

HEALTH AND BEAUTY

**A survey of standards in health and beauty,
slimming and nutrition advertisements**

July 1998

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1. SUMMARY

The health and beauty industry constitutes a large proportion of advertising placed in the UK today and accounts for some £9 billion of consumer purchases each year¹. This advertising is also a perennial area of concern for the ASA in terms of compliance with the British Codes of Advertising and Sales Promotion (the Codes). In previous surveys, the number of unacceptable advertisements in this sector has been high compared to others² and, with this in mind, the ASA has focused its attention on health and beauty advertising throughout 1997.

This research shows that compliance with the Codes improved during 1997: from 82% to 93%. As a result of ASA action in this field, industry awareness has increased and media appear to be applying greater vigilance before accepting advertisements for publication.

?? The ASA carried out two surveys in 1997 to assess the number of potentially misleading advertisements appearing in national and regional press and magazines.

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?? The first sample was taken in March 1997 and consisted of 1,497 advertisements. Of these, nearly 18% broke the Codes. The second survey was conducted in August 1997 and 1,399 advertisements were assessed. This time only 7% were found to be unacceptable.

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?? The majority (61%) of the health and beauty advertisements sampled in March appeared in magazines but in August the proportion of the sample coming from magazines had dropped to 37%.

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?? Advertisements for vitamins and supplements raised several issues and contained a high number of problem claims. In the second survey, 35% of the advertisements for these products were found to be unacceptable.

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?? A number of advertisements for fast weight loss methods were found to be questionable. Advertisers of slimming products were given advice on how to amend claims to bring them into line with the Codes' requirements.

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?? A review showed that of all the complaints received by the ASA in 1997, 10% related to health and beauty advertisements (1,112 out of the 10,678).

¹ 1996 figures, AA Marketing Pocket Book 1998

² e.g. Survey of Alcoholic Drinks Advertising 1996 - 98% compliance

2. INTRODUCTION

2.1 BACKGROUND

There is little doubt that the health and beauty industry represents a huge market and great advertising potential. Consumers see a continuous flow of advertising and other media influences, appealing to those who want to look young, slim and beautiful. In the late 1990s, this applies almost as much to men as to women. There has been a steady rise in the number of health and beauty products targeted at male consumers, and this has been paralleled by an increase in the number of style and health magazines for men which carry these advertisements.

While the majority of companies marketing health and beauty products are doing so responsibly, there is still a significant minority of advertisers whose claims go further than their evidence supports. The public appetite for such products is ever increasing, but are people really seeing the promised benefits? The audience for this market may be sophisticated and intelligent, but many consumers are susceptible to offers of eternal youth, or a cellulite-free body. For this reason, the ASA monitors health and beauty advertising closely and carries out surveys across this broad sector of products. Advertisers found to break the Codes are asked to prove or amend their claims.

2.2 THE ASA AND HEALTH AND BEAUTY ADVERTISING IN 1997

The ASA published a report on advertising in this sector in October 1996 that showed 18% of the 401 advertisements analysed were unacceptable under the British Codes of Advertising and Sales Promotion. The number of complaints received by the ASA about advertisements in this category also remained high during 1996. Set against a general compliance level of 96-98% across press and posters, these figures were disappointing.

In order to tackle the obvious compliance problem in this sector, and offer constructive advice to advertisers about how their advertising might be amended to comply with the Codes, the ASA Research team concentrated on this area throughout 1997.

The 1997 surveys

Two research surveys were conducted on health, beauty, slimming and nutrition advertising during 1997, in March and August. The findings of these surveys, and other initiatives to improve this area, are discussed in detail later in this report.

Every company whose advertising was found to be a problem under the Codes was contacted. They were asked to amend their advertising or provide evidence to support the claims in question. The Codes require all advertisers to hold documentary evidence for claims made, but the health and beauty section of the Codes specifically requires claims made for these products to be backed by trials conducted, where appropriate, on people. During these surveys any evidence submitted to the ASA in support of claims was considered according to these requirements and assessed in the light of ASA Council adjudications on previous ASA complaints. Where necessary, impartial experts were used by the Research team to assess scientific evidence.

In addition to surveys on specific issues, the Research team regularly carries out weekly monitoring on around 1,000 advertisements appearing in the national press and selected consumer magazines to check for questionable claims. These checks enable the team to take action in potential problem areas without having to wait for consumer complaints.

Aims and objectives

In conducting research projects in this area, the ASA's objective is to improve compliance and identify potential pitfalls for advertisers. By contacting them and offering advice, the ASA aims to ensure that problems do not continue and that advertisers correct any mistakes and, where necessary, ask for advice before advertising new products.

This report details the findings of the ASA research into the broad area of health and beauty advertising in 1997. It outlines the methodology used in carrying out the research and the rules applying to advertisers in this sector. Specific observations on advertisements in the various product categories are also described. The report concludes with a discussion of the findings, a summary of complaints received and other projects undertaken by the ASA relating to the health and beauty industry in 1997.

The report shows that there has been a marked improvement in compliance over the year. It is hoped that this improvement will continue and that compliance levels in this sector will soon match other categories of advertising. The aim of publishing this report is to raise awareness of the problems in health and beauty and to highlight areas where the industry needs to take special care to comply with the Codes.

The publication of this report also coincides with three new Help Notes drawn up by the Committee of Advertising Practice's Copy Advice team³. These, and the ASA's continued monitoring of health and beauty advertising, should ensure that the good progress illustrated in this report is maintained throughout 1998 and beyond.

³ Appendix I

2.3 THE CODES

The British Codes of Advertising and Sales Promotion are written and enforced by the Committee of Advertising Practice (CAP). CAP comprises the trade and professional bodies that represent advertisers, agencies, the media and service suppliers. The Codes are administered by the ASA in the public interest. The ASA is independent of the advertising industry and of the Government.

The basic principles of the Codes are that all advertisements should be legal, decent, honest and truthful. They should also be socially responsible and conform with the accepted principles of fair competition.

In addition to the Codes' general rules, health and beauty advertisements are also subject to specific rules, for example;

Medical and scientific claims should be backed by trials conducted, where appropriate, on people.⁴

Advertisers should not discourage people from having essential treatment; medical advice is needed for serious or prolonged problems and advertisers should not offer medicines or therapies for them.⁵

References to the relief of symptoms or the superficial signs of ageing are acceptable only if they can be substantiated. Unqualified claims such as "cure" or "rejuvenate" are generally not acceptable.⁶

Advertisers should be able to provide evidence for any claim that is capable of objective assessment. This includes claims that a product can prevent balding, reverse hair loss, stimulate hair growth, nourish or strengthen hair.⁷

Advertisements should not imply that the general population could be deficient in vitamins and minerals, although it is legitimate to target groups such as pregnant women or the elderly.⁸

Any claims made for the effectiveness of a slimming method or product should be backed by rigorous practical trials on people.⁹

⁴ taken from Clause 50.1

⁵ taken from Clause 50.2

⁶ taken from Clause 50.7

⁷ taken from Clause 3.1 & 50.26

⁸ taken from Clause 50.21 & 50.22

⁹ taken from Clause 51.1

Advertisements should not contain general claims that precise amounts of weight can be lost from specific parts of the body. Claims that individuals have lost exact amounts of weight should be compatible with good medical and nutritional practice and should give details of the time period involved, and should not be based on unrepresentative experiences.¹⁰ This should be in accordance with the guidelines issued by the Department of Health of 1-2 pounds per week.

2.4 MEDIA RESPONSIBILITY

Publishers act as the gatekeepers in the self-regulatory system. They are frequently able to spot problem advertisements and are expected to check dubious copy with the CAP Copy Advice team before publication. Previous research by the ASA into health and beauty advertisements suggested that some publishers needed to exercise greater care in this area. The improvement in Code compliance in the second 1997 survey appears to indicate a welcome increase in vigilance on the part of publishers as well as advertisers. This needs to be maintained in order to keep problems in the health and beauty sector to a minimum.

¹⁰ taken from Clause 51.10

3. METHOD AND SAMPLE

The first health and beauty survey in 1997 was conducted on advertisement samples taken from a range of publications between 19 March and 2 April. It was a combination of three separate samples; health and beauty, slimming, and nutrition advertisements.

The second sample was taken from 18 August to 31 August. The sample included advertisements from all three product areas.

The advertisements were collected from:

all national daily and Sunday newspapers

a selection of consumer magazines

a selection of regional newspapers

All the advertisements that fell under the specified product areas were collected from the selected publications. The range of publications for the second survey was slightly larger than the range for the first, because different companies were commissioned to cut the advertisements. However, the type of publications was similar and the assessment under the Codes' requirements was the same; comparisons have therefore been made between the surveys¹¹.

3.1 PRODUCT CATEGORIES

Both surveys were split into the following product categories:

?? **Cosmetic surgery**

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?? **Cosmetics** - perfumes, aftershaves, make-up

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?? **Exercise** - personal fitness machines, devices and videos

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?? **Hair** - shampoos, hair care products, hair removers, hair restoratives

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?? **Medical aids** - orthopaedic furniture, wheelchairs, pain relief devices, electromagnetic devices

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?? **Medicines**

¹¹ See Appendix II

?? **Miscellaneous**

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?? **Nutrition** - foods making reference to nutritional benefits such as high fibre, low fat

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?? **Personal hygiene** - sanitary protection, toilet paper, nappies, toothbrushes, toothpaste, contraceptives

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?? **Private healthcare** - private hospitals, clinics and doctors, healthcare insurance schemes and complementary therapists

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?? **Skin treatments** - moisturising and anti-ageing creams, anti-cellulite and firming creams, electronic toning devices, beauty salon treatments

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?? **Slimming** - weight loss clubs, diet plans, low calorie foods, slimming devices and pills

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?? **Vitamins and supplements** - food supplements and vitamin pills.

3.2 DUPLICATE ADVERTISEMENTS

When gathering material for a survey, it is common to find the same advertisement several times in different publications. These advertisements are treated as duplicates of the primary advertisement. It is important to note how frequently the advertisement has appeared in order to assess how widespread a potentially unacceptable advertisement may be. The statistics quoted in this report refer to figures including duplicates, unless otherwise stated. The overall figures are quoted below:

Fig 1: Sample sizes:

	<i>Including duplicates</i>	<i>Excluding duplicates</i>
<i>Survey 1</i>	1497	690
<i>Survey 2</i>	1399	540

Fig 2: Breakdown of figures (including duplicates):

	<i>No. of advertisements Survey 1</i>	<i>No. of advertisements Survey 2</i>
<i>Health</i>	481	8
<i>Beauty</i>	507	331
<i>Slimming</i>	79	38
<i>Nutrition</i>	397	90
<i>Miscellaneous</i>	33	48
<i>Total</i>	1497	1399

A detailed explanation of these figures and observations is given in section 4.2.

Seasonal factors

There are a few factors that may affect the samples of advertisements collected. For example, the time of year influences the nature of the advertisements appearing, so that in the spring sample there were 79 advertisements for slimming products, encouraging consumers to 'shape up for summer', while the late summer sample included only 38 slimming advertisements.

A large burst of advertising by a small number of companies in one category can also alter the sample. For example, the August sample showed a disproportionate number of advertisements in the medical aids category. This was because several manufacturers of stair lifts and wheelchairs had a large number of advertisements appearing every day in the national press during this time.

3.3 TECHNICAL AND PLATFORM BREACHES

For the purpose of this research, the ASA Research team has differentiated between those advertisements that contained a technical problem and those where the whole advertisement was unacceptable. Technical problems usually appear in advertisements that are largely acceptable, where changing one or two words, or removing a sentence, will render the advertisement acceptable. More serious problems are those where the whole approach of the advertisement is unacceptable and significant changes would be needed to bring it into line with the Codes. These are referred to as platform breaches in this research report.

For reference, a list of typical technical errors to be avoided has been provided in section 5 of this report.

4. LEVELS OF COMPLIANCE

Spring 1997

ASA's Research team examines on average 1,000 advertisements through weekly spot checks across press and magazines. Obvious exaggerations, questionable claims and technical problems can be identified and companies are contacted with advice on how to bring advertisements into line with the Codes. Health and beauty advertisements found through this monitoring exercise, and previous research into this area in 1995 and 1996, suggested that there was likely to be a relatively high number of advertisements that broke the Codes in this sector in 1997. The first survey confirmed this with an overall compliance rate of only 82% in a sample of 1,497 advertisements.

Companies whose advertisements raised problems under the Codes were contacted by the Research team, asked for evidence to support their claims, and given guidance on how to amend their advertising in line with the Codes.

Fig 3: Survey 1 compliance:

	<i>Including duplicates</i>	<i>Excluding duplicates</i>
<i>Acceptable</i>	1234 (82%)	551 (80%)
<i>Platform breach</i>	130 (9%)	72 (10%)
<i>Technical breach</i>	133 (9%)	67 (10%)
<i>Total</i>	1497 (100%)	690 (100%)

Summer 1997

The second survey followed the same process as the spring project. An examination of technical and platform Code problems in 1,399 advertisements appearing in August 1997 showed a compliance level of 94% - an improvement of 12% on the spring survey.

While the findings are encouraging, past problems in this sector make it one of the most troublesome in terms of the Codes' requirements. Advertisers and publishers cannot afford to become complacent. The ASA will continue to monitor health and beauty advertising but the onus is on the industry to work to improve its compliance record. The ASA needs the co-operation of the health and beauty industry, their advertising agencies, and the newspapers and magazines that publish the advertisements.

Fig 4: Survey 2 compliance:

	<i>Including duplicates</i>	<i>Excluding duplicates</i>
<i>Acceptable</i>	1306 (94%)	472 (87%)
<i>Platform breach</i>	47 (3%)	36 (7)
<i>Technical breach</i>	46 (3%)	32 (6%)
<i>Total</i>	1399 (100%)	540 (100%)

4.1 MEDIA

Advertisements appearing in a wide spread of general interest consumer publications were considered in the two health and beauty surveys. These included the national press, selected regional titles and selected consumer magazines.

In the spring survey, 61% of the 1,497 advertisements were gathered from magazine titles. The regional and national press both carried roughly equal numbers of advertisements in the health and beauty category.

This profile changed significantly in the summer survey when the national press carried the largest share (49%) of the 1,399 advertisements collected. Magazine advertisements carried 37% of this sample and the regional press only 14%.

Fig 5: Survey 1. Compliance by media category:

	<i>Acceptable</i>	<i>Platform</i>	<i>Technical</i>	<i>Total</i>
<i>National Press</i>	238(77%)	46(15%)	23 (8%)	307(100%)
<i>Regional Press</i>	238(87%)	15 (5%)	22 (8%)	275(100%)
<i>Magazines</i>	758(83%)	69 (8%)	88 (9%)	915(100%)
<i>Total</i>	1234(82%)	130 (9%)	133 (9%)	1497(100%)

Fig 6: Survey 2. Compliance by media category:

	<i>Acceptable</i>	<i>Platform</i>	<i>Technical</i>	<i>Total</i>
<i>National Press</i>	653(95%)	17 (3%)	13 (2%)	683(100%)
<i>Regional Press</i>	185(92%)	7 (4%)	7 (4%)	199(100%)
<i>Magazines</i>	468(91%)	23 (4%)	26 (5%)	517(100%)
<i>Total</i>	1306(94%)	47 (3%)	46 (3%)	1399(100%)

In terms of compliance, the problems in the media varied in the two samples. In the spring, the regional newspapers revealed the fewest breaches: 13% of the selected advertisements in regional titles broke the Codes. In the national press, however, 23% of health and beauty advertisements broke the Codes over the same period. This problem level was unacceptably high and the ASA was pleased to find that the summer sample showed a significant improvement in the national newspapers: the compliance level rose from 77% to 95%.

The August survey showed improvements across all the media. The poorest level of compliance was found in magazines where 9% broke the Codes. However, this represented 8% improvement on the March sample.

The Research team considers that this improvement is due to a combination of factors; firstly, that advertisers responded positively to ASA advice and amended their advertising and secondly, that both advertisers and publishers had a greater awareness of the Codes' requirements on health and beauty advertising because of their contact with the ASA. The ASA expects both publishers and advertisers to play their part in maintaining this level of improvement throughout 1998 and beyond.

4.2 PRODUCT CATEGORIES

Fig 7: Survey 1. Product appearance in the media:

	<i>National</i>	<i>Regional</i>	<i>Magazines</i>	<i>Total</i>
<i>Cosmetic surgery</i>	4	9	113	126
<i>Cosmetics</i>	9	11	139	159
<i>Exercise</i>	7	17	46	70
<i>Hair</i>	15	13	95	123
<i>Medical aids</i>	44	22	23	89
<i>Medicines</i>	38	4	84	126
<i>Miscellaneous</i>	6	0	27	33
<i>Nutrition</i>	0	123	0	123
<i>Personal hygiene</i>	30	7	58	95
<i>Private healthcare</i>	22	39	40	101
<i>Skin treatments</i>	4	11	84	99
<i>Slimming</i>	30	15	34	79
<i>Vitamins & supplements</i>	98	4	172	274
<i>Total</i>	307	275	915	1497

Fig 8: Survey 2. Product appearance in the media:

	<i>National</i>	<i>Regional</i>	<i>Magazines</i>	<i>Total</i>
<i>Cosmetic surgery</i>	9	12	35	56
<i>Cosmetics</i>	29	15	84	128
<i>Exercise</i>	13	2	7	22
<i>Hair</i>	12	12	43	67
<i>Medical aids</i>	385	80	62	527
<i>Medicines</i>	38	4	49	91
<i>Miscellaneous</i>	30	2	16	48
<i>Nutrition</i>	11	1	35	47
<i>Personal hygiene</i>	43	6	44	93
<i>Private healthcare</i>	89	48	22	159
<i>Skin treatments</i>	8	4	68	80
<i>Slimming</i>	4	12	22	38
<i>Vitamins & supplements</i>	12	1	30	43
<i>Total</i>	683	199	517	1399

?? **Cosmetic surgery**

The majority of advertisements for cosmetic surgery appeared in magazines. These were for services such as liposuction, liposculpture, anti-ageing treatment and breast enlargement.

Based solely on the survey of press advertisements, this sector generally did not contain obvious problems. In the spring sample, 100% of the cosmetic surgery advertisements scrutinised were acceptable; the summer survey showed two advertisements with minor problems. The Committee of Advertising Practice issued detailed guidance to cosmetic surgery clinics in November 1997 asking them to ensure that advertising claims could be substantiated. The ASA will continue to keep a watch on this area.

?? **Cosmetics**

Advertisements for cosmetics, such as lipsticks, eye shadows and foundations, have historically presented very few problems in terms of unsubstantiated claims. Advertisers in this field tend to use visual impressions rather than factual claims that might mislead consumers. This was reflected in the two 1997 surveys where the average compliance level was 99% in the samples of 159 advertisements appearing in March and 56 appearing in August.

?? **Exercise**

This sector included advertisements primarily for personal fitness in the home. Products included keep-fit videos, exercise bikes and weight lifting equipment.

Advertisers in this field sometimes fall into the trap of linking exercise with weight loss. While the ASA accepts that exercise can help build muscles, improve stamina and fitness, and burn calories, it does not accept that exercise will necessarily lead to weight loss unless it is combined with a calorie controlled diet. Advertisers in this sector showed a significant improvement after being contacted by the Research team; the proportion of acceptable advertisements rose from 87% in the spring to 100% in the summer sample.

?? **Hair**

Advertisements collected in the 1997 surveys covered a wide range of products including shampoos, hair dyes, hair removal products and hair accessories. This sector presented fewer problems than it has done in the past; for example, a disappointing compliance rate of 62% was revealed in the ASA's 1996 Health and Beauty survey.

A small number of advertisements did, however, break the Codes in relation to hair loss treatments or hair removal. In the first sample, 29% of all the advertisements for hair products broke the Codes. By the second survey, this had improved and only 13% were questionable.

The ASA has accepted that surgery can offer treatment for balding and that electrolysis can permanently remove body hair. To date, however, the ASA has seen no evidence that creams or lotions, other than those licensed as medicines, can have any effect on hair loss or hair re-growth. In the first survey, a number of advertisers made claims that were unacceptable, such as "Try our regrowth lotion at home!". Following advice from the Research team these companies made the necessary amendments to their advertisements and the second survey showed that many of the required changes had been made.

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?? **Medical aids**

This category can be divided into two groups, orthopaedic furniture and self-help pain relief devices.

Orthopaedic furniture

Orthopaedic furniture, including stair lifts and electric wheelchairs, constituted a relatively large number of the advertisements that appeared in the surveys, but accounted for very few problems. In the summer survey, this category constituted 38% of the entire sample. The companies marketing these products usually advertise in the national press and their advertising is targeted mainly at the elderly and disabled. Only one issue arose from these advertisements; advertisers should not suggest that their product can treat or cure the symptoms of a medical condition. Advertisers must make it clear that their products can offer only relief from the symptoms of a condition. However, they must also hold evidence to show that this is the case.

Self-help pain relief devices

In the 1997 surveys, many of the claims for self-help pain relief devices were thought likely to present a problem under the Codes because the ASA had not seen scientific evidence that many of these devices could achieve the advertised effect. The devices ranged from electronic machines to magnetic bracelets, all offering pain relief from conditions such as arthritis, lumbago and sciatica. Advertisers were invited to present evidence to the ASA for assessment. Where the documentation supplied was detailed technical data the Research team sought advice from an impartial, expert consultant but very few advertisers were able to meet the high standards of evidence required by the Codes. In the absence of evidence, claims such as "Relieve the agony of back pain" are unacceptable and advertisers making such claims were asked to make appropriate amendments before repeating their advertisements.

Several advertisers in this category broke the Codes by referring to serious medical conditions. Advertisers should not make reference to such conditions unless the treatment being offered is given under medical supervision. For example, an advertiser offering a hand held massaging device for use at home, with claims that it can relieve arthritis, should certainly seek advice from the CAP Copy Advice team, because arthritis is considered to be a serious medical condition.

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?? Medicines

The Medicines Act 1968 requires that medicines are licensed by the Medicines Control Agency (MCA) before they are advertised and any claims made must conform with the licence. In addition unlicensed products should not make medicinal claims. These requirements are reflected in the Codes¹². Companies appearing in the surveys, which were advertising medicines without holding a licence, were referred to the MCA.

The main problem encountered by the ASA in this area is posed by advertisers based outside the UK, particularly in the Channel Islands where UK legislation does not apply. The ASA discovered a number of advertisements that broke the Codes and would almost certainly have broken the law if the advertisers had been within the UK. In these cases the Research team contacted publishers and advised them not to accept these advertisements without checking that they complied either with UK law or with the Codes. The MCA advised the ASA that publishers carrying these advertisements could themselves be liable to prosecution under the Medicines Act.

?? Nutrition

This was a broad category covering all advertisements for food products that made a nutritional claim. Nutrition remains a popular selling point for many advertisers and claims are frequently made about the nutritional benefits of products, typically breakfast cereals, food for infants, food for dieters and dairy products.

The two samples showed that the majority of nutritional claims found were in line with accepted understanding of the benefits of particular ingredients. For example, typical claims arising in this sector were “low fat”, “high fibre”, “enriched with vitamin C”, all of which are acceptable, as long as they are accurate and do not exaggerate the health benefits of the product. Compliance in this sector improved between the two 1997 surveys; the spring sample revealed that 14% of advertisements containing nutrition claims were questionable. In the summer survey, however, copy had been amended in line with guidance given by the Research team and 100% of the advertisements in this category were acceptable.

¹² Clause 50.11

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?? Personal hygiene

This category included advertisements for sanitary protection, toothpaste and nappies. Only one advertisement in the spring sample raised a problem under the Codes. As with cosmetics, advertisers in this field are unlikely to make claims that obviously break the Codes. However, new products are becoming available in this market and the ASA will continue to keep a watchful eye on this sector.

Fig 9: Survey 1. Compliance according to product category:

	<i>Acceptable</i>	<i>Platform</i>	<i>Technical</i>	<i>Total</i>
<i>Cosmetic surgery</i>	126(100%)	0 (0%)	0 (0%)	126(100%)
<i>Cosmetics</i>	157(99%)	0 (0%)	2 (1%)	159(100%)
<i>Exercise</i>	61(87%)	4 (6%)	5 (7%)	70(100%)
<i>Hair</i>	87(71%)	13(10%)	23(19%)	123(100%)
<i>Medical aids</i>	74(83%)	3 (3%)	12 (14%)	89(100%)
<i>Medicines</i>	126(100%)	0 (0%)	0 (0%)	126(100%)
<i>Miscellaneous</i>	23(70%)	7(21%)	3 (9%)	33(100%)
<i>Nutrition</i>	106(86%)	0 (0%)	17(14%)	123(100%)
<i>Personal hygiene</i>	94(99%)	1 (1%)	0 (0%)	95(100%)
<i>Private healthcare</i>	90(89%)	4 (4%)	7 (7%)	101(100%)
<i>Skin treatments</i>	47(48%)	31(31%)	21(21%)	99(100%)
<i>Slimming</i>	36(47%)	21(26%)	22(27%)	79(100%)
<i>Vitamins & supplements</i>	207(76%)	46(17%)	21 (7%)	274(100%)
<i>Total</i>	1234(82%)	130 (9%)	133 (9%)	1497(100%)

Fig 10: Survey 2. Compliance according to product category:

	<i>Acceptable</i>	<i>Platform</i>	<i>Technical</i>	<i>Total</i>
<i>Cosmetic surgery</i>	54(96%)	0 (0%)	2 (4%)	56(100%)
<i>Cosmetics</i>	126(98%)	0 (0%)	2 (2%)	128(100%)
<i>Exercise</i>	22(100%)	0 (0%)	0 (0%)	22(100%)
<i>Hair</i>	58(87%)	2 (3%)	7(10%)	67(100%)
<i>Medical aids</i>	515(97%)	4 (1%)	8 (2%)	527(100%)
<i>Medicines</i>	86(94%)	5 (6%)	0 (0%)	91(100%)
<i>Miscellaneous</i>	40(83%)	7(15%)	1 (2%)	48(100%)
<i>Nutrition</i>	47(100%)	0 (0%)	0 (0%)	47(100%)
<i>Personal hygiene</i>	93(100%)	0 (0%)	0 (0%)	93(100%)
<i>Private healthcare</i>	156(98%)	1 (1%)	2 (1%)	159(100%)
<i>Skin treatments</i>	57(71%)	7 (9%)	16(20%)	80(100%)
<i>Slimming</i>	24(63%)	10(26%)	4(11%)	38(100%)
<i>Vitamins & supplements</i>	28(65%)	11(26%)	4 (9%)	43(100%)
<i>Total</i>	1306(94%)	47 (3%)	46 (3%)	1399(100%)

?? **Private healthcare**

Private healthcare is a growing market and the advertising of private clinics, hospitals and insurance is increasing. The findings of these surveys suggest that, on the face of it, advertisers of these services are generally complying with the Codes.

?? **Skin treatments**

A high proportion of the advertisements found questionable in these surveys were from this category, which includes a range of products from anti-cellulite thigh creams to electronic facial muscle toners.

In the spring survey, out of 99 advertisements in this category over half, 52, were unacceptable. The compliance rate had improved to 71% in the summer sample, showing that further improvements need to be made by advertisers.

The ASA has seen a great deal of scientific evidence relating to products such as moisturising lotions and anti-wrinkle creams, and the assessment of claims is based on this evidence. Advertisers are free to present new documentary evidence to the ASA for consideration. However, the ASA's current position is outlined below;

Anti-ageing claims

Moisturising creams have been shown to have a temporary effect on the appearance of the skin. In line with this, the ASA accepts that creams can reduce the appearance of fine lines and wrinkles. The advertisements appearing in the 1997 surveys raised a new question; whether the use of a skin cream can have a cumulative effect. Several advertisers made claims such as "In one week your skin will feel smoother, in six weeks lines will be diminished". On the basis of the evidence available, the ASA does not accept that this claim can be proved. The effects of the cream are temporary and are the same whether it is applied every day for a month, or only once.

Anti-cellulite claims

The ASA does not accept that skin creams have any effect on cellulite or 'orange peel skin'. Cellulite is a form of fat and, as such, it can be removed only by diet and exercise. Advertisers should also bear in mind that claims should not suggest that weight can be lost from specific parts of the body¹³. ASA's expert advisors have not yet seen satisfactory evidence that any cream or device alone can reduce or remove cellulite. As a result, advertisers wishing to make reference to firming or toning creams should seek advice from the CAP Copy Advice team before making such claims.

Creams containing vitamins or minerals

In this sample, the ASA Research team came across a number of advertisements for skin creams containing vitamins, particularly anti-oxidants. Again, the evidence available has not satisfied the ASA that creams containing vitamins will have an additional effect beyond that of a moisturiser.

The health benefits of anti-oxidants, when taken as a nutritional supplement, are well known. Anti-oxidants, primarily vitamins A, C and E, are taken as supplements to neutralise free radicals in the body, thereby protecting the immune system and guarding against infection. Some advertisers have claimed that creams containing anti-oxidant vitamins will have an anti-ageing effect on the skin. However, benefits have not been shown to be the same when the vitamin is applied topically to the skin as when taken orally. Advertisers should not make a claim like "protect your skin from pollution with vitamin E cream", unless there is documentary evidence for it.

¹³ Clause 51.10

?? Slimming

This industry has great potential for exploiting vulnerable consumers because of the pressure from society, especially on women, that to be slim is to be beautiful. Products advertised in this category range from healthy eating plans to instant weight loss patches.

The ASA accepts that weight loss can be achieved by following a calorie controlled diet and an exercise regime, but no other means have yet been proved to be effective. New products appear on the market regularly and the spring sample showed a number that encouraged consumers to shape up for summer. Over half of them broke the Codes.

Just over half of the unacceptable advertisements in the spring sample contained technical breaches that could easily be corrected. For example, claims that individuals had lost exact amounts of weight should have given details of the time period involved. An advertisement that claimed “Jackie lost 30lbs” should have included “...in 6 months” in order to comply with the Codes. Another common technical error was the omission of the statement that a product “can aid slimming only as part of a calorie controlled diet” in advertisements for low calorie foods. In total, just over 50% of the 79 slimming advertisements in the March sample broke the Codes.

The second survey showed a slight improvement in compliance to 63% but this is still an unacceptable level. Claims for herbal aids to slimming were found among the 14 problem advertisements. These were not supported with satisfactory evidence. The slimming sector continues to cause the ASA great concern.

Because of the unacceptable Code compliance rate, in a sector that sees large numbers of new devices and concoctions appearing on the market each year, the ASA urges the media to exercise caution when offered advertisements for any slimming product, other than those offering a sensible diet and exercise plan. If in doubt advertisers and publishers should use the free and commercially confidential advice service available from the CAP Copy Advice team.

?? Vitamins and supplements

The ASA has found an increased number of advertisements for vitamins and health supplements that appeal to the public interest in, and growing awareness of, dietary needs.

New vitamin products are offered to consumers to supplement their diet or maintain a healthy body but the ASA questions whether the advertisers of products, such as ginkgo biloba, glucosamine and saw palmetto, can prove all their claims. Evidence submitted by advertisers often requires specialist

knowledge and the ASA turns to its nutrition experts for help with assessing data supplied by companies in support of their claims.

Those advertisers that can support claims about their products must then be careful not to make medicinal claims, or to imply that consumers are deficient in any vitamin or mineral. The Codes have followed the Department of Health advice that the British population, on the whole, has a healthy balanced diet and thereby receives all the nutrients it needs. There are, however, certain groups that can legitimately be targeted as possibly being in need of supplementation. These groups include; children, the elderly and pregnant women.

Vitamins and supplement advertisements examined in the surveys contained a high number of Code problems and questionable claims: 67 advertisements in the spring survey and 15 in the summer one. However, the quantity of advertisements in this sector varied enormously between the two surveys: in March, there were 274 advertisements for vitamins and supplements but by August, only 43 appeared in the selected titles. The combination of seasonal factors and the appearance of one large campaign, which happened to coincide with the first sample, would appear to explain why the number of advertisements in the two samples varied to such a degree.

5. CHECKLIST OF POTENTIAL TECHNICAL BREACHES OF THE CODES

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?? Advertisers should not refer to serious medical conditions unless the treatment is offered in the context of qualified medical supervision. The CAP Copy Advice team issued a Help Note on references to ailments in July 1998 and can advise on the conditions currently described as 'serious'.

?

?? Advertisers should avoid the use of claims such as 'safe', 'guaranteed' and 'painless' in relation to health and beauty products.

?

?? Advertisements for anti-ageing products must make it clear that the effect is temporary, i.e. by the use of phrases such as 'the **appearance** of fine lines and wrinkles is diminished'.

?

?? Advertisements for skin creams should not imply that the effects of the cream are cumulative, unless the claim can be supported by documentary evidence. At the time of this report, it cannot.

?

?? Claims referring to pain relief should not exaggerate the potential benefit of the product.

?

?? Advertisements for hair products should generally not claim to 'nourish' or 'strengthen' the hair. The appearance, but not the health, of the hair is improved by most hair care products.

?

?? Advertisers of slimming products must not use subjects in advertisements who are either underweight or excessively overweight.

?

?? Advertisements for diet aids, such as low calorie foods, should state that they can aid slimming only as part of a calorie controlled diet.

?

?? Claims for slimming products or services that give details of the amount of weight lost by an individual should also give the time scale of the weight loss. This should be in accordance with Department of Health guidelines of a healthy rate of 1-2 pounds per week.

?

?? Advertisements for exercise devices cannot claim that the product aids slimming without making reference to diet.

This list is not exhaustive. Advice on individual advertisements and copies of the Help Notes are available from the CAP Copy Advice team on 0171 580 4100.

6. SPECIAL PROJECTS

As a combined result of information gathered from surveys, from monitoring of the press and from complaints received by the ASA, the Research team has conducted a number of projects on specific areas of advertising that have caused concern. Outlined below are the findings of two such special projects in the broad area of health and beauty carried out in 1997.

6.1 CHITOSAN

Advertisements for slimming pills containing an ingredient called Chitosan came to the ASA's attention during the first health and beauty survey in spring 1997. Complaints were also received from members of the public who challenged whether the slimming claims made for Chitosan could be proved. After investigation, the ASA Council upheld the complaints on the grounds that the weight loss claims were not supported by sufficient evidence. In addition to this, the ASA Council considered that, in several cases, the brand name used also implied an effect that the advertisers had not substantiated. Advertisers using names such as 'Fat Buster' were advised to either remove the brand name or include a clear statement in the advertisement that the product had not been shown to aid weight loss. Complaints were upheld about advertisements published by a total of eight different companies marketing these products.

The Research team advised all the other companies advertising similar products to contact the CAP Copy Advice team before making weight loss claims for Chitosan. This ensured that all advertisers were applying the ASA rulings in the same way.

6.2 ASTHMA AND ALLERGIES

During 1997, it was brought to the ASA's attention, via a complaint, that claims for products offering to relieve the symptoms of asthma and other allergies were not supported by scientific evidence. When the Research team looked into this sector in detail, it became apparent that a large number of products on the market, including vacuum cleaners, bedding and air filters, were targeted at asthma and allergy sufferers.

The team gathered medical and scientific opinion and information about allergies and how they affect sufferers. The investigation revealed that there was very little evidence to show that these products had a direct effect on asthma and allergy sufferers. Before they could claim that products would achieve a claimed effect, advertisers needed to carry out trials with sufferers of these conditions as subjects.

Allergies affect people in different ways and are triggered by different things. In line with this, advertisers should make it clear to consumers which allergies their product can help relieve and they should be able to show a direct link between the use of the product and the relief of suffering.

All advertisers in this sector were contacted by the Research team and offered advice on acceptable advertising claims in line with the available evidence. The response was positive and advertisers have co-operated by following the Research team's advice on alternative claims and on the validity of trials on sufferers.

7. COMPLAINTS IN 1997

In 1997 the ASA received 10,678 complaints in total, relating to advertisements across all product sectors. Of these, 1,112 were complaints about advertisements for health and beauty products.

Complaints are first assessed in order to establish whether the advertisement raises a matter that requires further investigation under the Codes. Those that do are investigated by the Secretariat and presented to the ASA Council for its adjudication. In 1997 there were 256 complaints relating to 119 advertisements for health and beauty products that were considered by the ASA Council. 84% of these complaints were upheld and the advertisers were asked to amend or withdraw the 109 advertisements that were found to break the Codes.

Fig 11: Results of 256 complaints investigated relating to health and beauty advertisements in 1997:

<i>Upheld (no. of complaints)</i>	216
<i>Upheld (no. of advertisements)</i>	109
<i>Not upheld (no. of complaints)</i>	40
<i>Not upheld (no. of advertisements)</i>	10

Of the product categories included in the health and beauty sector, the largest number of complaints was about advertisements for vitamins and supplements. The slimming industry also generated a large number of complaints and the ASA carried out investigations into 20 slimming advertisements in 1997, all of which resulted in upheld adjudications by the ASA Council.

8. CONCLUSIONS

The two surveys in 1997, together with the weekly spot checks carried out by the Research team, combine to give a healthier picture of Code compliance by the end of the year than we have seen in previous years.

In January 1995, 79% of the 405 health and beauty advertisements sampled were acceptable; in October 1996 the compliance level was 82% in a sample of 328 advertisements.

In 1997 the two surveys included the full range of health, beauty, slimming and nutrition advertisements. Although the first check was disappointingly similar to the 1995 and 1996 levels, revealing that 82% of 1,497 advertisements were acceptable, after intensive activity by the Research team, Code compliance in the summer survey had risen to 94% in a sample of 1,399 advertisements.

Overall, the improvement in Code compliance from 82% to 94% is to be welcomed but problems remain in some areas, especially slimming, skin treatments and vitamins and supplements. The CAP Help Notes¹⁴, published in July 1998, and the highlighting of problems identified in this report should help the industry to reduce the perennial problems found in this sector of advertising. The Research team will continue to work with advertisers and publishers to improve compliance.

¹⁴ Appendix I

9. HOW THE ASA WORKS

The Advertising Standards Authority promotes and enforces the highest standards in non-broadcast advertisements in the UK. It acts independently of both the Government and the advertising industry.

The Authority operates in the public interest and in co-operation with the advertising industry by ensuring that everyone who commissions, prepares, places and publishes advertisements observes the British Codes of Advertising and Sales Promotion.

The Codes require that advertisements and sales promotions should be:

- ?? legal, decent, honest and truthful
- ?? prepared with a sense of responsibility to consumers and to society
- ?? in line with the principles of fair competition generally accepted in business.

The Codes are written and enforced by the Committee of Advertising Practice. CAP members include all the trade and professional associations representing advertisers, agencies, media and service suppliers. CAP provides a free and commercially confidential pre-publication advice service for the industry.

If an advertisement or promotion breaks the Codes, advertisers are asked to amend or withdraw it. Most act promptly to bring their advertisements into line with the Codes but a number of sanctions are available to the ASA for those who choose not to comply:

Adverse publicity

The ASA's Monthly Reports contain details of all complaint adjudications, including the name of the advertiser, agency and the media involved. The reports are circulated to journalists, government agencies, the advertising industry, consumer bodies and the public. Published cases can receive extensive media coverage and act as an effective deterrent to other advertisers who might mislead or offend in the same way.

Refusal of further advertising space

Media can be asked to enforce their standard terms of business that require compliance with the Codes. They may decide to refuse further advertising space to a company until the advertisement has been amended.

Removal of trade incentives

Advertisers and their agencies may lose their membership of trade or professional bodies. This could result in the loss of financial and other trading benefits to the point of jeopardising a campaign.

Legal proceedings

Ultimately, in the rare case of a persistent or deliberately misleading advertisement, the ASA can make a referral to the Office of Fair Trading under the 1988 Control of Misleading Advertisements regulations. The Director General of the OFT can then obtain an injunction in the courts to prevent advertisers using the same or similar claims in future advertisements.

Research

As well as investigating complaints, the ASA has a dedicated Research team which carries out checks on an average of 1,000 advertisements a week across national and regional press and magazines. The team targets a wide variety of product categories and media to identify trends and problem areas. Action is taken to bring advertisers into line with the Codes and improve compliance in targeted sectors.

In 1995, the ASA published the National Advertising Review; a major survey into standards of press and poster advertising that showed Code compliance rates of 96% and 98% respectively. Copies of that report, together with copies of previous Research reports on health, beauty, slimming and nutrition are available from the ASA's External Affairs department on 0171 580 5555 between 9.00am and 5.30pm on weekdays. Research reports are also available via the ASA's web site at <http://www.asa.org.uk>.

APPENDIX II

LIST OF PUBLICATIONS SAMPLED INCLUDES:

National daily press

The Daily Express	The Guardian
The Daily Mail	The Independent
The Daily Mirror	The Star
The Daily Telegraph	The Sun
The Financial Times	The Times

National Sunday press

The Independent on Sunday	The Sunday Express
The Mail on Sunday	The Sunday Mirror
News of the World	The Sunday Telegraph
The Observer	The Sunday Times
The People	

Regional newspapers

Aberdeen Press & Journal	Liverpool Daily Post
Belfast Newsletter	Lloyd's List
Belfast Telegraph	Manchester Evening News
Birmingham Evening Mail	Newcastle Journal
Birmingham Post	The Northern Echo
Dundee Courier	The Scotsman
East Anglian Daily Times	Western Daily Press
Eastern Daily Press	Western Mail
Evening Standard	Western Morning News
Glasgow Daily Record	Yorkshire Post
Glasgow Herald	

Sunday regionals

Scotland on Sunday	Sunday Independent (Plymouth)
Sunday Mail (Glasgow)	Sunday Mercury (Birmingham)
Sunday Post (Glasgow)	Sunday Sun (Newcastle)
Wales on Sunday	

Women's Interest (General)

19 Magazine	My Weekly
Bella	New Woman
Best	Now
Chat	NW Northern Woman
Company Magazine	Options
Cosmopolitan	People's Friend
Elite Magazine	Pride Magazine
Elle	Prima
Enjoy!	Scottish Accent
Essentials	She
Eva	Take A Break
Girl About Town	That's Life
Ladies First	Vanity Fair
The Lady	Woman
Marie Claire	Woman's Journal
Marie Claire Health & Beauty	Woman's Own
Minx	Woman's Realm
More!	Woman's Weekly
Ms London	Zest

Home & Fashion

A Taste of Safeway	Home & Ideas
BBC Good Food	House & Garden
BBC Homes & Antiques	House Beautiful
Boots Magazine	Ideal Home
Candace	Indian Food & Drink
Candis	Individual Homes
Country Homes & Interiors	Kitchens Bedrooms & Bathrooms
Decanter	The Mag!
Eat Soup	Perfect Home
Elle Decoration	Period Living & Traditional Homes
Ethical Consumer Magazine	Sainsbury's The Magazine
Family Circle	Shopping Xtra
Good Cheese	Townswoman
Good Housekeeping	Wallpaper
Good Idea	Wine
Good Taste Magazine	Woman & Home
Home	The World of Interiors
Home & Country	Your Choice
Home Efficiency	
HomeFlair Magazine	
Homes & Gardens	

Child Care

Baby Magazine
First Steps
Mother & Baby
Northern Ireland Baby Magazine
Our Baby
Parents

Practical Parenting
Pregnancy Plus
Right Start
She Magazine's Having A Baby
You & Your Baby
Your Complete Guide to Pregnancy
& Birth

Teenage & Story

Bliss
i-D Magazine
Just Seventeen
Live & Kicking
MG My Guy Magazine

Mizz
Scene
Shout Magazine
Sugar

Slimming & Health

Be Slim
Green Farm Magazine
Health & Homeopathy
Health Advisor
Health for Life
Health Guardian
Health Today
Healthmatters
Healthwise
Healthy Eating

Here's Health
The Holland & Barrett Magazine
Proof!
Rosemary Conley Diet & Fitness Mag
Slimmer
Slimming
Top Sante Health & Beauty
Weight Watchers Magazine
What Doctors Don't Tell You
Your Healthcare

Men's Lifestyle Magazines

Arena
Arena Homme Plus
Attitude
Esquire
FHM
Gay Times inc. Gay News
GQ

Loaded
Maxim
Men's Health
NM Northern Man
The Pink Paper
Stuff
XL