

Background Briefing

The Advertising Standards Authority (ASA) works to maintain the highest standards in advertising by taking action to prevent ads from being misleading, harmful or offensive. Visit www.asa.org.uk for more information about our activities, to view the Advertising Codes or to access our database of adjudications.

History of ad regulation

Protecting consumers, testing claims

When commercial TV started broadcasting in 1955, the advertisements were controlled by legislation. This was the first time that ads – and the claims they made - were subject to any form of formal regulation. When commercial radio was launched in 1973, radio ads too became subject to statutory control.

In 1961, the Advertising Association, following discussions with other industry associations, agreed that it was important that advertisements were welcomed and trusted by consumers in non-broadcast media too. As a result, the industry (agencies, media and advertisers) came together to form the Committee of Advertising Practice (CAP) and produced the first edition of the British Code of Advertising Practice.

In 1962, CAP established the Advertising Standards Authority (ASA) as the independent adjudicator under the newly created Code. The ASA was set up to supervise the working of the new self-regulatory system in the public interest.

Introduction of the levy

In 1973, the Minister for Consumer Protection, Shirley Williams, criticised the system for not being well-known enough. In response, the industry set up the Advertising Standards Board of Finance (Asbof) in 1974 to provide sufficient and secure funding for the system through a levy of 0.1% on advertising space costs.

Because the ASA is not responsible for collecting the levy itself, its independence is assured. The levy ensures funding for the ASA to promote itself to the public.

Legal backstop

In 1988, the introduction of the Control of Misleading Advertisements Regulations (CMARs) enabled the ASA to refer advertisers who made persistent misleading claims and refused to co-operate with the self-regulatory system, to the Office of Fair Trading (OFT) for legal action.

Today, the ASA still has the ability to refer advertisers to the OFT for unfair or misleading advertising, but today we refer under the [Consumer Protection from Unfair Trading Regulations 2008](#) and the [Business Protection from Misleading Marketing Regulations 2008](#), which replaced CMARs.

Referral to the OFT remains a last resort and is rarely needed: the overwhelming majority of advertisers work within the system.

2004 onwards - Becoming the one-stop shop

In 2004, after more than forty years of successful self-regulation of non-broadcast ads, the ASA/CAP system assumed responsibility for TV and radio ads.

The newly-formed communications regulator, Ofcom, took the decision, in a move supported by Parliament, to contract-out responsibility for broadcast (TV and radio) advertising to the ASA system in a co-regulatory partnership. This created for the first time in the UK, a single regulator for advertising: a one-stop shop for advertising complaints.

To create the one-stop shop, broadcast equivalents of the non-broadcast institutions (ASA/ CAP/ Asbof) were established. A new industry committee, the Broadcast Committee of Advertising Practice (BCAP), was created to write and maintain the Broadcast Advertising Codes. The Broadcast Advertising Standards Board of Finance (Basbof) was established to collect the 0.1% levy on broadcast advertising space costs and ASA (Broadcast) was launched to administer the Codes.

Although there are various constituent parts, the system runs as a single regulator. This is particularly important for members of the public who want a complaints system that's easy to navigate.

Continuing support

48 years on, the industry is just as committed to making self-regulation effective system which means advertising in the UK overwhelmingly complying with the rules laid down in the advertising Codes. The system has continued to receive support from the Government and courts.

The aim of industry self-regulation was and remains to ensure that advertisements are 'legal, decent, honest and truthful.' That's in the interest of consumers – and also in the interest of good advertising. The ASA acts to keep a level playing field for all advertisers by maintaining standards – so consumers and business can benefit from healthy competition on fair terms. From under 100 complaints in its first year of operation, the ASA now receives around 29,000 complaints a year.

Recent Developments

Review of the Advertising Codes

Over a two year period, the Code-owning bodies, CAP and BCAP, conducted a systematic review of the UK Advertising Codes. The aim of the review was to ensure that the Codes remain up-to-date and fit-for-purpose in an ever-evolving media environment.

The review involved a full 12-week public consultation after which CAP and BCAP fully evaluated around 30,000 from a wide range of stakeholders.

The new Advertising Codes continue to be based on the enduring principles that all ads should be legal, decent, honest and truthful. But they are simpler, better laid-out, easier to follow and more user-friendly. For example, the four broadcast Codes were combined into a single Broadcast Advertising Code. The new Codes came into force on 1 September 2010.

Video-on-Demand

The ASA entered into a new co-regulatory partnership with Ofcom on 1 September 2010, but this time to regulate advertisements accompanying Video-on-Demand (VOD) services.

Online Remit Extension

On 1 September 2010, the ASA announced that its digital remit will be extended further online. The ASA's online remit previously applied only to advertising in paid-for space (banner ads, pop-ups, paid search). But from 1 March 2011, the ASA's remit was extended to cover:

- Advertisers' own marketing communications on their own websites and;
- Marketing communications in other non-paid-for space under their control, such as social networking sites like Facebook and Twitter.

Journalistic and editorial content and material related to causes and ideas - except those that are direct solicitations of donations for fund-raising - are excluded from the remit.

This significant development demonstrates the system's continuing commitment to ensuring that advertisements are fair to consumers, wherever they appear.

Key dates

- 1955 June: Independent Television Authority (ITA) publishes principles for Television Advertising
First TV ad is broadcast
- 1957 May: ITA publishes Advertising Rules and Practices
- 1958 July: Independent Television Companies Association issues guidelines stating that ads for medicine and health products should not give the impression of professional advice
- 1961 Committee of Advertising Practice (CAP) created
First Advertising Code for non-broadcast ads is produced
- 1961 The Council of the Advertising Association passes a resolution to establish the Advertising Standards Authority (ASA)
- 1962 22 August: ASA incorporated under the Companies Act 1948
24 September: Inaugural meeting of the ASA
- 1964 Spot checks begin on ads for slimming diets, hair treatments, knitting and sewing machines, vitamins, cigarettes, beauty treatments, gin, cocktails, vodka and health food drinks
- 1965 Guidance is given to the travel industry to make sure that holidaymakers do not suffer inconvenience, disappointment or financial loss as a result of ads
Cigarette advertising on TV banned
- 1966 Restrictions on advertising pregnancy kits are lifted and the ASA advises publishers they can use their discretion subject to safety conditions
- 1968 Trade Descriptions Act gains Royal Assent. Government expresses its hope that the ASA would continue to operate alongside the statutory system
- 1970 A CAP working group looks at how to distinguish ads from editorial. New ruling issued: ads must be clearly and immediately recognisable as such
- 1973 ASA publishes summaries of its rulings for the first time – but only persistent offenders are named
October – commercial radio broadcasting begins and is regulated by statute
- 1974 British Code of Sales Promotion published by CAP
Prices and Consumer Protection Minister, Shirley Williams, criticises the ASA for not being sufficiently well-known by the public
- 1975 The Advertising Standards Board of Finance Ltd (Asbof) is set up to operate new levy arrangements, which also pay for publicising the system
New Codes for alcoholic drink and cigarette advertising introduced, along with pre-vetting for the latter
- 1978 Director of Fair Trading, Gordon Borrie, calls for speedier response times and more effective compliance action in his report on the ASA
- 1981 Adjudications into competitive complaints are published
June: IBA Code for Teletext Transmissions issued
- 1982 Research into women's attitudes to ads finds that women most dislike images of sexual suggestiveness and stereotypes in advertising
- 1984 EU Misleading Advertisements Directive (MAD) adopted, although this doesn't become UK law until 1988, when self-regulation becomes the 'established means' of implementing the Directive
- 1987 The Hungerford shootings lead to amendments to the Advertising Codes to include new rules on violence and anti-social behaviour

- 1988 The Control of Misleading Advertisement Regulations (CMARs, which implement MAD) provide the ASA with a legal backstop
- 1989 The first referral under CMARs to the OFT results in an injunction to prevent misleading slimming claims for 'Speedslim'
- 1990 The CAP Code gets new rules on list and database management.
Dec - ITC Code of Advertising Standards and Practice published
- 1991 The ASA co-founds the European Advertising Standards Alliance with 11 other countries.
Complaints top 10,000 for the first time.
- 1995 Advertisements on the Internet come under the CAP Code.
- 1998 The Commission for Racial Equality becomes the first advertiser to be subject to poster pre-vetting.
- 1999 The tenth edition of the CAP Code removes party political advertising from the Code's remit: political parties in future have to regulate themselves.
- 2000 Yves St Laurent's Opium poster featuring model Sophie Dahl attracts more complaints than any other ad for five years.
- 2001 admark, CAP's Internet advertising best practice scheme, is launched.
ASA adjudications are, for the first time, published weekly on the Internet.
First upheld complaint about an SMS text message.
- 2004 January: Ofcom (the communications regulator) concludes its public consultation on The Future Regulation of Broadcast Advertising
17 May: Ofcom announces its decision to contract-out to the ASA responsibility for day-to-day regulation of radio and television commercials
July: Parliament votes to extend our responsibilities to include broadcast ads
1 Nov: The ASA takes over responsibility for regulating broadcast advertising, under contract from Ofcom.
The Broadcast Committee of Advertising Practice (BCAP), the Broadcast Advertising Board of Finance (Basbof) and the Advertising Standards Authority (Broadcast) are established.
- 2006 The ASA one-stop shop successfully completes its two-year probation for all ad complaints is publicly confirmed by Ofcom as the two year probationary period is successfully completed.
- 2008 The Government supports the ASA as the right body to regulate video-on-demand (VOD) advertising under the Audiovisual Media Services Directive.
Ad industry begins discussions to extend the CAP Code to cover online marketing communications in non-paid space
The first ever concurrent review of the UK Advertising Codes begins.
- 2009 Full public consultation on the content of the UK Advertising Codes
ASA embarks on a review of its processes with external consultants
- 2010 1 September: New UK Advertising Codes come into force. For the first time there is a single Broadcast Advertising Code (replacing the four separate Radio, TV, Text Services and Scheduling Codes)
ASA enters a co-regulatory partnership with Ofcom to regulate ads accompanying VOD services
- 2011 1 March: The ASA begins regulating marketing communications on companies' own websites and in other non-paid for online spaces they control e.g. social media