

Advertising Standards Authority

# Broadcast Advertising Adjudications

26 January 2005



**ADVERTISER:** A G Barr plc  
**AGENCY:** The Leith Agency  
**Date:** 26 January 2005

**Media:** Television

No. of complaints: 1

**COMPLAINT:**

An advertisement for Irn Bru showed a policeman invading a football pitch being pursued by a group of streakers before being wrestled to the ground. The streakers were naked and had their private parts pixeled out. It was shown at 12.17pm on Saturday morning during the chart music programme CD:UK.

A viewer believed that, because there was nudity featured in the advertisement, it was:

1. unsuitable for broadcast on a Saturday morning when children could be watching.
2. unsuitable for broadcast before the 9pm watershed.

**ADJUDICATION:**

1. Complaint upheld

The broadcaster, ITV, said the advertisement had been given an ex-kids restriction by the Broadcast Advertising Clearance Centre (BACC), which meant the advertisement could not be shown in and around children's programmes. However, it did not regard CD:UK as part of children's programming. It categorised it as a "youth" programme, arguing that it did not carry the Children's ITV (CITV) brand on screen and was commissioned by ITV's "daytime entertainment" rather than "children's" department. It asserted that CD:UK carried a distinctive on screen brand that was designed to reflect a target audience of "young adults". ITV acknowledged that CD:UK was listed under CITV programming on both its own website and in TV Times, although it stated that that information was incorrect and would be amended. Finally, it said the advertisement's creative treatment was light-hearted and amusing and therefore appropriate for broadcast in and around CD:UK, a programme that featured the often vulgar and improper behaviour of music artists.

We noted that CD:UK was incorrectly listed as part of CITV programming both in TV Times and on ITV's own website, and noted that CD:UK did not carry the CITV brand. We sought guidance from Ofcom as to whether CD:UK was considered a children's programme. Ofcom confirmed that CD:UK was classified as a children's programme and said that "youth" was not a category currently used in its classification scheme. We therefore concluded that, although CD:UK did not carry CITV branding, it was a children's programme. We agreed that the ex-kids restriction imposed by the BACC was appropriate

and consequently, scheduling the advertisement in and around CD:UK represented a breach of Rule 4.2.3 of the CAP (Broadcast) Rules on the Scheduling of Advertising.

## 2. Complaint not upheld

We considered the ex-kids restriction to be sufficient and that a post watershed restriction would be unreasonably harsh given the degree of nudity and other images shown at similar times.

**ADVERTISER:** Chase-it.tv  
**BROADCASTER:** Chase-it.tv  
**Date:** 26 January 2005

**Media:** Television

**No. of complaints:** 58

**COMPLAINT:**

Chase-it.tv, which launched in May 2004, is a teleshopping channel that offers viewers the chance to bid for products such as jewellery, digital cameras, electrical goods and homeware. Each item is advertised with a guide price. When the auction begins, a series of prices appears onscreen and the presenter encourages viewers to phone the number shown to register, and to press the hash key when they see the price they want to pay.

Viewers complained to the ASA about non-delivery of goods they had ordered from the channel. On calling Chase-it.tv they experienced problems such as being placed on hold for lengthy periods, not being able to get through and not having their answering machine messages returned. They also complained that they did not receive replies to their emails, post or faxes.

**ADJUDICATION: Complaints upheld**

Chase-it.tv is owned by Auctionworld Ltd, which was recently fined £450,000 in respect of its Auctionworld service and had its licence revoked by Ofcom for being in breach of the Advertising Standards Code. Auctionworld Ltd is in administration and the administrators are PKF accountants and business advisors of Farringdon Place, 20 Farringdon Road, London EC1M 3AP. The ASA has passed the details of those viewers who complained about Chase-it.tv to PKF.

The ASA contacted Chase-it.tv with details of the complaints it received up until Auctionworld Ltd went into administration, but did not receive a satisfactory or conclusive response to most of them. As such, we concluded that its advertising was in breach of Rule 11.2.2 (a) (Access to adequate stock to fulfil demand), 11.2.2 (c) (Adequate arrangements to handle enquiries) and 11.2.2 (e) (Ability to fulfill orders on time) of the CAP (Broadcast) TV Advertising Standards Code.

Chase-it.tv is not currently broadcasting.