



Enforcement Notice:

Debt Management (IVA/PTD) Ads by Insolvency Practitioners and Lead Generation Companies

Who we are

The [Committee of Advertising Practice](#) (CAP) writes the advertising rules, which are enforced by the Advertising Standards Authority (ASA), the UK's independent advertising regulator. You can read about the UK advertising regulatory system [on the ASA website](#).

Why are we contacting you?

The ASA has published [several rulings](#) about ads which offered consumers a way to write off debt in government approved schemes. These ads were not placed by [FCA](#)-authorised debt advisers but by lead generation companies or insolvency practitioners, and ultimately advertised services for individual voluntary arrangements (IVAs) [in England, Wales, NI] or protected trust deeds (PTDs) [in Scotland].

Care must be taken not to mislead potentially vulnerable consumers when advertising these services. Please review this Notice and take immediate steps to check your advertising and make any changes as needed. **From 25 July 2022 we will start targeted monitoring and enforcement.** For advertisers unwilling to comply, this may include referral to [Trading Standards](#) or an appropriate [recognised professional body](#).

Scope

This Notice applies to ads placed by lead generation companies and licensed insolvency practitioners which ultimately advertise an IVA/PTD service. It does not apply to:

- Ads placed by FCA-authorized debt advisers.
- Ads which refer to debt advice but do not directly or indirectly advertise IVA/PTDs, for example, advice from charities or regulated advisory bodies.
- Ads for bankruptcy services or other forms of debt management.
- Advertising regulated by other regulators e.g. financial advertising regulated by the FCA.

The Notice applies to ads in all media placed by UK companies or targeted at UK consumers. This includes paid-for ads in all traditional and digital media, including TV and radio, and non-paid-for advertising online, such as websites, email marketing and any social media presence you may have, including influencer and affiliate marketing.



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Guidance

Ads targeted at consumers with debt problems have the potential to cause serious detriment if they do not comply with the advertising rules. Insolvency practitioners and lead generation companies which ultimately advertise an IVA/PTD service must be extremely careful to ensure their advertising is responsible and does not mislead.

Social Media / Search / Display Advertising (on/offline)

This section applies to the following media:

- Online search advertising
- Online static display advertising (non-video)
- Offline display advertising e.g. in newspapers and magazines
- Paid-for social media advertising
- Non-paid-for social media advertising under your control e.g. your own accounts or pages

Ads in this media must not state or imply:



Association or approval from government:

- This includes references to: [“Government Approved”](#), [“Gov”](#), [“Government Created”](#), [“Government Legislated”](#) or similar.
 - Also includes references to statutory schemes such as Breathing Space, the Debt Respite Scheme and the Statutory Debt Repayment Plan.



Affiliation or approval from debt charities or regulated advisory bodies:

- This includes implied references in [trading names and display URLs](#).
- This includes (but is not exhaustive to):
 - [Citizens Advice](#) (includes references to [“Citizens”](#), for example).
 - [StepChange Debt Charity](#) (includes similar-sounding references to [“Step to Change”](#) or [“Step into Change”](#), for example).
 - [National Debtline](#) (includes references to [“National Debt Service”](#) or similar).
- **Note:** Problematic references cannot be disclaimed in accompanying text or the small print:
 - A disclaimer will not make a problematic implied affiliation compliant.



Eligibility is guaranteed or eligibility checks are quick or straightforward:

- Ads that exaggerate the speed of the IVA/PTD process, or imply that anyone can resolve their debt, irresponsibly trivialise an IVA/PTD application and mislead because there are restrictions on suitability for an IVA/PTD.
- Ads should avoid:
 - A [“quiz” format](#).
 - Claims that eligibility can be checked quickly e.g. in [“60 seconds”](#) or [“90 seconds”](#), [“quick”](#) or [“Stop Creditor Calls. Stop Payment Demands Now”](#).
 - Claims that [anyone can resolve unsecured debt](#), or that their service is suitable for anyone.



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- The service or advice is “free” e.g. “[Free Advice](#)” or “[Free Service](#)”:
- While there might be no charge for the initial enquiry or assessment, the ASA has ruled that a consumer would interpret a “free” claim to mean that there would be no charge for the advice and assistance they would receive for dealing with their debt as a result of an enquiry.
 - As such, “free” claims will mislead in the absence of clarity that charges would be payable by the customer if they took out an IVA/PTD.



- The IVA/PTD service is particularly relevant for a particular targeted demographic or especially tailored to an individual’s personal circumstances:
- For example, “[Important Message For Women In Their 40s](#)”. IVA/PTDs are not especially relevant to any particular age group or gender. Ads should not imply otherwise.
 - IVA/PTDs are one of many ways to help resolve debt and it is important that consumers consider carefully which option is best for their particular circumstances. Claims that the advertised service is “[special](#)” or [more tailored to their situation](#) than other solutions should be avoided.



- Reference to bankruptcy e.g. “[Bankruptcy Assessment](#)” or “[Avoid Bankruptcy Today](#)”:
- Ads for IVA/PTD services should not imply that the advertiser is qualified to make an assessment of whether bankruptcy could be a suitable and appropriate option for enquirers.
 - This includes references to getting [debt free in twelve months](#), which is the discharge term for bankruptcy.



- That customers can “[Lower your debt today](#)” or similar:
- Creditors would need to agree to an IVA/PTD and payment schedule and, in the case of lead generators, details would be passed to third parties rather than looked at immediately.



- That customers “[can write off up to 85% of their debts](#)” or similar in the absence of [robust documentary evidence](#):
- Evidence must relate to an advertiser’s [own customers over a reasonable period](#).



- Use any [ratings](#), [reviews](#) or testimonials in the ad which are not provably genuine:
- Reviews and [ratings must reflect the genuine views of customers who had used the company's service](#).
 - Marketers must hold [documentary evidence that a testimonial or endorsement used in a marketing communication is genuine](#), unless it is obviously fictitious, and hold contact details for the person who, or organisation that, gives it.

Furthermore, ads placed by lead generators in this media must:



- Include a [clear and prominent statement in the ad](#) that they are a lead generation company which will pass on customer leads to third parties:
- See our [advice about Lead Generation Marketing](#) for more information.



- Not** suggest qualification to provide debt advice or counselling:
- For example, claims like “[Friendly Debt Advice](#)”, “[Debt Solution Finder](#)” or “[We'll help take care of everything](#)” will mislead when a service only passes on leads to third parties. This includes claims in [company names or trading styles](#).



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Video Advertising

This section applies to the following media:

- Online paid-for video advertising
- Video advertising on your own online channels, websites or social media
- TV
- Video on Demand ads

In addition to the requirements in the above guidance relating to “Social Media / Search / Display Advertising (on/offline)”, ads in this media must:



State the financial risks associated with debt management:

- [The ASA has ruled](#) that superimposed text which stated “**May not be suitable in all circumstances. Fees apply. Your credit rating may be affected**” was sufficient to convey the key risks involved in debt-related services and viewers were unlikely to understand from the ad that using debt-related services was without financial risk or cost.
- Such a statement should be presented prominently and clearly.
 - [The ASA ruled](#) that the text, when presented in clear, legible white text on a semi-opaque background for 20 seconds, was sufficient to comply with the rules.



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Websites

This section applies to advertising on your own website or parts of third-party websites under your control. This includes landing or interstitial pages from social media and display ads.

Websites must include:



- A prominent and immediate statement that fees apply to the IVA/PTD service:
 - The ASA has ruled that this information must be presented before a consumer: [“began engaging with the content of the website”](#).
 - A statement in a footnote, or on a page a click away from the homepage, has been [ruled to be insufficient](#).
 - We would therefore advise that a warning that fees apply should be presented:
 - In clear and legible text.
 - Prominently i.e. not within a large body of text.
 - Above-the-fold on the homepage.
 - This warning could link to another page or section of the website where potential fees are laid out in detail.



- Details of the risks associated with an IVA/PTD:
 - Risks must be presented:
 - In [legible, clear and prominent text](#); at least as prominent as information about benefits of an IVA/PTD, if these are also laid out.
 - The existence of risks must be presented [before or alongside a call-to-action](#) in which a consumer can make an enquiry.
 - Stating these details in [an FAQ section a click away from an enquiry form on the homepage](#), for example, would not be sufficient.
 - In relation to a TV ad, [the ASA ruled](#) that text which stated “**May not be suitable in all circumstances. Fees apply. Your credit rating may be affected**” was sufficient to convey the existence of the key risks involved in debt-related services.
 - A prominent above-the-fold statement such as this, which links to detailed information elsewhere (which is at least as prominent as information about the benefits of an IVA/PTD, if these are also laid out), is likely to be sufficient.



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Websites must not state or imply:



An association or endorsement by [MoneyHelper](#) (formerly Money Advice Service):

- [If you are obliged to make the availability of free debt advice known to your clients](#), do not present the names or logos of the Insolvency Service or MoneyHelper in a way that could suggest [association with, or endorsement by](#), these organisations.
- [If you are not obliged to make the availability of free debt advice known to your clients](#), but wish to point consumers towards MoneyHelper, ensure you do not imply a link or association between your service and MoneyHelper.



Use any [ratings](#), [reviews](#) or testimonials which are not provably genuine:

- Reviews and [ratings must reflect the genuine views of customers who had used the company's service](#).
- Marketers must hold [documentary evidence that a testimonial or endorsement used in a marketing communication is genuine](#), unless it is obviously fictitious, and hold contact details for the person who, or organisation that, gives it.



Eligibility is guaranteed or eligibility checks are quick or straightforward:

- Ads that exaggerate the speed of an IVA/PTD service, or imply that anyone can resolve their debt, irresponsibly trivialise an application for such a service and mislead because there are restrictions on suitability for an IVA/PTD.
- Ads should avoid:
 - A [“quiz” format](#).
 - Claims that eligibility can be checked quickly e.g. in [“60 seconds”](#) or [“90 seconds”](#), [“quick”](#) or [“Stop Creditor Calls. Stop Payment Demands Now”](#).
 - Claims that [anyone can resolve unsecured debt](#), or that their service is suitable for anyone.



The service is particularly relevant for a particular targeted demographic or especially tailored to their personal circumstances:

- For example, [“Important Message For Women In Their 40s”](#). IVA/PTDs are not especially relevant to any particular age group or gender. Ads should not imply otherwise.
- IVA/PTDs are one of many ways to help resolve debt and it is important that consumers consider carefully which option is best for their particular circumstances. Claims that the service is [“special” or more tailored to their situation](#) than other solutions should be avoided.



That customers [“can write off up to 85% of their debts”](#) or similar in the absence of [robust documentary evidence](#):

- Evidence must relate to an advertiser’s [own customers over a reasonable period](#).



The service or advice is “free” e.g. [“Free Advice”](#) or [“Free Service”](#):

- While there might be no charge for the initial enquiry or assessment, the ASA has ruled that a consumer would interpret a “free” claim to mean that there would be no charge for the advice and assistance they would receive for dealing with their debt as a result of an enquiry.
 - As such, “free” claims will mislead in the absence of clarity that charges would be payable by the customer if they took out an IVA/PTD.



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Furthermore, websites for lead generators:

Must:



- Include a [clear and prominent statement](#) that they are a lead generation company which will pass on customer leads to third parties:
- For example, the statement should be immediately and prominently visible before a customer starts a website [form, chat or assessment](#).
 - A statement in a [footnote, or on a page a click away from the homepage](#), has been ruled to be insufficient.
 - We would therefore advise that this statement should be presented:
 - In clear and legible text, at least as prominent as any calls-to-action on the page.
 - The ASA ruled that text about passing on details to third parties was misleading when it was “[small and faint in comparison with much more prominent statements which included ... “Apply Now”](#)”.
 - Prominently i.e. not within a large body of text.
 - Above-the-fold on the homepage.
 - See our [advice about Lead Generation Marketing](#) for more information.

Must not state or imply that:



- They are able or authorised to provide debt advice or counselling (for example, “[Get Expert Advice Today](#)”) unless the company is listed by the FCA as authorised to do so.
- This includes claims in [company names or trading styles](#).



- Customers will be able to resolve their debt problems immediately after making an enquiry or initial assessment:
- The ASA has ruled that a lead generation company website which stated “[I’m going to take you through your debt assessment test today. At the end you’ll know if you qualify for help](#)” over-simplified the process and exaggerated the speed and ease with which debts could be reduced because they could only pass eligible enquirer’s details to a third party.



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Influencer Marketing

This section applies to all types and formats of influencer marketing, and is additional to the guidance outlined above in relation to other media types which may apply e.g. video ads, social media posts.

Influencer and affiliate marketing must:



Be [obviously identifiable as a marketing communication](#). For example, with an immediately clear and prominent “#ad”.

- See CAP’s [Influencer’s Guide to Making Clear that Ads are Ads](#) for more detail.



Make clear in the ad the [risks and fees associated with an IVA/PTD](#):

- In relation to a TV ad, [the ASA ruled](#) that superimposed text which stated “**May not be suitable in all circumstances. Fees apply. Your credit rating may be affected**” was sufficient to convey the key risks involved in debt-related services and viewers were unlikely to understand from the ad that using debt-related services was without financial risk or cost.
- Such a statement should be presented prominently and clearly.
 - In relation to the TV ad, [the ASA ruled](#) that the text, when presented in clear, legible white text on a semi-opaque background for 20 seconds, was sufficient to comply with the rules.

Furthermore, influencer marketing for lead generation companies must:



Include a [clear and prominent statement in the ad](#) that they are advertising a lead generation company which will pass on customer leads to third parties:

- See our [advice about Lead Generation Marketing](#) for more information.



NOT exaggerate the ease of wiping off debt:

- The ASA has ruled that influencer ads for a lead generation company which stated “[One of my friends just got 81 percent of his debt wiped off ... So swipe up, and you can wipe off a big, big chunk of your debt](#)” over-simplified the process and exaggerated the speed and ease with which debts could be reduced because the lead generation company could only pass eligible enquirer’s details to a third party.



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Appendix: Code rules, guidance and useful reading

Relevant [CAP Code](#) rules (equivalent [BCAP Code rules](#) apply to broadcast advertising):

1.3

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

2.1

Marketing communications must be obviously identifiable as such.

2.3

Marketing communications must not falsely claim or imply that the marketer is acting as a consumer or for purposes outside its trade, business, craft or profession; marketing communications must make clear their commercial intent, if that is not obvious from the context.

3.1

Marketing communications must not materially mislead or be likely to do so.

3.3

Marketing communications must not mislead the consumer by omitting material information. They must not mislead by hiding material information or presenting it in an unclear, unintelligible, ambiguous or untimely manner...

3.7

Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove claims that consumers are likely to regard as objective and that are capable of objective substantiation. The ASA may regard claims as misleading in the absence of adequate substantiation.

3.11

Marketing communications must not mislead consumers by exaggerating the capability or performance of a product.

3.45

Marketers must hold documentary evidence that a testimonial or endorsement used in a marketing communication is genuine, unless it is obviously fictitious, and hold contact details for the person who, or organisation that, gives it.

3.50

Marketing communications must not display a trust mark, quality mark or equivalent without the necessary authorisation. Marketing communications must not claim that the marketer (or any other entity referred to), the marketing communication or the advertised product has been approved, endorsed or authorised by any public or other body if it has not or without complying with the terms of the approval, endorsement or authorisation.

Want more? See CAP's advice on: [Debt management and individual voluntary arrangements \(IVAs\)](#)

Or contact the CAP [Copy Advice team](#), which offers a free and confidential bespoke pre-publication advice service