

# Industry Advisory

## Advertisements contrary to best practices set out in the Advertising Code

### Background

1. The Council for Private Education (CPE) issued the Advertising Code (Code) for private education institutions (PEI) on 10 April 2012 to set out best practices and clarify the legislative requirements for advertisements and promotional activities by PEIs under the Private Education Act.

2. However some PEIs' promotional content in websites and advertisements continue to contain exaggerated or potentially unsupportable claims contrary to best practices set out in the Code. Examples of these include *"they [students] are allowed to apply for PR immediately"*, and *"[PEI is] accredited by the Council for Private Education"*. Also observed were photographs of well-known educational institutions published in a manner that misleadingly suggest them to be another PEI's facilities as well as misrepresentations of what the PEI offers. The latter example is not only contrary to the Code but an offence under section 46 of the Private Education Act. The CPE reminds managers of PEIs that best practices in the Code are to be adhered to and that misleading advertisements that constitute offences under the Act will be treated seriously.

Examples of misleading claims on a PEI's website:



(Left) PEI did not offer degree courses but publicised on its website "joint, double and concurrent degree programmes with some of the best universities in the world". (Below) PEI did not have teachers who are 'professors' but publicised on website that it had. As these claims are misleading in material ways, they are offences under section 46.

Why Study in [redacted]?

#### 1. Teachers with excellent quality of teaching experiences

Our teaching department consists of lecturers, language experts, and language consultants. Most of them hold related qualifications. Some of them are professors. All of the teachers have related teaching experiences and they will design the lessons plan and materials based on the needs of the students. [redacted] also holds regular meetings to ensure that [redacted] follows the required syllabus closely and uses the latest and best way of teaching methods.

## Responsibility for Compliance

3. It is the responsibility of PEIs and their Managers to ensure their advertising and promotional practices comply with the Act and the Code. Examples of appropriate descriptive are: "... is a registered school", "... is registered with the CPE", "...the CPE-permitted courses", "...classrooms and premises are registered or permitted by the CPE".

4. Under section 46 of the Private Education Act, any person who knowingly or recklessly issues or publishes, or causes to be issued or published any advertisement false or misleading in a material way commits an offence punishable on conviction with a fine not exceeding \$5,000 or with imprisonment for a term not exceeding 6 months or both.

## The Code and Advertisements?

5. The Code refers to "advertisements" as all types and forms of advertisements and commercial communications that PEIs use to promote their courses and services to students or prospective students. Advertisements will be considered not in compliance with the Code where:

- Advertisements falsely describe the PEIs;
- Advertisements contain any false or misleading information about the PEIs or their courses or premises; or
- Advertisements do not contain the information according to the requirements prescribed by the CPE under the Private Education Regulations.

For the avoidance of doubt, the Code also applies to advertisements published by PEIs' external recruitment agents, for the purpose of recruiting students for the PEIs.

6. Under the Code, PEIs are expected to ensure that their advertisements adhere to the following principles:

- Truthful representation of PEIs;
- Substantiation of claims in advertisements if sought;
- Fair competition (whether local or foreign);
- Avoidance of controversies relating to national and International issues; and/or
- Integrity and responsibility to avoid exploiting prospective students' inexperience, expertise or knowledge.

7. The Code can be [downloaded](#) here.

#### General advertising and information disclosure

8. In addition, as part of the general requirements on advertising and information disclosure under Regulation 27(2) of the Private Education Regulations, every registered PEI must ensure that any advertisement issued or published by it or on its behalf includes its name, registration number and the period of registration under the Act. It will be a contravention of the Private Education Regulations if a registered PEI omitted any of the required information.

9. For a PEI named ABC Academy with registration number 123456789A that is first registered with CPE from 01/05/2010 to 30/04/2014 but was recently renewed for 1 year from 01/05/2014 to 30/04/2015, the information can be presented in the following format:

“ABC Academy

Registration number: 123456789A

Registration period with CPE: 01/05/2014 to 30/04/2015”

10. The common mistakes made by PEIs in relation to this requirement are as follows:
- the start date of the period of registration indicated on the advertisement is back-dated to when the PEI was first registered with CPE instead of the start date of the current registration period;
  - PEI only indicated the expiry date of the ERF registration instead of the entire current period;
  - PEI did not disclose its name as registered with CPE; and/or
  - the required information is published in a font size that is too small for reading by persons of normal vision range without the use of aids and this would be regarded as a failure to comply with the requirement.

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