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COMPLIANCE

Principle

The central principle for all marketing communications is that they should be legal, decent, honest and truthful. All marketing communications should be prepared with a sense of responsibility to consumers and society and should reflect the spirit, not merely the letter, of the Code.

Background

Marketers should use the ASA website, www.asa.org.uk, to inform themselves of recent ASA rulings, the latest text of the Code and CAP guidance on the Code.

The fact that a marketing communication complies with the Code does not guarantee that every publisher will accept it. Media owners can refuse space to marketing communications that break the Code and are not obliged to publish every marketing communication offered to them.

The ASA/CAP self-regulatory system is recognised by the Government, Trading Standards and the Courts as one of the "established means" of consumer protection in non-broadcast marketing communications. Any matter that principally concerns a legal dispute will normally need to be resolved through law enforcement agencies or the Courts.

The ASA and CAP will treat in confidence any genuinely private or secret material supplied unless the Courts or officials acting within their statutory powers compel its disclosure.

Rules

1.1 Marketing communications should be legal, decent, honest and truthful..

1.2 Marketing communications must reflect the spirit, not merely the letter, of the Code.

1.3 Marketing communications must be prepared with a sense of responsibility to consumers and to society.

1.4 Marketers must comply with all general rules and with relevant sector-specific rules.

1.5 No marketing communication should bring advertising into disrepute.

1.6 Marketing communications must respect the principles of fair competition generally accepted in business.

1.7 Any unreasonable delay in responding to the ASA's enquiries will normally be considered a breach of the Code.

1.7.1 The full name and geographical business address of the marketer must be given to the ASA or CAP without delay if requested.

1.8 Marketing communications must comply with the Code. Primary responsibility for observing the Code falls on marketers. Others involved in preparing or publishing marketing communications, such as agencies, publishers and other service suppliers, also accept an obligation to abide by the Code.

1.8.1 [Deleted 6 November 2018]

1.9 Marketers should deal fairly with consumers.

Legality

1.10 Marketers have primary responsibility for ensuring that their marketing communications are legal. Marketing communications should comply with the law and should not incite anyone to break it.

1.10.1 Marketers must not state or imply that a product can legally be sold if it cannot.*

(This rule reflects a prohibited practice from Schedule 20 of the DMCCA. See note in Section 3 for more details).