

What happens now?



Our procedures

01 Receiving a complaint

When we receive a complaint it is assessed against the Advertising Codes. Many of the complaints we receive don't raise any problems and in these cases we simply answer the complaint without the need to contact you. If we think there may be a problem under the Advertising Codes, or we need further background information from you about your ad, we will get in touch.

With the exception of complaints from organisations or individuals with an obvious or specialist interest, we do not disclose the name of complainants. We'll only name members of the public if we have first got their permission.

02 Working with us informally

We prefer to work by persuasion and consensus so, where appropriate, we will resolve issues informally. For example, we might provide advice and guidance or seek agreement that an ad will be changed or withdrawn. Informally resolved cases are not put before the ASA Council and no ruling is published, so it means we can act on problems far more quickly than by formal investigation. If we have proposed a formal investigation, but you think the matter can be resolved informally, contact us and we'll discuss the options with you.

03 The investigation

If it's not that simple, for example where a possible serious breach of the rules is involved, or where we need to see documentary evidence, then we'll conduct a formal investigation. We'll write to you and other parties appropriate to the complaint, which might include the ad agency, the media that broadcast or published the ad and the clearance centre. We'll explain what the complaint is about, which Code rules are relevant and ask for a response to the complaint. If the problem is serious, we might ask the media to stop airing, publishing or distributing the ad, or insist that it isn't broadcast at certain times, until the investigation is complete.



04 Responding to us

Advertisers and broadcasters are required to reply to us in writing within seven working days, or five working days for cases involving issues of harm or offence. If you don't reply promptly you can automatically be found in breach of the Advertising Codes or, if applicable, you could be in breach of your broadcast licence, so it's important to keep to the deadlines we provide. If you are finding it difficult, it's always better to contact us.

05 Proving your claims

If there's a claim that needs to be proven, then we'll ask you to provide substantiation. We'll explain what type of evidence we need to see, for example, we do not accept references to, or extracts from, studies. Rather, you would need to provide copies of full studies with the relevant sections highlighted. You should explain clearly why your submission is relevant to the investigation. We will never unreasonably restrict the opportunities for you to make your case. However, we may, in exceptional circumstances, limit submissions if they are unjustifiably lengthy or repeat the same arguments. If you are unsure about what you need to provide, we'll be happy to talk it through with you.

06 Evaluation

We then assess the ad against the Advertising Codes in light of the responses we receive. If we need more information to make a judgement we may seek further clarification, evidence or independent expert advice. We'll draw up a draft recommendation outlining the complaint, the response we received, our assessment of whether the ad breaches the Advertising Codes and a recommended course of action. We'll give the appropriate parties to the complaint the opportunity to comment on the factual accuracy of the draft. This is not our final ruling. The draft recommendation will be sent to the ASA Council for their consideration and final decision.



07 Decision

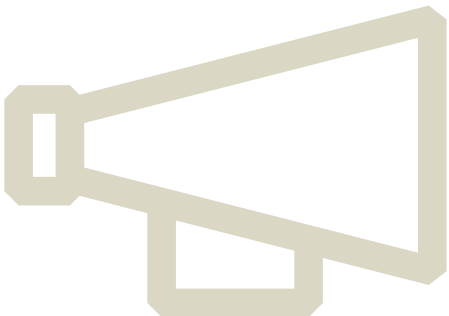
The ASA Council is the independent jury that is solely responsible for deciding if the Advertising Codes have been breached. The Council will consider the draft recommendation but is free to come to its own conclusion. The Council receives recommendations and makes rulings on a weekly basis. As soon as Council has made its decision, we send the final ruling, under embargo, to all relevant parties to the complaint. At this point you will also be advised of the publication date.

08 Publication

Our rulings are published in full on our website every Wednesday and are made available to the media under embargo in advance of publication. Our rulings are widely read by the public, consumer groups, the media, government and the ad industry. Upheld complaints can often result in adverse media coverage for those concerned.

09 How long will the whole process take?

Some complaints are straightforward to resolve and if those responsible agree to make appropriate changes to bring an ad in line with the Advertising Codes a full investigation can be avoided. Other complaints, however, are more complex and may take weeks, or sometimes months, to resolve. We take great care to balance speed with the need to be fair and to allow all sides to put their views across.



10 Can decisions be reviewed?

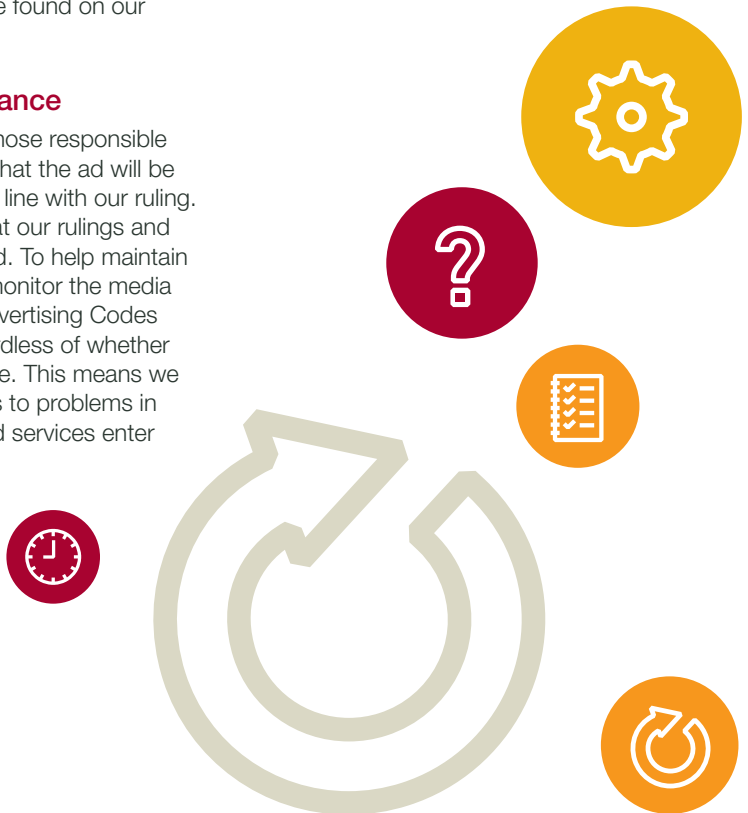
In certain circumstances, parties to the complaint can request a review of a Council decision. Both sides have 21 days from when they were told the decision to ask the Independent Reviewer of the Rulings of the ASA Council to review the case. But they must be able to establish that a substantial flaw of process or adjudication is apparent, or show that additional relevant evidence is available. If the Reviewer accepts the request, he can ask the ASA Council to reconsider its decision. More information about the Independent Review procedure can be found on our website.

11 Ensuring compliance

After the ruling, we ask those responsible to provide undertakings that the ad will be changed or withdrawn in line with our ruling. We also check to see that our rulings and undertakings are followed. To help maintain a level playing field, we monitor the media to make sure that the Advertising Codes are being observed regardless of whether complaint has been made. This means we can alert different sectors to problems in ads as new products and services enter the market.

12 Sanctions

Most advertisers act quickly to amend or withdraw their ad if we find it breaks the rules, and we act against the few who do not. Ultimately if advertisers and broadcasters persistently break the Advertising Codes and don't work with us, we can refer them to other bodies for further action, such as Trading Standards or Ofcom.



Action we can take

We can act on just one complaint. But with any complaint we receive, our focus is on providing a fair and thorough process for all involved.

No additional investigation

We may decide there is no problem under the Advertising Codes and take no further action. We only do this after carefully assessing the ad and the complaint. In some cases this includes making further enquiries and asking the ASA Council if they would like us to investigate. In other cases we are unable to investigate because the complaint or the advertising material falls outside of our remit.

Informal resolution

We will, where it is appropriate, resolve issues informally. For example where a minor or clear cut breach of the Advertising Codes has been made, we might issue advice and guidance on how to comply with the rules of the Codes or seek an assurance that an advertiser will change or withdraw their ad straight away. Informally resolved cases are not put before the ASA Council and no ruling is published, so it means we can resolve problems far more quickly than by formal investigation.

Formal investigation

If the ad raises concerns under the Advertising Codes, we can conduct a thorough investigation in which all sides are given the opportunity to comment. Advertisers will be asked to provide their rationale or relevant evidence to support their advertising approach and the claims they have made. Final rulings are made by the ASA Council and are published on our website in full each week.

What happens now?

The Advertising Standards Authority (ASA) works to make sure all UK advertising is legal, decent, honest and truthful. This leaflet is designed to help you understand our complaints process.

You have most likely received this leaflet because we have received a complaint about your ad or an ad you have carried or helped to make.

It may be something that can be easily resolved, but in any case it is very important that you read the information in this leaflet carefully as it will help you through our investigation process. If there is anything you don't understand, please do get in touch with us and we can talk you through it.

Listening and responding to complaints and concerns about advertising is a vital part of our work. But we also make sure that our action is targeted where it is needed. That's why every single complaint we receive is carefully assessed against the Advertising Codes*. And our decisions are made independently of both government and the advertising industry.

How to contact us

You should have already received from us the name of the person investigating the complaint with their contact details, including their email address and direct dial telephone number, as well as a case reference number.

If you do not have these details, please call us on 020 7492 2222 (if possible quoting your case reference number) and we will tell you.

* The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing
The UK Code of Broadcast Advertising

Want to know more about us?

Full information on our role, remit, rulings and other activities can be found on our website.

Or you can contact us by phone, post or online.

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