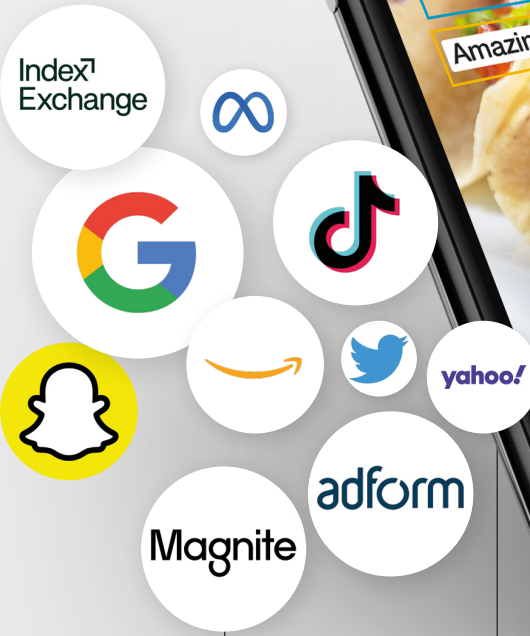


# ASA CAP

## Annual Report 2022



**60**  
years of ASA  
system  
ad regulation

### 2020s

2022

ASA co-launches Intermediary and Platform Principles pilot, with world's biggest online ad supply businesses

2021

Co-regulation with Ofcom of video-sharing platform ads begins

2020

ASA begins using data science and machine learning

### 2010s

2018

ASA launches its first avatar monitoring programme

2014

Paddy Power's "It's Oscar Time" becomes the most complained about ad ever (upheld)

2013

Legal backstop for non-broadcast misleading ads transferred to Trading Standards

2011

ASA's online remit extended to include companies' own ad claims on their own websites and social media accounts



This Kentucky Fried Chicken TV ad becomes the most complained about to date (not upheld)



This Yves Saint Laurent Opium ad becomes the most complained about ad for five years (upheld on posters but not upheld in relation to targeted magazines)



2000s

2009

Video-on-demand ad co-regulation with Ofcom begins

2007

To help address children's diets, new food rules introduced on TV. New gambling advertising rules also come into effect

2005

Alcohol rules tightened in response to concerns about irresponsible drinking

2005

2004

ASA starts regulating broadcast ads, with Ofcom, becoming the 'one-stop shop' for UK ad regulation

2001

Rulings begin to be published weekly online

2000

Timeline continues on the inside back cover

# Contents

## Forewords

A message from the ASA Chair and CEO	02
A message from the CAP Chair	04

## Our work in 2022

Changing ad regulation using data science	06
Clamping down on harmful ads for cryptocurrency and NFTs	07
Ensuring green claims aren't just hot air	08
Using tech to tighten the net on non-compliant influencers	09
Reducing children's exposure to age-restricted ads online	10
Working with platforms and other online intermediaries	11

## 2022 in numbers

Complaints and cases resolved by media (top ten)	12
Online complaints and cases broken down	12
How complaints and cases break down across the UK	12

**The Advertising Standards Authority (ASA)** is the UK's independent regulator of advertising across all media

**The Committees of Advertising Practice (CAP)** write the UK Advertising Codes and provide authoritative guidance on the rules

## Together, we work to make ads responsible.

We do this by taking action against misleading, harmful or offensive advertising and ensuring compliance across all sectors.



Find even more online at **[asa.org.uk/ar22full](https://asa.org.uk/ar22full)**

### Our online report contains the following additional information:

#### Performance against our objectives

Information on the ASA's 2022 objectives and key performance indicators.

#### Complaints and cases in context

Further information on the complaints and cases resolved in 2022 by media, sector, issue and by outcome.

#### ASA Council

The ASA Council is the jury that decides whether ads have broken the rules. Read about the members that make up the Council and operate as the ASA Board.

#### Committees of Advertising Practice

Find out about the advertisers, agencies, media owners and other industry groups that make up the Committees of Advertising Practice.

#### Independent Reviewer's report

Sir Hayden Phillips, the Independent Reviewer of ASA Council Rulings, reports on cases he reviewed in 2022.

#### Advertising Advisory Committee report

The Advertising Advisory Committee (AAC) provides advice from the perspective of consumers on potential updates to the UK advertising rules. Sam Younger, AAC Chair, reports on the Committee's activity for 2022.

#### Industry Advisory Panel report

The Industry Advisory Panel (IAP) provides industry insight and guidance on non-broadcast and broadcast matters. Tim Duffy, IAP Chair, summarises some of the areas on which the Panel shared their expertise in 2022.

#### Promotional Marketing and Direct Response Panel report

The Promotional Marketing and Direct Response Panel (PMDRP) advises on promotional and direct marketing matters. Chair Catherine Shuttleworth highlights some advice the PMDRP provided during 2022.

#### Financial report

Find out more about how we are funded and our expenditure.

## A message from the ASA Chair and CEO



Lord Currie of Marylebone  
ASA Chair



Guy Parker  
ASA Chief Executive

We continue

# to evolve

2022 was the ASA's 60th anniversary regulating UK ads – keeping them legal, decent, honest and truthful. There've been huge legal, societal and technological changes in that time. The ASA system has had to be agile to stay on top, knitting together the disparate laws that affect advertising, responding to changing social norms and working collectively with other regulators and industry.

The 'one-stop shop' ASA system, with the independent ASA at its heart, provides clear benefits to the public, industry and society. Protecting people, providing a level playing field for responsible businesses and, by working closely with statutory authorities in areas of mutual interest, complementing their work and freeing them up to focus on other duties. All without cost to the taxpayer.



The 'one-stop shop' ASA system, with the independent ASA at its heart, provides clear benefits to the public, industry and society.

Responsiveness to change is as important today as in 1962. It's shown by our focus on ensuring any new online regulation strengthens the ASA system. By our proactive projects covering the big issues of the day: ads mis-targeted at children; hidden influencer ads; green claims; crypto ads. By the next evolutionary surge in our system: our Intermediary and Platform Principles (IPP) pilot, working with the world's biggest platforms and intermediaries to promote the Advertising Code and improve enforcement. And last but not least, by our rapidly growing use of AI to meet the scale of the challenge of monitoring online ads.

We hope readers will have seen our own ad campaign, raising awareness of the important work we do. We are carrying that work forward in 2023, with innovative technology at the forefront, as we complete the final year of our *More Impact Online* five-year strategy and begin work on our next one.

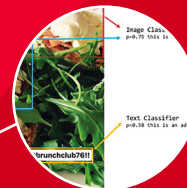




In 2022, the **ASA**  
secured the amendment  
or withdrawal of

**31,227**  
ads

That's unique ads –  
not total impressions



**94%**

of ads amended or withdrawn (AAW)  
result from our proactive work, such  
as our tech-assisted monitoring



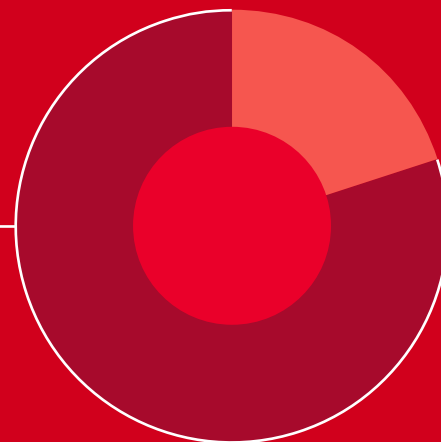
**6%**

of AAW result from our reactive work,  
acting on complaints



**4 out of 5**

AAW relate to ads on social media by  
small businesses and sole traders,  
mostly organic (i.e. non-paid)



## A message from the CAP Chair



James Best  
CAP Chair



No fewer than a million touchpoints were logged, delivering online guidance and help to individuals right across the advertising ecosystem.

CAP's

# record year

All three of CAP's arms were busy in 2022. Copy Advice, Compliance and Regulatory Policy each played their part in fulfilling the ASA system's objectives and, as ever, covered a very broad canvas.

To take them in turn, Copy Advice had a record year. No fewer than a million touchpoints were logged, delivering online guidance and help to individuals right across the advertising ecosystem. This total is nearly double that of 2019 and shows both the appetite for quick, authoritative, practical advice in a diverse and dynamic industry, and the ability of CAP's expert people to produce quality material in volume. From the metaverse to buy-now-pay-later services, pet influencers to dark patterns, our Insight articles, Bitesize videos and AdviceOnline entries supported significant ASA rulings, new rules and developing policies.

Compliance stepped up enforcement in some key areas of concern, including cryptocurrencies, cosmetic procedures, e-cigarette promotions and debt management.

Their impact has been revolutionised by the increasing use of the ASA's data science capability, enabling their net to be cast over many more influencers and other market participants than previously possible, quickly and effectively.

Regulatory Policy's year was unusual. Continued political turmoil stalled several government initiatives expected to come to fruition during 2022; we can see legislation and reviews coming with a rush in 2023. But plenty was achieved: work on environmental claims and 'greenwashing', online ad-targeting, gambling, telecoms pricing, body image and alcohol alternatives resulted in, or is soon bringing, new rules or guidance, whilst the launch of the IPP pilot signalled unprecedented engagement with the ASA from key online actors.

For all the above, I know our Committees' members from across the advertising industry join me in their appreciation of the sterling work of CAP's Executive.



Last year **CAP**  
delivered more than  
**1 million**  
pieces of advice and  
training to businesses

Most came from our website,  
which hosts guidance on  
everything from alcohol  
and advergames to vaping  
and violence. ...

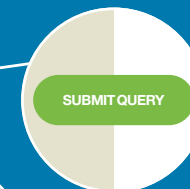
...but we also offered  
topical and tailored advice  
in a variety of other ways,  
including:



**46,120**  
reads of our Insight  
newsletters



**12,334**  
views of our CAP Bitesize  
video series – offering  
advice to SMEs



**6,304**  
queries were answered  
by the Copy Advice team



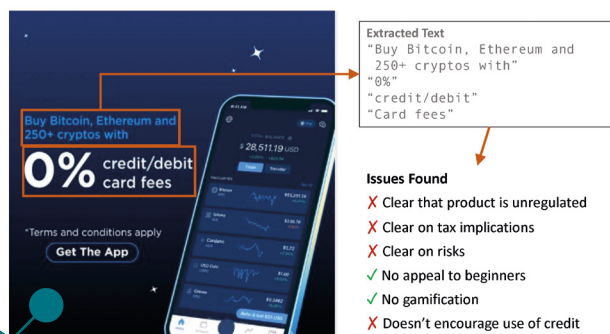
**4,829**  
people participated in  
CAP training



# Changing ad regulation using data science



**Adam Davison**  
Head of Data Science,  
ASA



## Machine learning in practice

Our automated systems analyse ads, such as those for cryptocurrency services, searching for a range of issues, alerting experts when a potential breach is detected.



## OUR APPROACH

The ASA's use of tech to help monitor ads more efficiently has come a long way since we installed our first computer in 1982. **Forty years on, innovative use of technology remains key to delivering effective advertising regulation.**



## THE ACTION WE TOOK

In recent years we've talked about tech as a distinct subject – exploring our approach was in itself one of our goals. This year, our capabilities have matured as these techniques are increasingly intertwined into everything we do. For example, working with audience measurement partners helped to reveal what digital content under-18s see for our *100 Children Report*. This insight is fundamental to our robust approach to age-restricted ads and protecting children – see page 10 for more. We also continue to use social media listening tools to detect problematic content, such as ads for prescription-only medicines.

In parallel, we are growing our in-house Data Science team, whose work increasingly complements these tools. Rather than manually searching for ads that might break the rules, our in-house tools can now capture content automatically and use machine learning to identify the highest priority ads for expert review. We have much left to do, but as you will see in the case studies that follow, we have already had successes on important topics such as cryptocurrency ads, environmental claims and influencer marketing.



## GOING FORWARD

Our goal is to be a leader in the ethical use of tech and AI for digital regulation, and we believe in 2022 we made great progress towards that goal.

# Clamping down on harmful ads for cryptocurrency and NFTs



Louise Hogan Maroney  
Operations Manager,  
Complaints, ASA

ADVERT

crypto.com

Buy Bitcoin  
with credit  
card instantly

Install Now



## Crypto.com ruling, January 2022

This ad was upheld on several counts, including omitting risk warnings, not making tax obligations clear and irresponsibly encouraging investing using a credit card.



### THE ISSUE

Cryptocurrency and non-fungible tokens (NFTs) are increasingly popular, but they are highly volatile and unregulated, meaning that consumers who invest in them are at greater risk of financial loss. **Given this, we identified cryptocurrency advertising as a 'red alert' issue.** Multiple priority investigations led to rulings which set out new boundaries for cryptocurrency ads.



### THE ACTION WE TOOK

We issued an Enforcement Notice to 60 cryptocurrency firms, requiring ads to include risk warnings and to be responsible by not taking advantage of consumers' inexperience or by trivialising investment. Our Data Science team played an important role – capturing and analysing ads across many online platforms, allowing for monitoring and enforcement against non-compliant advertisers on a large scale.



### THE RESULT

Before the Enforcement Notice, non-compliance was seen in all in-remit ads on website homepages, Twitter (paid ads and company bio descriptions), Meta (paid ads), posters and in-app news platforms for six key advertisers, who accounted for the vast majority of cryptocurrency ads in the UK. After the Enforcement Notice, a significant increase in compliance was seen in ads across all media.



### GOING FORWARD

NFTs present similar risks to consumers who invest in them, so in late 2022 we published three rulings which set out basic principles. Ads for NFTs are now required to include risk warnings and information on fees, and they should not exaggerate their value. Enforcement of those principles is a key focus for 2023.



# Ensuring green claims aren't just hot air



**Miles Lockwood**  
Director of Complaints  
and Investigations, ASA



## HSBC ruling, October 2022

We ruled this ad was misleading as it failed to acknowledge HSBC's own contribution to emissions through its investments in industries that emit high levels of greenhouse gases. In December 2022, HSBC announced it will be accelerating its plans to dis-invest from high carbon-intensity business financing.



### THE ISSUE

As the UK and other countries set ambitious targets to address the climate emergency, we recognise the role advertisers and ad regulation increasingly play in meeting them. Consumers and businesses want to make more sustainable choices but navigating green claims is not always easy. **Our Climate Change and Environment project is central to how we are tackling misleading or socially irresponsible green claims.**



### THE ACTION WE TOOK

We conducted and published research into consumer understanding of carbon neutral and net-zero claims. Consumers were confused by key terms and called for definitions to be standardised and policed. They also told us they thought that claims for carbon neutrality meant an absolute reduction in carbon was taking place and that they felt misled when carbon offsets were used. We're now monitoring carbon neutral and net-zero claims and plan to take further action in 2023.



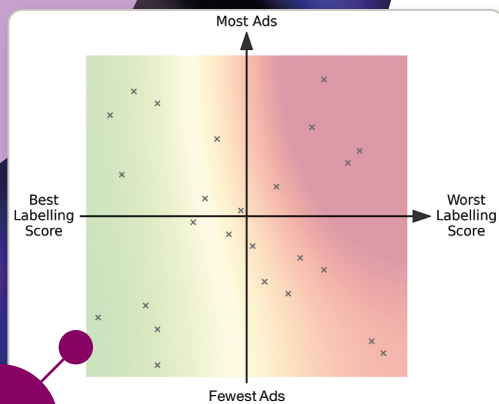
### GOING FORWARD

Meanwhile we have continued to crack down on misleading claims through high profile investigations whilst supporting businesses with the publication of guidance and our new eLearning module on environmental claims.

# Using tech to tighten the net on non-compliant influencers



**Victoria Bugler**  
Operations Manager  
Compliance, ASA



The top right quadrant of this heat map highlights the anonymised influencer accounts that are of most concern. This insight is helping us to target our resources more efficiently and to monitor the impact of our interventions to improve influencer disclosure.



## THE ISSUE

The advertising rules are clear: ads and marketing communications must be “identifiable as such”. **Consumers need to know if the digital content they’re engaging with is a genuinely held, impartial opinion, or one that has been paid for.**



## THE ACTION WE TOOK

This year, we continued to apply sanctions to non-compliant influencers, but, in line with our strategy, we also worked proactively to address issues before they arose, sending targeted advice to nominees in the Northern Ireland Social Media Awards and the Scottish Influencer Awards.

We have used machine learning to identify ad content that is likely to be unlabelled. Our monitoring tool helps us to prioritise for action more efficiently influencer accounts categorised as most likely to be producing non-compliant content, as can be seen from the heat map on the left. The tool also highlighted brands who work with influencers, enabling us to contact them and provide guidance. We sanctioned one brand who repeatedly failed to comply.



## GOING FORWARD

In 2023, we will scale up our monitoring work using our machine learning capability, working closely with platforms, and continue to collaborate with the Competition and Markets Authority (CMA) and Ofcom on areas of mutual concern.

# Reducing children's exposure to age-restricted ads online



**Shahriar Coupal**  
Director, Committees of  
Advertising Practice



View the full infographic of the key steps at [asa.org.uk/online-targeting](https://asa.org.uk/online-targeting)



## THE ISSUE

The ASA has always prioritised the protection of children and young people, who because of their credulity, loyalty or lack of experience are vulnerable to being exploited by irresponsible ads. **We take particular care to address the potential risks arising from alcohol, gambling and other categories of age-restricted ads.**



## THE ACTION WE TOOK

The advertising rules include media and targeting restrictions that confine these ads to predominantly adult audiences and content restrictions that prevent them from appealing inappropriately to children. Our yearly report on age-restricted ads on TV found that children's average level of exposure to alcohol and gambling ads is continuing to decline, now at 3.0 ads per week. Fears that this is being offset by a significant rise in exposure online were challenged by findings from the ASA's *100 Children Report*, which reported an indicative figure of 3.7 ads per week. The studies necessarily used different methodologies, so the comparison must be treated with caution.

We have high hopes that new guidance from CAP (see left) will reduce children's exposure further by directing advertisers and their agencies to take a more prescriptive, pre- and post-publication approach to the targeting of age-restricted ads online.



## THE RESULT

Finally, new evidence that gambling ads have a marginally greater potential to harm than had previously been thought, supported our introduction of a new rule banning their content having "strong appeal" to under-18s. Prior to 1 October, gambling ads could not be of "particular appeal" to under-18s. In a men's World Cup year, the impact of this change has been dramatic, removing at a stroke gambling operators' ability to feature celebrity and sports stars popular with under-18s in their ads.





# Working with platforms and other online intermediaries



**Shahriar Coupal**  
Director, Committees of  
Advertising Practice



## THE CONTEXT

The ASA continues to deliver online ad regulation with the active support of platforms and other intermediaries, in a year characterised by actual and proposed changes to how the internet is regulated.

We do so under a world-leading system of ad self-regulation, which ensures all parts of the UK ad industry play their part in securing responsible advertising online and support arrangements for funding the ASA's work. And by formal arrangements with UK consumer protection regulators, which act as our legal backstops.



## THE ACTION WE TOOK

We launched the Intermediary and Platform Principles (IPP) pilot, a global first collaboration with Amazon Ads, Google, Index Exchange, Meta, Yahoo and other companies in the digital ad supply chain, in part to address the lack of understanding among the public, opinion formers, advertisers and agencies about the role that these businesses play in supporting the ASA's online regulation.

**The pilot revolves around six principles (supported by guidance) designed to encourage participants to increase advertisers' awareness of the rules**, including those on the targeting of age-restricted ads, and to help the ASA secure compliance in exceptional cases when an advertiser refuses to withdraw a non-compliant ad.



## GOING FORWARD

The ASA published its interim IPP pilot report at the end of the year, and we are greatly encouraged by the engagement we have seen. A report on the pilot will follow in Autumn 2023 to help inform any update to our regulatory framework.

### Intermediary and Platform Principles – in short

Participating companies will:

- 1 Raise awareness of the CAP Code on their services
- 2 Use Ts&Cs to help secure advertisers' compliance with the Code
- 3 Assist with promoting awareness of the ASA regulatory system
- 4 Support advertisers to meet obligations with regard to paid age-restricted ads
- 5 Act swiftly against an advertiser that persistently refuses to remove a non-compliant paid ad
- 6 Provide relevant information to the ASA to help carry out its investigatory regulatory duties

A full copy of the principles can be found at [asa.org.uk/ipp-principles](https://asa.org.uk/ipp-principles).



## Complaints and cases resolved by media (top ten)

Media	2022				2021	
	Complaints		Cases		Complaints	Cases
	Number	% +/-	Number	% +/-	Number	Number
Online	18,430	-11%	14,683	0%	20,735	14,558
Television	11,381	-44%	3,904	-19%	20,425	4,802
Outdoor	1,419	14%	530	24%	1,240	429
Email	1,059	22%	718	-8%	866	781
Radio	684	-37%	433	-24%	1,093	567
Direct mail or circular	518	153%	217	21%	205	180
Leaflet, brochure, catalogue or directory	454	26%	329	2%	361	321
Packaging and point of sale	395	9%	382	12%	364	342
National press	284	-54%	217	-34%	621	329
Other	244	-36%	189	-8%	381	205

## Online complaints and cases broken down

Online media	2022				2021	
	Complaints		Cases		Complaints	Cases
	Number	% +/-	Number	% +/-	Number	Number
Website, social media or app (own site)	7,287	-12%	6,523	-2%	8,283	6,670
Website, social media or app (influencer)	5,318	9%	4,044	11%	4,889	3,648
Website, social media or app (paid ad)	3,719	-15%	2,893	-5%	4,368	3,056
Video on demand	1,298	-46%	510	-4%	2,402	530
Search	432	0%	418	8%	434	387
Game	170	1%	132	-8%	168	143
Messaging app	148	42%	115	49%	104	77
Audio podcast or on demand	44	-43%	35	-5%	77	37
Website, social media or app (other)	8	-11%	8	-11%	9	9
Augmented or virtual reality	5	NA	4	NA	0	0
Viral	0	NA	0	NA	0	0
Voice Assistant	1	0%	1	0%	1	1
<b>Online total</b>	<b>18,430</b>	<b>-11%</b>	<b>14,683</b>	<b>1%</b>	<b>20,735</b>	<b>14,558</b>

## How complaints and cases break down across the UK

### England (84.3% population)

Cases resolved:	84.8%	▶
Cases resolved misleading:	85.3%	▶
Cases resolved harm:	82.9%	▶
Cases resolved offence:	79.2%	▶
Cases resolved no issue:	87.1%	▶

### Scotland (8.2% population)

Cases resolved:	8.7%	▶
Cases resolved misleading:	8.5%	▶
Cases resolved harm:	9.3%	▲
Cases resolved offence:	11.5%	▲
Cases resolved no issue:	8.3%	▶

### Wales (4.7% population)

Cases resolved:	4.5%	▶
Cases resolved misleading:	4.2%	▼
Cases resolved harm:	5.7%	▲
Cases resolved offence:	6.6%	▲
Cases resolved no issue:	2.8%	▼

### Northern Ireland (2.8% population)

Cases resolved:	2.0%	▼
Cases resolved misleading:	2.1%	▼
Cases resolved harm:	2.1%	▼
Cases resolved offence:	2.6%	▶
Cases resolved no issue:	1.7%	▼

- ▲ Higher than % population
- ▼ Lower than % population
- ▶ In line with % population

Complaints resolved: 1.6% ▼

Complaints resolved: 7.5% ▶

Complaints resolved: 3.9% ▼

Complaints resolved: 87.0% ▶

**i** A case refers to an ad or ad campaign we have received complaints about. One case can have many complaints.

### Notes:

- Figures marked as ▲ are ≥10% higher than the % population; ▼ are ≥10% lower than the % population; all other figures are marked as ▶.
- The chart above excludes 1,202 cases relating to 1,912 complaints that did not include location data, as well as those from the Isle of Man and the Channel Islands.





Paid internet ads and sales promotions come under the Codes.  
The ASA launches its first website later that same year



The ASA's first computer system enables more efficient monitoring

## 1990s

1999

Political advertising rules removed from the CAP Code

1995

1992

Hoover free-flights promotion fiasco (ASA couldn't act due to ongoing legal action)

1992

Remit expanded to include list and database management

1991

ASA co-founds the European Advertising Standards Alliance (EASA) with 11 other countries

1991

Benetton's new-born baby ad becomes the most complained about ad to date (upheld)

## 1980s

1989

First referral to the Office of Fair Trading – the ASA's legal backstop

1988

Control of Misleading Advertisements Regulations come into force

1987

The Hungerford shootings lead to new rules on violence and antisocial behaviour

1985

New rules requiring cosmetic products to substantiate biological or physiological claims introduced

1982

1981

Rulings on competitor complaints published for the first time

First ASA ad campaign launched, premiering the ASA and CAP tick

**Help us keep advertising honest.**

We're the Advertising Standards Authority. Our job is to see that advertisements are honest by stopping those that break the British Code of Advertising Practice.

As a woman, you can help.

You can find a copy of our Code at your local reference library, Consumer Advice Centre or Citizen's Advice Bureau. Or send us your name and address and we'll send you the main points free.

Then if you see an advertisement in the press, in the cinema, on posters, or that has been sent through the post which you think breaks the Code, just give us the details.

We'll do the rest.

The Advertising Standards Authority Limited,  
15/17 Ridgmount Street, London WC1E 7AW.

Spot-checks begin on ads focused on slimming treatments, gin, cocktails and health food drinks

**Gordon's**

Cooler,  
fresher-  
tempting!

Yours for the subtle

Throughout the world most people prefer Gordon's because it has such a subtle, distinctive character.

**Gordon's**  
STANDS SUPREME

**British Code of Advertising Practice**

**1970s**

**1978**

A report by Director General of Fair Trading (and future ASA Chairman) Gordon Borrie calls for speedier response times and more effective compliance action

**1975**

New Codes for alcohol and cigarette advertising introduced

**1975**

**1974**

ASA criticised by Shirley Williams, Minister for Prices and Consumer Protection, for not being well-known. Remit expanded to include sales promotions

**1973**

ASA rulings published for the first time – but only persistent offenders named

**1960s**

**1968**

The Trade Descriptions Act comes into force, but the Government expresses its hope that the ASA will continue to operate

**1964**

**1962**

The ASA is created to administer independently the first CAP Code