

Intermediary and Platform Principles Pilot: Final Report



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1. Summary

Introduction

- 1.1 **The Intermediary and Platform Principles (IPP) Pilot was devised to help explore whether and, if so, how the UK advertising self-regulatory system might evolve to bring greater transparency and broader accountability to its work online.**
- 1.2 For over 60 years, the independent Advertising Standards Authority (ASA) has primarily been the regulator of advertisers and their advertisements. Responding to the challenges of regulating advertising online, the IPP Pilot explored the role of platforms and intermediaries in the online advertising supply chain in better supporting the ASA's regulation in this crucial area of its work.
- 1.3 The global-first Pilot centred around [six key Principles](#), which reflect how platforms and intermediaries have, over many years, voluntarily engaged and cooperated with the ASA to help uphold the UK Code of Non-broadcast Advertising and Direct Marketing & Promotional Marketing (the CAP Code). The Pilot also sought to develop new working relationships between the ASA and other platforms and intermediary companies, with which the ASA had little or no contact prior to the commencement of the Pilot.

Findings

- 1.4 The independent findings of this report demonstrate, without question, that over the course of the twelve-month Pilot the 10 participating companies implemented the Principles that were applicable to the services they offer. By doing so, they demonstrably supported the ASA to raise awareness of the advertising rules and, as relevant, to remove persistently non-complying ads online.
- 1.5 The ASA found that each of Adform, Amazon Ads, Google, Index Exchange, Magnite, Meta, Snap Inc., TikTok, X (formerly Twitter), and Yahoo For Business submitted evidence to substantiate their implementation of applicable Principles. Section 4 and Section 5 of this report provide the ASA's detailed assessment of the trends and outliers in companies' implementation of the Principles, including where the ASA observed examples of good practice. As the companies have committed to upholding and supporting the Principles at least until the evaluation of the Pilot concludes, this report also identifies areas for their potential ongoing consideration relating to the implementation of one or more Principles.
- 1.6 The ASA considers that the Pilot has therefore showcased the real world value of the Principles; [Guidance](#) to inform their implementation; and, [ASA independent reports](#) (of which this is the second) to enhance the existing self-regulatory system: a system in which relevant companies in the online advertising supply chain **play a part**, and are seen to play a part, in supporting the ASA to help secure responsible advertising online.

The IPP Pilot

- 1.7 The generally positive findings in this report should be understood in the context of the Pilot, which was carefully designed to robustly examine, in a live regulatory environment, the merits of six IPP Principles, accompanying Guidance, and the ASA's independent reporting on companies' implementation of the Principles.
- 1.8 Accordingly, under the Pilot design, participating companies' implementation of the Principles was voluntary. The Principles were designed to raise awareness, amongst advertisers and their agencies, of the advertising rules and tackling recidivist advertisers that fail to comply with the ASA regulatory system. The scope of the Principles related to paid programmatic ads from legitimate advertisers including ads placed by them directly, or by the agencies representing them, and therefore did not cover fraudulent online ads or ads that are not programmatically distributed, for example, ads by influencers on social media. The ASA's administration of the Pilot was funded from its own budget and not from fees levied on the participating companies; it should be acknowledged, however, that the companies incurred costs associated with their participation. Whilst the ASA has reported aggregated and anonymised assessments of companies' performance, meaning that individual companies could neither be praised or criticised for their implementation of the Principles, the ASA has had dialogue with them all individually.

Next steps

- 1.9 This report and other relevant information gathered through the IPP Pilot will now be collectively reviewed by the ASA, the industry and other stakeholders to evaluate whether and where gaps exist in the ASA's ability to secure advertisers' compliance with the CAP Code online, and how this can effectively be addressed by working with the participating companies and other online intermediary businesses.
- 1.10 In the meantime, the ASA welcomes the fact that the companies involved in the Pilot remain committed to upholding the Principles to support the ASA in the course of its work.
- 1.11 The review will also take place in the context of Government's ongoing consideration as to whether regulators have the right tools to address harms that can arise from particular categories of online advertising. In its 25 July response to the [Online Advertising Programme](#) Government made multiple references to the IPP Pilot, including:

“The ASA's IPP pilot marks a significant positive development for the advertising industry. It is a hopeful step forward to see some of the largest firms in the online advertising supply chain participating in a pilot with the self-regulator to explore how better outcomes can be achieved in online advertising”. And “The government commends the progress that the IPP pilot has already achieved, as indicated by the interim report, and will look to support this work and its ambitions into the future. We look forward to future reporting on this pilot.”

2. Background and pilot scope

Background

- 2.1 The ASA has always operated a holistic approach to regulating ads targeting UK consumers. It holds [advertisers primarily accountable](#) for the creative content, media placement and audience targeting of their ads and, to complement this, the ASA partners with agencies, media owners and other advertising intermediaries to help raise awareness of and, as necessary, assist with enforcing the rules within the CAP Code. In this way, the ASA and the UK advertising industry strive to deliver safe and trusted advertising media environments, which are good for consumers, businesses, and wider society.
- 2.2 The role that many online platforms play in directly supporting the ASA to limit and remove ads that mislead, harm or offend is not well-known or understood outside the advertising regulatory system. To help address this gap and to broaden and strengthen the ASA's working relationships with more platforms and intermediaries, the ASA, IAB UK¹ and some of the largest companies in the online advertising supply chain initiated, and have now concluded, the Intermediary and Platform Principles Pilot, which ran for one year from June 2022.
- 2.3 The companies that participated in the Pilot were: Adform, Amazon Ads, Google, Index Exchange, Magnite, Meta, Snap Inc., TikTok, X (formerly Twitter), and Yahoo For Business².
- 2.4 As a global-first collaboration, the Pilot explored, through published [Principles](#) and supporting [Guidance](#), how to bring greater transparency to key areas in which these companies directly support the work of the ASA and, through independent ASA reports, accountability for how the Principles are being met in practice.
- 2.5 The six Principles focus on how participating companies can help to raise advertisers' awareness of the UK's advertising rules and help the ASA to secure compliance in cases where an advertiser is unwilling or unable to bring its programmatic ad campaign into compliance with the CAP Code.
- 2.6 Building on the Pilot's [interim report](#) published in December 2022, this report provides a final, independent and aggregated assessment by the ASA of the extent to which it considers the companies have delivered against the Principles during the twelve-month period.

Scope of the pilot

- 2.7 The Principles are voluntary and complement but are not a substitute for participating companies' obligations to comply with applicable consumer protection or other law.
- 2.8 The Principles relate to programmatic paid advertising (for example, paid search, paid social display or paid open display), and concern the ways in which participating

¹ The industry trade body for online advertising and a member body of the ASA's sister organisation, the Committee of Advertising Practice (CAP)

² Yahoo For Business is the new name of Yahoo Inc.'s advertising business.

companies help to promote advertisers' awareness of the rules in the CAP Code, and how they help the ASA to secure compliance in cases when an advertiser refuses to amend or withdraw an ad that breaks these rules.

- 2.9 The Principles do not cover programmatic paid fraudulent ads (including ads featuring unlicensed financial promotions, ads by fraudsters impersonating legitimate businesses and ads for fake companies) or ads in non-paid space online (for example, a retailer's post via its social media account), or any other form of advertising, which is not delivered programmatically, such as influencer advertising.
- 2.10 To support the ASA's review of how the Principles have been implemented, participating companies were invited to explain, where appropriate, how they have acted proportionately and reasonably taking into account the advertisers, agencies and, as appropriate, public users of their services. Alongside information demonstrating how the Principles have been implemented, participating companies were encouraged to provide explanatory or contextual information to the ASA, where appropriate, including about any additional relevant activities or steps they undertake in the areas covered by the Principles, as well as any limitations they believed they faced in fulfilling the Principles.

3. Information-gathering: process and response

- 3.1 Under the Pilot, participating companies agreed to provide information to the ASA to demonstrate how they implemented Principles that are applicable to the services they offer. (Information included in Annex C and in Section 4 of the report help the reader to understand the circumstances in which some of the Principles are not applicable to some of the participating companies.)
- 3.2 The ASA considered the Principles and the associated Guidance provided sufficient clarity to inform the companies' submissions to the ASA. The ASA therefore did not propose, and participating companies did not call for, a template document to support consistency in the format and content of submissions. All parties agreed, however, that submissions should be 'concise, relevant and objective'.
- 3.3 The ASA invited the companies' submissions to deadlines proposed by the ASA and which were agreed by the participating companies in the absence of significant objections. Deadlines were set for submissions at the interim stage (covering the first four months of the Pilot) and at the end of 12 months.
- 3.4 The ASA has now analysed all of the interim and final submissions from the companies together with information from the ASA's own internal records to help corroborate or otherwise add to the companies' submissions. The ASA's analysis almost exclusively focuses on how the companies have implemented the Principles considering what they and the associated Guidance invite the companies to do in order to support the work of the ASA.
- 3.5 The ASA has also provided some wider observations on the participating companies' general engagement with the Pilot, for example, attendance at Pilot meetings, adherence to submission deadlines etc. because the ASA considers these factors, collectively, were important to the effective running of the Pilot. The ASA recognises, however, that participating companies have competing priorities, resource constraints and, in some cases, international time-zone considerations, and – therefore – any conclusions drawn from these observations are not necessarily reflective of the companies' support for the Pilot.
- 3.6 The ASA makes the following general observations about the 10 participating companies' submissions of information and wider observations about their general engagement with the Pilot:
 - At the end of the Pilot, **all 10** participating companies provided their submissions within the deadline set by the ASA or, having sought extensions for when they could not, within 1.5 weeks of the deadline passing. The ASA considers this amounts to a generally positive response rate.
 - At the end of the Pilot, **all 10** companies provided comprehensive submissions (conforming to the 'concise, relevant and objective' criteria) supported by evidence, which – together with other information collated by the ASA - allowed the ASA to meaningfully assess the extent to which they had implemented the Principles during the twelve-month reporting period.

- Participating companies' engagement with the ASA during the pilot was overall positive. For example, while attendance at ASA-initiated IPP Pilot meetings varied, the majority of participating companies attended and contributed to agenda items. Most companies took up the opportunity for one-to-one meetings with the ASA project team to discuss matters related to implementation of the Principles and submissions of information to the ASA.
- Most of the companies remained involved in working arrangements with the ASA outside the scope of the Pilot. For example, providing access to categories of online ads to facilitate ASA-initiated monitoring exercises; engaging with the [ASA scam ad alert system](#); removing non-compliant ads (other than paid programmatic ads in scope of the Principles) referred to them by the CAP Compliance function taking part in consultations to inform the next ASA five-year strategy (see also 'contextual information provided by the ASA' under Principles 3-6 in Section 4).

4. Participating companies' implementation of the IPP Principles

- 4.1 This section contains the ASA's independent, aggregated evaluation of participating companies' implementation of each of the IPP Principles for the twelve-month reporting period.
- 4.2 Importantly, this evaluation is based solely on the IPP Principles themselves, the guidance on the Principles, participating companies' own submissions of evidence against those Principles, and corroborating information from the ASA's internal records.
- 4.3 The ASA notes that some of the Principles are not applicable to some of the participating companies because of the nature of the services they provide (see Annex C for more information). Information provided below about the number of companies who have implemented any particular Principle to date should be read in this context.
- 4.4 The ASA further notes the repeated references, in the report, to "nine out of ten participants either wholly or mainly fulfilling" certain Principles; the respective 'nine' participants are not always the same nine which are either wholly or mainly fulfilling certain Principles.

Principle 1

Participating companies will bring to advertisers' attention in a reasonably prominent way, the requirement for advertisements aimed at a UK audience to comply with the CAP Code.*

**or, where they are acting for advertisers, agencies' attention.*

This Principle should be read in conjunction with [associated guidance](#).

Fulfilment of the Principle

- The ASA considers that **nine** participating companies demonstrated that they have wholly or mainly fulfilled this Principle. These participating companies included a prominent notification of the requirement for ads aimed at a UK audience to comply with the CAP Code. By 'prominent', the ASA considers the notifications adhered to the guidance: they were presented in a sufficiently prominent way as to capture the attention of a reasonably observant, reasonably circumspect, but potentially inexperienced advertiser or agency staff member.
- The particular services and clients of some of the participating companies mean that they rarely, if ever, have direct relationships with advertisers or their agencies. References to legal standards may, in some instances, need to be flexible and generic enough so as to encompass the legal regimes of multiple countries. In instances such as this, the ASA recognises that some participants have sought to fulfil Principle 1, by, for instance, spelling out the requirement for advertisements aimed at a UK audience to comply with "all local laws and regulations".

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- The use of prominent and explicit hyperlinks to the CAP Code, including, in some cases, at an overall site-level.
- In addition to bringing the CAP Code to advertisers' and agencies' attention, some companies highlighted the requirement for ads aimed at a UK audience to comply with specific rules in the CAP Code, such as the requirement for alcohol ads to not be directed at people under 18 through the selection of media or the context in which they appear (Rule 18.15).
- The use of a blog post to circulate information about the IPP Pilot to the companies' clients highlighting the need to comply with the CAP Code, among other Principles of the Pilot.

- The use of an onboarding process via dedicated Account Managers, to give clients a briefing presentation that sets out why complying with the CAP Code is important (for example, to maintain consumers' confidence in advertising), not just that the Code must be complied with.

Areas identified for ongoing consideration

The ASA identified the following areas for ongoing consideration in relation to this Principle:

- Some participating companies did not use a hyperlink to the CAP Code within their advertising policies or during the advertising purchasing process. The ASA notes that this is not a requirement of the Principle, but that it is clearly advised in the associated Guidance.
- Although some participating companies include references to the CAP Code, this could be done in an even more prominent way, for instance by being featured earlier in an advertisers' onboarding journey, and as set out in the guidance.

Principle 2

Participating companies will ensure their advertising policies and applicable contractual terms require advertisements aimed at a UK audience to comply with the CAP Code.

This Principle should be read in conjunction with [associated guidance](#).

Fulfilment of the Principle

- The ASA considers that **nine** participating companies demonstrated that they had wholly or mainly fulfilled this Principle. These participating companies' advertising policies and applicable contractual terms contained an express term that required ads aimed at a UK audience to comply with the CAP Code.
- The particular services and clients of some of the participating companies mean that they rarely, if ever, have direct relationships with advertisers or their agencies. References to legal standards may, in some instances, need to be flexible and generic enough so as to encompass the legal regimes of multiple countries. In instances such as this, the ASA recognises that some participants have sought to fulfil Principle 2 by, for instance, spelling out the requirement for advertisements aimed at a UK audience to comply with "all local laws and regulations". The ASA considers this should be considered further as part of the evaluation of the Pilot.

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- The use of publicly available and easily accessible terms and conditions which expressly required compliance by the advertiser/agency with the CAP Code.
- The inclusion of a hyperlink to the CAP Code.
- The inclusion of additional hyperlinks: to the AdviceOnline section of the ASA website, and to the ASA website as a whole.
- Repeating the requirement to comply with the CAP Code when addressing higher risk areas (for example, gambling ads) in their ad policies.

Areas identified for ongoing consideration

The ASA identified the following areas for ongoing consideration in relation to this Principle:

- Some participating companies did not include a hyperlink to the CAP Code within their advertising policies and applicable contractual terms. The ASA notes that this is not a requirement of the Principle, but that it is clearly advised in the associated Guidance.

Principle 3

Participating companies will assist the ASA in promoting the public's and advertisers' awareness of the ASA system.

This Principle should be read in conjunction with [associated guidance](#).

Contextual information provided by ASA

The following information from the ASA's own internal records and intelligence-gathering is relevant to this Principle:

- Support from some participating companies for the ASA system is long-established: indeed, some participating companies have been helping to both raise awareness of the ASA system (to the public and to advertisers) and to provide additional self-regulatory support for the ASA's enforcement function for a number of years.
- This support for the ASA system among some participating companies clearly predates the IPP Pilot, but the ASA's own records also reveal a high level of material assistance, including in relation to awareness-raising, from many of the participating companies during the reporting period itself.
- The differing business models of participating companies necessarily mean that not all participating companies are in a position to implement some of the options presented in the guidance. For example, some are not media owners and therefore do not have inventory to donate or are unable to provide advertising credits or otherwise help promote the ASA's advertising online to boost awareness-raising. (See Annex C for more information on categories of IPP Pilot participating companies and relevance to IPP Principles.)

Fulfilment of the Principle

The ASA considers that **nine** participating companies demonstrated that they had wholly or mainly fulfilled this Principle, to the extent allowed for by their business models, given the context outlined above. These participating companies have all collaborated with the ASA in at least one of the following ways:

- By donating advertising credits, which has enabled the ASA to part-fund its online awareness-raising ads, and the CAP Compliance function to sanction non-compliant advertisers online through use of ads that draw consumers' attention to individual advertisers' non-compliance. In some instances, these ad credits have been used by the CAP Compliance function to enforce compliance with its sector-wide Enforcement Notices. (The ASA was able to verify these instances of collaboration via its own internal records and through documentary evidence provided by the participating companies.)
- Through the clear promotion of the CAP Code to advertisers (Principles 1 and 2).
- Via site-level signposts to their clients towards ASA or CAP regulatory guidance.

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- Some participating companies have collaborated with the ASA in multiple ways as listed above.
- Donation of ad credits and/or inventory (over the reporting period to a sum value of over £250k), which the ASA used to help fund its national awareness-raising advertising campaign, and which the CAP Compliance function used for the purposes of leveraging compliance through customer-alert advertisements.
- Raising advertisers' awareness of the ASA system through drawing specific aspects of the CAP Code to advertisers' attention (see Principle 1).
- Working with the ASA to develop innovative, stand-out marketing collaborations, raising awareness on specific aspects of the CAP Code.

Areas identified for ongoing consideration

No significant areas for consideration were identified in relation to this Principle. However, the ASA remains committed to communicating any future awareness-raising opportunities to participants in a timely manner, as and when such opportunities arise. The ASA also encourages participants to continue to explore new ways of collaborating with the ASA to support its awareness-raising activities.

Principle 4

Participating companies will, in relation to the requirement for advertisers to minimise children's and young persons' exposure to ads attracting an age-targeting restriction under the CAP Code (and where such ads are permitted by the participating company's own policies), take reasonable and appropriate measures to make advertisers** aware of: the tools or controls that can be used on the service to support advertisers to comply with the requirement; who provides and/or selects the tools/controls; and who is responsible for activating and controlling them.*

**Guidance to this Principle lists ads for products which must not be directed at children (under 16s) and/or young people (aged 16 or 17) through the selection of media or the context in which they appear.*

***or, where they are acting for advertisers, agencies*

This Principle should be read in conjunction with [associated guidance](#).

Contextual information provided by ASA

The following information from the ASA's own internal records and intelligence-gathering is relevant to this Principle:

- Through its [five-year strategy](#) and annual programmes of work, the ASA has prioritised the regulation of ads for alcohol, gambling, foods high in fat, salt or sugar and other age-restricted ads, especially online.
- In response to ASA rulings and proactive projects identifying age-restricted ads inappropriately directed at people under 18 through the selection of media or context in which they appear, the ASA and its sister body, CAP, have dedicated considerable resource to support advertisers' and agencies' compliance with the CAP Code's age-targeting restrictions, which help to appropriately limit children's exposure to these ads.
- In November 2022, CAP published its latest enhanced [guidance on targeting of age-restricted ads online](#), which benefited from expert input and consultation including with the digital advertising community. Pre-existing guidance relevant to targeting of age-restricted ads had been in place since [2017](#) and [2021](#). Principle 4 of the Pilot complements the ASA and CAP's work in this area through the agreement of participating companies to bring to advertisers' and agencies' attention the tools or controls that can be used to help ensure age-restricted ads are targeted appropriately.
- It is important to note that ASA monitoring exercises or other sources of information may reveal that multiple age-restricted ads have been directed at people under 18 through the selection of media or context in which they appear, in breach of the CAP Code. Where this occurs, the ASA will first examine steps taken by the advertiser to comply with its obligations under the CAP Code. The ASA may, where relevant, consider the role that an advertiser, agency, publisher, intermediary or platform have, individually, or in combination, had in that outcome.

Fulfilment of the Principle

The ASA considers that **all ten** participating companies demonstrated that they had wholly or mainly fulfilled this Principle, because they provided evidence to the ASA of both drawing advertisers' and other service users' attention to tools and controls available on their services, which can be used to minimise children's and young person's exposure to age-restricted advertising, and – as examples of good practice – supporting advertisers to use these tools and controls effectively.

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- The explicit inclusion of a hyperlink to 2017 or 2021 CAP guidance on targeting age-restricted ads online.
- Direct communication to advertisers and/or agencies to raise awareness of the ASA's new guidance on age-restricted advertising in November 2022.
- The provision of tools for advertisers to exclude children from the target audience, for example using data including but not limited to purchase history.
- The use of broader content-suitability controls designed to support clients to minimise children's and young persons' exposure to age-restricted ads applying across a whole platform.
- The use of dedicated staff to advise advertisers on which categories of advertising must not be directed at children or young people.
- The production of 'how-to' guides for advertisers and agencies around how to appropriately age-target ads in a given sector.
- The use of automated blocklists of media or context in which ads may be placed, which may have the effect of keeping certain categories of ads (including age-restricted ads) away from children or young people.

Areas identified for ongoing consideration

No significant areas for consideration were identified for this Principles, but the ASA makes the following observations:

- Owing to the priority it accords to the protection of children and young people, the ASA encourages participating companies (and other relevant intermediaries and platforms not involved in the Pilot) to continue to take reasonable and appropriate measures to make advertisers of age-restricted ads aware of tools that can be used on the service to support their compliance with CAP's age-targeting restrictions.

- Furthermore, the ASA strongly encourages participating companies to implement, as appropriate, some of the good practice examples identified in the guidance. For example, through the production of online tutorials, 'how to' guides or other training, to actively support advertisers' or agencies' practical use of their proprietary tools or controls to help them target their desired audience and, for marketers of age-restricted ads, to comply with CAP Code targeting restrictions; promotion of [CAP Guidance on Age-restricted Ads Online etc.](#)

Principle 5

a) Participating companies will, on receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is the subject of a specific breach of the CAP Code as determined by, or directly related to, a published ASA ruling, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.

b) Participating companies will, on receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is indisputably a prima facie breach of the CAP Code, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.

This Principle should be read in conjunction with [associated guidance](#).

Contextual information provided by ASA

The following information from the ASA's own internal records and intelligence-gathering is relevant to this Principle:

- For reference, over the twelve-month reporting period, the ASA received complaints about 1,484 programmatic paid ads. Following preliminary investigation, the ASA found that the overwhelming majority of these ads did not raise a substantial issue under the CAP Code. Thirty-eight ads, however, were taken forward for further investigation, with twenty-nine ads (2.0% of the 1,484 ads complained about) determined to have breached the rules.
- During the course of the twelve-month Pilot, the CAP Compliance function worked proactively with some participating companies to remove just under 500 non-compliant programmatic ads, the majority of which pertained to two of the CAP Compliance function's sector-specific Enforcement Notices. All removals were actioned swiftly, in line with the Principle, and – in these instances - within 48 hours. In these cases, the participating companies were assured that the advertisers had been given sufficient notice by the ASA and/or the CAP Compliance function, for example via a CAP Enforcement Notice, that their ads were in breach of the CAP Code, but the advertisers had failed to suitably amend or withdraw their ad.
- Separately, over the same period, but outside the scope of the IPP Pilot, the CAP Compliance function worked with some of the participating companies to achieve the removal of over 12,000 other non-compliant (and non-programmatic) online ads, mostly appearing in the form of organic social media posts. The vast majority of these posts related to prescription-only medicines and the account holders (the 'advertisers' for the purposes of the ASA's regulation) were typically sole traders or SMEs.
- The ASA and some of the participating companies have, for some considerable time, had in place effective reporting processes to expedite the removal of non-compliant paid programmatic ads. These agreements predate the IPP Pilot, with some spanning back several years. Encouragingly, evidence provided by some of the participating companies in their submissions indicates that these processes have been further enhanced and streamlined during the Pilot reporting period; further, some participating companies have

also provided bespoke, dedicated onboarding sessions for the CAP Compliance function around these processes.

- The ASA understands that participating companies operate their own pre- and post-publication processes to identify and take remedial action against ads that breach their own policies, which reflect or are stricter than the requirements of the CAP Code. The Pilot generally and Principles 5a and 5b specifically do not address the efficacy of these processes.

Fulfilment of the Principle

- **Only three** participating companies received a notice relevant to Principles 5a or 5b from the CAP Compliance function in the twelve-month reporting period.
- Accounting for the context set out above, the ASA considers that the three participating companies that had received a relevant notice from the CAP Compliance function demonstrated that they had wholly fulfilled this Principle. Two demonstrated that they had acted “swiftly” (within 24-48 hours in these cases) to remove non-compliant ads on receipt of a relevant notice from the CAP Compliance function. This remedial action was corroborated by the ASA’s internal records. In the case of the third participating company that received a notice, the non-compliant ad had already been removed by the agency that placed it, before the participating company received a notice from the CAP Compliance function.

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- Some participating companies demonstrated fulfilment of this Principle by removing non-compliant ads swiftly (in some cases, within 24 hours of receipt of a relevant notice from the CAP Compliance function).
- One participating company acted beyond what is expected under this Principle, by sanctioning the agency responsible for booking a non-compliant ad, upon receipt of a notice from the CAP Compliance function and determination by that company that the agency violated its Terms and Conditions.
- Some participating companies provide the CAP Compliance function with dedicated, user-friendly reporting channels, enabling members of the team to report non-compliant programmatic ads with ease and speed, and to good effect.
- In some instances where participating companies had not received any relevant notices from the CAP Compliance function during the interim reporting period, they had nonetheless demonstrated to the CAP Compliance function that dedicated processes were in place to facilitate such ad removal requests.

Areas identified for ongoing consideration

The ASA identified the following areas for consideration in relation to this Principle:

- The guidance to the Principle encourages participating companies to submit information to the ASA about any steps they have taken to act independently and proactively to identify and take remedial action, at pre-publication and post-publication stage, against ads that raise the non-compliant issue detailed in the relevant notice from the CAP Compliance function.

Principle 6

Participating companies will respond in a timely way to reasonable requests for information from the ASA in relation to advertisers' use of the company's services, to assist investigation of a suspected breach of the CAP Code, in instances where the information cannot be obtained from the advertiser.*

**or, where appropriate, their agency.*

This Principle should be read in conjunction with [associated guidance](#).

Contextual information provided by ASA

The following information from the ASA's own internal records and intelligence-gathering is relevant to this Principle:

- The ASA made over 30 requests for information, to assist investigations of suspected advertising breaches of the CAP Code, to **three** participating companies over the twelve-month reporting period. The information requested included contact details for advertisers; details regarding ad targeting capabilities on the participating companies' services; comments from participating companies on particular ads' compliance with the platform's own advertising terms (which reflect or complement restrictions in the CAP Code); and the request to pass on ASA correspondence to advertisers where the participating company felt unable, for example for data protection reasons, to provide the advertiser's contact details.
- Response times to the information requests and the quality of the responses varied from case to case, although acknowledgements of the requests were usually prompt.
- Participating companies pointed to data protection and other legal constraints (for example, where the buyer was an agency, not the advertiser) as reasons for not providing advertiser contact details to the ASA. In each case, alternative means of connecting the ASA to the advertiser were offered in relation to ASA investigation of potentially non-compliant paid programmatic advertising.
- The ASA notes that a small minority of the participating platforms already had, or have since implemented systems, (for reasons unrelated to the IPP Pilot), to make publicly available certain information about ads delivered via their services and appearing on their first party inventory (for example, through a public ad library), which limited the need for the ASA to request such information.
- During the twelve-month reporting period, the ASA has submitted a number of bespoke requests for information about particular categories of paid-for, programmatic ads (for example, cryptocurrencies), relevant to recent ASA investigations and potentially subject to CAP enforcement action. This activity remains ongoing, and the ASA has been encouraged by the relevant participating companies' fulfilment of such requests.
- The ASA recognises that this Principle might not be applicable to some participating companies owing to their primary relationship with parties other than advertisers and

their agencies.

Fulfilment of the Principle

- The ASA considers that **all 10** participating companies demonstrated that they had wholly or mainly fulfilled this Principle, while acknowledging that, owing to their business models, in practice, some participating companies were highly unlikely to ever receive such requests for information from the ASA. In these instances, the participating companies nonetheless demonstrated a willingness to assist the ASA, should the need arise.

Examples of good practice

The ASA observed the following examples of good practice in relation to this Principle:

- Offering a dedicated channel for communication with the ASA with the intention to expedite information exchanges.
- Forwarding ASA correspondence to advertisers (and where applicable, agencies) where the participating company considered that data protection or other legal constraints meant that contact details could not be provided to the ASA.

Areas identified for ongoing consideration

The ASA identified the following areas for consideration in relation to this Principle:

- Even where participating companies have not previously received any requests from the ASA of this nature, the ASA takes this opportunity to encourage those participating companies which have not already, to establish a dedicated point of contact and/or method of communication for the ASA to notify the participating company of ASA investigations and breach notices, should the need arise for the ASA to make use of one in future.

5. Concluding remarks and summary of findings

5.1 This section sets out the ASA's overall review of participating companies' implementation of the Principles, highlights the good practice observed over the course of the twelve-month reporting period, and identifies areas where the ASA considers that there is potential for ongoing consideration. The ASA will share any significant feedback in relation to individual participating companies' implementation of the Principles with those participating companies and support any related actions they may wish to take in response. Meanwhile, the ASA has been greatly encouraged by participating companies' overall commitment to the Principles, and indeed, recognises that the Pilot would not have been possible without their cooperation and willingness to volunteer information about their operations to the ASA.

Good practice

5.2 The ASA considers that, ahead of the evaluation of the Pilot itself, the following examples of good practice should be maintained by participating companies already operating to them and serve as a guide for other participating companies, where they are possible and/or appropriate for their businesses:

- The use of prominent and direct hyperlinks to the CAP Code and, where applicable, hyperlinks to specific parts of the Code and CAP guidance (for example, the requirement for alcohol ads to not be directed at people under the age of 18 through the selection of media or the context in which they appear).
- The use of additional ways of raising awareness of the CAP Code and relevant guidance, including blog posts or briefings during client onboarding processes, which explain why compliance with the CAP Code is necessary and important.
- Collaboration on awareness-raising opportunities with the ASA, such as the potential donation of advertising credits or inventory in support of the ASA's own campaigns, as applicable.
- Removing all notified non-compliant ads swiftly following a formal referral from the CAP Compliance function.
- The use of tutorials and other relevant training for advertisers on what the targeting rules of the CAP Code are, the categories of ads they apply to and how to ensure that available controls and tools are used effectively to ensure compliance with the respective rules.
- Where participating companies receive regular notices from the CAP Compliance function, establishing dedicated, user-friendly communication channels, enabling non-compliant programmatic ads to be notified to the participating company with ease and speed, and to good effect.
- Offering a dedicated channel for communication with the ASA.

- Forwarding ASA correspondence to advertisers where the companies consider data protection or other legal constraints mean that contact details cannot be provided to the ASA.

Areas identified for ongoing consideration

5.3 The ASA notes that the following areas should serve as a potential guide for ongoing consideration by participating companies – where they are possible and/or appropriate for their businesses - not already fulfilling the Principles or not fulfilling them at a high level:

- The ASA encourages references to the CAP Code to be featured prominently, for instance, by being featured earlier in an advertisers' onboarding journey, and ideally with hyperlinks.
- The ASA encourages participants to continue to explore novel ways of collaborating with the ASA to support its awareness-raising activities.
- The ASA encourages participating companies' guidance or policies on the use of targeting tools to explicitly align with CAP rules on the targeting of age-restricted ads (where such are permitted by the company) including by strongly advising clients to use targeting tools, if available, for the advertising of any products subject to targeting restrictions under the CAP Code, in line with [CAP Guidance on targeting age-restricted ads online](#).
- Where participating companies provide or make available ad targeting tools for advertisers' use/application, participating companies are encouraged to provide guidance on whether and how to use them in line with CAP Guidance on targeting age-restricted ads online.

Progress since the interim report

5.4 The ASA is further encouraged by its receipt of submissions from all ten participants at the conclusion of the Pilot reporting period, and indeed, by the marked improvement in the fulfilment of the Principles since the publication of the interim report. The metrics below should be considered in the context of the appropriate application, or otherwise, of the Principles to all ten participating companies, owing to their varying business models, as outlined under each Principle above:

- **Nine out of 10** participants are now considered by the ASA to be either wholly or mainly fulfilling **Principle 1**, versus 7 at the interim stage;
- **Nine out of 10** participants are now considered by the ASA to be either wholly or mainly fulfilling **Principle 2**, versus 7 at the interim stage;
- **Nine out of 10** participants are now considered by the ASA to be either wholly or mainly fulfilling **Principle 3**, insofar as their business models permit them to, versus 6 at the interim stage;

- **All 10** participants are now considered by the ASA to be either wholly or mainly fulfilling **Principle 4**, versus 8 at the interim stage;
- Under **Principle 5**, at the interim stage, of the 8 participants which provided a submission, only two had received requests from the CAP Compliance function; both were considered to have fulfilled this Principle. For the purposes of the final report, all ten participating companies provided information under this Principle; only three had received requests from the CAP Compliance function: the ASA considered that **all 3** had fulfilled this Principle.
- Under **Principle 6**, at the interim stage, only the three participating companies which had been subject to requests of this nature by the ASA provided information under this Principle; at the interim stage, the ASA considered that **all three** had fulfilled this Principle. For the purposes of the final report, although the ASA had only made requests to three of the participating companies during the course of the twelve-month Pilot, all of which fulfilled this Principle, **all 10** participating companies nonetheless indicated in their final submissions that they would be willing to assist the ASA with any such requests, should the need arise.
- It is equally positive to see several instances where participating companies have implemented the Principles in ways which go beyond what was outlined in the accompanying guidance.
- The ASA remains committed to ensuring that its own staff are given sufficient training to ensure that they adhere to processes agreed with participating companies and will continue to do so with support from those companies.

Next Steps

- 5.5 By exploring ways to enhance transparency and accountability in online advertising regulation, the IPP Pilot will help the ASA, industry, and other stakeholders to evaluate whether and where gaps exist in the ASA's ability to secure advertisers' compliance with the CAP Code online, and how this can effectively be addressed by working with the participating companies and other online intermediary businesses.

In the meantime, and as previously stated, the ASA welcomes the fact that participating companies remain committed to upholding and supporting the Principles. As part of its commitment to transparency and accountability, the ASA encourages feedback about any aspect of the Pilot with a pledge to respond, as appropriate, on significant comments received. Feedback should be sent to pilot@asa.org.uk.

Annex A

Intermediary and Platform Principles

Participating companies will:

1. Bring to advertisers' attention* in a reasonably prominent way, the requirement for advertisements aimed at a UK audience to comply with the CAP Code.

*or, where they are acting for advertisers, agencies' attention.
2. Ensure their advertising policies and applicable contractual terms require advertisements aimed at a UK audience to comply with the CAP Code.
3. Assist the ASA in promoting the public's and advertisers' awareness of the ASA system.
4. In relation to the requirement for advertisers to minimise children's and young persons' exposure to ads attracting an age targeting restriction* under the CAP Code (and where such ads are permitted by the participating company's own policies), take reasonable and appropriate measures to make advertisers** aware of: the tools or controls that can be used on the service to support advertisers to comply with the requirement; who provides and/or selects the tools/controls; and, who is responsible for activating and controlling them.

*Guidance to this Principle lists ads for products which must not be directed at children (under 16s) and/or young people (aged 16 or 17) through the selection of media or the context in which they appear.

**or, where they are acting for advertisers, agencies

5. a) On receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is the subject of a specific breach of the CAP Code as determined by, or directly related to, a published ASA ruling, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.

b) On receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is indisputably a prima facie breach of the CAP Code, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.
6. Respond in a timely way to reasonable requests for information from the ASA in relation to advertisers' use of the company's services, to assist investigation of a suspected breach of the CAP Code, in instances where the information cannot be obtained from the advertiser*.

*or, where appropriate, their agency

Annex B

Intermediary and Platform Principles - Guidance

Notes:

- These Principles are voluntary and complement but do not substitute participating companies' obligations to comply with applicable consumer protection or other law.
- The Principles relate to the ways in which participating companies help to promote advertisers' awareness of the rules as they apply to programmatic paid-for advertising and how they help the ASA to secure compliance in exceptional cases when an advertiser refuses to amend or withdraw a paid-for programmatic ad that breaks the rules. Programmatic paid-for ads can take the form of, for example, paid search, paid social display or paid open display.
- The Principles do not cover programmatic paid-for fraudulent ads (including ads featuring unlicensed financial promotions, ads by fraudsters impersonating legitimate businesses and ads for fake companies) or ads in non-paid-for space online e.g. a retailer's post via its social media account, or any other form of advertising, which is not delivered programmatically e.g. influencer advertising.
- To support the ASA's assessment of how these Principles have been implemented, it will be important for participating companies to explain, where appropriate, how they have acted proportionately and reasonably taking into account the advertisers, agencies and, as appropriate, public users of their services. Alongside information demonstrating how the Principles have been implemented, participating companies are encouraged to provide explanatory or contextual information to the ASA, where appropriate, including about any additional relevant activities or steps they undertake in the areas covered by the Principles.

Participating companies will:

Principle 1

Bring to advertisers' attention* in a reasonably prominent way, the requirement for advertisements aimed at a UK audience to comply with the CAP Code.

*or, where they are acting for advertisers, agencies' attention.

Guidance:

There are different ways in which participating companies may fulfil this Principle.

The presentation of the requirement for ads aimed at a UK audience to comply with the CAP Code should be sufficiently prominent to capture the attention of a reasonably observant, reasonably circumspect, but potentially inexperienced advertiser or agency.

In its consideration of how participating companies meet this Principle, the ASA will have particular regard to clarity, prominence and location of the required information. For example, the ASA is more likely to consider this Principle has not been met if the information is:

- drafted in a way that is difficult to understand, including by suggesting, incorrectly, that advertisers' compliance with the CAP Code is voluntary.
- placed amongst dissimilar information or otherwise located in a way that is likely to adversely affect its prominence. Participating companies are advised to locate the information at a suitable part of the pre-publication process, for example at account registration, advertisement publication booking process etc.

The ASA welcomes information from participating companies about the steps they take to periodically remind advertisers and/or agencies about the requirement to comply with the CAP Code, recognising the need to strike a balance: while a one-off notification of the information is unlikely to be sufficient in most cases, repeated notifications during the publication process, especially for more prolific advertisers, may lose their impact and unduly disrupt the advertiser's use of the service.

The required information should include a hyperlink to the CAP Code (<https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcastcode.html>).

If participating companies bring to advertisers' or agencies' attention the requirement for ads aimed at a UK audience to comply with specific rules in the CAP Code, for example, the requirement for alcohol ads to not be directed at people under 18 through the selection of media or the context in which they appear (Rule 18.15), they should bring this to the ASA's attention. The ASA welcomes the targeted provision of information of this type.

In recognition that participating companies can serve as intermediaries for advertisers and agencies targeting consumers in non-UK countries, the ASA welcomes information about how participating companies meet this Principle in relation to advertisers targeting a UK audience, including any constraints they face in identifying these advertisers and agencies.

Principle 2:

Ensure their advertising policies and applicable contractual terms require advertisements aimed at a UK audience to comply with the CAP Code.

Guidance:

There are different ways in which participating companies may fulfil this Principle.

In its consideration of how participating companies meet this Principle, the ASA will have particular regard to the clarity of the required information. For example, the ASA is more likely to consider this Principle has not been met if the information is drafted in a way that is difficult to understand, including by suggesting, incorrectly, that advertisers' compliance with the CAP Code is voluntary.

The required information should include a hyperlink to the CAP Code: <https://www.asa.org.uk/codes-and-rulings/advertising-codes/non-broadcastcode.html>.

In recognition that participating companies can serve as intermediaries for advertisers and agencies targeting consumers in non-UK countries, the ASA welcomes information about how participating companies meet this Principle in relation to advertisers targeting a UK audience, including any constraints they face in identifying these advertisers and agencies.

Principle 3

Assist the ASA in promoting the public's and advertisers' awareness of the ASA system.

Guidance:

There are different ways in which participating companies may fulfil this Principle. It is ultimately for participating companies to choose an approach or approaches and demonstrate how they meet this Principle in practice.

In general, awareness raising of the ASA system can include, for example, raising consumers' awareness of the ASA or raising advertisers' and agencies' awareness of CAP advice and training services.

Specific measures might include online and/or offline collaborations with the ASA, for example:

- joint awareness-raising campaigns;
- distribution of ASA or CAP regulatory guidance, CAP enforcement notices etc. to advertisers in a given business sector;
- the granting of advertising credits to the ASA to help fund its online awareness-raising ads; or
- donation of inventory (recognising that participating companies that do not own or control inventory cannot directly make inventory available to the ASA).

Participating companies may choose to support awareness raising campaigns initiated by the ASA, and/or use their own initiative to help fulfil this Principle, cooperating with ASA as appropriate, and the ASA will liaise with participating companies, where relevant, to ensure that appropriate materials and content are made available to them

Principle 4

In relation to the requirement for advertisers to minimise children's and young persons' exposure to ads attracting an age-targeting restriction* under the CAP Code (and where such ads are permitted by the participating company's own policies), take reasonable and appropriate measures to make advertisers** aware of:

- the tools or controls that can be used on the service to support advertisers to comply with the requirement;
- who provides and/or selects the tools/controls; and
- who is responsible for activating and controlling them.

*Guidance to this Principle lists ads for products which must not be directed at children (under 16s) and/or young people (aged 16 or 17) through the selection of media or the context in which they appear.

Guidance:

There are different ways in which participating companies may fulfil this Principle.

Primary responsibility for compliance with the CAP Code's age-targeting restrictions rests with the advertiser.

Participating companies control or make available different tools or controls that support advertisers to comply with age-targeting restrictions in the CAP Code. There is no presumption that participating companies will provide specific tools or be required to do so. Types of tools and controls may include, but are not restricted to:

- proprietary tools and controls provided by the participating company for their clients' use/application
- non-proprietary tools/controls made available by the participating company for its clients' use/application
- enabling clients to use/apply their own chosen tools and controls on the participating company's service

Different tools may use, or accommodate the use of, different types/sources of data.

The ASA welcomes information from participating companies about whether and, if so, how they support advertisers' or agencies' practical use of their proprietary tools or controls to help them target their desired audience. In the case of ads attracting an age-targeting restriction under the CAP Code, the ASA also welcomes information about how participating companies support advertisers or agencies to minimise children's and young people's exposure to ads attracting an age-targeting restriction under the CAP Code. For example, support through the production of online tutorials or 'how to' guides; specific communications to advertisers or agencies in a given advertising sector; or, promotion of CAP Guidance on Age-restricted Ads Online: <https://www.asa.org.uk/resource/children-age-restricted-adsonline.html>

Ads attracting an age-targeting restriction under the CAP Code

Participating companies are encouraged to promote advertisers' use of relevant CAP guidance, which supports advertisers' compliance with age-targeting restrictions in the CAP Code. For example, CAP produces guidance on 'Age-restricted Ads Online' and 'Media placement restrictions: protecting children and young people': <https://www.asa.org.uk/resource/guidance-on-media-placement-restrictions.html>

Ads for the following products or services must not be directed at people under **18** through the selection of media or the context in which they appear. No medium should be used to advertise these products or services if more than 25% of its audience is under **18** years of age:

- Alcohol
- Cosmetic interventions
- Gambling (with the exception of gambling products specified in the next section)
- National Lottery

- Rolling papers or filters
- Weight-reduction regimes or establishments

Ads for the following products or services must not be directed at people under **16** through the selection of media or the context in which they appear. No medium should be used to advertise these products or services if more than 25% of its audience is under **16** years of age:

- Food and soft drink high in fat, salt or sugar
- Football pools, equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre), prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines.
- Medicines
- Society lotteries

Ads appearing in third party paid-for space for these products are not permitted: -

E-Cigarettes and e-cigarette refill containers

- Infant formula
- Prescription-only medicines
- Tobacco

Whilst some other products such as knives or nicotine pouches do not attract an explicit age-targeting restriction under the CAP Code, the ASA would expect advertisers of those products to avoid directing their ads at audiences under the age of 18. The same expectation would apply to ads unsuitable for under-18s because of the creative content of the ad; for example, because it is sexually explicit, depicts or suggests especially violent acts etc.

Principle 5

a) On receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is the subject of a specific breach of the CAP Code as determined by, or directly related to, a published ASA ruling, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.

Guidance:

Notice from the CAP Compliance function will be given to the participating company following the function's efforts to engage with, educate and apply appropriate sanctions to the non-complying advertiser and, ultimately, a determination that the advertiser is unwilling or unable to comply with the CAP Code. The CAP Compliance function will provide the basis of its determination to accompany the issuing of a notice.

Implementation of this Principle will be assessed by reference to a published ASA ruling or reference to marketing practices 'directly related to' a published ASA ruling. 'Directly related to' acknowledges that, on the basis of published rulings, the ASA has formed a policy position that certain marketing practices are accepted as misleading or otherwise harmful; for example, specific, misleading presentations of recommended retail prices in ads.

To inform a participating company's decision to remove an ad notified to it by the CAP Compliance function, it may request additional information from the function in circumstances where it considers this necessary. If participating companies have not been able to 'act swiftly' to remove the ad, they should explain the reasons for this, including any extenuating circumstances, to the CAP Compliance function.

Under this Principle, participating companies are expected to deal with individual cases of non-compliance notified to them by the CAP Compliance function. The Principle does not create an expectation for the participating company to act independently and proactively to identify and remove other ads that raise the same non-compliant issue or to take additional steps to prevent such ads from being published via booking services controlled or made available by the participating company. They are nevertheless encouraged to submit information to the ASA about any such actions they have taken.

(Note: Principle 3 offers scope for participating companies to distribute ASA/CAP regulatory guidance, CAP enforcement notices etc. to advertisers falling within a given business sector, in circumstances where the CAP Compliance function identifies widespread non-compliance relating to certain marketing practices.)

5. b) On receipt of a relevant notice from the CAP Compliance function, act swiftly to remove a non-compliant ad that is indisputably a prima facie breach of the CAP Code, in instances where the advertiser fails to appropriately amend or withdraw its non-compliant ad.

Guidance:

Notice from the CAP Compliance function will be given to the participating company following the function's efforts to engage with, educate and apply appropriate sanctions to the non-complying advertiser and, ultimately, a determination by the CAP Compliance function that the advertiser is unwilling or unable to comply with the CAP Code. The CAP Compliance function will provide the basis of its determination to accompany the issuing of a notice.

Implementation of this Principle will be assessed by reference to requests to remove advertising that amounts to a prima facie breach of the Code; in other words, on its face, evidence exists to establish, or raise strong presumption that, such advertising represents a breach of a specific rule in the CAP Code, with or without reference to a specific ASA ruling. For example, an ad for a prescription-only medicine (Rule 12.12 bans ads for POMs advertising to the public) or an ad for an alcohol product⁷ appearing on a website obviously designed for and attracting a clear majority child audience (Rule 18.15 bans alcohol ads in media if more than 25% of the audience is under 18 years of age).

To inform a participating company's decision to remove an ad notified to it by the CAP Compliance function, it may request additional information from the CAP Compliance function in circumstances where it considers this necessary. If participating companies have not been able to 'act swiftly' to remove the ad, they should explain the reasons for this, including any extenuating circumstances, to the CAP Compliance function.

Under this Principle, participating companies are expected to deal with individual cases of non-compliance notified to them by the CAP Compliance function. The Principle does not require the participating company to act independently and proactively to identify and remove other ads that raise the same non-compliant issue or require the participating company to take additional steps to prevent such ads from being published via booking services controlled or made available by the participating company. They are nevertheless encouraged to submit information to the ASA about any such actions they have taken. (Note: Principle 3 offers scope for participating companies to distribute regulatory guidance, enforcement notices etc. to advertisers falling within a given sector, in circumstances where the CAP Compliance function identifies widespread non-compliance relating to certain marketing practices.)

Principle 6.

Respond in a timely way to reasonable requests for information from the ASA in relation to advertisers' use of the company's services, to assist investigation of a suspected breach of the CAP Code, in instances where the information cannot be obtained from the advertiser*.

*or, where appropriate, their agency

Guidance:

ASA information requests under this Principle will be specific and, in determining whether the request is reasonable, the ASA will consider, on the one hand, the nature of the potential detriment the ASA is seeking to address and, on the other hand, the resource burden the request places on the participating company. ASA requests do not override the need for participating companies to comply with all relevant legislation, including, for example The Data Protection Act 2018 and UK GDPR, and no requests will seek to identify an individual user of the service or be made in circumstances where there is a likelihood of a particular company doing so by responding.

Requests may include, for example, the provision of contact details for, or the facilitation of correspondence to, an advertiser subject to an ASA investigation of a suspected breach of the CAP Code.

The ASA recognises that the participating company will want to assess each request on a case-by-case basis, alongside any relevant law and its own company policies, to inform its response. If participating companies have not been able to fulfil the request, they should explain the reasons for this, including any extenuating circumstances to the ASA

Annex C

Categories of IPP Pilot Participating Companies and relevance to IPP Principles

Programmatic advertising can either be traded directly, where inventory is bought from a particular media owner using automated processes and a direct relationship exists between the buyer and media owner, or indirectly, on an impression-by-impression basis in real-time through an open, unreserved auction ('open display').

The open display ecosystem relies on third-party advertising intermediaries who connect buyers and sellers of advertising inventory, or who facilitate, support or enhance these services. The two types of intermediaries that are central to this ecosystem and are taking part in the IPP Pilot are Demand Side Platforms (DSPs) and Supply Side Platforms (SSPs).

DSPs provide a platform that allows advertisers and media agencies to buy programmatic display advertising from SSPs and media owners.

SSPs provide the technology to automate the sale of online inventory. They allow media owners to connect with multiple sources of demand by connecting to multiple DSPs, and sell their advertising inventory programmatically. They can also facilitate direct deals between publishers and advertisers.

By contrast, ad-funded social media 'platforms' have integrated sales functions for selling their own inventory, often referred to as 'owned and operated' inventory or media.

In terms of the open display supply chain, DSPs sit between buyers (advertisers/agencies) and SSPs. SSPs sit between DSPs and media owners. Therefore, while DSPs have a direct relationship with advertisers (or their agencies), SSPs do not.

With the 'owned and operated' model, each company manages the buying and selling of its own inventory, and has a direct relationship with buyers (advertisers and/or agencies) and consumers.

Simplified open display supply chain diagram



Application of the Principles to different types of intermediary

The Intermediary and Platform Principles are primarily focused on promoting advertisers' awareness of the CAP Code and helping the ASA to secure compliance in exceptional cases when an advertiser refuses to amend or withdraw an ad that breaks the rules. Therefore, some of the Principles are not likely to apply to all participating companies, in practice, depending on where they sit in the supply chain, and who their contractual partners in the supply chain are. This is particularly the case for SSPs, who do not have a direct contractual relationship with advertisers (or their agencies), unlike platforms or DSPs, who do.

For SSPs, this would be a relevant consideration for the Principles in the following ways:

- In respect of Principles 1, 2 and 4, it is likely that an SSP's DSP partners are rarely, if ever, jurisdictionally siloed such that they only operate in a single country. As a result, references to legal standards need to be flexible and generic enough to encompass the legal regimes of many countries.
- In respect of Principle 3, which relates to ASA awareness-raising among the public, because SSPs do not have a direct relationship with the public (or advertisers or agencies), they are not best-placed to do this (in a similar vein, DSPs also do not have a direct relationship with the public).
- In respect of Principles 5 & 6, it is very unlikely that these Principles would ever apply to an SSP in practice, since there are other parties in the supply chain who would have more direct control over an ad, or access to advertisers' information. However, it is still possible that the CAP Compliance function may request assistance from an SSP.

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