Council for Private Education SINGAPORE

ADVERTISING CODE FOR PRIVATE EDUCATION INSTITUTIONS

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I. INTRODUCTION

1. Definition of 'Advertisement'

The interpretation of the term 'advertisement' is found in section 2 of the Private Education Act (No. 21 of 2009):

> *"…"advertisement" includes any notice, circular, pamphlet, brochure, prospectus, programme or other document, and any announcement, notification or intimation, to the public or any section thereof or to any person or persons, made —*
>
> *(a) orally or in writing;*
>
> *(b) by means of any poster, placard, notice or other document affixed, posted or displayed on any wall, billboard or hoarding or on any other object or thing;*
>
> *(c) by means of sound broadcast, television, the Internet or other media; or*
>
> *(d) in any other form or manner whatsoever…"*

Section 46(2)(*a*) of the Private Education Act further specifies the location or sources of advertisements:

> *"… "advertisement" includes an advertisement that is made available —*
>
> *(i) in a newspaper, magazine, journal or other periodical published or circulated in Singapore or elsewhere;*
>
> *(ii) in a sound or television broadcast transmitted for reception in Singapore or elsewhere; or*
>
> *(iii) by any other means of broadcasting or communication for circulation or reception in Singapore or elsewhere;*

Therefore, an advertisement may be broadly described as any form of commercial communication a private education institution (PEI) uses to promote itself, its courses, and its services to students or prospective students, regardless of the medium and media used. This will include promotional claims made by the PEI at the point of recruitment or enrolment of students.

2. The Intent and Scope of the Advertising Code

Part VII of the Private Education Regulations 2009 specifies the general disclosure requirements for PEIs. Read together with section 46(2)(*b*) of the Private Education Act, an advertisement issued by a PEI will be considered false or misleading if it

- falsely describes the PEI; or
- contains any false or misleading information about the PEI; or
- contains any false or misleading information about a course the PEI offers or provides; or
- does not contain the information in accordance to the requirements prescribed by the CPE in the Private Education Regulations.

To assist PEIs to comply with the Act and Regulations, the Advertising Code aims to clarify the legislative requirements which PEIs have to adhere to, so as not to be found misleading in their advertising and promotional activities.

This Code is applicable to all advertising efforts by PEIs registered with the Council for Private Education (CPE), whether the advertisements are published in Singapore or elsewhere. For the avoidance of doubt, the Code also applies to advertisements published by a PEI's external recruitment agents for the purpose of recruiting students for the PEI.

II. GENERAL PRINCIPLES

1. A registered PEI is to conform to the prevailing standards of advertising and any relevant written laws in Singapore. When advertising overseas, the PEI also has to ensure that its advertisements comply with all the relevant rules in those countries.

2. The Advertising Code applies to all types of advertisements issued by PEIs. The Code aims to guide PEIs from misleading customers (specifically existing and prospective students) with ambiguous words and graphics and is drafted in line with the following principles:

a. Truthful representation: Advertisements must not contain false or misleading claims about the following:

   i. the source or recognition of a course it is providing;

   ii. the obligations of a student enrolling in the course;

   iii. the course fees payable and fees for any other services provided by the PEI; and

   iv. the research results or statistics published, such that they appear to have scientific basis or government support when that is not true.

b. Substantiation: The PEI must be able to provide documentary proof of the claims it makes in the advertisements when asked to do so (whether by the CPE or students or members of the public). Minimally, the source from which the findings or statistics are obtained must be mentioned. To be credible, a PEI should also ensure that it quotes only sources of information that are valid and reputable.

c. Fair competition: While comparative advertisements are allowed, the contents must not discredit, denigrate, imitate, or exploit the goodwill of competitors, whether local or foreign.

d. Observance of social values: Advertisements must not subvert Singapore's shared values[1] or exploit conflicts relating to controversial national and international issues. They should also not contain words or pictures that are offensive to the standards of decency prevailing among existing and/or prospective local and international students. For example, advertisements are not to glorify a lifestyle that is promiscuous or is detrimental to family values.

e. Integrity and responsibility: Advertisements must not exploit prospective students' lack of experience, expertise or knowledge. They must also not attempt to strain the students' sense of loyalty, nor play on their fears or superstitions.

[1] Refer to the five statements adopted by the Parliament on 15 January 1991.

III. THE CODE

The Advertising Code for PEIs covers nine key aspects of a PEI's advertisement, and complements the general disclosure requirements specified in the Private Education legislations [2]. Instead of prescribing the format and content of advertisements, the Code establishes ground rules to ensure that there is responsible advertising, and that the contents are factually correct.

1. Reference to Singapore and the Council for Private Education[3]

1.1 Usage of the term 'Singapore' and any word that connotes national authority

A PEI is prohibited from modifying its registered name by adding the word "Singapore" to it. If it wishes to denote its location, the PEI must state clearly that it is "located in Singapore".

It cannot claim to be recognised by the Singapore government or any of its ministries or statutory boards unless it is able to substantiate the claim with proper documentation from the relevant government agency. It must also not attempt to pass off as the national authority for any form of training or certification, or as the leading training organisation for any group of professionals, without authorisation from the relevant authority[4].

For example, sweeping statements like "EL Academy is the national training centre for English teachers" or "EL Academy certifies English teachers in Singapore" would be considered false and misleading, unless the PEI is able to provide evidence to convince the CPE that it is indeed so.

1.2 Relationship with the CPE

A registered PEI can only use the term "registered" to describe its relationship with the CPE in its advertisements or promotional materials.

For clarity, usage of the following (but not limited to) terms in place of the word 'registered' would be construed as misleading:

a. Approved

b. Accredited

c. Endorsed

[2] Any "regulation" referred to henceforth will mean the relevant paragraph and/or sub-paragraph in the Private Education Regulations 2009.

[3] The PEI will contravene section 46(2)(b) of the Private Education Act if it falsely represents its relationship with the Singapore government or the CPE.

[4] PEIs may be asked to prove that the organisation it quotes as "relevant authority" is indeed recognised as such by players in that field / industry.

d. Supported

e. Authorised, or

f. Validated.

1.3 Usage of the CPE's Logo

It is specified in section 33 of the Private Education Act that a PEI is not allowed to use the CPE's logo in its advertisement without first obtaining written permission from the CPE.

As a good practice, a PEI should avoid adopting the colour scheme or general design of the CPE's logo, as that may create the impression that it is related to the CPE.

2. Information about the private education institution

2.1 Registration and certification status

To comply with regulation 27, a registered PEI is to include all the following in its advertisements:

a. Its registered name;

b. Its registration number; and

c. The period of its registration (as stated in its registration certificate).

If the PEI is EduTrust-certified, it must also adhere to the terms and conditions governing the publication of its EduTrust award status.

2.2 The PEI's Logo

While the CPE does not specify the dimensions and format of a PEI's logo in its advertisements, as a good practice, the PEI should ensure that its logo is:

a. Clearly and prominently displayed, so that prospective students would not mistake or confuse the PEI with its partners;

b. Not smaller than the logos of its partners; and

c. Not so similar to that of a renowned local or foreign institution or organisation that it misleads prospective students into thinking that the PEI is related to that institution or organisation when that is not the case.

2.3 The PEI's Achievements

Under section 46 of the PE Act, it is mandatory for a PEI to provide truthful information about itself. As such, it has to be able to substantiate any claim of achievements with relevant and valid documentation.

Unsubstantiated statements may be construed as false and/or misleading if the PEI is unable to convince the CPE of the statements' factual basis. The following are some examples of unsubstantiated and misleading statements:

> "Hi-Flyer Institute *always produces the top students* in GCE 'O' levels examinations."
>
> "Hi-Flyer Institute has *the best performance among all PEIs* since its establishment."
>
> "Hi-Flyer Institute has *the most number of students gaining entry* into Singapore's public universities."

2.4 The PEI's Partners

A PEI cannot make reference to, or use the names, initials, logos and/or trademarks of another organisation or institution, unless it has valid, written permission from that organisation or institution to do so. It must also state clearly and accurately the type of relationship it has with each of the organisation or institution it chooses to highlight in its advertisements. For example:

> "ABC University, UK, *is offering the following programmes through* XYZ Academy."
>
> "XYZ Academy *is offering the following programmes awarded by* ABC University, UK."
>
> "XYZ Academy *has an articulation arrangement with* ABC University, UK *for students graduating from its Diploma in Business course*."

When it is not possible for a PEI to give full details of its relationship with a partner in its advertisement due to space constraints, the PEI is to indicate a source, such as a link to the relevant page on its website, where interested students or members of the public can easily access and obtain truthful information. As a responsible practice, the source should not be one where prospective students can only get verbal, unrecorded information.

To strengthen and maintain its credibility, a PEI should only link up with institutions and/or accrediting agencies that are recognised by the

relevant authorities[5] in their respective home countries. A fit and proper PEI manager should ensure that the PEI is not associated with degree mills or dubious organisations.

2.5 Photographs or pictures of PEI's premises and facilities

Regulation 28(1)(d) requires the PEI to show accurate pictures of its premises and facilities. This means that the images used have to be up to date, as old or modified photographs will not accurately depict the PEI.

The PEI must also not show pictures of other institutions, either local or foreign, that would cause prospective students to assume that it has (additional) premises in Singapore and elsewhere, if it is not true.

In addition, if the PEI is occupying a unit within a commercial building, it must not represent its school using the building's photograph.

2.6 Photographs or pictures of students

As a good practice, a PEI should avoid using the photographs of its existing or former students unless it has obtained written permission from those students and/or their parents (where applicable).

3. Use of Information from external sources

3.1 Statistics and Survey Results

The CPE can ask a PEI to substantiate its claims and the sources of its published information. Where the data is gathered or derived by the PEI, it may be required to demonstrate the collection method(s) and calculation(s).

It is thus useful for the PEI to clearly specify the source of any statistics, survey or research findings referred to in its advertisement. For example:

> "XYZ University is ranked Top 10 among National Universities" – *U.S.News Best Colleges 2010 ranking*"
>
> "100% students obtained at least 5 passes at GCE 'O' levels *(2008 – 2010)*"

The PEI manager should also exercise due diligence to ensure that only information from reputable sources are used.

[5] As explained in Regulation 26(5).

3.2 Testimonials

The PEI must not publish any fictitious or false testimonials. As a good practice, any testimonial from existing or former students and/or students' parents should be accompanied by the name of the student/parent, description of how the individual is related to the PEI, and the year (if not exact date) the testimonial was given.

To ascertain the truthfulness of the advertisement, the CPE may ask the PEI to provide the contacts of such students or parents for verification. The PEI may also be asked to substantiate that those testimonials reflect the typical experience of its students/parents.

3.3 Endorsements

A PEI's advertisements will be considered false and misleading if it gives the impression that the PEI has the support or endorsement of a public figure (i.e. politicians, celebrities, etc.) when it does not.

4. Information on course fees and other monies payable to the PEI

With reference to Regulation 28(1)(o), a PEI must ensure that it clearly specifies the following information on course fees:

a. the course to which the fees relate, including whether the fees are for part-time or full-time versions of the course;

b. whether the fees cover the course in its entirety, e.g., examination fees, cost of lecture notes, laboratory usage fees, etc. Otherwise the costs of the additional components must be stated;

c. the validity period of the fees quoted;

d. the terms and conditions to which the published fees apply; for example, whether the fees quoted are only applicable to a student who has also signed up for another course or service provided by the PEI;

e. conditions and quantum of any discount offered, if applicable;

f. the currency in which the fees are quoted;

g. the applicable Goods and Services tax ("GST"), if applicable; and

h. whether any specific payment mode is required.

The PEI needs to provide a prominently displayed link to the specific page on its website[6] explaining the above information, if it is not feasible to do so in the advertisement due to space constraints.

[6] As specified in Regulation 28(1), a PEI must make information available to its students, intending students and prospective students in such form or manner as to be easily accessible by them.

5. Use of Superlatives and Exaggerated Claims

The following claims may be construed as false and/or misleading unless the PEI can provide credible supporting documentation to convince the CPE of the claims' accuracy:

a. "Worldwide accepted qualification"

b. "Highly demanded graduates"

c. "World's best lecturers"

d. "Best facilities in Singapore"

e. "Guaranteed success in life"

f. "Other PEIs cannot compare"

g. "The number one provider in preparatory courses"

h. "100% student satisfaction"

i. "Highest graduation rates in the whole of Singapore"

j. "Most demanded course in Singapore"

(Note: The above list is not exhaustive.)

6. Promises and Guarantees

A PEI must disclose the validity period and the terms and conditions associated to any promises or guarantees it extends to students. Any limitation to such promises or guarantees must also be spelt out clearly. Non-disclosure of pertinent information can be construed as intention to mislead.

6.1 Offer of "free" item or service

The word 'free' must not be used for an item or service which payment is only deferred.

To avoid future disputes, whenever an item or service is described as 'free', the PEI should endeavour to specify clearly, in a font and colour not unlike the general contents of the advertisement, the period during which the 'free' promotion is applicable, any condition that must be met before the student or prospective student can enjoy the 'free' item or service, and any incidental costs involved.

6.2 Entry to local public schools

While a PEI may prepare students for the entrance or qualifying examinations, no PEI can guarantee entry into Singapore's public institutions or autonomous universities. PEIs are strongly encouraged to make clear to students that entry into those institutions is subject to them meeting those institutions' entry requirements.

6.3 Employment opportunities

As part of its student support services, a PEI may provide career guidance or mentor its graduating students in their submission of resumes to prospective employers. However, the PEI is not to provide, or advertise that it can provide, any employment opportunities or job placement services for a fee[7].

The PEI must also not attempt to entice prospective students with promises of salaries or allowances for trainees on work attachment. For courses with a work attachment component, the PEI is required to clearly state that job attachment for international students is not guaranteed and will be subject to approval of relevant passes by the Ministry of Manpower (MOM).

6.4 Recognition of qualifications awarded

A PEI cannot make the general claim that the qualification it awards (in its own name) will be recognised by employers and/or any local or foreign education institutions or associations. It must specify the employer or institution that accords such recognition to its awards, and any related terms and conditions imposed for that recognition.

For example, if a PEI claims that graduates from Monash University's Bachelor of Psychology will be recognised by the Australian Psychology Association, it must specify clearly whether that recognition is only restricted to graduates from Monash University's home campus (or will also be extended to graduates from the external degree programme).

6.5 Scholarships and grants

To enable students to make informed choices and to prevent future disputes, the eligibility requirements for scholarships and grants, as well as the conditions for accepting such financial plans from the PEI, should be specified clearly. The PEI should also state the penalties, if any, of any breach in the conditions for acceptance of those plans.

In addition, the PEI should also make clear to the student the currency and amount of the respective scholarship or grant prior to him/her accepting that scholarship or grant.

[7] A registered PEI that performs the functions of an employment agency will be deemed to have contravened section 36(3)(b) of the Private Education Act.

6.6 Gifts and other privileges

As a good practice, a PEI should specify the terms and conditions or the eligibility requirements for a prospective student to receive any gift or privilege. It should avoid using “bait and switch” advertising.

If, for example, a PEI states that the first 100 students are entitled to a free computer each, the CPE may require it to provide the names and personal details of the 100 students who had received the free computers, in order to ascertain the truthfulness of the PEI’s claims.

6.7 Student Passes

A PEI which is EduTrust-certified may assist students to apply for student’s passes issued by the Immigration and Checkpoint Authority (ICA). However, it must communicate clearly to students that it can only provide assistance to submit the applications and that the granting of student’s passes is subject to ICA’s approval. The PEI is also required under the terms and conditions for EduTrust, to disclose any administrative fees it levies for providing this service in addition to the application fees charged by ICA.

6.8 Deferment of National Service (for male local students only)

A PEI must state clearly that it can only provide assistance to apply for deferment of National Service, and such application is subject to approval by the Ministry of Defence. No PEI can guarantee deferment.

6.9 Hostel services

A PEI that offers hostel services must ensure that the details of the hostel are de-linked from advertisements about its course offerings. If the rental of the hostel is a pre-requisite for enrolment at the PEI, this information must be made clear to all prospective students prior to them signing the Student Contract with the PEI.

7. Use of Disclaimers

The PEI is to ensure that disclaimers are legible and can be easily understood by the target audience of its advertisements. Where a PEI reserves the right to withhold items a student has paid for, or defer the commencement of any class under certain circumstances, it must specify those circumstances under which such withholding or deferment would occur clearly.

8. Information on Courses

Regulation 29 stipulates that any advertisement relating to a course must include the title of the course, the name of the course developer, the organisation conferring the qualification, and the country of origin of the course developer.

8.1 Title of Course

The published title of a course must be the same as that permitted by the CPE. This will also include the qualification level of the course, such as certificate, diploma, graduate diploma, etc.

8.2 Course Developer or Qualification Awarding Body

If the name of the course developer or qualification awarding body is too lengthy to fit into a limit advertising space, the PEI is advised to consult the CPE on suitable abbreviations to use for the purpose of advertising before doing so. To avoid ambiguity, especially in instances where the abbreviations are similar to other organisations', the country of origin of the course developer or qualification awarding body must be specified.

8.3 Course Details

With reference to regulation 28, a PEI is required to clearly state the following when advertising a course it offers, or intends to offer:

d. whether the course is offered on a part-time and/or full-time basis;

e. the total duration of the course;

f. the duration of each lesson;

g. the maximum allowed period for a student to complete the course, and whether a student who fails to complete the course within the maximum allowed period will be entitled to any recourse or refund;

h. the entry requirements of the course;

i. the delivery mode of the course;

j. the minimum number of students that is required before a class commences, the backup plan (in the event the class cannot commence due to low take up rate), and the waiting period (from the time a student signs up until the time a decision is made by the PEI whether or not the class will commence); and

k. the different types of fees payable by a student wishing to enrol in the course, and whether the registration/application fees will be refunded fully if the class does not commence.

8.4 Teachers

A PEI may specify that the course would be taught by lecturers from the home campus of the university if it is indeed so. When providing the profiles of its teachers, the PEI may use academic titles, i.e., “Dr” or “Professor”, to address them only if they are qualified and/or have received the relevant authorisation to hold those titles.

8.5 Examinations and Assessments

A PEI is not to claim that passing its examinations or assessments will enable a student to become “certified’ as a professional in any field unless it has been duly authorised by the relevant authority overseeing that specific industry to provide such courses.

8.6 Articulation Pathways

A PEI must state clearly the specific articulation pathway for each course, including the names of the universities the course articulates into, and whether those universities’ programmes will be conducted by the PEI (as external degree programmes) in Singapore, or will the students need to enrol at the universities’ home campuses if they proceed on the articulation pathway.

9. Language

As a good practice, a PEI’s advertisements, especially those meant for younger or non-English speaking students, should be worded in simple (English) language so that it is easily comprehensible. It should not confuse the students with high sounding words, exaggerated descriptions, and scientific jargons.

IV. PENALTIES AND ENFORCEMENT ACTIONS

The CPE urges all PEI managers to exercise caution and make it a point to check the draft design and text of an advertisement before giving approval for the advertisement to be issued.

Issuing false or misleading advertisements may lead to serious consequences for the PEI and/or its managers. For example (but not limited to):

a. Under section 46(1) of the Private Education Act, any person found knowingly or recklessly issuing or publishing, or causing to issue or publish, any false or misleading advertisement about a PEI shall be guilty of an offence. If convicted, this person will be liable to a fine of up to $5,000, or to imprisonment for up to 6 months, or both;

b. Under section 47 of the Private Education Act, the CPE can direct any person who has been found guilty of issuing any false or misleading advertisement to withdraw or amend the advertisement accordingly. A person who fails to comply with such directions from the CPE shall, on conviction, be liable to a fine of up to $10,000, or to imprisonment for up to 12 months, or to both; and

c. Under section 33(2) of the Private Education Act, any person convicted of using the CPE's logo in order to deceive or cause confusion shall be liable to a fine of up to $10,000, or to imprisonment for up to 12 months, or to both.