

**A SURVEY OF
SLIMMING ADVERTISEMENTS**

20th March 1995

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1. INTRODUCTION

1.1 BACKGROUND

The UK slimming industry is reported to enjoy a annual turnover of approximately £1 billion. Every day consumers are bombarded with images of the perfect human form and thousands of people embark upon diets which they hope will enable them to attain physical perfection. With increasing concern about the extent of dieting among women and young girls, the slimming industry, and the media that promote it, have found themselves subject to harsh public scrutiny.

Advertisements for slimming products have long been a cause for investigation by the Advertising Standards Authority. Previous research into this area of advertising has shown that many advertisers, agencies and publishers are not complying with the Codes. In January 1994, a spot-check of slimming advertisements revealed a problem level of almost 65%, significantly higher than any other category monitored by the ASA.

It is particularly important that slimming advertisements comply with the rules because the target audience is extremely vulnerable. The ASA keeps a close and constant watch on advertisers offering slimming products. In January 1995, we conducted a further survey into slimming advertising in non-broadcast media.

1.2 THE RULES

The Advertising Standards Authority promotes and enforces standards in the public interest and in co-operation with the whole of the advertising industry by ensuring that everyone who commissions, prepares and publishes advertisements observes the code of practice initiated by the advertising industry itself. The Authority acts independently of both the government and the industry.

On 1st February 1995, new rules for advertisements and promotions were introduced. In the first major review since 1988, the British Codes of Advertising and Sales Promotion have been updated to reflect the industry's concern that advertisements should be truthful and socially responsible. The basic principles of the Codes have remained unchanged; they lay down the criteria of good advertising, of which the most important is that all advertisements should be legal, decent, honest and truthful. Advertisements should also be prepared with a sense of responsibility to consumers and society and conform with the accepted principles of fair trading.

The new Codes incorporate changes in attitudes that have taken place in recent years both in society generally and the market place. The subject of slimmers' diseases, especially among the under eighteens, is addressed for the first time and there is a new clause stating that advertisements should not suggest that it is desirable to be underweight. In addition, the Codes now state that advertisers can be required to show that their diet plans are nutritionally well-balanced.

For the purposes of this survey, however, the ASA has applied the rules set out in the 1988 edition of British Code of Advertising Practice. The advertisements examined appeared before 1st February 1995 and it would be inequitable to judge them against rules that were not then in place. Where Code sections have been given, their nearest equivalent new Code rule has also been stated.

The Code's principle rule about slimming advertisements is strict and straightforward. The only accepted method for producing lasting weight loss is for the body to take in less calories than it uses. Claims that weight loss or inch loss can be achieved by other means are unacceptable^F. Other Code rules, such as the mail order rules, have not been taken in to account; the aim of this survey is to assess Code compliance levels for slimming claims and this objective would be obscured if technical Code requirements were applied.

For ease of reference, the following definitions apply:

a product encompasses goods, services and treatments;

a consumer is anyone who is likely to see an advertisement or promotion; and,

a claim can be implied or direct, written or visual.

1.3 MEDIA RESPONSIBILITY

Publishers are required to check all advertisements containing weight loss or figure control claims before accepting them for publication; in doing so, they act as the first line of defence against misleading copy. The 1994 slimming survey showed that the majority of dubious advertisements appeared in the national tabloid press which suggests that publishers were not fulfilling their responsibilities. In recent years the need for better, more open dialogue with the national press publishers became clear. Steps have been taken to achieve this. The Authority has had lengthy discussions with the Newspaper Publishers Association, the trade body for the national newspapers, to resolve the problem.

A comprehensive dialogue has taken place, often in the form of seminars with individual publishing houses. It is now usual for many publishers to seek ASA

guidance on slimming advertisements before accepting them. Such co-operation contributes towards an improvement in standards in this type of advertising. To ensure continuing improvements, further initiatives are in the pipeline. The NPA and ASA have just agreed a new pre-publication copy clearance procedure which comes into effect on 3rd April 1995. As a result of the agreement, health, beauty and slimming advertisers who persistently breach the Codes will be subject to mandatory pre-clearance for any advertisements for all their products for a period of one year.

1.4 SURVEY OBJECTIVES

The survey objectives were:

to investigate the level to which slimming advertisements are complying with the requirements of the British Code of Advertising Practice;

to identify whether there has been an improvement in the standard of slimming advertising since January 1994;

to identify the nature and strength of slimming claims in advertisements in the non-broadcast media; and,

to identify problem areas.

2. METHOD AND SAMPLE

The ASA commissioned a cut of all advertisements containing claims for slimming, figure reduction, weight and inch loss that appeared during the first two weeks of January 1995 in the following media:

all national daily and Sunday newspapers, including supplements;

a cross section of regional daily and Sunday newspapers, including supplements; and,

a wide variety of consumer and leisure magazines, including womens', mens', special interest, youth and style titles. The monthly magazines examined were those on sale in January, not necessarily those editions dated January.

A full list of titles is contained in the appendix.

A total of 174 advertisements were collated, including duplicates. The products covered included pills, creams, bodywraps, slimming belts, food supplements or replacements, passive and active exercise equipment, slimming and fitness clubs, counselling, diet/exercise plans in the form of books and videos, cosmetic surgery and alternative treatments such as hypnotherapy.

The ASA recognised the need to consider the number of appearances made by each advertisement as this would clearly influence the size of the audience reached by any given slimming claim. In most cases, the more frequently an advertisement appears, the more impact it is likely to have. As a result, duplicate advertisements were retained in the sample.

Each individual advertisement was examined and an assessment was made of the slimming claims in terms of strength and accuracy to determine the degree of compliance with the Code.

Traditionally, the ASA conducts its surveys into slimming advertising in January. This month sees advertisers cashing in on the desire of many to lose weight after the indulgences of the festive season; media consequently publish a large and varied selection of slimming advertisements.

The methodology of this survey was chosen to give an indication of the trends in, and standards of, slimming advertising practice.

Where percentage figures are given, they have been rounded up or down to the nearest full number.

3. ANALYSIS AND FINDINGS

3.1 CONTEXT

In recent years, concerns have been raised about the increase in the number of people who diet on a regular basis. Particular concerns have been voiced about the age of dieters; it is now not uncommon for girls as young as eight to embark upon low calorie diets in an attempt to emulate their favourite supermodel. In extreme cases, this can lead to slimmer's diseases such as anorexia nervosa and bulimia nervosa. The calls for stricter guidelines were almost inevitable.

In recent months, a backbencher in the House of Commons was given leave to bring in a Private Member's Bill to regulate the diet industry. Although rejected after its first hearing, the motion is likely to be reintroduced. In Brussels, the European Commission is expected to bring forward a proposed draft directive later this year which could prevent advertisers from making claims about weight loss. The proposed draft directive is in its very early stages and EU members have yet to comment upon it. However, such moves towards regulating the slimming industry reflect how seriously many people take this subject.

3.2 TARGET AUDIENCE AND MEDIA CHOICE

The nature of the product on offer clearly influences the media used. In most cases, slimming products are promoted to women (although in recent years men have been increasingly targeted) and as a result the vast majority of slimming advertisements either feature women or appear in women's magazines or newspaper sections dedicated to women. While women are invited to lose weight, inches and cellulite, men are encouraged to get fit, healthy and trim.

As expected, advertisements for local fitness centres, slimming clubs and beauty salons were found mainly in the regional press. Womens' magazines were a popular medium for expensive creams and body lotions, toning tables, cosmetic surgery, clinics and counselling. Advertisements in the national press promoted products such as active exercise equipment (for example, step machines) as well as national slimming clubs, diet pills and exercise manuals.

3.3 LEVELS OF COMPLIANCE

Our prime concern was whether the claims made in slimming advertisements were accurate and realistic. Of the 174 advertisements studied, including duplicates, 89 (51%) were considered acceptable. The number of acceptable advertisements (excluding duplicates) was 57, a compliance level of 68%.

Fig 1 Advertisements, including duplicates, broken down by media and compliance classification:

	<i>Acceptable</i>	<i>Questionable</i>	<i>Breach</i>	<i>Total</i>
<i>National press</i>	23	6	21	50
<i>Regional press</i>	34	6	33	73
<i>Magazines</i>	32	1	18	51
<i>Total</i>	89	13	72	174

Fig 2 Advertisements, excluding duplicates, broken down by media and compliance classification:

	<i>Acceptable</i>	<i>Questionable</i>	<i>Breach</i>	<i>Total</i>
<i>National press</i>	14	2	6	22
<i>Regional press</i>	26	4	9	39
<i>Magazines</i>	19	1	8	28
<i>Total</i>	57	7	20	84

It is important to note that the term 'questionable' does not automatically mean that these advertisements were unacceptable. The ASA has a wealth of knowledge about slimming advertising, based upon years of experience, which enables it to assess advertisements on a number of levels. There are some advertisements that are obviously problematic because they contain claims which amount to prima facie breaches of the Code.

There are others, however, which can be termed borderline in that they contain potential rather than indubitable Code breaches. These include claims which are not themselves prima facie but which, if challenged, could prove difficult to substantiate. Claims that are vague or ambiguous in their presentation may also be questionable. If claims of this type were couched in more specific terms, they could have been considered to breach the Code.

3.4 NATURE AND STRENGTH OF PROBLEMATIC CLAIMS

The analysis of the sample as set out below addresses issues rather than specific advertisements. As a result, if an advertisement was found to present problems in more than two areas, it might be covered twice. An analysis of the offending advertisements showed the following product categories to be the most problematic:

Miracle claims

Previous ASA surveys into slimming advertising have generally shown that the main problem was caused by certain advertisers who persistently made claims such as “overnight miracle slim” or “no dieting, no exercise! Eat what you like and still lose weight”. These types of claims, most often made for pills or potions, clearly breach the Code’s rules on accuracy and truthfulness. In this survey, however, only two of the problematic advertisements contained such strong and spurious claims.

One of the advertisements, which appeared in two of the national tabloids, was promoting a book about ‘negative calories’. It contained several prima facie Code breaches in the form of claims such as “you can eat as much as you want” and “some foods actually help you lose weight .. watch your excess pounds and rolls of fat disappear”.

The second advertisement, again for a book, claimed that consumers could expect to turn a flabby belly into a flat stomach within days and without exercising or dieting. This advertisement, which appeared five times in the national tabloids and broadsheets, clearly breached the Code.

Exaggerated claims and guarantees

The question of guaranteed weight loss cropped up on a few occasions. The Code states that advertisements should not suggest that a particular method of weight loss will work for everybody who tries it. Because of the enormous variations between people in terms of weight, build and physical condition as well as psychological willpower, the most that can be claimed for a method is that it has a high probability of success^F.

Three different advertisers between them claimed “Lose 6lbs in two weeks Guaranteed”, “this system WILL work for you” and “ Guaranteed inch loss”. One of the advertisements, which appeared 34 times in a variety of forms across the three media types, was for a dedicated slimming club. Whilst the specified weight loss was not in itself unrealistic, the claim went too far by stating that the weight loss was guaranteed. It is interesting to note that one advertisement, when repeated, accounted for exactly half of the total number of advertisements that fell into the breach category. Such a statistic shows how

one simple Code breach in one frequently used advertisement can adversely affect the overall levels of compliance.

Weight loss claims and time periods

Another area of concern is that of specific weight loss claims where no time period is indicated. The Code states that claims that individuals have lost a specific amount of weight should be counterbalanced by an indication of the period of time over which the weight was lost^F. In this survey, two different advertisers breached the Code by using claims such as “Ms X lost 3 stone” in their advertising. Both advertisers were dedicated slimming clubs and, between them, their advertisements appeared five times, across the media types.

Obesity

Obesity is a condition requiring medical attention and treatment. Advertisers should not refer to obesity in an advertisement addressed to the general public^F. If an individual’s weight is more than 20% above the ideal range for his/her height and build or, if the Body Mass Index (BMI) is greater than thirty, he/she would be considered obese. The normal BMI range for both men and women is 20 to 25. Three advertisements examined in this survey referred to specific amounts of weight loss, in the form of testimonials, which would necessarily have meant that the subject had been obese before the weight was lost.

Between them, the advertisements appeared in five magazines and five regional newspapers. Claims such as “I lost 4 stone in five months” obviously cause concern. While the advertisers had clearly observed the Code’s rules on indicating the time period, they had not taken into account that the subject would, by definition, have been clinically obese. In addition, such figures and statistics are often so unrepresentative as to be meaningless to consumers.

Weight control by exercise

There are two distinct forms of exercise: the first is active and physical while the second is passive. Contrary to the Code, a number of the advertisements examined contained claims that weight and inch loss were achievable through exercise alone. Although the Code recognises that it is possible for exercise to tighten and tone muscles, it also states that advertisements for exercise equipment should not suggest that they will produce actual weight loss^F. Six advertisers fell foul of the Code on this point by making claims like “lose up to X inches on your thighs, hips and stomach” for products such as steps, exercise bikes and toning tables. Between them these advertisers accounted for 11 advertisements, including duplicates. Advertisers should remember that claims

for weight loss, as opposed to the tightening and toning of muscles, should only be made in the context of a calorie controlled diet.

Passive exercise equipment such as toning tables and electronic impulse devices have been shown to produce very small changes in muscle distribution. However the Authority has seen no evidence to show that they bring about weight loss and advertisements should be carefully worded to avoid confusion. A number of advertisers breached the Code by claiming that their devices would help users to “slim and lose unwanted inches fast, without dieting”.

Several of the advertisements for exercise equipment also made claims to the effect that the product would enable users to burn up a specific amount of calories. Such claims should be avoided as they do not take into account the amount of effort put in by the user. They are also problematic as readers will generally equate the burning of calories with weight loss. Although an increase in physical exertion will briefly reduce the net calorie balance, this can be of lasting benefit only if done in conjunction with a calorie controlled diet. Advertisers should avoid such claims by referring instead to energy expenditure, if, of course, this can be backed up with suitable documentary evidence.

Garments

Two advertisements, one in the national press and the other in a woman's magazine, were for 'thinning belts'. The concern here was that, in addition to stating that the belt would produce an instant loss of girth via artificial control, the advertisers also claimed that the loss of water brought about by wearing the belt would lead to weight loss. Again no reference to calorie control was made and the advertisements therefore breached the Code.

While tight-fitting garments may produce a short-term loss of girth, this should be neither portrayed as permanent nor should it be confused with weight loss.

The bodywrap was another frequently advertised product. The treatment, which usually takes place in beauty salons, involves wrapping the client in material, often mud or foil, with the aim of expelling water from the body. Four advertisers, all local salons, breached the Code's rules by using claims such as “Boost your inch loss .. reduce those unwanted fatty areas” and “Eliminate localised cellulite from abdomen, hips and thighs”. These claims present other problems by suggesting that fat can be removed from specific areas of the body. The Authority has seen no evidence to show that such 'spot reduction' is achievable. Advertisers should ensure that they do not exaggerate the effectiveness of bodywrapping treatments; the most they should suggest is that the treatment may promote temporary weight loss due to the expulsion of water. Changes in body bulk effected by wraps are not regarded as lasting weight

loss. These cause temporary reduction through fluid loss which will be regained within a few days. Any suggestion that long term weight loss will be achieved via this method will immediately render the advertisement in breach of the Code.

Observations

In comparison with previous surveys, there was a reduction in the number of dubious claims in advertisements for cosmetic surgery. This was an area that caused the Authority great concern. In last year's survey, we found that several advertisers were breaching the Code by stating that the treatment was "simple" and the effects were "permanent". The concerns highlighted in that survey were echoed by the complaints we received from members of the public and the medical profession about advertisements for cosmetic surgery.

Figure control through liposuction and liposculpture involves invasive surgery and therefore carries associated risks common to all surgical procedures. In addition, there is no guarantee that the patient will not gain weight in the future; again that will depend on the willpower exerted by the individual. In the last two years, the ASA has dedicated a great deal of time and effort in order to bring cosmetic surgery advertisers into line with the Code. Again, the results are encouraging: in this survey, only one advertisement, which appeared twice in the regional press, made any claims that could be considered potentially problematic.

4. COMPLAINTS

The findings of the survey were examined in the context of the complaints received about slimming advertisements. During 1994, the ASA received 9657 complaints in total. Of these, 8661 were from members of the public and 996 were from members of the industry. Of the total number of complaints received, 1622 fell outside the scope of the ASA.

Of the 8035 complaints that fell within the ASA's remit, 96 concerned objections to slimming and weight loss claims. This is unarguably a very small proportion (only 1%) of the total complaints received by the Authority. Notably, the 96 complaints related to a total of 35 different advertisements; as always, a small minority give the majority a bad name.

Thirty five complaints related to one advertisement for a pill that was purported to prevent food from turning into calories. The advertisers have subsequently been referred to the Office of Fair Trading for action under the Control of Misleading Advertisements Regulations (1988). Ten other advertisers generated complaints due to their promotion of dubious miracle 'fatbusting', 'fatburning' or 'fatbreaking' pills. Another cause for complaint was advertisements for bodywraps; four advertisers fell foul of the Code by making unsubstantiated weight and inch loss claims.

5. CONCLUSIONS

There has undoubtedly been a reduction in the number of far-fetched claims in advertisements for miracle potions, pills and diet plans. There has also been a reduction in the number of dubious claims in advertisements for cosmetic surgery. This is no doubt due to advertisers and the media responding to the ASA's call for increased vigilance. It would seem that the co-operation that has taken place between the industry and the ASA is already producing dividends.

A common theme seen throughout the problematic advertisements was the use of claims referring to weight loss without the indication of the need for calorie control. The overriding medical opinion in the UK at present is that lasting weight loss can be achieved only if the intake of energy (calories) is lower than its output. Advertisements for any 'slimming' product should make clear that the product's efficacy will necessarily be determined by the individual's ability to stick to a calorie controlled diet.

The overall standard of advertisements for slimming products has improved. Last year's survey revealed a breach rate of nearly 65%, excluding duplicate advertisements. This survey showed a breach rate of 24%. While an improvement of 41% is very encouraging, the current breach rate is still higher than many other areas covered by the Code.

It is most likely that continued discussions with the industry and more initiatives such as the Pre-publication Copy Clearance scheme will pave the way for further improvements. The simplification and clarification of the Code of Practice will also mean that practitioners have easier access to the rules they should adhere to when devising or publishing slimming advertisements.

6. SUMMARY

Advertisements for slimming products have always been a cause for concern for the Advertising Standards Authority. Slimming products are an area of potential consumer vulnerability and the ASA keeps a special watch on advertisements to protect consumer's interest.

Previous ASA research into this type of advertising pin-pointed it as a problem area; a survey in January 1994 showed a compliance problem of nearly 65%. The ASA has been in discussion with the industry in order to resolve the problem. One of the objectives of this survey was to ascertain whether there has been an improvement in the standards of slimming advertisements.

In January 1995 (a favourite month for slimming advertising after the festive season), the ASA's Research Department carried out a two-week spot check of advertisements containing claims for slimming, weight and inch loss and figure control.

The sample covered the national daily and Sunday newspapers and a wide variety of regional newspapers and consumer magazines. In an examination of 174 slimming advertisements, we were able to identify the following trends:

1. The vast majority of advertisements appeared in women's magazines or in newspaper sections dedicated to women. Popular products were local fitness centres, slimming clubs and beauty salons.
 2. Of the 174 advertisements studied, including duplicates, 89 (51%) were acceptable. Thirteen advertisements were considered to be questionable and 72 (41%) were in prima facie breach of the British Code of Advertising Practice.
 3. The number of acceptable advertisements, excluding duplicates, was 57; this gives a compliance level of 68%. Seven advertisements were considered to be questionable and 20 (24%) were in prima facie breach of the Code. It is notable that one advertisement, when duplicated 34 times in a variety of forms, accounted for half of the total number of advertisements which fell into the breach category. Such a statistic shows how one simple Code breach in a frequently placed advertisement can adversely affect the overall levels of compliance.
 4. Problems with 'miracle' claims in the context of pills, lotions and potions, appear to have decreased. With the increased emphasis on health and fitness in today's society, the promotion of exercise equipment has become more popular.
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5. The problematic claims were those that suggested the product would bring about lasting weight loss without the need for dieting. The only accepted method of losing weight is for the body to take in less energy (calories) than it is using. Claims that weight or inch loss can be wholly achieved by any other means are unacceptable. Other problem areas were specific weight loss claims where there was no indication of the period over which the weight was lost and guarantees that certain products would produce weight loss for anyone who used them.

6. A review of the 8035 complaints that fell within the remit of the ASA in 1994 showed that only 96 (1%) related to slimming advertisements. Notably, 35 (36%) of these complaints were about one advertisement.

7. There has been a 41% improvement in the standard of slimming advertising. Continued discussions with the industry and more initiatives such as the Pre-Publication Copy Clearance Procedure, should ensure further improvement. The simplification and clarification of the Code of Practice means that practitioners now have easier access to the rules they should apply when producing slimming advertisements.

APPENDIX

NATIONAL NEWSPAPERS

The Daily Express
The Daily Mirror
The Guardian
The Financial Times
The Sun
Today

The Daily Mail
The Daily Telegraph
The Independent
The Star
The Times

The Independent on Sunday
News of the World
The People
The Sunday Mirror
The Sunday Times

The Mail on Sunday
The Observer
The Sunday Express
The Sunday Telegraph

BUSINESS MAGAZINES

Accountancy Age
Insurance Age
Money Management
Money Observer
The Banker
The Economist

Financial Adviser
Investors Chronicle
Money Marketing
Post Weekly
The Director

GENERAL INTEREST MAGAZINES

BBC Gardeners World
Country Living
Good Housekeeping
Home Cooking
House Beautiful
Private Eye
Readers Digest
TV Times

BBC Good Food
Do It Yourself
Green Magazine
Homes & Gardens
Ideal Home
Radio Times
Sainsbury's Magazine

MEN'S MAGAZINES

Arena
GQ

Esquire
Loaded

WOMEN'S WEEKLY MAGAZINES

Best
More
Womans Own
Womans Weekly

Hello
Woman
Womans Realm

WOMEN'S MONTHLY MAGAZINES

19	Brides
Clothes Show	Company
Cosmopolitan	Elle
Essentials	Family Circle
Hair Flair	Harpers & Queen
Living	Marie Claire
Mother & Baby	New Woman
Options	Parents
Practical Parenting	Prima
She	Tatler
Vanity Fair	Vogue
Woman & Home	Womans Journal

SPORTS, HEALTH & FITNESS MAGAZINES

90 Minutes	Fitness & Aerobics
Health & Fitness	Slimming
Todays Runner	Weight Watchers

YOUTH MAGAZINES

Big	The Face
ID	Just 17
Mean Machines Sega	Melody Maker
Mizz	Q
Rasp	Select
Sky	Smash Hits
Time Out	Viz
Zeen	

MOTORING MAGAZINES

Auto Sport	Autocar & Motor
Car	Motorcycle News
Performance Car	What Car

COMPUTER MAGAZINES

Computer Weekly	Computing
Infomatics	Network
PC User	Personal Computer Magazine
Windows User	

AUDIO VISUAL MAGAZINES

Amateur Photographer
Video Camera
What Mobile

Practical Photography
What Hi-Fi
What Video

TRADE MAGAZINES

Architecture Today
Campaign
Chemist & Druggist
Decanter
Electrical Retail Trader
The Grocer
Marketing Week
Morning Advertiser
Times Educational Supplement
Travel Trade Gazette

Building Design
Caterer & Hotel Keeper
CTN
Design Engineering
The Engineer
Marketing
Media Week
Off licence News
Toy Trader

REGIONAL NEWSPAPERS

Aberdeen Press & Journal
Birmingham Evening Mail
Bristol Evening Post
Chichester Observer
Cornish Guardian
Cumbrian News & Star
Derby Evening Telegraph
Evening Standard (London)
Glasgow Herald
Huddersfield Daily Examiner
Kent/Sussex Courier
Leicester Mercury
Liverpool Echo
Newcastle Evening Chronicle
North Wiltshire Gazette
Plymouth Evening Herald
Southend Evening Echo
Sunday Independent
Surrey Advertiser
Swindon Evening Advertiser
West Morning News
Western Daily Press
Worcester Evening News

Birmingham Post
Brighton Evening Argus
Cambridge Evening News
Colchester Evening Gazette
Crawley News
Daily Record
Edinburgh Evening News
Glasgow Evening Times
Gloucester Citizen
Kent Messenger
Lancashire Evening Post
Lincolnshire Echo
Milton Keynes Gazette
Newcastle Journal
Northern Echo
Southampton Evening Echo
Southern Evening Echo
Sunday Post
Surrey Mirror
Watford Observer
West Sussex Gazette
Western Mail
Yorkshire Post
