



**2024 AVIA Regulating for Growth – Advertising Matrix for Malaysia**

	Pay TV	OCC TV	Foreshadowed changes
<b>GENERAL</b>			
<i>Overview of Regulation</i>	<p><b>General Principles</b></p> <ul style="list-style-type: none"> <li>The Content Code 2022 and Code of Advertising Practice published by the Communications and Multimedia Content Forum of Malaysia and the Malaysian Code of Advertising Practice by the Advertising Standards Authority Malaysia (ASA) encourage self-regulation, liberalisation, and transparency.</li> <li>Section 211 of the Communications and Multimedia Act 1998 (CMA 1998) prohibits content which is indecent, obscene, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass any person.</li> <li>Content of advertisements must comply with the Content Code and Malaysian Code of Advertising Practice. Strict requirements or rules have been put in place in relation to advertisements concerning specific products or sensitive issues such as alcohol, gambling and sexual content.</li> <li>The definition of "film" under the Perbadanan Kemajuan Filem Nasional Malaysia Act 1981 includes "advertising filmlets" intended for public viewing or any specific audience. Therefore, advertisements must obtain a licence from the National Film Development Corporation of Malaysia (FINAS) before they can be produced, distributed, or exhibited.</li> <li>From 20 January 2025, the Film Censorship Board (Lembaga Penapisan Filem - LPPF) must approve all advertorial film publicity materials before distribution, including via TV</li> </ul>	<p><b>General Principles</b></p> <ul style="list-style-type: none"> <li>The Communications and Multimedia Content Forum of Malaysia published the Guidelines for Online Curated Content Service Providers (OCC Guidelines) which set forth general standards to be observed by the service providers. The OCC Guidelines represent best practices and are intended for self-regulation.</li> <li>Contents must comply with prevailing laws and regulations and shall not contain any prohibited content.</li> <li>The general rule should be no censorship of the internet, and responsibility for content provided online rests with the creator of the content.</li> <li>Presently, the CMA 1998 does not distinguish between pay TV and OCC TV services. The CMA 1998 broadly defines "content" as "any sound, text, still picture, moving picture, or other audio-visual representation... which is capable of being created, manipulated, stored, retrieved, or communicated electronically" and "content applications service" as an "application service that provides content". Therefore, it is arguable that the provisions of the CMA 1998 apply to OCC platforms. Similarly, the Malaysian voluntary regulatory framework (i.e., Content Code and Code of Advertising Practice) is arguably applicable to OCC TV as well.</li> <li>In 2020, the Communications and Multimedia Minister stated that the</li> </ul>	N/A.

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	distribution. However, previously approved materials do not require re-approval. The certificate number to be displayed on all approved advertorial materials. The updated format to display the certification number is detailed in the <a href="#">circular dated 28 Jan 2025</a> <sup>1</sup> .	definition of "film" under the Perbadanan Kemajuan Filem Nasional Malaysia Act 1981 is broad enough to include "advertising filmlets" for both online platforms and traditional channels. Therefore, advertisements must obtain a licence from FINAS before they can be produced, distributed, or exhibited.	
<i>Regulatory Bodies</i>	<ul style="list-style-type: none"> <li>Malaysia pay TV is largely self-regulated in the form of self-ethical regulations which encourages voluntary participation by industry players.</li> <li>Complaints Bureau of the Content Forum may impose fines up to RM50,000 for any breach of the Content Code.</li> <li>The Malaysian Communications and Multimedia Commission has the power to conduct investigation into any offence under the CMA 1998.</li> </ul>	<ul style="list-style-type: none"> <li>Malaysia OCC TV is largely self-regulated in the form of self-ethical regulations which encourages voluntary participation by industry players.</li> <li>Complaints Bureau of the Content Forum may impose fines up to RM50,000 for any breach of the Content Code.</li> <li>The Malaysian Communications and Multimedia Commission has the power to conduct investigation into any offence under the CMA 1998.</li> </ul>	N/A.
<i>Advertising per hour</i>	<ul style="list-style-type: none"> <li>No restrictions. However, advertisements generally range between 30 seconds to 90 seconds per hour.</li> </ul>	<ul style="list-style-type: none"> <li>No restrictions.</li> </ul>	N/A.
<i>Revenue Restrictions</i>	<ul style="list-style-type: none"> <li>No restrictions.</li> </ul>	<ul style="list-style-type: none"> <li>No restrictions.</li> </ul>	N/A.
<i>Product Placement</i>	<ul style="list-style-type: none"> <li>"Product Placements" relevant to the context of the situation are allowed but services and goods that are specifically banned are not allowed except where it is incidentally shown. Goods and services specifically banned include cigarettes, tobacco and its accessories; any form of gambling, including betting and gambling tips; and scenes which are sexually explicit or impolite.</li> </ul>	<ul style="list-style-type: none"> <li>Similar to pay TV.</li> </ul>	N/A.
<i>Foreign Commercials</i>	<ul style="list-style-type: none"> <li>Foreign advertisements must obtain a licence from FINAS before airing, unless they are exempted.</li> </ul>	<ul style="list-style-type: none"> <li>Similar to pay TV.</li> </ul>	N/A.
<i>Govt Levy</i>	<ul style="list-style-type: none"> <li>Advertising services provided by an advertising agency, media owner, or any taxable person to a customer for placing advertisements that promote products, services, events, or</li> </ul>	<ul style="list-style-type: none"> <li>The Royal Malaysian Customs Department's Guide on Advertising Services 2022 confirms that "digital advertising" qualifies as a "digital service" and is therefore subject to tax under the Service Tax Act 2018.</li> </ul>	N/A.

<sup>1</sup> Updated by AVIA in February 2025.

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	announcements on any communication platform in Malaysia are subject to service tax.		
<i>PSAs</i>	<ul style="list-style-type: none"> <li>Generally, 2 mins/hr per channel.</li> </ul>	<ul style="list-style-type: none"> <li>No regulations.</li> </ul>	N/A.
<b>PRODUCT-SPECIFIC</b>			
<i>Alcohol</i>	<ul style="list-style-type: none"> <li>Advertisements on alcoholic drinks and liquor are prohibited.</li> <li>If an alcohol company is the title sponsor of an international sporting event held in Malaysia, it is only allowed to promote the event and not directly advertise its products. In addition to this, alcohol companies should only use the events' logo in the promotional on-air material.</li> </ul>	<ul style="list-style-type: none"> <li>Similar to pay TV.</li> </ul>	N/A.
<i>Pharmaceutical</i>	<ul style="list-style-type: none"> <li>Advertisements on medicines, remedies, appliances, skill and services relating to diagnosis, prevention and treatment of diseases or conditions affecting the human body are under the authority of the Medicine Advertisements Board, Ministry of Health Malaysia. All advertisements shall comply with the requirements under the Medicines (Advertisement &amp; Sale) Act 1956 and Medicine Advertisements Board Regulations 1976 and the relevant legislations, rules and guidelines.</li> <li>The Medicine Advertisement Board has issued various guidelines and policy to complement the provisions of the Medicines (Advertisement and Sale Act 1956), including the Registered Medicinal Products Advertising Approval Guidelines, Medicine Advertisements Board Policy and Decision (Product), Product Advertisement Approval Guide.</li> <li>Advertisements of medicines are prohibited unless approved by the Medicine Advertisements Board.</li> <li>All approved advertisement must display the approval number which begins with KKLIU, followed by 4 digits referring to the serial number and ends with year which refers to when the approval is submitted.</li> <li>Drugs requiring medical prescription should not be advertised.</li> </ul>	<ul style="list-style-type: none"> <li>Similar to pay TV.</li> </ul>	N/A.

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<i>Gambling</i>	<ul style="list-style-type: none"> <li>• Advertisements for gaming, lottery and betting must comply with Common Gaming Houses Act 1953, the Lotteries Act 1952, the Pool Betting Act 1967, and the Betting Act 1953 and other relevant rules and regulations which govern the advertising of gambling and betting activities.</li> <li>• Advertisements for gaming, lotteries, and betting require a licence from the Ministry of Finance and must meet strict criteria that providers should carefully adhere to.</li> </ul>	<ul style="list-style-type: none"> <li>• Similar to pay TV.</li> </ul>	
<i>Claims</i>	<ul style="list-style-type: none"> <li>• All descriptions, claims and comparisons which relate to matters of objectively ascertainable fact should be capable of substantiation, and Advertisers are required to hold such substantiation ready for scrutiny without delay if and when requested.</li> <li>• It is seldom possible to substantiate general claims by an Advertiser that his product is of superlative quality (best, finest) in a manner which is universally acceptable. Such claims, however, are permissible under this Code, provided that their inclusion in an Advertisement does not create a false impression concerning any quality possessed by the product which is capable of assessment in the light of generally accepted standards of judgement.</li> <li>• Where Advertisement claims are expressly stated to be based on, or supported by, independent research or assessment, the source and the date of this should be indicated. Where this is not possible, for whatever reason, such claims to independent support should not be made. Where a claim relating to research or testing is based on the Advertiser's own work or work done at his request, it should be clear from the text of the Advertisement that such is the basis of the claim.</li> <li>• Obvious hyperbole, which is intended to attract attention or to amuse, is permissible provided that it is not likely to be taken as a positive claim to superior or superlative status.</li> </ul>	<ul style="list-style-type: none"> <li>• Similar to pay TV.</li> </ul>	N/A.

	<b>Pay TV</b>	<b>OCC TV</b>	<b>Foreshadowed changes</b>
<i>Food &amp; Beverages – general</i>	<ul style="list-style-type: none"> <li>• All advertisements relating to food and beverage products shall comply with the requirement in the Food Act 1983, Food Regulations 1985, Food Advertisement Regulations 2014 and any other relevant legislation, rules, guidelines.</li> <li>• Section 17(1)(b) of the Food Act 1983 states that any item prohibited on food label is also prohibited in food advertisement. Section 17(1)(d) of the Food Act 1983 prohibits food product advertisement which is likely to deceive a purchaser with regard to the nature type, value, substance, quality, strength, purity, composition, merit or safety, weight, proportion of contents, origin or effects of any food, ingredients or constituent thereof.</li> <li>• According to Regulation 18 of the Food Regulations 1985, claims not allowed on any food labels are: <ul style="list-style-type: none"> <li>i. Claim stating that any particular food shall provide adequate source of all essential nutrients.</li> <li>ii. Claims implying that a balanced diet or combination of variety of foods cannot supply adequate amounts of all nutrients.</li> <li>iii. Claims that suggest on the suitability of a food which can prevent, alleviate, treat or cure a disease, disorder or other physiological condition.</li> <li>iv. Claims that caused the consumer doubt about the safety of similar food.</li> <li>v. Claims that could give rise to doubts or exploiting the feeling of fear to the consumer.</li> <li>vi. Claims which cannot be substantiated.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Similar to pay TV.</li> </ul>	N/A.
<i>Food &amp; Beverages – sugar levels</i>	<ul style="list-style-type: none"> <li>• According to Regulation 18A of the Food Regulations 1983, the claims of '<i>no added sugar</i>' are valid only when the following conditions are met: <ul style="list-style-type: none"> <li>i. no sugar of any type is added to the product;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Similar to pay TV.</li> </ul>	N/A.

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	<ul style="list-style-type: none"> <li>ii. the product does not contain any ingredient that includes sugar;</li> <li>iii. it does not contain ingredients used as sugar substitutes; and</li> <li>iv. the product's sugar content has not been artificially increased beyond what the natural ingredients contribute. Additionally, if a product claims to have no added sugar, the amount of naturally occurring sugar per 100 grams or per 100 millilitres serving must be clearly declared on the label.</li> </ul> <ul style="list-style-type: none"> <li>• In this context, "sugar" encompasses all forms of monosaccharides and disaccharides that are added to the product.</li> </ul>		
<i>Personal hygiene/ Sanitary (including condoms)</i>	<ul style="list-style-type: none"> <li>• For toothpaste advertisement on bad breath, it should not be claimed that a toothpaste or other product will destroy bacteria causing mouth odour or that it will provide long lasting freedom from mouth odour.</li> <li>• For toothpaste advertisement on food particles, no advertisement for a toothpaste, chewing gum or tablets intended to clean the teeth should suggest that the product will remove all food particles from the teeth or gums. It should not be claimed that chewing gum or tablets can take the place of brushing after meals.</li> <li>• Generally, there are no objections to advertising contraceptive methods, whether generally or specifically, as long as it is noted that certain methods are available only by prescription when appropriate. Advertisements should not exaggerate the effectiveness or safety of specific methods compared to others.</li> </ul>	<ul style="list-style-type: none"> <li>• Similar to pay TV.</li> </ul>	N/A.
<i>Tobacco</i>	<ul style="list-style-type: none"> <li>• Advertisements of tobacco products and imitation of tobacco products are both prohibited.</li> <li>• Substitute tobacco product (including vape) is subjected to the same restriction.</li> </ul>	<ul style="list-style-type: none"> <li>• Similar to pay TV.</li> </ul>	The Control of Smoking Products for Public Health Act 2024 (Act 852) was gazetted on Feb 2, 2024, but it is not yet in force. The Act contains provisions on the advertisement, promotion and sponsorship of tobacco products.

	<b>Pay TV</b>	<b>OCC TV</b>	<b>Foreshadowed changes</b>
<i>Children</i>	<ul style="list-style-type: none"> <li>• Due care must be taken when featuring or addressing children and young people in advertisements. Advertisements should not undermine positive social behaviour, lifestyle and attitudes.</li> <li>• Care needs to be taken that the product advertised and style of advertisement are appropriate for the audience it is primarily directed at.</li> <li>• Advertisements addressed to or targeting children shall not exploit their credulity, loyalty, vulnerability or lack of experience. It shall be made easy for children to exercise appropriate judgement towards the size, characteristics and performance of advertised products and to distinguish between real-life situations and fantasy provided it is not likely to mislead or to be taken as a positive claim to superior or superlative status.</li> <li>• The Content Code sets forth 25 principles for advertisements targeting children, while the Malaysian Code of Advertising Practice outlines 18 principles.</li> </ul>	<ul style="list-style-type: none"> <li>• In addition to adhering to the general principles for pay TV, OCC service providers should prioritise "<i>safety by design</i>" in their systems. This includes features like user profiles, PIN codes, passwords, and other mechanisms to restrict access to content unsuitable for all audiences. Instructions on using these tools should be clear and easily accessible.</li> <li>• To safeguard the well-being of all users, especially younger audiences, programme ratings should be prominently visible. Whenever possible, these ratings should correspond with the technical control tools offered by each service, enhancing content protection for minors.</li> </ul>	N/A.
<i>Women</i>	<ul style="list-style-type: none"> <li>• Women and men shall be portrayed as equals in all respects.</li> <li>• No content shall condone the exploitation of women, men and children. Negative or degrading content on the role and nature of women, men or children in society shall be avoided.</li> </ul>	<ul style="list-style-type: none"> <li>• Similar to pay TV.</li> </ul>	N/A.
<i>Property</i>	<ul style="list-style-type: none"> <li>• Advertisements for sale or for rent should not mislead or exaggerate on such matters as: <ul style="list-style-type: none"> <li>(i) The land itself and any buildings erected or to be erected thereon;</li> <li>(ii) The physical nature – including furnishings and amenities – and appearance of buildings and flats, and their surroundings;</li> <li>(iii) The legal title and formalities;</li> <li>(iv) Rights and easements of any kind;</li> <li>(v) Planning, building and sanitary requirements;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Similar to pay TV.</li> </ul>	N/A.

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	<p>(vi) Taxes, rates and other imposts; and</p> <p>(vii) The prices, terms of payment and loan facilities;</p> <ul style="list-style-type: none"> <li>Particular care is called for in the case of advertisements for real property located abroad. Advertising material containing detailed description of such property should include comprehensive and accurate information.</li> </ul>		
<b>COUNTRY-SPECIFIC INFORMATION</b>	<p>Providers should bear in mind Malaysia' multiracial and multireligious context. The use of religion in any form of advertisement is prohibited to preserve its sanctity and respect sensitivities. Religion should not be exploited for commercial gain or used in a way that could create fear or disharmony among consumers.</p>	<p>Service providers should bear in mind Malaysia' multiracial and multireligious context. Generally, programmes must be kept neutral and be in respect of all religion. In featuring any religious belief or view, service providers should ensure these do not in any way disparage or cast other religious faiths in poor light.</p>	N/A.
<b>Useful Links</b>	<ul style="list-style-type: none"> <li><a href="#">The Malaysian Communications and Multimedia Content Code</a></li> <li><a href="#">Advertising Standards Authority Malaysia - Malaysia Code of Advertising Practice</a></li> <li><a href="#">Food Regulations 1985</a></li> <li><a href="#">PhAMA Code of Conduct 19<sup>th</sup> Edition</a></li> <li><a href="#">Industry Guideline for the Advertisements of Slimming Products</a></li> <li><a href="#">National Film Development Corporation of Malaysia</a></li> <li><a href="#">Control of Smoking Products for Public Health Act 2024</a></li> <li><a href="#">Food Act 1983</a></li> <li><a href="#">Medicines (Advertisement and Sale) Act 1956</a></li> <li><a href="#">Registered Medicinal Product Advertising Approval Guidelines</a></li> <li><a href="#">Medicine Advertisements Board Policy and Decision (Product)</a></li> <li><a href="#">Product Advertisement Approval Guide</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Guidelines for Online Curated Content Service Providers</a></li> <li><a href="#">Guide On: Advertising Services</a></li> <li><a href="#">Service Tax Act 2018</a></li> </ul>	



