

Human oversight should include the ability to question, correct, escalate or stop an AI-assisted process where necessary.

8.2 Transparent, Accurate and Authentic Communications

Marketing communications created or materially altered using AI should meet the same standards of truthfulness, accuracy and substantiation as any other marketing communication.

Marketers should take reasonable steps to verify AI-generated or AI-assisted claims, descriptions, comparisons, recommendations, rankings, summaries and customer responses before they are published or used.

The use of AI should be disclosed where its omission could reasonably mislead consumers about the authenticity, origin, evidence, endorsement, human involvement or nature of a communication.

Consumers should be able to distinguish between real, illustrative and synthetic representations where that distinction could materially affect their understanding, trust or decision-making. This is particularly important where AI is used to create or alter:

- a person's image, voice, likeness or identity;
- testimonials, reviews or endorsements;
- customer experiences or interactions;
- product demonstrations, features or results; or
- real events or circumstances.

8.3 Responsible Data Use, Targeting and Personalisation

Where AI is used to collect, infer, analyse, enrich, profile, personalise, target or disclose personal information, marketers should comply with the Privacy Act 2020 and follow good privacy practice.

Consumers should receive clear and meaningful information about how their personal information is collected and used for marketing purposes.

Marketers should apply appropriate safeguards when using sensitive, inferred or indirectly collected information; information about children and teens; third-party datasets; offshore AI tools or processing; or personal information that may be retained or used to improve an AI system.

AI-assisted personalisation and targeting should support informed consumer choice rather than manipulate, pressure or take unfair advantage of individuals.

8.4 Fairness, Inclusion and Cultural Responsibility

Marketers should always support fair, inclusive and responsible marketing outcomes; this is particularly important in the application of AI.

Reasonable steps should be taken to identify and address AI outputs or processes that may unlawfully discriminate, reinforce harmful stereotypes, exclude groups, exploit vulnerability or undermine a consumer's ability to make an informed choice.

Additional care should be applied where AI-driven marketing communications are directed to, feature or may materially affect children and teens, vulnerable consumers or groups who may be more susceptible to harm.

When using AI to assist in marketing to audiences of different ethnicity, national origin or culture, extra care must be taken to ensure that its use is respectful, transparent and culturally appropriate.

The same applies when AI is used with Māori data, te reo Māori, tikanga, mātauranga Māori, Māori imagery, likenesses, cultural references or communications directed specifically to Māori audiences.

Relevant Māori input or review is advised where the use of AI may affect Māori identity, representation, cultural knowledge or trust, consistent with the principles of partnership, participation and protection.

8.5 Rights, Permissions and Protected Material

Marketers should take reasonable steps to understand and manage the rights associated with the AI tools, source materials and outputs they use.

Appropriate permissions or usage rights should be obtained where AI-assisted marketing involves a person's likeness, voice, image, identity or reputation, or uses trademarks, copyrighted works, brand assets, cultural material or other protected content.

Care should be taken where AI-generated content closely resembles an existing creative work, identifiable person, public figure, brand asset or cultural expression.

8.6 Customer-Facing AI, Review and Accountability

Where consumers interact with an AI-powered chatbot, virtual assistant, agent, avatar or other conversational system, they should be made aware that they are interacting with AI where this may not otherwise be clear.

Customer-facing AI systems should:

- provide accurate and appropriately substantiated information;
- protect personal information;
- avoid creating misleading impressions of human involvement;
- operate within clearly defined limits; and
- provide an appropriate path to human assistance or review.

Human escalation should be available where an AI system makes material product claims or recommendations, collects sensitive information, handles complaints, communicates service terms, or may significantly affect a consumer.

Marketers should maintain review and accountability practices proportionate to the nature and risk of the AI use. This may include keeping reasonable records of the AI tools and source materials used, claim substantiation, approvals, human review, and any material limitations or changes.

AI-assisted marketing should be reviewed periodically to ensure that it continues to operate as intended and remains accurate, fair, lawful and consistent with this principle.

PRINCIPLE 9

Offer Presentation

9.1 Transparency of Terms

The terms and conditions of any offer, including the identity of the organisation making the offer, its contact details, and information on how to ask questions or lodge complaints, should be transparent to consumers. There should be a clear process which leads to the necessary steps to place an order, purchase, conclude a contract, or make any other commitment. Wherever possible, the essential points of the offer should be simply and clearly summarised together in one place.

9.2 No Concealment of Material Factors

Offers should not be presented in a manner that conceals or obfuscates material factors that may influence a purchaser's decision, e.g. price, additional costs, availability or other essential sales conditions. There should be clear instructions on how to cancel a transaction or subscription.

9.3 Legibility

No image, sound or text which, by its size, volume or any other characteristic, is likely to materially reduce or obscure the legibility and clarity of the offer should be used. When an offer involves different choices, those should be clear and unambiguous, and their consequences easy to understand.

9.4 Additional Products

When the presentation of an offer also features products not included in the offer, or where additional products need to be purchased to enable the consumer to use the product on offer, this should be made clear in the original offer.

9.5 Access to Information

Before making any commitment, consumers should be able to easily access any information needed to understand the exact nature of the product and all conditions of the offer, as well as their rights and how to exercise them.

PRINCIPLE 10

Testimonials and Endorsements

10.1 General Guidance

Marketing communications should not contain or refer to any testimonial, endorsement or supportive documentation unless it is genuine, verifiable and relevant. Testimonials or endorsements, including influencer marketing communications, which could be considered obsolete or misleading through changing circumstances or passage of time should not be used. The sponsored nature of a testimonial or endorsement should be made clear through an appropriate disclosure.

10.2 Influencer Marketing Communications

All influencer marketing communications (including promotions of an influencer's own products) should be designed and presented in such a way that they are immediately identifiable as such. Identification should be appropriate to the medium and message, particularly in the context of social media. Marketers and their influencers, as well as creators, should ensure the content is properly presented as marketing communications in accordance with the principles of identification and transparency.

Content uploaded concerning third parties constitutes a marketing communication if the influencer has received some form of compensation from the brand, whether financial or through other arrangements, and this should be immediately clear from the context or the content.

Each time the communication is shared, the connection between the marketer and the influencer should be transparent. Affiliate links to products on external third-party websites should be disclosed as such and their commercial nature made transparent.

Identification disclosures like #ad or #gifted should appear upfront in the caption and not be obscured by or hidden among other content. General disclosures on websites, in the terms and conditions at the end of a piece of content, buried in a string of hashtags, or in the 'see more' section are not sufficient.

Marketers should ensure that influencer marketing communications posted on their behalf include clearly presented qualifiers or statements to avoid misleading the audience about the standards, qualities, attributes, costs or other features of the product involved.

10.3 Use of Minors

When the influencer is a minor (generally accepted as anyone under 18 years of age), marketing communications should be based on a contract providing for explicit parental or guardian consent and protecting the minor against any undue exploitation.

Marketers should respect the requirements concerning the privacy of children, teens and minors and the ASA Children's Advertising Code:

<https://asa.co.nz/codes/codes/childrens-advertising-code/>

Marketing communications should clearly disclose the connection to the marketer, including that the minor is receiving economic or other compensation. All content featuring minors should be age-appropriate and free from inappropriate products, language, themes, or behaviour.

PRINCIPLE 11

Identification and Transparency

11.1 Clear Identification

Marketing communications, irrespective of format or channel, must be clearly identifiable as such, enabling the audience to readily distinguish commercial content from non-commercial content. Identification disclosures should be prominent, legible, and positioned in close proximity to the commercial message to ensure they are not overlooked.

11.2 Native Advertising and Sponsored Content

Paid promotional content should not be disguised as news, editorial content, market research, consumer reviews, user-generated content, or independent commentary. Where commercial and non-commercial content are combined — as in native advertising or sponsored social media posts — the promotional element must be clearly distinguished and appropriately labelled to ensure its commercial nature is immediately apparent.

11.3 Marketer Identity

Organisations or individuals promoting goods or services must be transparent about their identity and, where appropriate, provide contact information so purchasers can make contact without difficulty.

PRINCIPLE 12

Comparisons

12.1 Fair and Accurate Comparisons

Marketing communications containing comparisons should not mislead and should comply with the principles of fair competition. Points of comparison should be based on current, verifiable facts. Product or price advantages should not be exaggerated or over-dramatised.

12.2 Clarity of Comparison

Comparisons should be clear as to whether they are made to a competitor's product or to another version of the same product.

PRINCIPLE 13

Exploitation of Goodwill

13.1 Unauthorised Use of Marks

Marketing communications should not make unjustifiable or unauthorised use of the name, initials, logo, and/or trademarks of another firm, company, or institution.

13.2 Goodwill of Others

Marketing communications should not in any way take undue advantage of another organisation's, individual's, or institution's goodwill in its name, brands, or other intellectual property, or take advantage of the goodwill earned by other marketing campaigns without obtaining prior consent.

PRINCIPLE 14

Imitation

- 14.1** Marketing communications should not exploit or imitate another marketer's work or brand in a manner that is likely to mislead or confuse. This includes similarities in general layout, text, slogan, visual treatment, music or sound effects that are likely to mislead the audience.
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PRINCIPLE 15

Denigration

15.1 No Denigration

Marketing communications should not denigrate or ridicule any person or group of persons, organisation, industrial or commercial activity, profession, or product, or seek to bring it or them into public contempt.

15.2 Satire and Humour

The responsible use of satire, hyperbole and humour is acceptable when a reasonable consumer would clearly recognise them as such.

PRINCIPLE 16

Automatic Renewals

16.1 Clear Disclosure of Renewal Terms

Advertising and marketing materials should clearly indicate when products are available as an automatic renewal rather than a one-time purchase. The communication should not be misleading as to how the mechanism works or its consequences. The terms of renewal should be clearly communicated to consumers.

16.2 Free Trials and Introductory Offers

Where an automatic renewal begins with a free trial or other introductory offer, this should be clearly explained, including the length of the free trial and the cancellation terms.

PRINCIPLE 17

Guarantees

17.1 Accurate Use of Guarantee Terms

Marketing communications must accurately state the terms of a 'guarantee' or 'warranty'. If the terms state or imply extra consumer rights — additional to those provided by law — they must be identified in writing.

17.2 Availability of Terms

The terms of any guarantee or warranty, including the guarantor's contact details, should be easily available to consumers, and limitations on consumer rights or remedies, where permitted by law, should be transparent and prominently visible.

17.3 Further Guidance

Commerce Commission guidance on extended warranties is available at:

<https://www.comcom.govt.nz/business/dealing-with-typical-situations/selling-extended-warranties/>

PRINCIPLE 18

Free Offers

18.1 Use of 'Free'

The term 'free' (e.g. free gift, free trial, free delivery, or free offer) should be used only:

- where the offer involves no financial obligation whatsoever, or
- where the only obligation is to pay the delivery cost, which should be clearly disclosed upfront. Where delivery or return costs are significant in relation to the cost of the product, the description 'free' should not be used
- in conjunction with the purchase of another product, provided the price of that product has not been increased to cover all or part of the cost of the offer

18.2 Free Trials Converting to Paid Transactions

Where a free trial, free subscription or similar offer (e.g. an introductory reduced price) converts to a paid transaction at the end of the period, the terms and conditions of the paid conversion should be clearly, prominently, and unambiguously disclosed.

18.3 Return of Products

Where a product is to be returned by the consumer at the end of the free period, it should be made clear at the outset where it is to be sent, whether proof of delivery is required, and who will bear the cost. The procedure for returning the product should be simple, and any time limit should be clearly disclosed.

PRINCIPLE 19

Portrayal of Persons

- 19.1** Marketing communications should not portray or refer to any person (living or deceased), whether in a private or public capacity, unless prior permission has been obtained from that person or their legal representative.
 - 19.2** Marketing communications should not depict or refer to any person in a way likely to convey the impression of a personal endorsement of a product or organisation without prior permission.
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PRINCIPLE 20

Children and Teens

- 20.1 Special Care**

Special care should be taken in marketing communications directed to or featuring children or teens. Marketing communications should not exploit the natural credulity of children or the lack of experience of teens.
 - 20.2 Application of Code Principles**

In directing marketing communications to children and/or teens, the principles of this Code should be applied with due regard to the age and other characteristics of the actual target group, their differing cognitive abilities, and developing personal privacy rights independent of parents or guardians.
 - 20.3 Age-Restricted Products**

Marketers should abide by the standards and laws prohibiting the marketing of products that are subject to age restrictions, such as alcoholic beverages, gambling, and tobacco, to minors.
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PRINCIPLE 21

Safety and Health

21.1 Unhealthy Activities

Marketing communications should not appear to encourage or condone unhealthy activities (for example, smoking and harmful use of alcohol).

21.2 Dangerous Practices

Marketing communications should not, without justification on educational or social grounds, contain any visual portrayal or description of potentially dangerous practices or situations which show a disregard for safety or health.

21.3 Warnings and Supervision

Instructions for use should include prominently displayed safety warnings and, where necessary, disclaimers. Children should be shown to be under adult supervision whenever a product or activity involves a safety and/or health risk.

21.4 Product Information

Information provided with the product should include proper directions for use and full instructions covering health and safety aspects whenever necessary. Such health and safety warnings should be made clear by the use of pictures, sound, text, or a combination of these.

PRINCIPLE 22

Data Protection and Privacy

22.1 Respecting Privacy

When collecting personally identifiable data from individuals, care should be taken to respect and protect their privacy by complying with the Privacy Act 2020. A clear link to the collecting organisation's privacy policy should be prominent at the point of collection. Consumers should always be given the opportunity to unsubscribe or opt out of unsolicited communications.

22.2 Processing Standards

All processing of personal data for the purposes of this Code should:

- respect and value the privacy of the individual
- be adequate, relevant and not excessive
- be clear and transparent with individuals about their personal data collection, use and disclosure practices, and respect an individual's preference regarding the use of their personal data for marketing communications

- implement reasonable technical and procedural safeguards to protect personal data from unauthorised access, modification, misuse, disclosure, or loss
 - ensure that relevant information pertaining to the collection and processing of personal data from children is communicated in an age-appropriate way to the child, and that consent to process that information is provided by a parent or legal guardian
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PRINCIPLE 23

Unsolicited Products and Undisclosed Costs

23.1 Inertia Selling

Marketing communications must not involve inertia selling — the practice of sending unsolicited products to consumers and then requesting payment — including any statement or suggestion that the recipient is obliged to accept or pay for the product.

23.2 Clarity on Payment Obligations

Marketing communications which solicit a response constituting an order for which payment will be required (e.g. an entry in a publication) should make this unambiguously clear.

23.3 No False Invoices

Marketing communications soliciting orders should not be presented in a form which might be mistaken for an invoice, or otherwise falsely suggest that payment is due.

23.4 Uninvited Direct Sales

Sales made by direct or remote contact (e.g. by outbound telemarketing, door-to-door sales) are classed as uninvited direct sales and must be contractually confirmed within 5 working days. The consumer may cancel the transaction at any time before the contract is confirmed.

23.5 Further Guidance

See Commerce Commission guidance:

<https://www.comcom.govt.nz/business/dealing-with-typical-situations/mobile-trading-and-door-to-door-selling/selling-over-the-phone-or-door-to-door/>

PRINCIPLE 24

Respect for Self-Regulatory Decisions

24.1 No Involvement in Non-Compliant Communications

No person, programme, or machine in the marketing ecosystem should be knowingly involved in the publication, delivery, or distribution of any marketing communications deemed unacceptable by the general principles of this Code.

24.2 Contractual Commitment

All parties should include a clause in their contracts and other agreements pertaining to marketing communications, committing signatories to comply with this Code, applicable laws and self-regulatory rules, and to respect decisions by the relevant self-regulatory body and support its operation.

This Code of Practice follows global self-regulatory standards including:

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Glossary of Terms

For the purposes of this Code, the following terms have the meanings set out below. Terms are used consistently with their application throughout the 24 Principles.

Advertising Standards Authority (ASA)

The New Zealand self-regulatory body responsible for setting standards for responsible advertising through the Advertising Codes of Practice (see Principle 1.3).

Affiliate Link

A hyperlink to a third-party product or service for which the marketer or influencer receives commission or other compensation on resulting sales (see Principle 10.2).

Artificial Intelligence (AI)

Any automated system or tool used to generate or materially alter content, analyse or infer information, personalise or target communications, interact with consumers, optimise campaigns, or support the delivery of marketing communications (see Principle 8).

Automatic Renewal

A subscription or service arrangement that continues to incur charges beyond an initial term or free trial unless actively cancelled by the consumer (see Principle 16).

B2B Customer

A business or organisation that is the recipient of a marketing communication in a business-to-business context, as distinct from a consumer.

Code

This New Zealand Code of Practice for Marketing Communications.

Comparison

A marketing communication that expressly or by implication identifies a competitor or a competing product, or a different version of the same product, for the purpose of contrasting features, price, or other characteristics (see Principle 12).

Consumer

An individual who is, or may be, the recipient or intended audience of a marketing communication.

Denigration

Marketing content that disparages, ridicules, or brings into public contempt any person, group, organisation, activity, profession, or product (see Principle 15.1).

Endorsement

Any statement, depiction, or representation that conveys the message that a person, organisation, or character shares the opinions of, or recommends, a marketer's product (see Principles 10 and 19.2).

Free Trial

An introductory offer permitting use of a product or service without charge for a defined period (see Principle 18.2).

Goodwill

The reputation, recognition, or commercial value attached to a name, brand, trademark, or campaign, distinct from its underlying legal or intellectual property rights (see Principle 13).

Guarantee / Warranty

A representation that a product or service will meet specified standards, or that the marketer will take specified remedial action if it does not (see Principle 17).

Imitation

The exploitation or copying of another marketer's work, brand, layout, slogan, or other distinguishing feature in a manner likely to mislead or confuse consumers (see Principle 14).

Inertia Selling

The practice of sending unsolicited products to consumers and then requesting payment, including any statement or suggestion that the recipient is obliged to accept or pay for the product (see Principle 23.1).

Influencer

An individual, whether or not professionally engaged, who has the ability to affect the purchasing decisions of others because of their relationship with their audience, and who is compensated, financially or otherwise, for marketing communications.

Influencer Marketing Communication

Content created or shared by an influencer that constitutes a marketing communication because the influencer has received compensation, whether financial or otherwise, from a marketer (see Principle 10.2).

Marketer

Any person or organisation responsible for preparing, commissioning, or disseminating a marketing communication.

Marketing Communication

Any communication, in any format or channel, prepared by or on behalf of a marketer for the purpose of promoting a product, service, brand, or organisation.

Minor

For the purposes of this Code, a person under 18 years of age (see Principle 10.3).

Native Advertising

Paid promotional content presented in a form or context that resembles editorial, news, or independent content, requiring clear labelling to distinguish it as commercial (see Principle 11.2).

New Zealand Marketing Association (MA)

The industry association responsible for administering this Code.

Offer

The terms, conditions, and essential particulars under which a product or service is made available to consumers (see Principle 9).

Personal Information

Any information about an identifiable individual, collected, held, used, or disclosed in connection with a marketing communication, in accordance with the Privacy Act 2020 (see Principles 8.3 and 22).

Portrayal of Persons

The depiction of, or reference to, any living or deceased individual in a marketing communication (see Principle 19).

Satire and Hyperbole

The responsible use of exaggeration, parody, or humour that a reasonable consumer would clearly recognise as such, rather than as a literal or factual claim (see Principle 15.2).

Self-Regulatory Body

An organisation responsible for administering and enforcing compliance with self-regulatory codes.

Sensitive Information

Personal information of a kind that warrants a heightened degree of care in its collection, use, or disclosure, including information relating to children and teens, health, or other information capable of causing particular harm or distress if misused (see Principle 8.3).

Sponsored Content

Content, including social media content, that has been paid for or otherwise compensated by a marketer and combined with non-commercial material, requiring clear labelling (see Principle 11.2).

Substantiation

Documentation, testing, or other factual evidence that is valid, reliable, and sufficiently precise to support a claim made in a marketing communication (see Principle 6).

Synthetic Content

Content that has been generated or materially altered using artificial intelligence, including images, video, voice, or text, such that it depicts a person, product, event, or outcome that is not wholly authentic or unaltered (see Principle 8.2).

Te Tiriti o Waitangi Principles

The principles of partnership, participation, and protection, applied by marketers when engaging with, or featuring, Māori audiences, culture, or imagery (see Principle 5.2).

Teen

For the purposes of this Code, a person who has reached the age of 13 but is under 18, distinguished from younger children by differing cognitive abilities and developing personal privacy rights (see Principle 20).

Testimonial

A statement, whether written, oral, or visual, attributed to a consumer or third party in support of a product, service, or brand (see Principle 10).

Uninvited Direct Sales

Sales made by direct or remote contact not initiated by the consumer, such as outbound telemarketing or door-to-door sales.
