

# ASA V CAP V

## Annual Report 2021

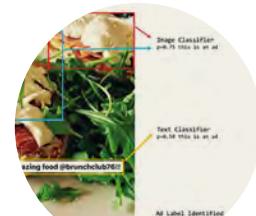
---

### Protecting children from age-restricted ads



---

### Ad regulation through data science and AI



---

### Cracking down on irresponsible financial ads



---

### Ensuring 'green' claims follow the rules



# Contents:

## Awareness of the ASA drives increased trust in advertising



## Tougher content restrictions on gambling ads



## Ad regulation in a digital age



## Racial and ethnic stereotypes in ads



### About the ASA and CAP

01 The changing shape of advertising regulation in a digital age

17

02 Body image and advertising

18

03 HFSS advertising and the Health and Care Act 2022

19

04 Escalating sanctions against non-compliant influencers

20

06 Intermediary and Platform Principles

21

### Chairmen's reports

02 A word from David Currie

03 A word from James Best

### 2021 in numbers

04

### CEO's report

06 A word from Guy Parker

07 Awareness of the ASA drives increased trust in advertising

### Our work in 2021

How the rules protect children from age-restricted ads

Children's changing media habits

Tech-based ad regulation in practice

Introducing tougher content restrictions on gambling ads

Scaling up digital ad regulation through data science and AI

Ensuring 'green' claims follow the rules

Researching potential harms caused by racial and ethnic stereotypes in ads

Cryptoassets and Buy Now Pay Later services

### Performance against our objectives

22

### Complaints and cases across the UK

24

### Complaints and cases in context

25

### Governance

11 ASA Council

28

12 Committees of Advertising Practice

29

13

14

15

16

# About the ASA and CAP

## Together, we work to make ads responsible.

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

### The Advertising Standards Authority

(ASA) is the UK's independent regulator of advertising across all media.



### The Committees of Advertising Practice

(CAP) write the UK Advertising Codes and provide authoritative guidance on the rules.



Find even more online at:  
**asa.org.uk/ar21full**



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

##### Independent Reviewer's report

Sir Hayden Phillips, the Independent Reviewer of ASA Council Rulings, reports on cases he reviewed in 2021.

##### Advertising Advisory Committee report

The Advertising Advisory Committee (AAC) provides advice from the perspective of consumers on potential updates to the UK advertising rules. Sam Younger, AAC Chair, reports on the Committee's activity for 2021.

##### Industry Advisory Panel report

The Industry Advisory Panel (IAP) provides industry insight and guidance on non-broadcast and broadcast matters. Tim Duffy, IAP Chair, summarises some of the areas on which the Panel shared their expertise in 2021.

##### Promotional Marketing and Direct Response Panel report

The Promotional Marketing and Direct Response Panel (PMDRP) advises on promotional and direct marketing matters. Chair Catherine Shuttleworth highlights some advice the PMDRP provided during 2021.

##### Financial report

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

# A word from David Currie

## ASA Chairman



We are not waiting for legislation to respond to the complex challenges of regulating the online advertising ecosystem.

**Lord Currie of Marylebone**  
ASA Chairman

### ASA system key milestones

CAP is established and writes the British Code of Advertising Practice to regulate non-broadcast ads

1961

CAP establishes the ASA as the **independent advertising regulator**

1962

**A 0.1% levy on advertising costs** is introduced to fund the self-regulatory system

1974

New regulations **add a legal backstop** to the ASA system

1988

ASA and CAP assume responsibility for **TV and radio ads** after Ofcom contracts out the regulation of broadcast advertising

2004

The ASA system has continually evolved and expanded over the 60 years since its founding. Unsurprisingly, the balance of its work has shifted to advertising online, which now accounts for well over half of our work.

Most recently, our remit expanded at the end of 2021 to include advertising on video-sharing platforms (more about this on p17). The Online Safety Bill and any legislation flowing from the Online Advertising Programme may well add further to our responsibilities online.

We are not waiting for legislation to respond to the complex challenges of regulating the online advertising ecosystem. We began investing in tech to help us act at scale and speed in 2018, before the launch of our current five-year strategy, *More Impact Online*. Since then we have scaled up, increasing the deployment of AI and machine learning to help keep abreast of the ever-increasing volume of ads delivered through fast-evolving technologies.

And we are strengthening participation in the ASA system, bringing the digital platforms and intermediaries more alongside our operations: the groundbreaking Intermediary and Platform Principles pilot (described on p 21) is working to enhance transparency and accountability online ahead of any subsequent legislation.

All this is to ensure that the ASA system is world leading and fit for purpose in the complex online world, and continues to deliver for consumers and legitimate advertisers the simplicity of a one-stop shop for advertising regulation.

As we are emphasising in the consultation and debate around the Online Advertising Programme, it is vital that ensuing legislation complements and works with the grain of the ASA system of collective regulation, and does not cut across it. Then the ASA can continue to pursue its mission of serving and protecting consumers and ensuring a responsible and thriving advertising ecosystem.

● ASA   ● CAP

# A word from James Best

## CAP Chairman

The Queen's Platinum Jubilee this year may have received rather more press than CAP's Diamond Jubilee in 2021, but 60 years of effective ad regulation under Codes written by the same industry body merits some celebration.

Since the original two-page Code of 1961, CAP's corpus of rules and guidance has of course evolved enormously to deal with an ever-changing advertising ecosystem. But the principles have remained the same: marketing communications must not mislead, harm or seriously offend; they have a responsibility to society and fair competition to be legal, decent, honest and truthful.

In many areas, our Codes are underpinned by law, and we collaborate deeply with statutory regulators across many sectors, as well as co-regulating broadcast, VOD and now VSP advertising under Ofcom delegation, but the code-writing function remains one vested in an industry group representative of the wide world of UK advertising.

The Codes affect – indeed, significantly restrain – the way that companies large and small can advertise; having a body of their peers generate those Codes secures overwhelming industry commitment to them and compliance with them.

We are now more open and accountable than ever to input from outside the industry. Formally advised by our independent Advertising Advisory Committee focused on consumers' interests, bound to consult publicly on all major developments,

welcoming the views of interested parties and committed to extensive consumer research with ground-breaking online Avatar and 'CCTV-like' monitoring, the Committees take on board a wealth of advice and information.

Recently, our pioneering work on gender stereotyping; our exploration of new regulation of ethnic stereotyping and of environmental claims; our calls for evidence on issues surrounding body image; our increasingly tough line on cryptoassets, video game and gambling ads, all show CAP keeping abreast of contemporary concerns about advertising. We don't please all the people all the time, but those 60 years of CAP's protection of consumers and fair competition in our open, advertising-enhanced economy suggest that – especially thanks to the outstanding calibre of our full-time Executive – we maintain Codes that work.

The ASA enters into a co-regulatory partnership with Ofcom to **regulate ads on video on demand (VOD) services**

2009

The ASA and CAP's **online remit is extended** to include advertising claims on companies' own websites and other non-paid-for spaces under their control

2011

The regulation of **Online Behavioural Advertising** is added to the ASA and CAP's remit

2013

The **internet becomes the most complained about** advertising medium for the first time

2014

Ofcom designates the **ASA as the co-regulator for video-sharing platform (VSP)** controlled advertising appearing on UK-regulated services

2021

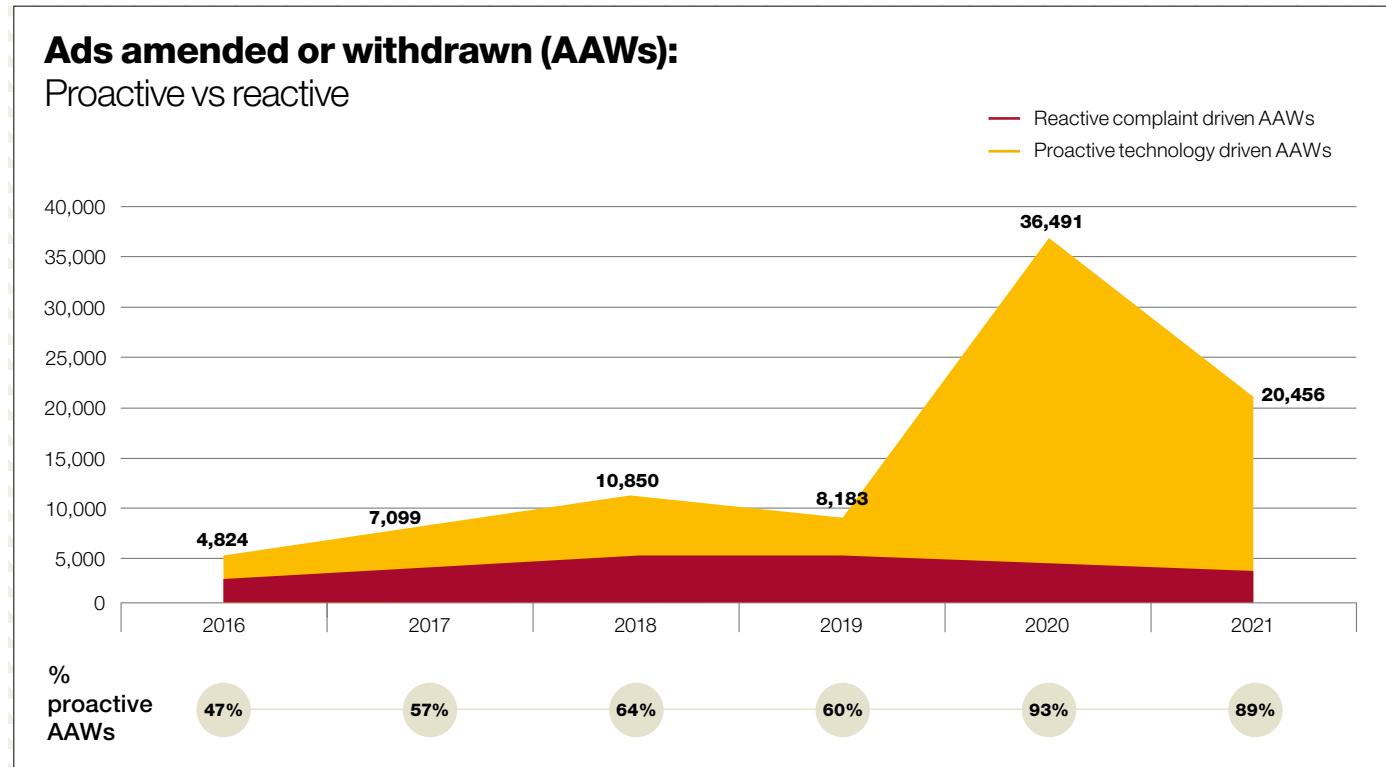
CAP's corpus of rules and guidance has of course evolved enormously to deal with an ever-changing advertising ecosystem.

**James Best**  
CAP Chairman



# The ASA is rebalancing its regulation to be more proactive

In 2021  
**20,456\***  
 ads were amended or withdrawn.



Proactive

Action taken against problem ads using technology to monitor at scale

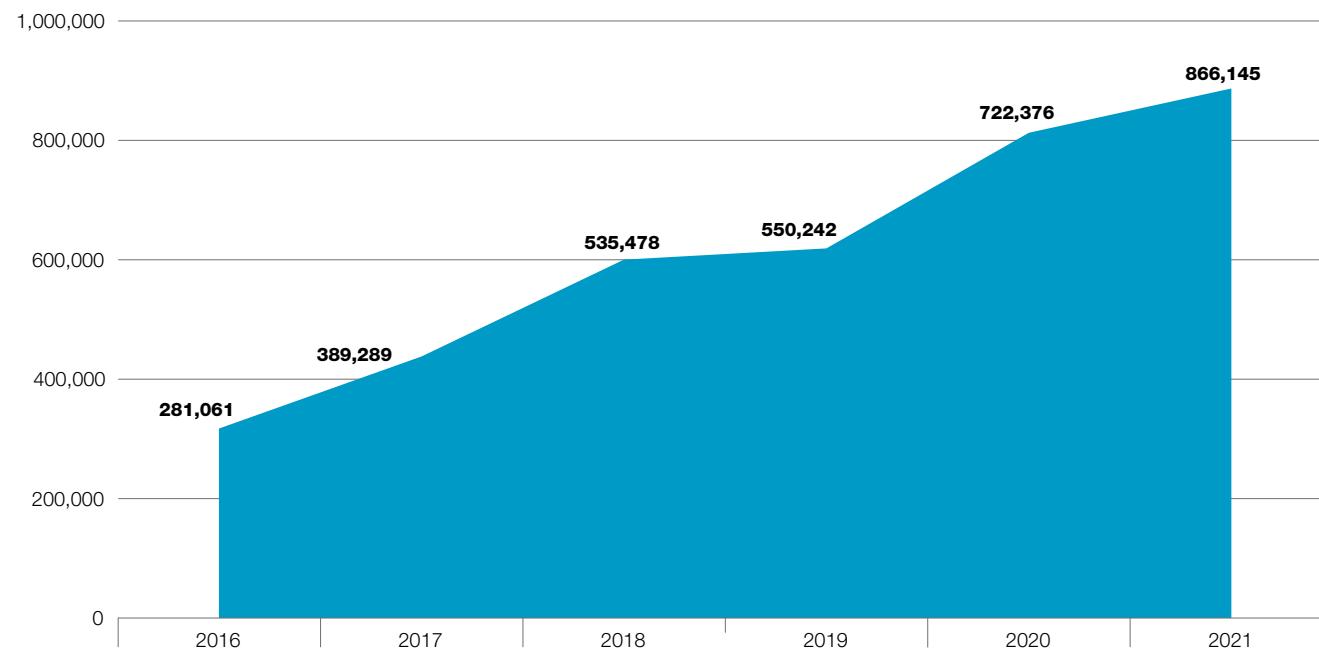
Reactive

Action taken against problem ads following complaints to the ASA

\* This year's ads amended or withdrawn figure is our second highest total, as last year's figure was boosted by the enforcement of our Botox project.

# CAP is helping more businesses to get their ads right

## Increase in pieces of advice and training



In 2021  
CAP delivered  
**866,145**  
pieces of advice and training  
to businesses on the  
advertising rules.

 **4,421** people participated in our training either by attending an event or through an eLearning course

 **73,413** pieces of discrete advice on how to comply with the rules were given by the Copy Advice team or shared by partners

 **788,311** advice articles were read on our website or in an Insight newsletter

# A word from Guy Parker

## Chief Executive's report



Our model delivers faster, more flexible, more effective and more proportionate regulation.

**Guy Parker**  
ASA Chief Executive

One of the strengths of the ASA system has been its ability to respond to change, be it legal, technological or societal. All with a view to making sure ads are responsible.

Responsible ads are obviously good for the public, but they're also good for legitimate businesses. Trust is a precious commodity. That's why advertisers have invested so much in the ASA system over the years. And that's why the recent increased funding from digital players has been so welcome and vital.

I'm a believer in the benefit of industry buy-in to the ASA system. A part of that system is, of course, the CAP code-writing function that ensures we keep up with change (subject of course to the checks and balances summarised by James).

But it must be coupled with robust and impartial decision making by the independent ASA part of the system.

We're always looking to bolster our independence – indeed, we'll shortly publicise our latest improvements on that front – but our model delivers faster, more flexible, more effective and more proportionate regulation. The industry has a stake in its regulation – and pays for it – but protecting the public sits at the heart of the system.

Those principles are all relevant to the current Online Advertising Programme debate. As are the points made by David: our increasing use of technology (see pages 11, 13 and 20); and our Intermediary and Platform Principles pilot to enhance transparency and accountability for online ads.

I want to add two more: our responsiveness to issues in the nations (see the breakdown of 2021 complaints and cases by nation on page 24); and the importance of letting people know what we do. That's where our own campaign – about to be rolled out UK-wide – comes in. More about that on the next page.



# Awareness of the ASA drives increased trust in advertising

Increasing awareness of the ASA

Increasing trust in the ASA

Increasing trust in the ad industry

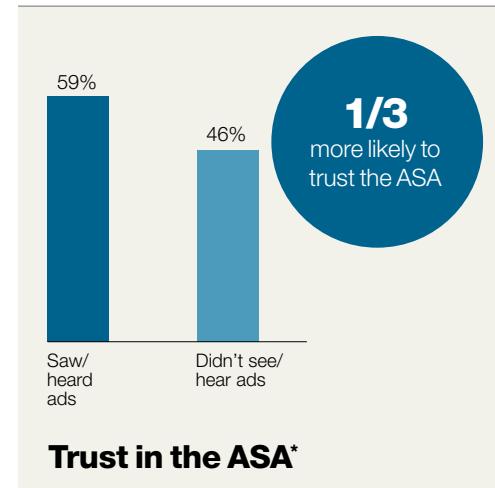
We piloted a new advertising campaign in Scotland from September 2020 – March 2021, and the post-campaign research showed some very encouraging results.

Awareness of the ASA in Scotland rose slightly after the campaign from 55% to 58% and recognition of our logo rose significantly from 26% to 35%.

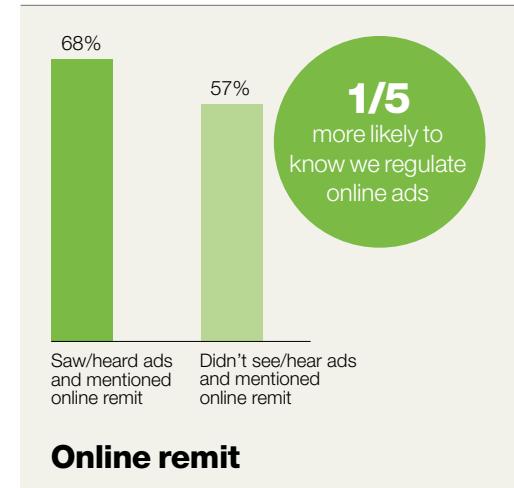
The results on the right show that building trust in the ASA is an important element in building trust in the ad industry. And trust in the ASA can be built by increasing recognition and awareness of our organisation and remit, including through increased exposure to the ad campaign.

Following the successful pilot, we will shortly be rolling out the campaign across the whole of the UK.

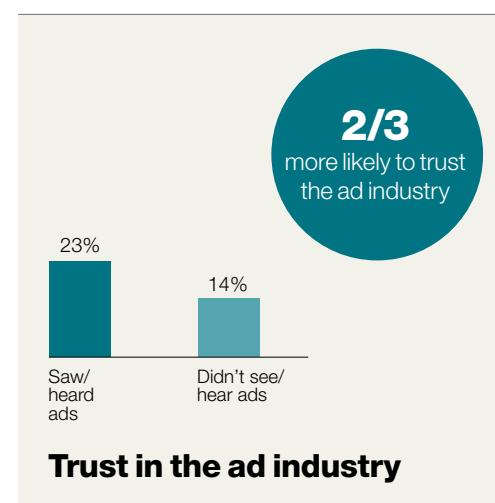
**Those who had seen or heard one of the ASA's ads were approximately:**



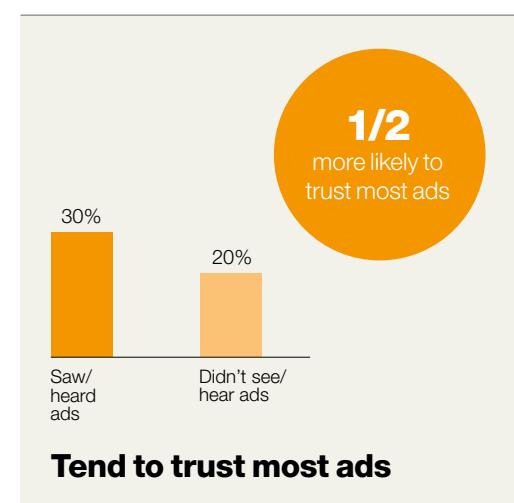
**1/3**  
more likely to  
trust the ASA



**1/5**  
more likely to  
know we regulate  
online ads



**2/3**  
more likely to trust  
the ad industry



**1/2**  
more likely to  
trust most ads

**Trust in the ad industry**

**Tend to trust most ads**

\* Across all adults, distrust of the ASA was very low at 6%.

# How the rules protect children from age-restricted ads

There are many rules around age-restricted ads – limiting their content, how they are targeted, and the media in which they can be placed.

While the exact rules vary based on the product being advertised, the overall effect is to create layers of protection that limit the potential harm that age-restricted ads pose to children.



**Conor Gibson**  
Regulatory Policy Executive, CAP

## The rules provide three layers of protection

### Placement

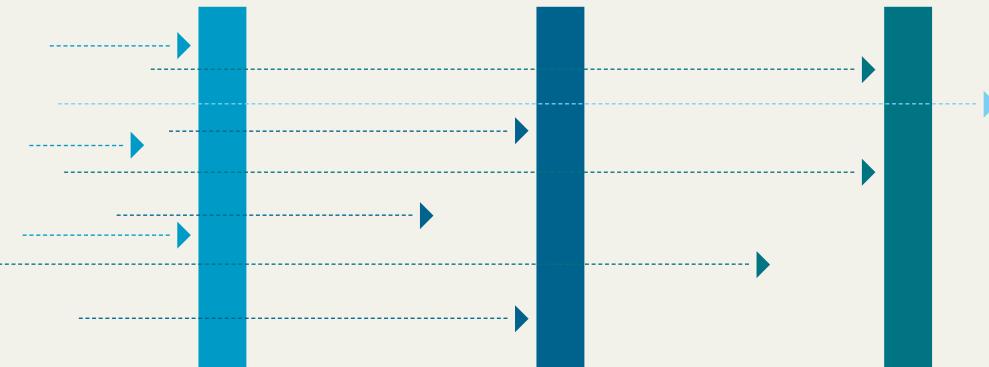
There are restrictions on where age-restricted ads can appear

### Targeting

There are restrictions on how age-restricted ads are targeted

### Content

There are restrictions on what age-restricted ads can depict so that the ad doesn't appeal to children



Ads for alcohol, foods high in fat, salt or sugar, e-cigarettes, gambling, and weight and slimming aids **are age-restricted.**

Ads for cosmetic interventions will be too, **from 25 May 2022.**



### How these layers operate:

#### Placement

Age-restricted ads can't appear in children's media. Nor can they appear in general media where children make up 25% or more of the audience.

#### Targeting

Even in general media where children make up less than 25% of the audience, there are additional steps advertisers must take when targeting their ads at certain groups.

If advertisers use additional tools to target certain groups of people, they must also use those tools to do all they can to target their ads away from children.

For example, an alcohol ad that's targeted at those with an interest in "football" and "house-buying" is more likely to be directed at adults than an ad that's targeted to those with an interest in "football" alone.

#### Content

As well as the placement and targeting restrictions, there are content rules in place to ensure that age-restricted ads don't particularly appeal to children if they see them.

##### The content restrictions include:

- ▶ The individuals or scenarios depicted in age-restricted ads cannot appeal to children.
- ▶ The ads should not condone or encourage irresponsible behaviour in relation to the product depicted.
- ▶ Anyone who is, or looks to be, under the age of 25 cannot feature prominently in some age-restricted ads, such as those for alcohol or gambling.



# Children's changing media habits

The ASA regularly analyses trends in children's exposure to age-restricted television ads in the UK.

Looking at a decade's worth of data we can see significant shifts in children's TV viewing habits and the number of ads they see.

Since 2010, children's TV viewing has more than halved from 17.6 hours a week on average, to just 6.9 hours in 2020. As you'd expect, there's been a similar decline in the number of TV ads children saw from a peak of 229.3 ads per week in 2013 to 103.7 ads in 2020.

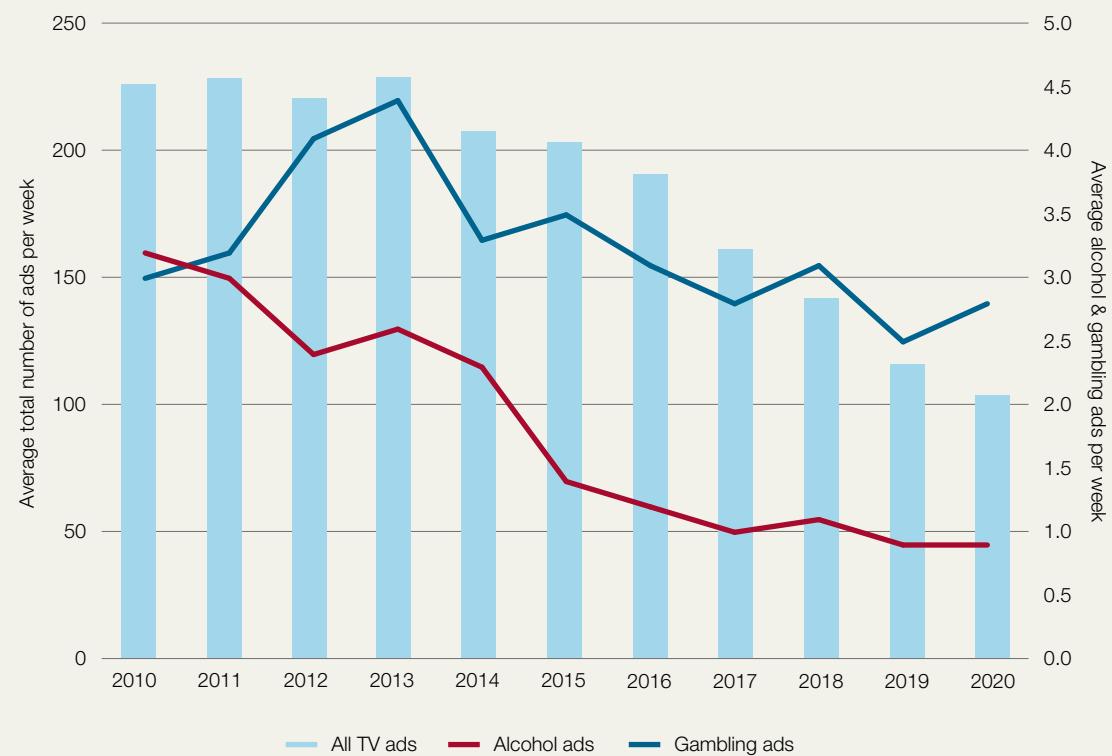
Over the same period since 2013, children's exposure to:

- ▶ TV alcohol ads decreased by two thirds.
- ▶ TV gambling ads decreased by just over a third.



**Cherie Leung**  
Regulatory Policy Executive, CAP

## Children's exposure to TV ads



# Tech-based ad regulation in practice

At the ASA we use technology and partnership working to bolster how we identify the minority of online ads that break the rules.

Our CCTV project trained monitoring cameras on about 60 online sites disproportionately popular with children to identify ads for alcohol, gambling and products high in fat, salt or sugar that should never have appeared on these sites.

On websites and YouTube channels attracting a more mixed-age audience, our age-based Avatar project found that marketers of these products should be doing more to target their ads to a legitimate adult audience and away from the minority child audience.

And, on the basis of data submitted by platforms on alcohol marketers' targeting practices, we found that they

should be making greater use of the tools available to them to limit their ads' exposure to children incorrectly registered, or falsely inferred to be, 18+ on social media.

We also used technology to scan posts that were, in breach of the rules, advertising Botox to the public.

We published reports in each case, highlighted good practice where we saw it, took enforcement action where necessary and delivered the take-out compliance lessons in an end-of-year webinar for the industry. We will continue to harness technology to regulate online ads at scale.



**Shahriar Coupal**  
Director of the Committees,  
CAP and BCAP

# 2,000

alcohol campaigns were reviewed to understand to what extent targeting tools were being used to serve ads away from children falsely registered, or incorrectly inferred to be, 18 or older on social media.



# Introducing tougher content restrictions on gambling ads

Following the outcome of a consultation on gambling ads, the ASA will be introducing tough new rules as part of our commitment to safeguarding young people and vulnerable audiences.

The new rules, which come into effect on 1 October 2022, state that gambling and lottery ads must not:

*"be likely to be of strong appeal to children or young persons, especially by reflecting or being associated with youth culture."*

This is a step-change from the existing rules that gambling ads must not be of 'particular appeal' to children. A 'strong' appeal test prohibits content including imagery, themes and characters that have a strong level of appeal

to under-18s. Under these new rules gambling advertisers won't be able to use sports people, reality TV stars and references to video games well known to under-18s, even if they also appeal strongly to adults.

In practice, this will significantly restrict the imagery and references that gambling ads will be allowed to use and should decrease the potential for gambling ads to attract the attention of under-18s.



**Andy Taylor**  
Regulatory Policy Executive, CAP

From 1 October 2022, footballers popular with children **won't be able to feature in gambling ads**.



# Scaling up digital ad regulation through data science and AI

Data Science and AI are crucial to our ability to regulate digital advertising at scale. AI tools will allow the ASA to analyse the huge volume of digital content advertisers produce, making sure our teams can focus on the ads that are most likely to be misleading or harmful.

In 2021, we laid the foundations for the use of AI and Machine Learning, appointing a Head of Data Science and delivering our first projects across climate change, scam ads and influencer marketing.

Early successes include an AI tool that can decide if a social media post by an influencer is likely to be an ad. This tool is supporting our high-priority work on non-disclosed ads by social media influencers. It is allowing the compliance team to identify unlabelled ads more quickly by focusing on the highest-risk content.

Other work has focused on capturing climate claims made by energy companies, and monitoring for possible scams in online display advertising.

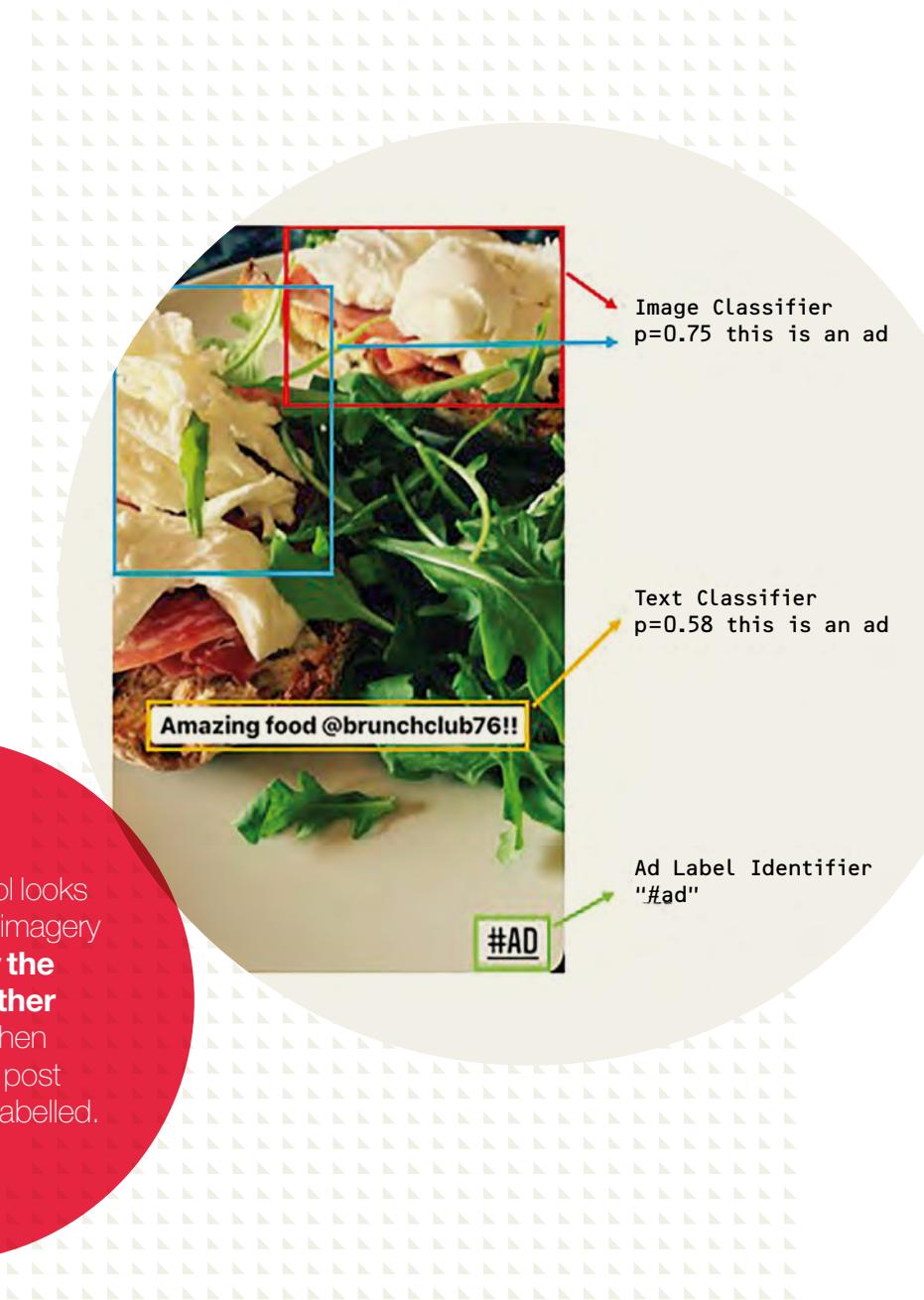
In 2022, we will expand our data science activities, making more use of AI in the way we monitor compliance and handle complaints from the public. We'll be growing our data science team, allowing us to take on a greater number of more ambitious projects.

Expect to see more details of how the ASA is using this technology as the year progresses.



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

The influencer AI tool looks at a combination of imagery and text to **identify the likelihood of whether a post is an ad**. It then checks to see if the post has been correctly labelled.



# 435

cases were resolved relating to environmental claims in 2021.



## Ensuring 'green' claims follow the rules

The ASA has an ambitious programme of work underway on the issue of climate change and the environment. Although we've been regulating environmental claims for decades, we recognise that advertising and ad regulation needs to play its part if the UK is to meet its legally binding target of Net Zero by 2050.

## The utilities sector

received the most complaints about environmental claims.



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

We've launched a series of issue-led enquiries to find out where our regulation needs to go further to ensure claims are not misleading consumers or irresponsibly encouraging behaviours prejudicial to the environment.

Guided by the UK Climate Change Committee's priority areas for consumer behaviour change, we're currently looking into claims made in the travel, energy and heating sectors. We'll move on to claims for waste (such as recycling) later in 2022 and finally on to food sustainability claims including those for meat, dairy and plant based substitutes.

In 2022, we'll also publish research on consumer understanding of "carbon neutral/net zero" and "hybrid" and "electric" car claims.

# Researching potential harm caused by **racial and ethnic stereotypes in ads**

The ASA has a strong track record of taking action against ads that are likely to cause harm or serious offence on the grounds of race and ethnicity. But, as a proactive regulator, we must ensure that we are aware of how societal values and prevailing standards are constantly evolving and what this means for our interpretation and application of the advertising rules.

In 2021, the ASA launched a Racial and Ethnic Stereotyping in Ads research project to understand if and how such stereotypes may contribute to real world harms.

The project consisted of a literature review, a public call for evidence, a review of relevant complaints we've received since 2013 and extensive qualitative and quantitative research.

The research identified three broad potential harms that could arise from adverse portrayals of race and ethnicity:

► **Reinforcement of existing stereotypes** which has the potential to influence how society views people from minority groups.

► **Creating new stereotypes** that can paint a one-dimensional picture of people.

► **Perpetuating or reinforcing racist attitudes and behaviours** through depictions, even where the advertiser was doing so to challenge them.

Elements of characterisation or storytelling in ads most likely to cause offence related to the use of humour perceived to be at the expense of ethnic groups, followed by portrayals showing groups as outsiders.

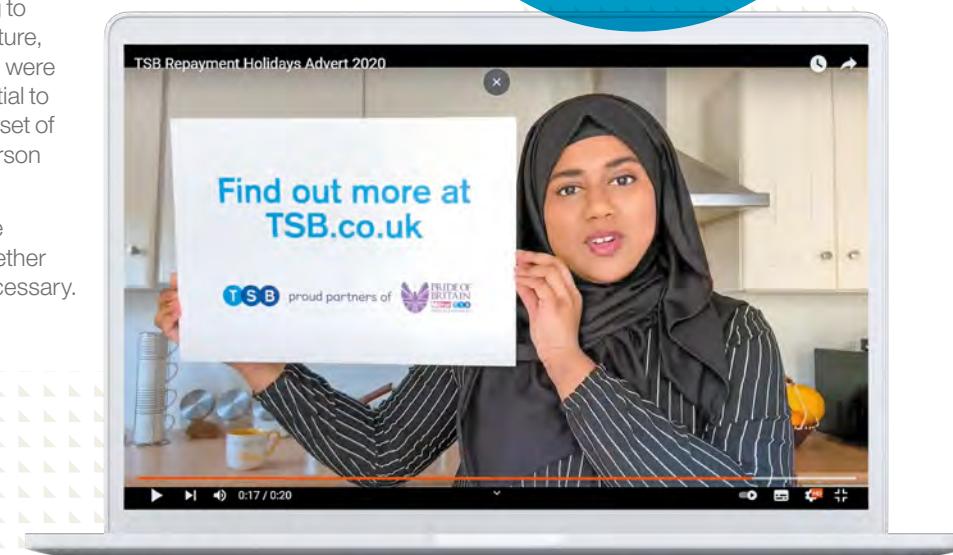
Certain portrayals relating to group characteristics, culture, sexualisation and religion, were also felt to have the potential to cause harm by creating a set of limiting beliefs about a person from a particular group.

CAP will now consider the evidence and explore whether additional guidance is necessary.



**Joanne Middlewick**  
Operations Manager –  
Complaints, ASA

The research highlighted that ads, like this TSB one, that used authenticity and personality rather than stereotypes and caricatures, were received more positively.



# Cryptoassets & Buy Now Pay Later services: Cracking down on irresponsible financial ads

The number of ads for cryptoasset schemes has surged in the past year, with firms targeting a wider audience through bigger advertising campaigns, as well as entering the world of sport via fan tokens and non-fungible tokens.



**Louise Hogan Maroney**  
Operations Manager –  
Complaints, ASA

The ASA highlighted this as an area of concern because, for consumers with limited knowledge of how cryptoassets work and the risks involved, there is a danger they could be drawn into investing savings without understanding that they could lose their money.

We initiated multiple investigations for cryptoasset ads. We published 12 rulings which set out our requirements:

- ▶ Ads should clearly state that cryptocurrencies are unregulated in the UK and that the value of investments are variable and can go down.
- ▶ Ads must not state or imply that investment decisions are trivial, simple, easy or suitable for anyone.
- ▶ Ads must not imply a sense of urgency to buy or create a fear of missing out, or that investments are 'low risk'.

In December, we ruled this in-app ad for Luno, a cryptocurrency exchange service, took advantage of consumers' inexperience and failed to illustrate the risk of the investment.

Following the rulings, we issued an Enforcement Notice to over 50 companies. It provided guidance on how to stick to the rules and instructed the companies to review their ads to ensure they are compliant. We'll monitor for non-compliant ads and will implement sanctions where we do not see improvements. We are continuing our work on cryptoassets into 2022 with a focus on non-fungible tokens.

Similarly, the ASA is putting ads for Buy Now Pay Later schemes under the microscope due to concerns that the risks associated with generating debt are not sufficiently clear. We launched a series of investigations in early 2022 and will address any issues we identify in the advertising of these services, particularly on retailers' websites.

# The changing shape of **advertising** **regulation in a** **digital age**

2021 saw the introduction of a new co-regulatory arrangement between the ASA and Ofcom, covering advertising on “video-sharing platforms” established in the UK.

While the ASA has long ruled on advertising appearing on a range of online platforms, up until now it has done so using rules in the CAP Code that hold advertisers primarily accountable for ensuring their ads comply. The new rules apply to platforms directly.

The ASA is already accustomed to upholding the standards set out in the CAP and BCAP Codes, and also through its existing arrangement with Ofcom to enforce legal provisions applying to advertising in on-demand programme services, which was agreed in 2009.

This is the first time, however, that the ASA and Ofcom have worked in partnership to regulate the content and targeting of advertising on VSP platforms.

There's a lot to come in 2022 regarding advertising online, including online safety legislation and the Government's Online Advertising Programme: the ASA stands ready to continue to provide frontline support and enforcement, building on its years of experience in regulating online advertising.



**Malcolm Phillips**  
Regulatory Policy Manager,  
CAP

## Video-sharing platform

is a legal term for online platforms that allow users to upload and share videos publicly.



# Body image and advertising:

## Limiting potential harms to children and young people

The ASA and CAP are committed to tackling body image harms resulting from advertising.



**Cherie Leung**  
Regulatory Policy Executive,  
CAP

The ASA has a strong record of banning ads featuring unhealthily thin bodies or presenting these as aspirational or glamorous. They have also taken action against irresponsible weight loss aids that presented unrealistic body image, and cosmetic intervention ads that exploited consumers' insecurities.

However, recent evidence from a number of public inquiries indicated the need for further work on several issues.

To address this, CAP published an open call for evidence in October to update and improve our understanding of the potential harms arising from advertising, specifically in relation to body image.

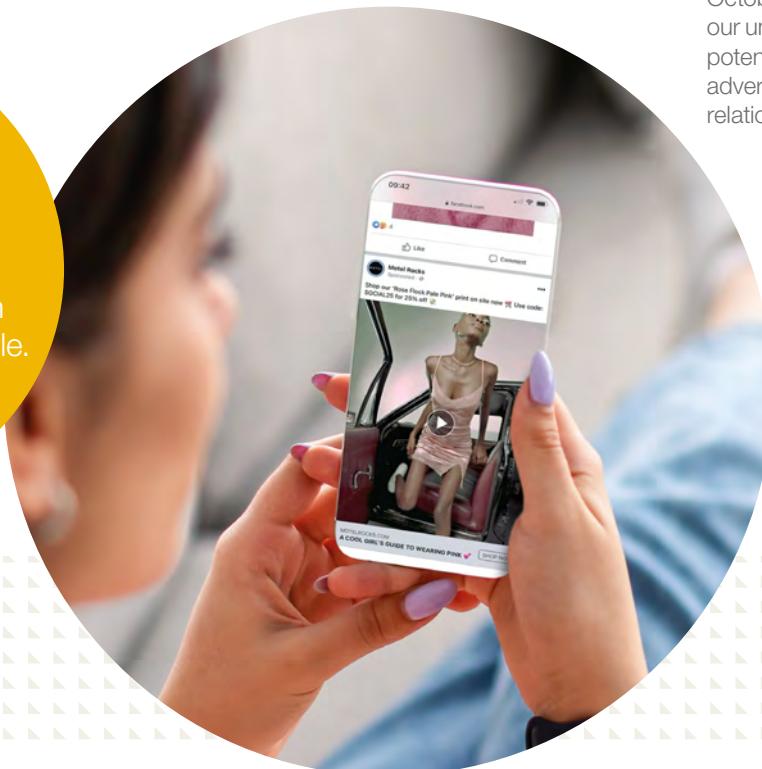
The areas on which we invited stakeholders' submissions were:

- ▶ types and themes of ad content that give rise to body image concerns;
- ▶ impact of advertising on self-perception of body image experienced by different audience groups;
- ▶ impact of social media and influencer marketing on body image concerns;
- ▶ potential impact of advertising content for specific product sectors; and
- ▶ positive impact of advertising on body image.

CAP will review the evidence to establish whether the rules offer sufficient protection from such potential harms and will publish the findings in 2022.

Additionally, in November 2021, CAP introduced new rules prohibiting ads for cosmetic interventions from being targeted at under-18s in broadcast and non-broadcast media. This will limit children's and young people's exposure to these types of ads.

In 2021, the ASA upheld complaints that this ad for Motel Rocks made the model look unhealthily thin and that it was irresponsible.





## What is HFSS?

HFSS refers to food and drink products that are high in (saturated) fat, salt or sugar according to the Department of Health's Nutrient Profiling Model (NPM). Foods that score four or more, and drinks one or more, are classed as HFSS.

# HFSS advertising and the Health and Care Act 2022

The Act contains provisions to ban adverts for less healthy food and drink before the watershed on TV and on-demand services, as well as a prohibition of these ads online.



**Malcolm Phillips**  
Regulatory Policy Manager, CAP

The foods and drinks covered by the ban fall within the category of HFSS products, but the Government intends the ban to cover only those of most concern to childhood obesity.

The Government's proposals would also see brand advertising – as opposed to advertising for specific products – and SME advertising exempted from the ban.

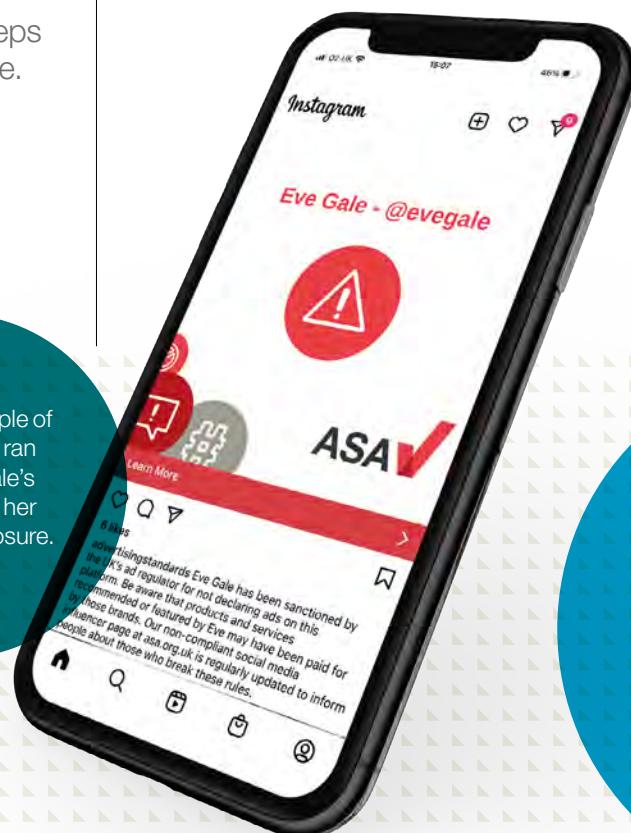
CAP has engaged in dialogue with Government officials and Ofcom to understand the implications of the Act. We have also offered guidance on how it might intersect with our approach to food and drink advertising in the Codes and we'll consider how those rules might need to be updated to reflect the new provisions.



# Escalating sanctions against non-compliant influencers

After last year's Influencer Monitoring report highlighted poor compliance with the ad disclosure rules, we have taken further steps to bring non-compliant influencers into line.

This is an example of an OPTA ad we ran warning Eve Gale's followers about her lack of ad disclosure.



**Victoria Bulger**  
Senior Compliance Executive,  
CAP

**Ed Senior**  
Compliance Executive,  
CAP

We have introduced influencer-specific sanctions to address non-compliance, launching our non-compliant social media influencer page and our own on-platform targeted ad (OPTA) campaigns.

The sanctions are intended to shine a light on those who are persistently unwilling or unable to comply with the rules, despite being provided with clear guidance on what is required. Indications are that the sanctions are having a positive effect in bringing about change in influencer behaviour. A number of influencers improved their labelling practices after being the subject of our OPTA sanction, which highlights their rule-breaking to their followers on social media.

But, we have more to do and we're working closely with our Data Science team to help us scale up our monitoring work and identify trends that enable us to take proactive enforcement action more efficiently.

**13 out of 17**

persistently offending influencers came into compliance following our sanctions, including the first series of OPTA ads which ran in January 2022. Those who fail to comply will be subject to escalating sanctions.

# Intermediary and Platform Principles

In a world first, the ASA and some of the largest companies in the digital advertising supply chain announced a pilot extending the ASA's role online.

The pilot, which will run for one year from June 2022, is the result of a collaboration between the ASA and members of IAB UK (a member of CAP), including the likes of Amazon Ads, Google, Meta, TikTok and more besides.

The companies agree to provide information to the ASA to demonstrate how they operate in accordance with principles that bolster advertisers' awareness of the rules online and help the ASA to secure compliance in cases when an advertiser is unwilling or unable to abide by the Code.

With this information and other data it collects, the ASA will publish two independent reports indicating how the participating companies have performed against the principles, and highlighting examples of best practice and areas for improvement.

Through our Intermediary and Platform Principles pilot we are working to improve transparency and widen accountability in online advertising.



**Shahriar Coupal**  
Director of the Committees,  
CAP and BCAP

## 8 platforms

voluntarily agreed to provide information to demonstrate how they operate in accordance with the pilot's principles.



# Performance against our objectives

## Objectives



### Improving regulation of ads, particularly online

Continue our focus on misleading content and inappropriate targeting, working with large online platforms to deliver responsible advertising.



### Investing in data science capability

Invest in our data science capability, in addition to third party tech-assisted monitoring and enforcement, in particular to protect children and other vulnerable people.



### Increasing our advice and training

Through partnership working with regulators, platforms and other key stakeholders, increase our advice and training touchpoints to 750,000.



### Making the case for effective ad self- and co-regulation

Continue to make the case for effective advertising self- and co-regulation to politicians, opinion formers, industry, public and media. Execute our ad campaign in Scotland and explore extending it to the UK.



### Prioritising and delivering efficiencies

Continue to prioritise our work to deliver efficiencies; free up resources for reallocation and improve our regulation.



### Work with government and Ofcom to address material gaps in online ad regulation

Continue to work with the government and Ofcom, both on VSP ad regulation and to address material gaps in online advertising regulation.



### Regulating for the whole UK

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



### Responding to climate change

Continue to explore the role that ad regulation can play in responding to the climate change emergency. Set and report on targets to reduce our carbon footprint.

# Key performance indicators

Off target Requires action On target

**20,456**

**ads amended or withdrawn** (down 44%, but second highest ever). See p4 for further details

Cost per ad amended or withdrawn **£62.90** (66% worse\*)



**866,145**

pieces of advice and training delivered (target 750,000)

Cost per piece of advice and training **£0.60** (8.3% better\*)



**Three of six** case types closed within target timescales



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



Maintained casework productivity within 5% of 2020 levels:

- ▶ Cost per No Additional Investigation case **£64.55** (0.5% worse\*)
- ▶ Cost per Informal Investigation case **£200.83** (1.3% worse\*)
- ▶ Cost per Formal Investigation case **£601.25** (15% better\*)

**98%** of Formal Investigation cases enforced (target 97%)



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

**7%** increase to training and events income (target 45%)

**17%** increase to events participation (target 30%)



Expenditure **89%** of budget (target 97.5-100%)



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



Maintained balance of reactive complaints casework and proactive projects: **50% and 27%** (target  $\leq 55\%$  and  $\geq 20\%$ )



Meet quality targets:

- ▶ No Additional Investigation after Council Decision cases **58%** (target 65%)
- ▶ Informal cases **78%** (target 75%)
- ▶ Formal Investigation cases **90%** (target 75%)
- ▶ Advertisers **79%** (target 75%)
- ▶ Copy Advice service **88%** (target 90%)
- ▶ Service complaints, Independent Review and Judicial Review targets met



Completed and published research exploring public attitudes across the UK to racial and ethnic stereotyping in ads



**Four** Formal Intelligence Gathering reports delivered – against a target of four



Scottish prompted awareness rose from **55% to 58%** post ad campaign (not a significant increase)



(But see p07 for positive results based on differences between those who did and did not see/hear the ads in the post campaign research)

\* Including inflation.

# How complaints and cases break down across the UK

▲ Higher than % population ▼ Lower than % population ► In line with % population

## England (84.3% population)

Cases resolved: **83.1%** ►  
 Cases resolved misleading: **83.6%** ►  
 Cases resolved harm: **82.2%** ►  
 Cases resolved offence: **79.6%** ►  
 Cases resolved no issue: **83.8%** ►

## Scotland (8.2% population)

Cases resolved: **10.6%** ▲  
 Cases resolved misleading: **10.6%** ▲  
 Cases resolved harm: **10.2%** ▲  
 Cases resolved offence: **11.8%** ▲  
 Cases resolved no issue: **10.9%** ▲

## Northern Ireland (2.8% population)

Cases resolved: **2.1%** ▼  
 Cases resolved misleading: **2.1%** ▼  
 Cases resolved harm: **2.2%** ▼  
 Cases resolved offence: **2.5%** ▼  
 Cases resolved no issue: **2.0%** ▼

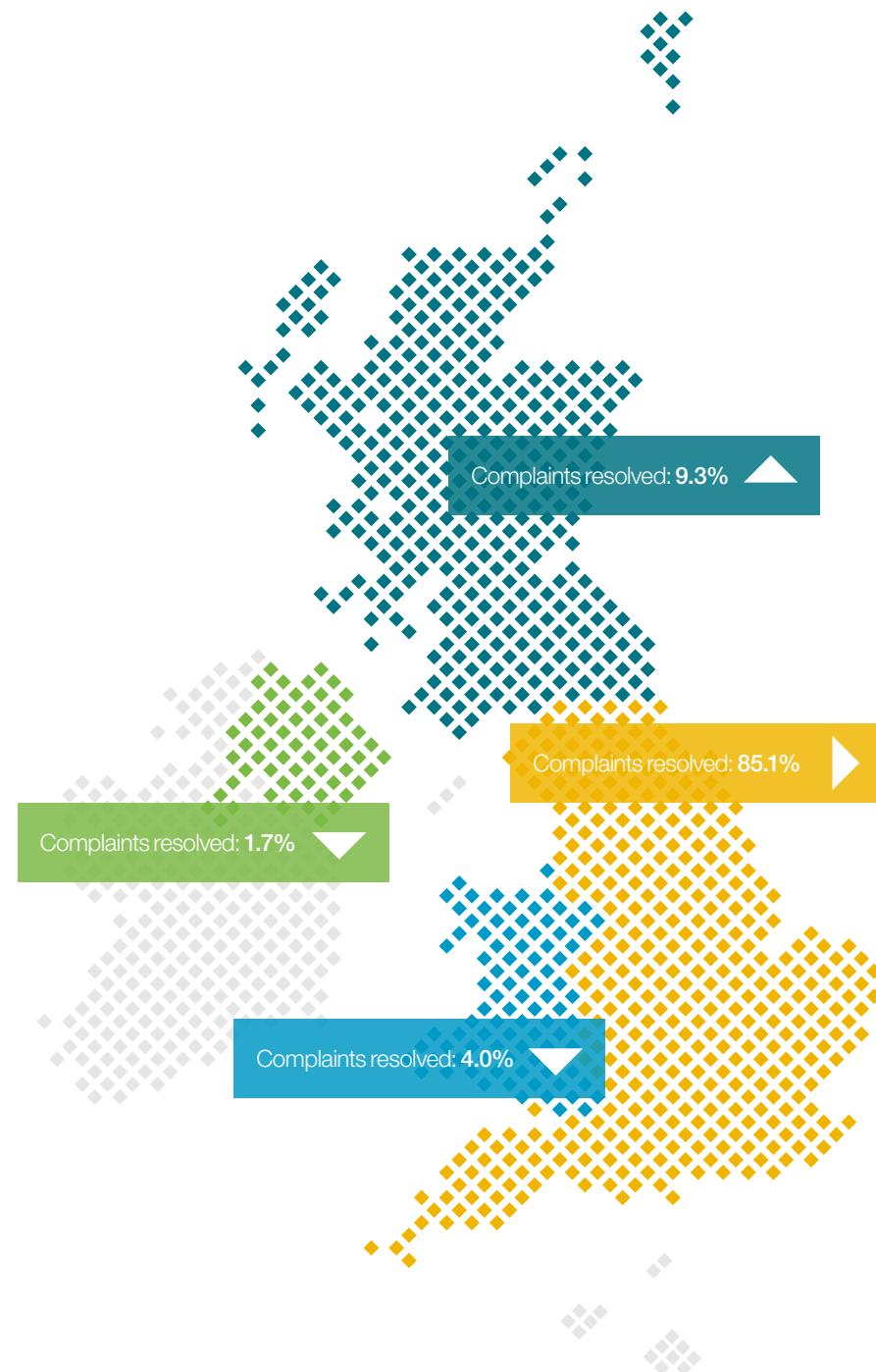
## Wales (4.7% population)

Cases resolved: **4.2%** ▼  
 Cases resolved misleading: **3.8%** ▼  
 Cases resolved harm: **5.5%** ▲  
 Cases resolved offence: **6.1%** ▲  
 Cases resolved no issue: **3.3%** ▼

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

### Notes:

- Figures marked as ▲ are  $\geq 10\%$  higher than the % population, ▼  $\geq 10\%$  lower than the % population, all other figures are marked as ►.
- The chart above excludes 1,473 cases relating to 2,588 complaints that did not include location data as well as those from the Isle of Man and Channel Islands.

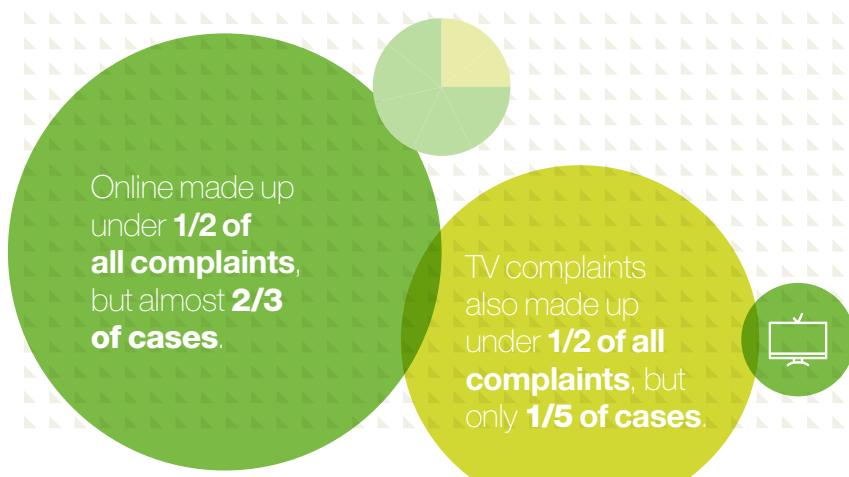


# Complaints and cases in context

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

	2021		2020			
Media	Complaints		Cases		Complaints	Cases
	Number	% +/-	Number	% +/-	Number	Number
Online	20,735	19%	14,558	0.3%	17,379	14,512
Television	20,425	44%	4,802	-5%	14,211	5,070
Outdoor	1,240	58%	429	3%	785	415
Radio	1,093	30%	567	14%	843	498
Email	866	-24%	781	-25%	1,134	1,043
National press	621	-12%	329	-11%	706	370
Other	381	-3%	205	-39%	394	336
Packaging and point of sale	364	-25%	342	-27%	485	470
Leaflet, brochure, catalogue or directory	361	-24%	321	-21%	472	408
Direct mail or circular	205	-25%	180	-19%	274	223

See our extended, online annual report for the full list of complaints and cases by media at [asa.org.uk/ar21full](http://asa.org.uk/ar21full).



## **Online complaints and cases broken down**

	2021			2020		
Online media	Complaints		Cases		Complaints	Cases
	Number	% +/-	Number	% +/-	Number	Number
Website, social media or app (own site)	8,283	-1%	6,670	-9%	8,341	7,334
Website, social media or app (influencer)	4,889	20%	3,648	9%	4,066	3,355
Website, social media or app (paid ad)	4,368	39%	3,056	14%	3,150	2,682
Video on demand	2,402	138%	530	22%	1,008	433
Search	434	18%	387	15%	367	336
Game	168	-38%	143	-37%	273	226
Messaging app	104	-2%	77	-18%	106	94
Audio podcast or on demand	77	54%	37	9%	50	34
Website, social media or app (other)	9	-31%	9	-31%	13	13
Augmented or virtual reality	0	—	0	—	4	4
Viral	0	—	0	—	1	1
Voice assistant	1	—	1	—	0	0
<b>Online total</b>	<b>20,735</b>	<b>19%</b>	<b>14,558</b>	<b>0.3%</b>	<b>17,379</b>	<b>14,512</b>

# Complaints and cases in context

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

Sector	2021			2020		
	Complaints	Cases	% +/-	Complaints	Cases	% +/-
	Number	%	Number	%	Number	%
Retail	9,696	94%	3,391	-9%	4,998	3,741
Leisure	6,749	6%	5,188	9%	6,346	4,769
Non-commercial	4,545	27%	1,227	3%	3,587	1,193
Health and beauty	4,495	-15%	2,778	-10%	5,285	3,088
Holidays and travel	3,246	121%	686	-19%	1,468	846
Food and drink	3,239	9%	1,571	5%	2,981	1,495
Financial	2,836	46%	1,111	-7%	1,943	1,193
Business	2,288	-6%	1,803	-7%	2,447	1,930
Household	1,192	-20%	796	-8%	1,499	868
Computers and telecommunications	1,155	-25%	803	-19%	1,545	989

See our extended, online annual report for the full list of complaints and cases by sector at [asa.org.uk/ar21full](http://asa.org.uk/ar21full).



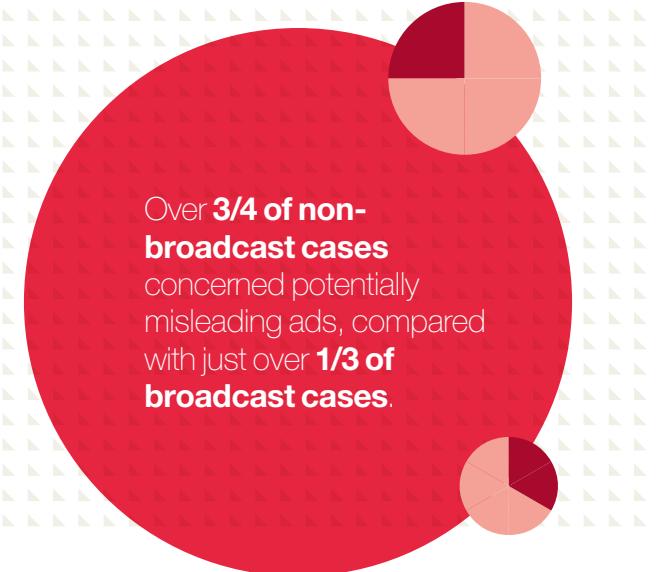
The rise in retail complaints was largely driven by **Tesco's 'Vaccinated Santa' ad**, which was found not to have broken any rules.  
The rise in holiday and travel complaints was driven by **Ryanair's 'Jab & go' ad**, which were upheld.



## Complaints and cases resolved by issue

	2021				2020			
	Non-broadcast		Broadcast		Non-broadcast		Broadcast	
	Complaints	Cases	Complaints	Cases	Complaints	Cases	Complaints	Cases
Misleading	16,451	14,244	3,160	1,983	16,121	14,334	3,403	2,021
	63%	78%	14%	35%				
Offensive	1,367	900	2,941	1,447	1,480	981	3,331	1,427
	5%	5%	13%	25%				
Harm	2,559	2,113	2,571	1,403	2,384	1,950	2,568	1,490
	10%	12%	12%	25%				
No issue	5,540	1,110	13,401	892	2,855	1,154	6,138	874
	21%	6%	61%	16%				

Over **3/4 of non-broadcast cases** concerned potentially misleading ads, compared with just over **1/3 of broadcast cases**.



# Complaints and cases in context

## Complaints and cases resolved by outcome

	Non-broadcast		Broadcast		Overall totals	
	Complaints	Cases	Complaints	Cases	Complaints	Cases
<b>Total not investigated</b>	<b>19,618</b>	<b>13,640</b>	<b>18,265</b>	<b>5,211</b>	<b>35,706</b>	<b>18,690</b>
<b>Total investigated</b>	<b>4,737</b>	<b>3,312</b>	<b>3,157</b>	<b>137</b>	<b>7,619</b>	<b>3,425</b>
Informal Investigation	3,809	3,065	172	88	3,965	3,142
Of which:						
Upheld/Action taken	3,707	2,966	152	72	3,843	3,027
Not upheld/ No action taken	102	99	20	16	122	115
Formal Investigation	928	247	2,985	49	3,654	283
Of which:						
Upheld/Upheld in part	472	175	2,473	32	2,825	197
Not upheld	387	28	505	11	754	37
Withdrawn cases	69	44	7	6	75	49
<b>Totals complaints &amp; cases resolved</b>	<b>24,355</b>	<b>16,952</b>	<b>21,422</b>	<b>5,348</b>	<b>43,325</b>	<b>22,115</b>

N.B. Both non-broadcast and broadcast figures include multimedia figures which appear only once in the 'overall totals' column.

19% more complaints were resolved last year than in 2020.



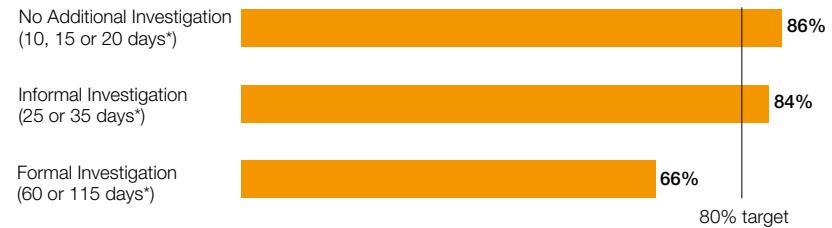
**3 of 6**  
turnaround KPIs were met.



## Turnaround performance

### Non-broadcast

#### Case type



### Broadcast

#### Case type



\* Dependent on case type.

# ASA Council

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

In 2021, we sadly said goodbye to Tracey Follows and Suzanne McCarthy. We were delighted to welcome Alison Hastings to the ASA Council in April.

## Chairman

### Lord Currie of Marylebone

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



## Independent members

### Aaqil Ahmed

Media Consultant, Aaqil Ahmed Media Consultancy; former Head of Religion and Ethics at BBC and Channel 4



### Dr Rebecca Rumbul

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



### Krystle Sargent

### Alison Hastings

Former newspaper editor, BBC; Trustee and Vice President of BBFC. Media consultant and non-executive director



### Neil Stevenson

Barrister, and General Counsel at UK Sport



### Wesley Henderson\*

Past Director, Consumer Council for Northern Ireland; Former Team Leader Northern Ireland for Cats Protection



### Nita P. Woods

Chief Executive of the Scottish Legal Complaints Commission, and Chair of Changing the Chemistry



### Kirsten Miller

Digital Marketing Executive; Former Managing Partner of Maxus



## Advertising industry background members

### Tess Alps

C4 NED; BAFTA member; Fellow Royal Television Society. Previously Founder CEO and Chair of Thinkbox; Chair PHD Group; and Director various ITV companies



### Zaid Al-Qassab

Chief Marketing Officer and Inclusion & Diversity Director, Channel 4; Trustee, WaterAid UK; Board Member, Creative Diversity Network



### Reg Bailey CBE

Former Marketing Director; Member, BBFC Advisory Panel on Children's Viewing; Chair, YMCA England & Wales



### Richard Lloyd OBE

Senior Independent Director, Financial Conduct Authority; Chair, Independent Parliamentary Standards Authority; Vice Chair, Money and Mental Health Institute



## Key

Broadcast Council

Non-broadcast Council

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

# Committees of Advertising Practice

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

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

## Committee of Advertising Practice (CAP)

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

## Broadcast Committee of Advertising Practice (BCAP)

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

\* Clearcast, Radiocentre and S4C have observer status.

**Advertising Standards Authority**

Castle House  
37 – 45 Paul Street  
London EC2A 4LS

Telephone  
020 7492 2222

Email  
[enquiries@asa.org.uk](mailto:enquiries@asa.org.uk)  
[@ASA\\_UK](http://www.asa.org.uk)

**Committees of Advertising Practice**

Castle House  
37 – 45 Paul Street  
London EC2A 4LS

Telephone  
020 7492 2200

Email  
[enquiries@cap.org.uk](mailto:enquiries@cap.org.uk)  
[@CAP\\_UK](http://www.cap.org.uk)

Designed and produced by  
**Friend** [www.friendstudio.com](http://www.friendstudio.com)

Print **Pureprint Group**

This report has been printed on Image Indigo which is FSC® certified and made from 100% Elemental Chlorine Free (ECF) pulp. The mill and the printer are both certified to ISO 14001 environmental management system. The report was printed by a CarbonNeutral® printer.