

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

Our 2022 objectives	12
Key performance indicators	13
How complaints and cases break down across the UK	14
Complaints and cases resolved by media	15
Online complaints and cases broken down	16
Complaints and cases resolved by sector	17
Complaints and cases resolved by issue	18
Complaints and cases resolved by outcome	18
Turnaround performance	19

Governance

ASA Council	20
Committees of Advertising Practice	21
Independent Reviewer's report	22
Advertising Advisory Committee report	23
Our panels	24
Industry Advisory Panel report	24
Promotional Marketing and Direct Response Panel report	25
Online Publications and Media Panel report	25
Financial report	26

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.

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.

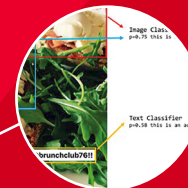
We hope readers will have seen our own ad campaign, raising awareness of the important work we do. We are carrying that work forward in 2023, with innovative technology at the forefront, as we complete the final year of our *More Impact Online* five-year strategy and begin work on our next one.



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



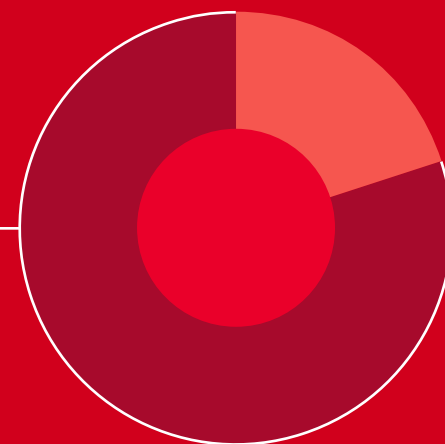
6%

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



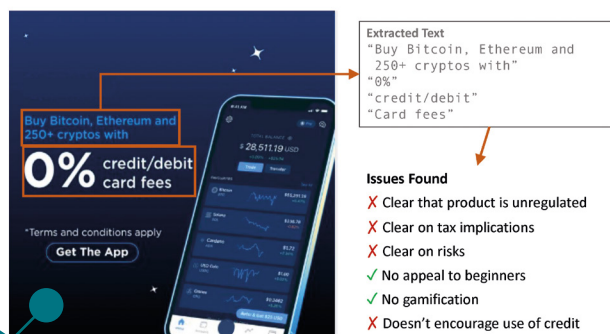
4,829
people participated in
CAP training



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

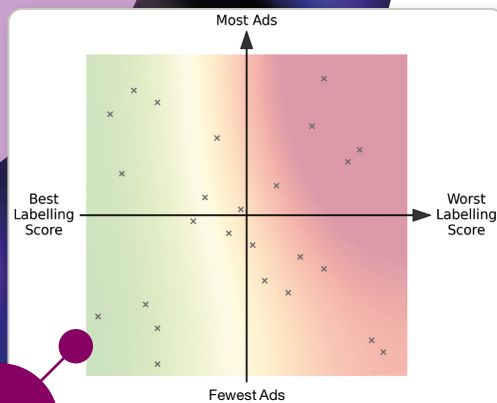
Meanwhile we have continued to crack down on misleading claims through high profile investigations whilst supporting businesses with the publication of guidance and our new eLearning module on environmental claims.



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

Key steps for responsible targeting of online age-restricted ads

CAP✓

As a marketer, it's your responsibility to ensure your age-restricted ads are targeted away from children and young people. New guidance from CAP sets out key steps to ensure you make responsible targeting choices.

Choosing the right media

Use exclusion and/or inclusion lists to help direct your ads towards age-appropriate media, and away from media popular with or intended for children and young people.

1

Using a combination of targeting tools

Use the range of tools available, such as age, interest, or behavioural targeting, to direct your ads away from children and young people and towards a legitimate adult audience.

2

Working with content creators and influencers

Be very cautious about working with influencers and other content creators who have a significant following of children or young people and where there are inadequate means to prevent the protected age group from seeing a post.

3

Managing your own social media posts

Place additional restrictions on who can see your posts where possible, such as only targeting existing followers or logged-in users.

4

Monitoring your campaign

Review data from ad platforms and/or third-party providers to adjust ongoing campaigns (where possible) and improve the targeting of your future ads.

5



View the full infographic of the key steps at 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.

Our 2022 objectives



Using tech-assisted monitoring

Continue to improve our regulation of ads, particularly online ads, using tech-assisted monitoring, focusing on misleading content and inappropriate targeting.



Implementing our Intermediary and Platform Principles pilot

Work with online platforms and networks to develop how the ASA system may hold them to account for their part in helping to deliver socially responsible ads.



Responding to climate change

Begin implementing outputs from our Climate Change and the Environment project, work with the CMA on its environmental claims guidance, and set and report on targets to reduce our own carbon footprint.



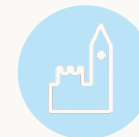
Investing in data science capability

Continue to build our in-house data science capability, and invest in third-party tech-assisted monitoring, to enhance our compliance activities and deliver efficiencies.



Regulating for the whole UK

Take into account the views and interests of those living in different nations and regions of the UK through intelligence and public research. Conduct at least two pieces of research into the public's views about ads, including online ads.



Working with statutory regulators

Work with Ofcom on Video Sharing Platform and HFSS (products high in fat, salt or sugar) ad regulation, and other issues that fall under the Online Safety regime. Work with statutory regulators in areas like scam ads, Covid-19 ads and other systemic concerns.



Responding to changes in society

Begin implementing outputs of our Racial and Ethnic Stereotyping in Ads project and Body Image project.



Ensuring effective ad self- and co-regulation

Work with the Government to address any material gaps in online advertising regulation, potentially via co-regulation with Ofcom. Make the case for effective advertising self- and co-regulation to politicians, opinion formers, industry and public, including through the UK-wide roll out of the ASA ad campaign.



Maintaining our advice and training

Through partnership-working with regulators, platforms and key stakeholders, maintain 750,000 advice and training touchpoints.



Key performance indicators

31,227



ads amended or withdrawn (AAW)

(up 53% on 2021)

Cost per ad AAW **£47.20** (31% better)*

1,037,037



pieces of advice and training delivered

(target 750,000)

Cost per piece of advice and training **£0.58** (13% better)*

4 of 6

case types closed within target timescales



Responded to **98%** of standard Copy Advice enquiries within 24 hours (target 90%)

97%

of Formal Investigation cases enforced

(target 97%)



Completed and published research included

Racial and Ethnic Stereotyping in Ads, Climate Change and the Environment and the 100 Children Report



4

Formal Intelligence Gathering Reports delivered

(target four)

Expenditure **93.9%** of budget
(target 97.5–100%)



Maintained casework productivity

within **5%** of 2021 levels



Cost per No Additional Investigation case **£72.09**
(2% better)*

Cost per Informal Investigation case **£253.96**
(16% worse)*

Cost per Formal Investigation case **£697.30**
(6% worse)*

92% of respondents **more confident**
in complying with the Ad Codes after
training event (target 90%)



Maintain within **5%** of 2021 figures:
Training and events income **+7%**
Events participation **-4%**

ASA ad campaign launched in October 2022. **N/A**

Campaign impact research conducted in January 2023 and will inform future phases of the campaign

✗ Off target — Requires action ✓ On target

Improved balance between reactive complaints casework and proactive projects:



47% and **29%** (target ≤50% and ≥25%)

Meet quality targets:



No Additional Investigation after Council Decision cases complainant satisfaction (target 65%)

62%

Informal cases complainant satisfaction (target 75%)

73%

Formal Investigation cases complainant satisfaction (target 75%)

83%

Advertisers satisfaction (target 75%)

85%

Copy Advice service satisfaction (target 90%)

92%

Service complaints, Independent Review and Judicial Review targets met

Met target to commission and/or materially progress at least **eight regulatory projects**



* Including inflation.

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: 7.5%

Complaints resolved: 1.6%

Complaints resolved: 3.9%

Complaints resolved: 87.0%

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.

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

Complaints and cases resolved by media

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
Magazine	156	-21%	134	-16%	197	159
Transport	153	15%	85	42%	133	60
Local or regional press	110	0%	84	9%	110	77
Cinema	24	9%	19	46%	22	13
Press (other)	16	-36%	12	-48%	25	23
Ambient	15	-35%	11	-15%	23	13
Phone call	8	-20%	8	-20%	10	10
Total	35,350	-24%	21,955	-4%	46,811	22,869



TV complaints made up **1/3** of all complaints, but just **1/6** of cases



Online complaints made up **1/2** of all complaints, but **2/3** of cases



Online complaints and cases broken down

	2022				2021	
	Complaints		Cases		Complaints	Cases
	Number	% +/-	Number	% +/-	Number	Number
Online media						
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
Online total	18,430	-11%	14,683	1%	20,735	14,558



Influencer cases increased by **11%**, and made up just over **1/4** of all online cases



Cases about claims on advertisers' own social media, website or app declined by **2%**, and made up over **2/5** of all online complaints

Complaints and cases resolved by sector

Sector	2022				2021	
	Complaints		Cases		Complaints	Cases
	Number	% +/-	Number	% +/-	Number	Number
Leisure	6,727	0%	5,233	1%	6,749	5,188
Health and beauty	4,771	6%	2,680	-4%	4,495	2,778
Retail	4,313	-56%	3,012	-11%	9,696	3,391
Food and drink	2,668	-18%	1,376	-12%	3,239	1,571
Non-commercial	2,654	-42%	996	-19%	4,545	1,227
Business	2,224	-3%	1,798	0%	2,288	1,803
Computers and telecommunications	2,050	77%	887	10%	1,155	803
Financial	1,904	-33%	1,146	3%	2,836	1,111
Household	1,502	26%	684	-14%	1,192	796
Holidays and travel	1,458	-55%	866	26%	3,246	686
Alcohol	600	26%	251	-13%	475	289
Unknown	502	-20%	486	-13%	629	561
Clothing	484	-4%	381	-5%	504	401
Utilities	409	0%	249	2%	411	244
Property	372	-10%	328	-13%	412	376
Motoring	340	-55%	231	-31%	750	335
Publishing	335	-7%	306	2%	362	299
Education	120	-33%	112	-27%	180	154
Employment	51	-37%	45	-32%	81	66
Industrial and engineering	31	19%	23	-4%	26	24
Tobacco	14	133%	13	117%	6	6
Agricultural	13	-73%	7	17%	48	6
Electrical appliances	0	0%	0	0%	0	0
Total	33,542	-23%	21,110	-5%	43,325	22,115



Leisure cases made up **1/4** of all cases and **1/5** of complaints



Health and beauty complaints made up **1/7** of all complaints and **1/8** of all cases

Complaints and cases resolved by issue

	2022				2021			
	Non-broadcast		Broadcast		Non-broadcast		Broadcast	
	Complaints	Cases	Complaints	Cases	Complaints	Cases	Complaints	Cases
Misleading	16,105	14,084	2,669	1,712	16,451	14,224	3,160	1,983
	67%	75%	21%	37%				
Offensive	1,283	848	2,289	1,046	1,367	900	2,941	1,447
	5%	5%	18%	22%				
Harm	3,078	2,595	2,036	1,114	2,559	2,113	2,571	1,403
	13%	14%	16%	24%				
No issue	3,737	1,225	5,611	818	5,540	1,110	13,401	892
	15%	7%	45%	17%				



3/4 of non-broadcast cases concerned potentially misleading ads compared to just over 1/3 of broadcast cases

Complaints and cases resolved by outcome

	Non-broadcast		Broadcast		Overall totals	
	Complaints	Cases	Complaints	Cases	Complaints	Cases
Total not investigated	17,830	14,070	11,273	4,207	28,467	18,110
Total investigated	4,443	2,917	753	108	5,075	3,000
Informal investigation	3,378	2,574	244	57	3,596	2,621
Of which:						
Upheld/Action taken	3,297	2,501	209	45	3,483	2,539
Not upheld/No action taken	81	73	35	12	113	82
Formal investigation	1,065	343	509	51	1,479	379
Of which:						
Upheld/Upheld in part	894	241	378	27	1,184	258
Not upheld	40	14	96	20	132	29
Withdrawn cases	131	88	35	4	163	92
Totals complaints & cases resolved	22,273	16,987	12,026	4,315	33,542	21,110



33,542 complaints were resolved in 2022



Turnaround performance

Non-broadcast

Case type



Broadcast

Case type



4 of 6 case types were closed within target timescales

* Dependent on case type.



ASA Council

The ASA Council is the independent jury that decides whether an ad has broken the Advertising Codes. The Council also operates as the Board of the ASA.

In April 2022, we sadly said goodbye to Reg Bailey CBE and Wesley Henderson, but were delighted to welcome Claire Hilton and Dame Rotha Johnston.

Chair

Lord Currie of Marylebone

Chair of the ASA; Founding Chair of Ofcom and the Competition and Markets Authority



Independent members

Aaqil Ahmed

Media Consultant and Non-Executive Director, Ofcom; Senior Independent Panellist, Public Appointments, Welsh Government; former Head of Religion and Ethics at BBC/Channel 4



Alison Hastings

Former newspaper editor; BBC Trustee; Vice President of BBFC. Media Consultant and Non-Executive Director



Dame Rotha Johnston

Former Chair of Northern Ireland Screen; BBC Trustee; Pro-Chancellor Queen's University and current Chair NIE Networks



Richard Lloyd OBE

Deputy Chair, Financial Conduct Authority; Chair, Independent Parliamentary Standards Authority; former Executive Director, Which?



Dr Rebecca Rumbul

CEO of the Rust Foundation; Trustee at Hansard Society; Digital Democracy Consultant



Krystle Sargent

Barrister, and General Counsel at UK Sport



Neil Stevenson*

Chief Executive of the Scottish Legal Complaints Commission, and Chair of Norton Park



Nita P. Woods

Social entrepreneur, championing sustainability, small business and social enterprise. Business Advisor to the Mayor of London's Economic Action Partnership



Advertising industry background members

Tess Alps

Channel 4 Non-Executive Director; BAFTA member; Fellow, Royal Television Society. Previously Founder CEO and Chair of Thinkbox; Chair PHD Group; and Director, various ITV companies



Zaid Al-Qassab

Chief Marketing Officer, Channel 4; Trustee, WaterAid UK



Claire Hilton

Managing Director, Virgin Management; Former Managing Director, Barclays



Kirsten Miller

Digital Marketing Executive; Former Managing Partner of Maxus



* The Senior Independent member sits in place of the Chair when the Chair is unable to attend the meeting or has a declared interest in the case being discussed.



Committees of Advertising Practice

Chaired by James Best, CAP and BCAP are responsible for writing and updating the UK Advertising Codes.

Committed to upholding the highest standards in non-broadcast and broadcast advertising, the Committees are made up of representatives of advertisers, agencies, media owners and other industry groups.

Committee of Advertising Practice (CAP)

Advertising Association
 Cinema Advertising Association
 Data & Marketing Association
 Direct Selling Association
 Incorporated Society of British Advertisers
 Influencer Marketing Trade Body
 Institute of Practitioners in Advertising
 Institute of Promotional Marketing
 Internet Advertising Bureau
 Mobile UK
 News Media Association
 Outsmart Out of Home Ltd
 Professional Publishers Association
 Proprietary Association of Great Britain
 Royal Mail
 Scottish Newspaper Society
 Television On-Demand Industry Forum
 Clearcast*
 Radiocentre*

Broadcast Committee of Advertising Practice (BCAP)

Advertising Association
 The Association for Commercial Broadcasters and On-Demand Services
 Channel 4 Television Corporation
 Channel 5 Broadcasting Ltd
 Data & Marketing Association
 Electronic Retailing Association UK
 Incorporated Society of British Advertisers
 Institute of Practitioners in Advertising
 ITV plc
 Sky UK Ltd
 STV Central Ltd
 Clearcast*
 Radiocentre*
 S4C*

* Clearcast, Radiocentre and S4C have observer status.

Independent Reviewer's report

An independent review of the rulings of the ASA Council enables complainants and advertisers to question whether those decisions were fair and reasonable.



Sir Hayden Phillips, GCB DL
Independent Reviewer of ASA
Council Rulings

2022 was relatively modest in the number of cases that were referred to me for review, but, as usual, there was an enormous variety and a range of issues that arose. Most of the broadcast ads that came to me related to ads where the Council had decided that no further investigation was needed.

I think that illustrates a point I made in last year's report that consumers respond quickly to ads on TV and radio, whereas I think they think more deeply about their view of the impact of non-broadcast ads.

I will comment on two broadcast ads, both on TV. The first was simple, charming and dangerous; the second was complex and highly arguable, and the advertiser packed their review requests with legal arguments.

The first was a Mondelez video-on-demand ad for Dairylea, which featured two girls hanging upside down from a five-a-side football goal post and having a conversation about where food goes when you hang upside down. One of the girls opened a Dairylea Cheese Triangle and proceeded to eat it whilst hanging upside down. Fourteen complainants challenged whether the ad

condoned or encouraged unsafe behaviour that could be dangerous for children to emulate.

The advertiser argued that because the ad had been given an 'ex-kids' restriction, that should have been enough for the ASA to find that the ad was not harmful to children. I found the logic of that argument unconvincing as the restriction clearly implied there was a serious question about exposing the ad to children. Whilst the ASA Council were aware of the scheduling restriction, it judged that the ad presented an unsafe practice, including the risk of choking, and did so in a very realistic setting. I told the advertiser that, whilst I thought the ad told its story with considerable charm and they were entitled to disagree with my decision, I was not persuaded that the Council's decision was either irrational or indefensible, which were the tests I had to apply.

The second TV ad was for the gambling company Coral. The central issue was whether the degree of excitement it showed in people watching a horse race tipped over too far in failing to protect the vulnerability of problem gamblers. The objection was not to the ad being exciting but to the powerful and well-presented intensity of that excitement and the reaction of the characters portrayed in the ad.

Review Cases 2022–2021

	Non-broadcast		Broadcast	
	2022	2021	2022	2021
Total cases received of which:	14	17	13	29
Ineligible/withdrawn	3	0	0	0
In progress	1	0	0	0
Not referred to Council	7	13	12	29
Referred to Council of which:	3	4	1	0
Unchanged	0	0	0	0
Decision reversed	0	0	0	0
Wording changed	0	0	0	0
Re-opened investigation	3	4	1	0
In progress	0	0	0	0



Advertising Advisory Committee report

The Advertising Advisory Committee (AAC) advises CAP and BCAP on the consumer and citizen issues arising from key aspects of broadcast and non-broadcast advertising regulations. The members are drawn from a range of different backgrounds, to ensure that ad rules are effective, evidence-based and responsive to public concerns.



Sam Younger CBE
Chair, Advertising
Advisory Committee

At the start of my first full year as Chair, the make-up of the AAC changed significantly as we welcomed three new members. Bringing in fresh expertise and experience is vital to the work of the Committee, and the new members have been quick to engage with the wide range of themes we covered this year.

The AAC engages with every stage of the process for developing and updating the Advertising Codes – from identifying new issues and trends, to helping shape the parameters of changes, to commenting on the development of consultations and guidance.

Early in the year, the Committee underlined the importance of thinking about the implications of the cost-of-living crisis for advertising regulation. This was among the drivers for a project concerning whether telecoms companies, in their marketing, provide sufficiently clear information to consumers about the practice of raising prices mid-contract. For the resulting consultation, the Committee fed back to CAP and BCAP the view, based on previous experience, that the consultation materials need to be made clearer and simpler to encourage the broadest possible range of respondents. The number and variety of responses received – from industry, consumer groups and members of the public – was encouraging and will enrich the consideration of next steps in early 2023.

Other areas of focus for the AAC in 2022 were body image in advertising, with members emphasising the need to consider carefully the issue of labelling digitally altered images; and the development of guidance on environmental claims in ads. The Committee has also helped shape the discussion of how to respond to the consultation on advertising alcohol alternatives, in particular how to fairly restrict advertising of low or zero alcohol products by brands indelibly associated with alcohol.

During the year, the AAC also participated in discussions around the ASA's response to the Department for Digital, Culture, Media & Sport (DCMS) consultation on its Online Advertising Programme and took a close interest in the launch of the Intermediary and Platform Principles (IPP) pilot launched in June 2022.

I'd like to thank Committee members for the care and thoroughness with which they approach the range of complex subject matter referred to them, and I'm struck by the value placed on the advice received. I'd like to close by thanking Malcolm Phillips, Shahriar Coupal and all the CAP and BCAP Executive team for their excellent support.

Members

James Best	Jess McBeath
Rachel Childs	Mike O'Connor
Dr Michelle Goddard	Sam Younger (Chair)
Martin Hart	Nabila Zulfiqar

Our panels

The advertising industry is central to the success of the self-regulatory system; as part of that, CAP and the ASA receive valuable support from three industry panels – the **Industry Advisory Panel**, the **Promotional Marketing and Direct Response Panel** and the **Online Publications Media Panel**.

The panels bring together advertisers, creatives, media planners and publishers who volunteer their time to give advice on marketing communications' conformity with the Advertising Codes. The panels also provide a forum for the exchange of information and ideas between the industry, the ASA and CAP.

Industry Advisory Panel report

The Industry Advisory Panel (IAP) is comprised of marketing professionals, media practitioners and others with expert knowledge of the UK marketing industry, who volunteer their time to help ensure regulatory recommendations and decisions reflect the realities faced by the industry.

In 2022, the Panel provided advice across a range of topics, including recognition of influencer and affiliate marketing, contentious competitor comparisons and topical environmental issues.

The advertising industry is central to the success of the UK's advertising regulatory system. As part of that, the Panel continued to provide valuable support and welcomed a couple of new faces – helping to ensure a continually diverse range of opinions and to benefit from knowledge and experience across different industry sectors.



Tim Duffy
Chair, Industry
Advisory Panel



2022 saw the Panel providing its crucial industry perspective on a wide range of complex and contentious issues, giving the ASA and CAP access to the time and wisdom of experts across the breadth of marketing techniques. Thank you to all Panel members, past and present and future, for playing a valuable part in the UK's advertising regulatory system.

Members

Jonathan Allan	Shahriar Coupal (Secretary)	Andrew Mortimer
Nick Baughan	James Craig (temporary Assistant Secretary)	Emma Smith (Assistant Secretary)
Lillian Betty	Matthew Dearden	Nik Speller
Jenny Biggam	Tim Duffy (Chair)	Jessica Tamsedge
Dominic Carter	Alison Hastings	Steve Taylor
Bhavit Chandrani	Vicki Holgate	Michael Todd
Alexia Clifford	Chris Macleod	Stephen Vowles
Ed Couchman		



Promotional Marketing and Direct Response Panel report

The Promotional Marketing and Direct Response Panel (PMDRP) advises the ASA and CAP on promotional marketing and direct marketing matters.

In 2022, the Panel considered a wide variety of issues and cases, ranging from providing key advice about promotions and prize draws on social media, to the important consideration of the compliance of different types of promotional mechanics. As ever, the Panel provides a forum for information exchange between the industry and the ASA and CAP Executive.



Catherine Shuttleworth
Chair, Promotional Marketing
and Direct Response Panel



The Panel is an important resource for both the ASA and CAP and the industry. It provides a vital practitioner perspective and industry insight from senior professionals, feeding that into all aspects of the regulator's work in this dynamic and innovative sector. This ensures that everyone can have confidence in the ads they see and hear – and the industry can be clear that their voice is heard.

Members

Peter Batchelor	Chris McCash
Mark Challinor	Mani Roberts
Shahriar Coupal (Secretary)	Krystle Sargent
Michael Halstead	Rupa Shah
Nick Hudson (Assistant Secretary)	Catherine Shuttleworth (Chair)
	Carey Trevill

Online Publications Media Panel report

The Online Publications Media Panel was established at the instigation of the Advertising Association Council, and with the endorsement of CAP, to advise CAP and the ASA on the proper distinction between editorial and advertising in online publications, in the event of any confusion.

In 2022, the Panel provided advice on the application of the 'payment and control' test in an online publication.

Members

Chair, Advertising Standards Board of Finance
Chair, The Regulatory Funding Group

Financial report

We are funded primarily by advertisers through arm's-length levy arrangements that guarantee the ASA's independence.

Collected by the Advertising Standards Board of Finance (Asbof) and the Broadcast Advertising Standards Board of Finance (Basbof), the 0.1% levy on the cost of buying advertising space and the 0.2% levy of the Royal Mail's Mailsort and others' mail contracts ensure that the ASA is adequately funded without revealing to us which companies are contributing. In 2022, we received a further digital platform contribution via the European Advertising Standards Alliance (EASA). We also receive a small income from charging for some seminars, the sale of eLearning modules and from the European interactive Digital Advertising Alliance.

Year to 31 December 2022

Audited income and expenditure figures for the combined non-broadcast and broadcast activity in 2022 (see table) are the total of the amounts recorded in the Audited Report and Financial Statements of our two operating companies, namely The Advertising Standards Authority Limited (ASA) and The Advertising Standards Authority (Broadcast) Limited (ASA(B)). These were adopted by the Non-broadcast and Broadcast Councils at their respective Annual General Meetings held on 21 April 2023.

Income for the year

Compared with 2021, total income received from Asbof and Basbof increased by £952,000 (12%) to £8,847,000, most of which related to our planned growth in headcount. Other income increased by £101,000 (10%) to £617,000. Other income included funding received via EASA (£366,525) and consultancy income totalling £135,000. Interest received increased by £10,000 to £11,000.

Expenditure for the year

Compared with 2021, total expenditure increased by £1,181,000 (14%) to £9,384,000. This was due to increased staff and premises costs arising from growth in headcount, hybrid return to the office and rising utility prices; as well as the costs of the *100 Children report*, our advertising campaign, and the redevelopment of eLearning platforms.

Profit for the year

The combined profit before tax of both non-broadcast and broadcast activity was £90,000. After tax, the combined profit was £67,000.

The Audited Report and Financial Statements for ASA and ASA(B) reflect a split of costs, determined by Asbof/Basbof, to reflect the workload between non-broadcast and broadcast activities, of 65% and 35%, respectively, and applying them to the non-specific costs – overheads, general office costs and the like. Specifically identifiable costs were allocated in full to the relevant company.

Non-broadcast and broadcast combined for the year ended 31 December 2022.

	2022 £'000	2021 £'000	2020 £'000
Income			
Funding received from:			
The Advertising Standards Board of Finance Ltd (Asbof)	5,535	4,900	4,513
The Broadcast Advertising Standards Board of Finance Ltd (Basbof)	3,312	2,995	2,645
Total levy income	8,847	7,895	7,158
Expenditure			
Salaries and other staff costs	6,707	5,783	5,445
Other operating costs	2,677	2,420	2,380
Total expenditure	9,384	8,203	7,825
Operating loss	(537)	(308)	(667)
Interest receivable	11	1	4
Other income (i.e. seminars, advice and eLearning, Covid-19 job-retention grants)	617	516	466
(Loss)/profit on ordinary activities before tax	90	209	(197)



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, delicate 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