
STATUTORY INSTRUMENTS

2011 No. 2898

The London Olympic Games and Paralympic Games
(Advertising and Trading) (England) Regulations 2011

PART 2

Advertising Activity

Interpretation of this Part

5.—(1) In this Part—

“advertisement” means any word, letter, image, mark, sound, light, model, sign, placard, board, notice, screen, awning, blind, flag, device, costume or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of, promotion, advertisement, announcement or direction,

“advertiser” means a person who engages in advertising activity,

“advertising activity” means—

- (a) displaying an advertisement, or
- (b) distributing or providing promotional material,

“advertising attire” means—

- (a) a costume that is an advertisement, or
- (b) clothing on which an advertisement is displayed,

“ambush marketing campaign” means a campaign (whether consisting of one act or a series of acts) intended specifically to advertise one or more of the following in an event zone during the relevant event period or periods—

- (a) a good or service,
- (b) a person who provides a good or service,

“displaying an advertisement” includes (without prejudice to the generality of that expression)

-
- (a) projecting, emitting, screening or exhibiting an advertisement,
- (b) carrying or holding an advertisement or an apparatus by which an advertisement is displayed,
- (c) providing for—
 - (i) an advertisement to be displayed on an animal, or
 - (ii) an apparatus by which an advertisement is displayed to be carried or held by an animal,
- (d) doing one or more of the following as part of an ambush marketing campaign—
 - (i) carrying or holding personal property on which an advertisement is displayed,

- (ii) wearing advertising attire,
- (iii) displaying an advertisement on an individual's body,

“not-for-profit body” means a body which, by virtue of its constitution or any enactment—

- (a) is required (after payment of outgoings) to apply the whole of its income, and any capital which it expends, for charitable or public purposes, and
- (b) is prohibited from directly or indirectly distributing amongst its members any part of its assets (other than for charitable or public purposes),

“promotional material” means a document or article distributed or provided wholly or partly for the purpose of promotion, advertisement, announcement or direction.

(2) In this Part, a reference to a person who engages in advertising activity is to be treated as including a person to whom regulation 6(2) applies.

(3) Advertising activity that consists of the display of an advertisement on a personal communication device is not to be treated as advertising activity for the purposes of this Part unless the advertiser intends the advertisement to be displayed, by means of the device, to the public at large (rather than only to the individual using the device).

(4) In paragraph (3), “personal communication device” means a mobile telephone or other personal interactive communication device.