

Broadcast Complaint Handling Procedures

Introduction

1. The Broadcast Committee of Advertising Practice (BCAP) is contracted by the communications regulator, Ofcom, to write and enforce the UK Code of Broadcast Advertising (the Code). Exercising powers contracted to us by Ofcom, the Advertising Standards Authority (ASA) rules under the Code.
2. This document outlines the procedures to be followed by the ASA when handling complaints about advertising in both radio and television services.

Our remit

3. We are responsible for regulating all broadcast advertising carried by Ofcom-licensed TV and radio services. That includes traditional spot advertising, teleshopping output and broadcast advertising made available on interactive TV and TV text services. We also regulate the scheduling of TV and radio advertisements to ensure that audiences are adequately protected from harmful or offensive material. Where relevant to the particular broadcast media, Ofcom remains responsible for the rules governing:

- the insertion of advertising breaks;
- the amount of advertising permitted on TV;
- sponsorship;
- political advertising on TV and radio; and
- participation TV advertising.

A Memorandum of Understanding with Ofcom explains in more detail the breakdown of responsibility between us and Ofcom (see www.ofcom.org.uk for further details). Ofcom will pass to us any complaints it receives that fall under our remit; it will not normally consider those complaints even when specifically asked to by the complainant.

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Clearing commercials

4. Broadcasters must have adequate procedures in place to ensure advertisements carried by them comply with the Code. Clearcast and Radiocentre (the clearance centres) are contracted by many licensees (including most major channels and stations) to provide television and radio advertisement clearance respectively. Except for sensitive product category advertising, which must be centrally cleared by Radiocentre, advertising carried by local radio stations is generally cleared by broadcasters in-house.

5. The ASA, the CAP Regulatory Policy team and the CAP Copy Advice team (which advises on non-broadcast ads) liaise with the clearance centres and, where appropriate, other broadcasters' representatives to ensure consistency in regulation across media, where common advertising rules/interpretations, characteristics and contexts make such consistency appropriate.

ASA's primary point of contact

6. Broadcasters are obliged under their licences to adhere to the provisions of the Code. In practice our primary point of contact is usually the clearance centre. Indeed, Clearcast very often responds on behalf of the broadcasters and is the conduit for the advertiser's and/or agency's responses to complaints about television ads it has cleared. In addition it keeps the broadcasters, advertisers and agencies informed of the progress of any investigation. In all cases, we will copy important correspondence to the advertisers and will ask advertisers to ensure that any comments they wish to make are first routed through the clearance centres¹.

Receipt of complaints

7. Complainants must provide sufficient information to enable us to identify the ad to which their complaint refers, including: the name of the channel or station, the date and approximate time the ad was broadcast and the name of the programme they were watching/listening to at the time. If we are unable to identify the ad from the information provided, we might not be able to act.

8. There is no charge to the complainant.

9. Repetitive or excessive complainants can adversely impact our ability to effectively serve all of our customers and stakeholders. If appropriate we may stop accepting complaints from such complainants. Any such restriction will be applied proportionately and will be time limited. We will communicate with affected complainants before a restriction is applied. Abusive behaviour towards our staff will not be tolerated under any circumstances and may result in us refusing to accept further complaints and/or referring such behaviour to the police or other appropriate authority.

Competitor complaints

10. In general, competitors who wish to make a complaint will need to follow these Inter-Party Resolution steps:

1. A competitor should raise their concerns with the advertiser, ideally by registered post, or by another means of communication which will guarantee swift receipt. The complaint must provide an appropriate degree of detail in relation to the claim and medium in which it appeared, together with the factual basis for the complaint.

2. The complaint should, ordinarily, be signed or authorised by a suitably authorised senior employee of the competitor complainant (e.g. CEO, Legal, Marketing or Regulatory Director), who takes responsibility for the accuracy of its content, and

¹ Henceforth the broadcasters, Clearcast, Radiocentre, advertisers and agencies responsible for airing, clearing, commissioning and creating commercials will be referred to as the 'advertising parties'. For simplicity's sake the term 'advertising parties' will be used when correspondence might, for example, be primarily with Clearcast or the broadcaster.

should be addressed to a senior employee or other appropriate contact of the advertiser.

3. The competitor complainant should allow five working days for a substantive response. If, at the end of this period, the advertiser has not opened a substantive dialogue or the parties cannot reach an agreement, the complainant may then submit a complaint to us.

4. When submitting the complaint to us, a copy of the registered letter setting out the concerns should be submitted, with a copy of the complete response (if any) from the advertiser.

We accept that there may be rare occasions when a competitor complainant will have a good reason not to correspond with an advertiser. In those cases we will retain the discretion to bypass this procedure, if we believe the complainant raises a potentially serious breach of the Code, or if there are other good reasons to believe that inter-party resolution of the complaint is not appropriate.

Disclosure of complainant's evidence

11. To ensure that advertisers have the opportunity to respond to the case being made against their marketing, complainants who provide evidence in support of their complaints and wish the ASA to rely on all or part of it must agree to it being shared with the advertiser. If complainants are not willing to give consent to this if and when it is requested, the ASA Council will not take this information into account when making a ruling. If consent is given, we will make an assessment during the investigation of what information is relevant and needs to be passed on.

Timely complaints and points of complaint

12. Broadcasters are obliged under their licenses to keep recordings for specified periods. Those periods are: 42 days after the relevant radio transmission; 60 days after the relevant satellite and cable television transmission; and 90 days after the relevant terrestrial television transmission. Complaints must be made well within those periods; ideally, as soon as possible after transmission.

Complaints should focus on no more than three of what the complainant considers to be the most important issues. If more than three points of complaint are received about an ad or campaign and the ASA decide to formally investigate, that investigation will in most cases focus on the three most important issues only, although in exceptional circumstances we may investigate more than three points.

Acknowledging complaints

13. We will acknowledge each complaint and give it a reference number. We will respond to complainants (except petitions), even if the complaint does not fall within our remit. We are committed to acknowledging complaints within five days of receiving them. The exception to the above procedure is when we have received a very high volume of complaints about an ad and are already investigating. In those circumstances we will post a notice on our

website advising people that we are already investigating and that, should they lodge a complaint with us, we will not respond personally to them. Complaints that are lodged, however, will provide us with an opportunity to continue to monitor public response to an ad and the public will be able to read the decision in full on our website.

Anonymity and identity disclosure

14. We will not disclose the identity of individual members of the public who complain (public complainants) without their permission, unless compelled to do so by the Courts or officials acting within their statutory powers. In some circumstances public complainants might be asked for a formal, written assurance that they have no commercial or other interest in registering their complaints. Non-public complainants, for example groups with an obvious interest in the outcome of the complaint (such as consumer bodies and campaigning groups), are required to: provide good grounds for their complaint, agree to the disclosure of their identity and confirm that they are not engaged in simultaneous legal action on the point at issue. Competitors must also agree to the disclosure of their identity, confirm that they are not engaged in simultaneous legal action on the point at issue and follow the Inter-Party Resolution steps at paragraph 10 before we will investigate their complaint further.

Simultaneous legal action

15. We will not normally pursue complaints if the point at issue is the subject of simultaneous legal action.

Confidentiality

16. We will, on request, treat in confidence any genuinely private or secret material supplied unless legislation, the Courts or officials acting within their statutory powers compel its disclosure. We might send confidential evidence to external consultants, who are obliged to not disclose it to anyone else. We will inform the evidence provider before doing so. The name of any external consultant and their report will be given to advertisers. The name of the consultant will also be given to complainants, on request.

The advertising parties, complainants and other parties contacted during an investigation should keep confidential all material submitted and correspondence entered into in relation to the case that is not already in the public domain. Copies of draft recommendations (see paragraph 39) are sent to the relevant parties, who must treat the recommendations as confidential until the date the ruling is published. Our published rulings are publicly available and we circulate them to the media.

Once a complaint has been made or an investigation begun, no party should take steps which could risk compromising us making a fair decision on the matter or otherwise constitute, in our opinion, an abuse of process.

Failure to follow these requirements may result in us refusing to consider the party's further comments on the investigation.

ASA- and BCAP-initiated investigations

17. We might ourselves initiate an investigation into what we believe are potential Code breaches on the back of complaints we receive. The procedures in a complaint-led investigation and an ASA-initiated investigation are broadly the same. Similarly, in the course of undertaking monitoring, BCAP might raise issues about apparent Code breaches.

Assessment of complaints

18. An initial assessment of the complaint is made after the complaint has been logged.

Sourcing an advertisement

19. If necessary, we will require the broadcaster to provide us with a copy of the ad. However, we will not necessarily request a written response from the broadcaster at that stage. Broadcasters should normally deliver copies of the material in question within five working days of a request being made. All requested copies of long-form advertisements (e.g. teleshopping) should include an embedded timecode.

Suspension pending investigation

20. In exceptional circumstances, for example where public harm is likely to result from the continued transmission of an ad, we will direct a broadcaster (or broadcasters), via the clearance centres (if either cleared the ad), to suspend an ad immediately pending investigation and ruling by the Broadcast Council (henceforth Council) at a later date. Our Chairman (or in his absence the senior independent Council member), in consultation with the Chief Executive (or senior manager), one independent and one industry Council member, must have agreed to such a direction.

'Outside remit' cases

21. We cannot process complaints about material that is outside the scope of the Code. We close those cases by writing to the complainant explaining that we cannot take forward their complaint or, where appropriate, that their complaint will be passed to Ofcom (see paragraph 3).

Turnaround target for 'Outside remit' cases

22. Our turnaround target for 'Outside remit' cases is ten working days from the receipt of the complaint to notification of the decision.

'No additional investigation' cases

23. We do not refer for further investigation cases that we believe relate to ads that clearly do not breach the Code. We close those cases directly by writing to the complainant explaining that there has been no breach of the Code.

Turnaround targets for 'no additional investigation' cases

24. Our turnaround target for 'no additional investigation' cases is ten working days from the receipt of the complaint to notification of the decision.

'No additional investigation after Council decision' cases

25. We may decide that an ad does not appear to breach the Code but that the nature of the case warrants asking the Council to decide if an investigation should be conducted. This will most likely be done when the case involves subjective, interpretative issues. If the Council thinks there is a case to answer, then the complaint will go forward for investigation (see below). If the Council thinks that there is no case to answer, we will write to the complainant and the advertising parties to let them know the decision.

Turnaround target for 'no additional investigation after Council decision' cases

26. Our turnaround target for 'no additional investigation after Council decision' cases is twenty five working days from the receipt of the complaint to notification of the decision.

Assessment under our Prioritisation Principles

27. If it appears that an ad may have breached the Code, we will consider the matter against our Prioritisation Principles to decide what resource we should commit, or what activity we should undertake, in response. If, having done this, we decide that the matter should be dealt with without an investigation being launched, we will write to the advertiser explaining the issues and providing advice and guidance on how to comply with the Codes. We will not seek an assurance of compliance or contact the advertiser again regarding the matter. We will also write to the complainant to explain the action we have taken.

28. Our turnaround target for such cases is 20 working days from the receipt of the complaint to notification of the decision.

Investigated cases

Named Investigations Executive and keeping complainants informed

29. If a case is investigated, a named Investigations Executive will be in charge of the case and will act as the point of contact with complainants and advertisers. We may in some circumstances, for instance, where there are a large number of complaints, use an appropriate form of mass communication to keep complainants informed of case progress.

Informal investigations

30. Investigated complaints begin as either 'informal investigations' or 'formal investigations'. We prefer to work by persuasion and consensus and we have the discretion to resolve cases informally at any stage of the complaint process; we may do so whenever it appears reasonable and proportionate. When resolving cases informally we will, if

necessary, request an assurance from the appropriate advertiser that the ad will be suitably amended or withdrawn and, on receipt of that, will close the case without producing a formal recommendation for Council. We will promptly notify Council of those cases that have been resolved informally and will publish on our website the names of those advertisers that have agreed to amend or withdraw advertising without the need for a formal investigation. Informally resolved investigations will be taken into account by the Compliance team when assessing a company's overall compliance record, but our website will not publicise those cases as being breaches of the Code.

31. Reasons for offering/agreeing an informal resolution may include, but are not limited to, if:

- an apparent breach has been remedied by an advertiser taking relevant action after being contacted by us;
- the number and/or seriousness of the complaints does not provide good reason to investigate the case formally;
- there is no obvious pattern of unwillingness or inability of the advertiser to comply with the Code; and/or
- there is no pressing need to investigate formally to, for example, establish a policy on the particular issue or to form a view of a particular advertiser's compliance to help inform CAP Copy Advice's or Compliance's work.

Turnaround target for 'informal investigations'

32. Our turnaround target for 'informal investigations' is 35 working days from the receipt of the complaint to notification of the decision.

Formal investigations

33. Unlike an informal investigation this type of case will be ruled on by the ASA Council and a report will be published on our website. Formal cases are categorised as 'standard', 'complex' or, in exceptional circumstances, 'fast track'.

Standard investigations

34. Standard investigations are the most common category of formal investigation. They follow the process of investigation set out at paragraphs 37 – 48.

Complex investigations

35. Complex investigations are those that require extended investigation, for example those requiring specialist or technical knowledge, for which external advice might have to be sought. Although they follow the same process as standard investigations they typically take longer to resolve.

Fast Track investigations

36. We might, where circumstances warrant, depart from the standard processes and

deadlines described below and impose shorter response deadlines, forward the summary of the complaint and the recommendation to those required to respond to the complaint at the same time (forgoing the process described in paragraph 37) or forward draft recommendations direct to Council (forgoing the processes described in paragraphs 37 and 40).

Process of investigation

Advertising parties' response to the complaint

37. The Investigations Executive will send a summary of the complaint to the clearance centre/broadcaster copying the advertiser (and other relevant parties where appropriate) and requesting a written response. We will explain in our correspondence which part of the Code is thought relevant and might also raise issues beyond those raised by the complainant (see paragraph 17). The clearance centre should respond to us within seven working days, however more time might be allowed for complicated investigations or in other exceptional circumstances. The grounds for an extension request should be set out in writing. An extension is unlikely to be for longer than five working days and repeated requests for extensions are likely to be refused.

38. The Code requires advertising parties to produce documentary evidence to substantiate all claims that are capable of objective substantiation. All evidence submitted by advertisers must be in English. Where reference is made to research documents, the relevant sections must be highlighted. It is not acceptable to reference weblinks to research without explaining the relevance of each to the claim under investigation. Abstracts of full studies will not usually be considered acceptable evidence to substantiate claims.

The draft recommendation

39. On receipt of the response and any further written comments or clarification, the Investigations Executive will analyse the case and prepare a draft recommendation. The draft recommendation consists of a summary of the ad, the issue of concern to the complainant/ASA, the relevant Code rules, a summary of the advertising parties' arguments in defence of the ad, a draft assessment to uphold, uphold in part or not uphold the complaint, the rationale for that assessment and the action, if any, required to remedy the problem.

Responses to the draft recommendation

40. The Investigations Executive will then send the draft recommendation to the advertising parties, to other relevant parties if appropriate, and to the complainant² for any comments on the factual accuracy of the draft recommendation. The parties should normally respond within five working days and should not repeat arguments already put to us or try to present new substantiation or lines of defence. Council might disagree with our recommendation, so

² In multi-complaint cases where ostensibly the same complaint is made by different complainants, only the first few and/or principal complainants are sent the draft recommendation. However, all complaints are logged, fully considered and assessed.

those wishing to defend the ad fully should have done so by this stage even if the draft recommendation put to the parties and our proposed recommendation to Council is to 'not uphold' a complaint.

Additional submission to Council

41. The recommendation will form the main part (together with, for example, the ad, the clearance centre's response to the complaint and any relevant guidance) of the information provided to Council. In exceptional circumstances, and at our sole discretion, those that responded to the complaint and are named in the report may be allowed to provide a submission to be placed directly before the Council. Such a submission shall not introduce any information not previously provided in the course of investigation and will typically be limited to no more than 1,000 words. Submissions of greater length may not be considered.

The Industry Advisory Panel

42. The Industry Advisory Panel is composed of industry experts together with one ASA Council member. In exceptional circumstances the Panel can be asked to give an industry view on a recommendation before we give it to Council, either at our request or at the request of any party to the complaint; the Council will take account of the Panel's advice but it is non-binding in nature and the decision of Council is final. The Panel Chairman can reject requests and will do so if it appears that the Panel is being used to hamper the effective running of the self-regulatory system.

Council's ruling

43. The Investigations Executive will present the recommendation to Council. No provision is made for oral hearings. Council might agree with the recommendation, decide differently or suggest that further investigation is necessary.

44. If minor changes to the ruling are needed after Council has deliberated, for example to explain better the rationale for the decision, the Investigations Executive might make those changes without re-presenting the case to the advertising parties or Council. If more significant but not substantial changes are necessary, the Investigations Executive might re-present the case to Council only. If substantial changes are necessary the Investigations Executive might re-present the case to the advertising parties, the complainant (if necessary) and then Council. It will be for us to decide on the significance of changes; we will normally re-present the case to advertising parties only if Council has introduced an important argument or point of view to which they have not yet had a reasonable opportunity to respond.

Closing the case

45. The Investigations Executive will send a letter of notification to the advertising parties and all complainants (except those who complained about an ad already under investigation as explained in paragraph 13). That letter will inform them of Council's ruling. If Council has not adopted our Executive's recommendation, the letter will explain that and give reasons. The letter will also include a date for publication of the ruling on our website and an instruction to keep the details confidential until that date.

Remedial action

46. If we rule that a breach has occurred, the letter of notification to the advertising parties will inform them of the necessary remedial action (for example to change the ad prior to future transmission, to restrict transmission as directed or to cease broadcasting the ad altogether). This letter triggers the clearance centres to make the ad in its current form unacceptable on their system.

Publishing rulings

47. We will normally publish rulings on our website (www.asa.org.uk) within 14 calendar days of Council's decision, and they will remain on the website for a period of five years.

48. During the Independent Review process (see paragraphs 52 – 66 below), the original ruling (and any subsequent remedial action or sanctions) will normally stand. Where the broadcaster, advertiser or complainant has indicated they intend to or have already requested a review, we might agree to suspend a ruling before publication. To be considered, any request for us to do so must have been received by our Chief Executive no later than 10am on the Friday that immediately precedes the notified publication date and identify an issue or issues that are exceptional, such that they justify suspending the ruling from publication pending Independent Review. In such circumstances the Investigations Executive will write to complainant(s) and advertising parties to explain the postponement and ask them to keep confidential the ruling and the status of the investigation until the final ruling, in whatever form, is confirmed.

Turnaround target for standard investigations

49. Our turnaround target for standard investigations is 85 working days from the receipt of the complaint to notification of the decision.

Turnaround target for complex investigations

50. Our turnaround target for complex investigations is 140 working days from the receipt of the complaint to notification of the decision, but some cases might take longer.

Ofcom sanctions

51. If we conclude that a further sanction might be warranted we will inform the broadcaster, and where relevant the clearance centre, that we will refer the matter to Ofcom. Following referral, the procedures in Ofcom's Outline Procedures for Sanctions in Content Cases will apply. Ofcom can impose a number of sanctions if it feels the conditions of its broadcast licences, the Code or the terms of ASA rulings have been seriously, deliberately, repeatedly or recklessly breached. It can direct a broadcaster not to repeat material, direct a broadcaster to publish a correction or summary of a decision or ruling, fine a broadcaster and, with the exception of Channel 4 and S4C, revoke a licence.

Substantial flaw

52. In exceptional circumstances, for example, where we identify a substantial flaw in

Council's ruling or the process by which that ruling was made and at any time following publication of the ruling, our Chief Executive may, with the Chairman's approval, take appropriate action to correct the flaw. The Chief Executive may suspend publication of the ruling if it meets the test set out at Paragraph 48 of these procedures and in all circumstances they will ask the Independent Reviewer to review the decision. Such a request will only be made if the Independent Review process has not otherwise been invoked (i.e. because neither the complainant nor advertiser has sought a review).

Requests for an Independent Review of an ASA ruling

53. The Independent Reviewer of the Rulings of the ASA Council will consider requests for a review of Council decisions against ads.

Terms of reference

54. Requests for a review should, in a self-contained format, contain in writing a full statement of the grounds for review in a single document and should not require the Independent Reviewer to cross-refer to previous correspondence with the ASA or other parties in setting out the grounds for review. The request for review should be addressed to the Independent Reviewer of the Rulings of the ASA Council, 7th Floor North, Artillery House, 11-19 Artillery Row, London SW1P 1RT (fax: 020 7580 7057, e-mail: indrev@asbof.co.uk). The request must be sent within 21 calendar days of the date on our letter of notification of the formal ruling or the Council decision that a complaint requires no additional investigation. The Independent Reviewer might waive the 21-day time limit if they judge it fair and reasonable to do so in exceptional circumstances.

55. Requests should come only from the complainant, the advertiser or the broadcaster (the 'parties to the review'). Those from the advertiser or broadcaster or from a non-public complainant should be signed by the Chairman, Chief Executive or equivalent office holder; requests made only by their solicitor, agency or clearance centre will not be accepted. All dealings with the Independent Reviewer must be in writing. No oral hearings or meetings with the Independent Reviewer will be granted.

Grounds for a review

56. There are three grounds on which such a request can be made:

- if additional relevant evidence becomes available which could not reasonably have been shared during the course of the investigation

and/or

- where it is alleged that there is a substantial flaw in Council's ruling

and/or

- where it is alleged that there is a substantial flaw in the process by which that ruling was made.

57. No review will proceed if the point at issue is the subject of simultaneous legal action between anyone directly involved. Requests for a review should make plain that no such action is underway.

The Chief Executive and the Head of Casework

58. Before deciding whether or not a request for a review merits inviting Council to reconsider its ruling, the Independent Reviewer will request, in the case of a ruling following an investigated case, a formal response from our Chief Executive on the merits of the request for review. The Independent Reviewer will have regard to that response but is not bound by it. In cases where the request is for a review of a Council decision that a complaint requires no additional investigation, the Independent Reviewer will request and then consider the formal response of the Head of Casework on the merits of the request for review. The Independent Reviewer will have regard to that response but is not bound by it.

The review process

59. If the Independent Reviewer decides that a ruling does not merit reconsideration by the Council because they conclude that the request does not meet either of the two grounds set out above, they will inform the person making the request accordingly and close their file on the case; or

60. If they decide that a ruling contains minor factual errors that are capable of rectification without further referral to the Council by way of further investigation or referral and reconsideration they will recommend those changes be made, and have them implemented; or

61. If they decide that a ruling (in whole or in part) merits reconsideration by the Council they will undertake, either independently or with assistance from us or any other source of help or advice, such further investigation as they think appropriate. They will also inform the other party to the case and, if appropriate, the clearance centre that a review is being undertaken and they will invite those other parties' comments on the submission made by the party requesting the review³. At the end of their investigation, the Independent Reviewer will make a recommendation to the ASA Council; or

62. If they decide that a Council decision that a complaint requires no additional investigation merits reconsideration by Council, they will recommend to the Council that it asks us to conduct a formal investigation of the complaint and will then close their file on the case; or

63. If they decide that a ruling (in whole or in part) merits reconsideration by the Council and they believe that it would be desirable for us to re-open our investigation, they will notify all parties to the review of that decision and they will invite the other parties' comments on the

³ When corresponding with the parties to a review in cases where either the advertiser or the broadcaster has requested the review, the Independent Reviewer will normally treat the person who requested the review (e.g. the advertiser) as the primary point of contact and merely copy important correspondence to the other (e.g. the broadcaster).

submission made by the party requesting the review. When we make our recommendation to the Council at the conclusion of the re-opened investigation, the Independent Reviewer will advise the Council whether they consider all the relevant issues raised in the review request have been satisfactorily considered by the ASA on re-investigation.

64. If a request for a review results in the Independent Reviewer inviting Council to reconsider its ruling, the Council must consider the Independent Reviewer's recommendation but is not obliged to accept it; the Council's ruling on reviewed cases is final.

65. In all cases the Independent Reviewer will inform the parties to the review of the outcome of their work. A list of all review outcomes in the previous 12 months is published on www.asa.org.uk. All rulings that are reversed or amended following a review are re-published and will remain on the ASA website for five years.

66. The Independent Reviewer contributes a report of their activities to our Annual Report.

The Communications Team

67. Our press office is regularly contacted by journalists asking whether we have received complaints, typically in relation to high profile campaigns. We operate a transparent press office and will confirm in response to enquiries:

- how many complaints we have received;
- where the ad appeared (TV, regional press etc.);
- the nature of the complaints (misleading, offensive etc.); and
- what stage the case is at (complaints received, under initial assessment, referred for investigation etc.).

We will not confirm to the media that a complaint has been referred for investigation until the advertiser has been informed. Once we have confirmed we are investigating, we will not provide further comment on the case until the ruling is published on our website.

If a complaint has been informally resolved, the press office will in response to enquiries regarding the complaint disclose:

- the ad and the nature of the complaint we received about it; and
- that we approached the advertiser about the issue that had been raised and they agreed to change or withdraw the ad”

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