

The Advertising Standards Authority.

The self-regulatory system

TV and radio advertising have been controlled by statutory regulation since the start of commercial broadcasting. In 1962, the self-regulatory system for non-broadcast advertising was born, as representatives from all sectors of the advertising industry came together to form the Committee of Advertising Practice (CAP). CAP produced the first edition of the British Code of Advertising Practice in the same year. The 10th edition is currently available, called The British Codes of Advertising and Sales Promotion.

The ASA was established to provide independent adjudications under the newly created Code. The ASA promotes and enforces high standards in advertisements, investigates complaints, identifies and resolve problems through its own research and ensures that the system operates in the public interest.

The ASA is funded by a levy of 0.1% on advertising expenditure. The levy is collected by a separate body - the Advertising Standards Board of Finance (ASBOF), so the ASA is never aware of how much each advertiser contributes, keeping its independence assured.

Self-regulation is a practical, flexible and self-financing system of regulation for non-broadcast advertising. It is free to complain and the system is recognised by both the Courts and the Office of Fair Trading. Under the self-regulatory system, the ASA will investigate complaints into print advertisements, posters, cinema and video ads, direct marketing, list and database practice, sales promotions and non-broadcast electronic media.

In 2001 a record 12589 complaints were received about 10,001 advertisements. 90% of complaints came from members of the public.

Complaints are judged by the ASA's Council - twelve members with an independent Chairman. Members of Council are appointed following public advertisement.

Misleading Advertisements

Code Clause

3.1 Before submitting an advertisement for publication, advertisers must hold documentary evidence to prove all claims, whether direct or implied, that are capable of objective substantiation.

Relevant evidence should be sent without delay if requested by the ASA. The adequacy of evidence will be judged on whether it supports both the detailed claims and the overall impression created by the advertisement.

7.1 No advertisement should mislead by inaccuracy, ambiguity, exaggeration, omission or otherwise.

- 23.1 Advertisers, publishers and owners of other media should ensure that advertisements are designed and presented in such a way that it is clear that they are advertisements.

Offensive Advertisements

Code Clause

- 5.1 Advertisements should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation or disability. Compliance with the Codes will be judged on the context, medium, audience, product and prevailing standards of decency.

Context is key - an advertisement may be acceptable in a 'lads' mag, but not as a poster on the high street. As the least targeted medium, advertisers must be particularly careful with imagery on posters.

Swearwords - A survey into public attitudes towards bad language in advertising is available on ASA's website - www.asa.org.uk
<<http://www.asa.org.uk>>

Charity advertising - both the public and the ASA recognise that charities may need to be quite hard hitting in their advertising to get their message across. As a result, they may get some leeway from the ASA, but not 'carte blanche'.

The ASA Council has to make judgements about what is offensive, or unacceptable, in today's non-broadcast advertising. Balancing the right of advertisers to advertise with the rights of people not to be offended is not always easy. The ASA Council makes its decisions about taste and decency issues using all the evidence available - while using common sense and making judgements that it believes are in tune with the public's expectations. That means applying standards of acceptability that are themselves in constant flux.

Cigarettes

In 1975 a particular Code for cigarettes was included in the Codes. This states that ads should not incite people to start smoking or encourage smokers to increase their consumption or smoke to excess. As a result, previously familiar icons, eg the Marlboro cowboy have now disappeared. The cowboy provides a clear association between smoking and an outdoor lifestyle, suggesting health and wholesomeness. He is represented as a heroic figure - this too is forbidden.

All cigarette ads must be pre-approved by CAP's Copy Advice team, even if the product isn't shown.

Alcohol

The Code of advertising for alcoholic drinks was based on rules agreed by the ad industry itself. Ads that imply sexual success as a result of drinking alcohol or an unhealthy dependence on alcohol are forbidden. Models in alcohol ads must be and appear to be over 25 years old.

Children

The sexualisation of children - or portrayal of children in a sexual way, is the strongest advertising taboo (see ASA 'Serious Offence' research on www.asa.org.uk). Complaints have been upheld against ads which sexualise children.

Copy Advice

Many advertisers, agencies and publishers use the free pre-publication advice service provided by CAP to check advertisements against the Codes. Having advertisements stopped by the ASA can be costly for companies, both financially and in terms of their reputation. The service is available free online at www.cap.org.uk

Sanctions

A range of sanctions is available to the ASA including adverse publicity, poster pre-vetting, refusal of further advertising space, withdrawal of trading privileges and industry pressure. In the case of a persistent or deliberate offender, the ASA can refer an advertiser, agency or publisher to the Office of Fair Trading (OFT). The OFT can seek an injunction through the courts to prevent the same or similar claims being made in future advertisements.

All ASA adjudications are published on the website every Wednesday.

The Public's Perception

See: ASA research - The Public's Perception of Advertising (available on www.asa.org.uk <<http://www.asa.org.uk>>)

Consumers are concerned by "untruthful truths" -where the consumer considers that the advertiser is being economical with the truth. These concerns, which are mainly associated with financial services ads, threaten to make the public cynical and doubtful about all advertising messages.

'Untruthful truthful advertising' does not communicate the true or whole picture. It is the advertising of significant purchases, mainly financial products, that highlights substantial benefits but is vague in its communication of the full implications or downsides.

Some advertisers, particularly those promoting financial products, are thought to hide behind the small print and 'weasels', which in the consumer's mind, are there to protect the advertiser. Recognised weasels are words such as 'terms and conditions apply', 'limited stocks available', 'subject to status'.

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