

# Making a complaint



**The Advertising Standards Authority (ASA) works to make sure all advertising wherever it appears is legal, decent, honest and truthful.**

### **You can complain to us if you**

- think there is something wrong with an advertisement you have seen or heard
- are having difficulty receiving goods or a refund for items bought by mail order or through television shopping channels
- think a special offer, competition or prize promotion has been unfairly run
- want to stop direct mail from companies sent either by post, fax, text message or email
- think there is something wrong with the marketing on a company's website or their social network site.

### **How to complain**

- 01** First, check whether your complaint is covered by the ASA. If it is, you should either complete our online complaints form, telephone us or write to us.
- 02** We'll give you a complaint reference number, which will be followed up later with the name of the person who will handle the case and be your point of contact.
- 03** We will not disclose your name to the advertiser, unless you are making a complaint on behalf of your organisation or are an individual with an obvious or specialist interest.

### **Making a complaint on behalf of your company**

If you wish to make a complaint on behalf of your company against a competitor, you must first raise your concerns with the competitor directly and attempt to resolve the issue.

If you are unable to resolve matters, then you may submit your complaint to the ASA providing evidence that you have attempted to resolve the issue with the advertiser concerned.

### **Making a complaint on behalf of an organisation or body with a direct interest in the subject of your complaint**

In the first instance, we suggest you try to resolve your complaint with the advertiser directly. However, if you still wish to submit a complaint to us, we will require you to provide good grounds for investigation.

More information about our complaints procedures can be found on our website.

# What happens next?

## 01 Assessing your complaint

When we receive a complaint, it is assessed against the Advertising Codes. We may need more details from you before we can make an assessment, in which case we will ask you for that information. If there appears to be a problem with the ad, we will let you know we are taking up your complaint. If not, we will give you the reasons why it isn't a breach of the Advertising Codes. In some cases, we may be able to suggest another body that can help you.

## 02 Resolving complaints

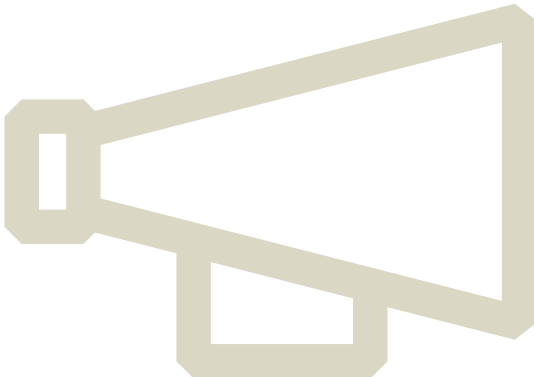
Sometimes we'll decide that there might be a problem under the Advertising Codes but that the issues raised don't call for us to begin an investigation. In those cases we'll simply write to the advertiser providing appropriate advice and guidance, without seeking an assurance of compliance. Other complaints can be resolved relatively quickly and informally by working with an advertiser to have an ad changed or get your name taken off a mailing list. If it's not that simple, or a serious breach of the rules is involved, then a formal investigation might be required.

## 03 Investigation

In a formal investigation, the advertiser must defend their ad in writing and/or give us evidence to support it. Where needed, we also seek expert advice. We then write a recommendation that goes to the ASA Council for its final ruling. The ASA Council is the independent jury that decides whether or not there has been a breach of the Advertising Codes.

## 04 Ruling and publication

We publish our final rulings every week on our website. We let you and the advertiser know in advance when the case will be published, however you should keep the details of the case confidential until publication. We also make the findings available to the media. If the rules have been breached, the ad must be changed or withdrawn. If the complaint is 'not upheld' no further action is taken.



## 05 Independent Review

In certain circumstances, advertisers or complainants can request a review of a ruling. Both sides have 21 days (from when they were informed of the ASA Council decision) to ask the Independent Reviewer of ASA Adjudications (rulings) to review the case. But they must be able to establish that a substantial flaw of process or adjudication is apparent, or show that additional relevant evidence is available. If the Independent Reviewer accepts a request for a review he can ask the ASA Council to reconsider its ruling. More information about the Independent Review procedure can be found on our website.

## 06 Monitoring

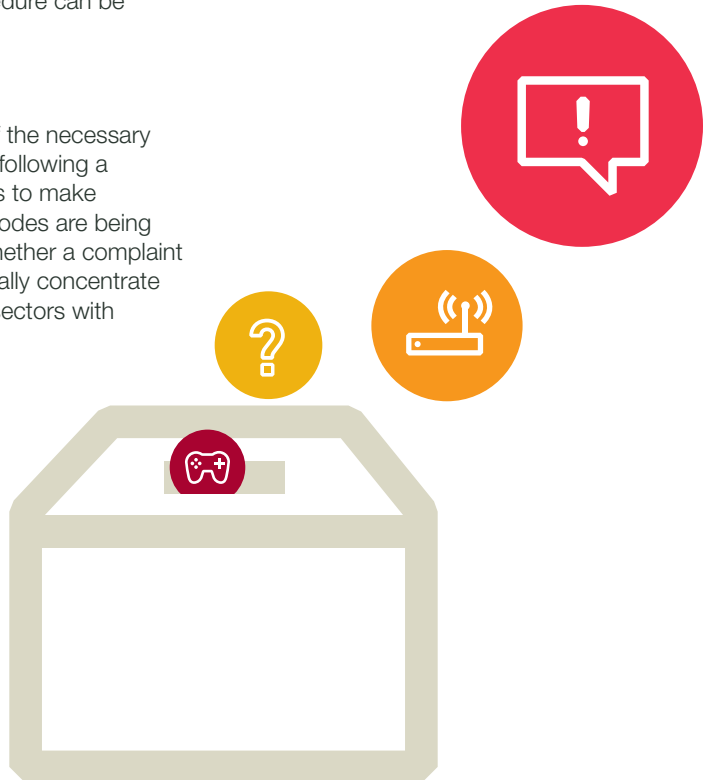
We check ads to find out if the necessary changes have been made following a ruling. We also monitor ads to make sure that the Advertising Codes are being observed, regardless of whether a complaint has been made. We generally concentrate our activities on media or sectors with low compliance.

## 07 Compliance

The vast majority of advertisers comply with our rulings. We work closely with the advertising industry to act against the few who do not. Broadcasters cannot air ads that break the advertising rules and we ask publishers not to print ads that are in breach of the rules.

## 08 Legal backstops

Ultimately if advertisers and broadcasters persistently break the Advertising Codes and don't work with us, we can refer them to other bodies for further action, such as Trading Standards or Ofcom.

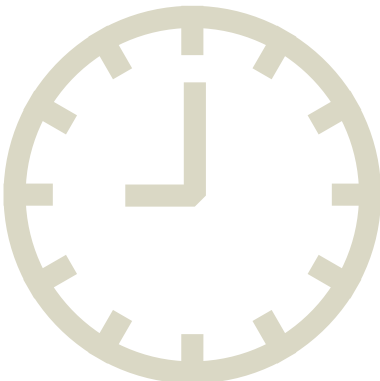


# How long will it take?

We try to resolve complaints as quickly as possible, but we have a duty to make sure our investigations and decisions are thorough and robust. Straightforward issues, where the advertiser agrees to amend their advertising without a formal investigation, can be resolved in a matter of days where as more complex investigations can take much longer.

# How to contact us

All complaints are dealt with by a named individual who will make sure that you have their contact details including their email address and direct telephone number. If you don't know who is dealing with your case, please call us on 020 7492 2222 and we can tell you.



## Want to know more about us?

You can find full information about our role, remit, rulings and other activities on our website.


Or you can contact us by phone, post or online.

Advertising Standards Authority  
Mid City Place, 71 High Holborn  
London WC1V 6QT

**Telephone: 020 7492 2222**

**Textphone: 020 7242 8159**

[www.asa.org.uk](http://www.asa.org.uk)

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