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'78 '79

**The Advertising Standards Authority Annual Report, 1979.**

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# Members of the Council



M. C. J. Barnes, MA.  
Chairman of the Electricity Consumers' Council; a Member of the National Consumer Council.  
He is a marketing consultant and was formerly MP for Brentford and Chiswick 1966-74.  
January 1979\*



C. Cory, MVO, DL, MA.  
Director of John Cory & Sons Ltd., and Associated Companies; Chief Scout Commissioner for Wales since 1965; Chairman of the Standing Conferences for Wales of the Voluntary Youth Organisations between 1963 and 1972; A member of the Welsh Arts Council; Chairman of the Council of the Cathedral School of Llandaff, and has been Director of Llandaff Festival of Music from 1964.  
January 1978\*



E. G. Court, Esq.,  
Chairman and Chief Executive of IPC Magazines Ltd.  
Director of IPC Ltd.  
Director of Periodical Publishers Association, 1972-79.  
Member of Council of Audit Bureau and Circulations 1972-79.  
March 1979\*



Kay Evans  
Senior producer in the BBC Radio Current Affairs Department.  
Has produced "You the Jury", "Feedback", the "Today" programme and general features.  
Usually associated with "Woman's Hour", where responsibilities include current affairs, politics and finance.  
Has worked for the "Observer" as a news reporter.  
Co-author of four thrillers.  
March 1979\*



A. M. Fisher, MA.  
Head of Information Division, Unilever Ltd., and Advertising and Marketing Research Adviser to Unilever in the U.K.  
Chairman of the Code of Advertising Practice Committee 1975-75.  
February 1976\*



The Rev. P. Flowers, BA, CEO, FRGS.  
A Methodist Minister, currently working in Southampton, and formerly a University Chaplain.  
He serves on the Executives of the Labour Middle East Council and the Christian Socialist Movement.  
A member of many Church Committees, his main interests are work with young people and inter-Church relations.  
January 1978\*

List of Serving Members as at 31st March 1980.

## CHAIRMAN

The Rt. Hon. Lord Thomson of Monifieth, PC

## Members.

M. C. J. Barnes, Esq., MA

C. Cory, Esq., MVD, DL, MA

Kay Evans

E. G. Court, Esq.

A. M. Fisher, Esq., MA

The Rev. P. Flowers, BA, CEO, FRGS

C. J. M. Hardie, Esq., MA, B.Phil, FCA

Patricia Mann, FIPA, FCAM

Rosemary McRobert

A. H. Newton, Esq., OBE, MP

The Baroness Phillips of Fulham, JP

A. E. Pitcher, Esq., FIPA, FCAM

All members serve as individuals and not as representatives of any industry or trade or professional association.

# Members of the Council



C. J. M. Hardie, B.Phil, MA, FCA.  
Partner in Dixon, Wilson & Co.,  
Chartered Accountants;  
Formerly Fellow and Tutor in  
Economics, Keble College, Oxford;  
Deputy Chairman, National Provident  
Institution; and Director of several  
other companies;  
Member of the Monopolies  
Commission.  
May 1973\*



Rosemary McRobert.  
Director, Retail Trading-Standards  
Association Inc.,  
Member of the Council of the  
Consumers' Association;  
Member of the Design Council;  
Chairman, Camden Consumer Aid  
Centres Management Committee.  
December 1974\*



Patricia Mann, FIPA, FCAM.  
Senior Associate Director, J. Walter  
Thompson Co. Ltd.,  
Council Member of the Institute of  
Practitioners in Advertising and of  
Brunel University;  
Governor, Administrative Staff  
College, Henley.  
June 1973\*



A. H. Newton, OBE, MP.  
Conservative Member of Parliament  
for Braintree since 1974.  
He is an Economist, and past Assistant  
Director of the Conservative Research  
Department.  
His special interests are in Economic  
Policy, taxation, and Social Services.  
January 1978\* Retired July 1979.



The Baroness Phillips of Fulham, JP  
H. M. Lord Lieutenant of Greater  
London;  
Director of the Association for the  
Prevention of Theft in Shops;  
President of Institute of Shops,  
Health & Safety Acts Administration;  
Vice-President of the National  
Association of Local Councils;  
Vice-President, Pre-Retirement  
Association;  
President of the Keep Fit Association;  
President of the Association for  
Research into Restricted Growth;  
Chairman of the Beatrice Webb House  
Trust;  
President of the National  
Association of Women's Clubs.\*  
March 1974\*



A. E. Pitcher, Esq., FIPA, FCAM.  
Vice-Chairman of Ogilvy Benson &  
Mather Ltd. London.  
Chairman of CAM Education  
Foundation Ltd.  
Vice-President of the  
International Advertising  
Association (UK Chapter);  
IAA European Area Director;  
Governor of the College  
of Distributive Trades.  
March 1979\*

## REGISTERED OFFICE

Brook House,  
2-16 Torrington Place, London WC1E 7HN.  
Telephone: 01-580 5555

## ASA/CAP SENIOR SECRETARIAT

P. Thomson, Director General ASA, Secretary CAP  
Enid Cassin, Deputy Director  
P. Smith, Deputy Director  
Gwenan Williams, Deputy Director  
D. Williamson, Deputy Director.

# Chairman's Report

*Lord Thomson comments on the events of his three years as Chairman, and dwells on the development aspects of the Authority's future activities.*

I write this annual report at the conclusion of my three-year term as Chairman of the Advertising Standards Authority. It therefore provides me with an opportunity to offer a personal summing-up of the developments which have taken place in the work of the Authority over the past few years.

There have been three main phases in the growth of the Authority. The first was from 1962 when the Authority was created as an independent body with an independent Chairman to supervise the advertising business's own newly established system of self-regulation. The second major milestone was in 1974 when Mrs. Shirley Williams and the late Sir John Methven, then respectively Prices Minister and Director of the Office of Fair Trading, made it clear to the Advertising Association conference at Brighton that the self-regulatory aspects of advertising control must be given an entirely new dimension if some form of direct statutory control were to be avoided. In particular they insisted that the industry provide finance on an adequate scale to enable the ASA to advertise its own services widely to consumers and then to provide speedy and effective forms of dealing with complaints. This was done with remarkable expedition by the leaders of the advertising business. They set up the Advertising Standards Board of Finance and agreed to tax themselves by the imposition of a surcharge on all forms of advertising that come within the ASA's area of control—press, cinema, outdoor and direct mail advertising.

It was an ingenious and significant mechanism. It enabled the ASA's independence to be underlined by having an independent source of finance, instead of being compelled, as is the case with some other self-regulatory bodies, to go round their industry with an annual begging bowl for subscriptions.

Moreover it had a built-in corrective against inflation. As advertising rates rose so did the surcharge income of the

ASA. In the years 1975-79 more than £1 million has been spent on advertising to make the public aware of the services available through the ASA, and about half as much again has been donated by the media in free space as a contribution to the ASA system. Consumers generally and the advertising industry particularly owe a debt to those who had the vision to create the ASBOF machinery and to Mr. George Bogle, as voluntary Chairman, and to Mr. Frederick Edwards, as Treasurer, who have directed its affairs throughout.

Since 1974 this expanded ASA system has been on trial. It has been undergoing a five-year probationary period. And I think it can be fairly claimed that it has come through successfully, to the satisfaction of the various public authorities in this country who have been monitoring its performance.

The ending of the ASA's five-year probation came in February 1980 with the publication by the Department of Trade of "The Self-regulatory System of Advertising Control—Report of the Working Party". The working party endorsed the value of the ASA as a central element in Britain's "mixed economy" of statutory and self-regulatory controls on advertising standards. It reported that: "Codes of practice provide a positive approach to advertising control. They can reflect the spirit rather than the letter and can be readily reviewed and updated to take account of changing social conditions and public attitudes. They command a high degree of commitment from the business community and encourage high standards of advertising to the benefit of consumer and advertiser."

The working party made a number of constructive proposals, the most important of which was a recommendation to reinforce the work of the ASA by giving the Director General of Fair Trading a new injunctive power to deal with the so-called "pirate fringe" or indeed any other advertisers who defied or fell outside the ASA's procedures. The significance of this report and these recommendations lay in the unanimity behind them from a working-party composed not only of officials from a



number of Government departments and agencies, but also of leading spokesmen of both the Advertising Association and the National Consumer Council, as well as of the Advertising Standards Authority.

Leading up to this unanimous endorsement of the role of the ASA lay a series of events which are worth recording in this valedictory report. There was first of all a vigorous examination by the OFT in 1978 of the effectiveness with which the ASA was implementing the reforms agreed in 1974. This itself fell into two parts. There was an examination in depth of a large cross-section of advertisements by panels of assessors drawn from both consumers and industry. The analysis concluded that 93% of the advertisements conformed to the Code of Advertising Practice. A number of the breaches were technical or trivial and the percentage of advertisements departing from the Code in any serious sense was significantly lower than 7%. But even on the original figure advertising

standards are revealed to be in a reasonably healthy state. If one could, for example, say that 93% of crimes of violence were brought to justice, or only 7% of marriages ended in divorce, it would be felt that neither law and order nor the institution of marriage need be a subject of national concern.

On the basis of this analysis the OFT made its report which, while making various recommendations on ways in which the ASA might improve some of its procedures, gave broad endorsement to its fundamental role. The report was published while both Houses of Parliament were examining the EEC Commission's proposed Directive on Misleading and Unfair Advertising which had – and still has – damaging implications for the work of the ASA. Back-benchers on both sides of both the House of Commons and the House of Lords backed the ASA method of protecting the consumer against the more legalistic procedures of statutory enforcement proposed by the EEC.

This attitude was subsequently adopted by Mr. Roy Hattersley, as Secretary of State for Prices and Consumer Protection, and since the change of Government has been robustly restated by the new Minister for Consumer Affairs, Mrs. Sally Oppenheim. The work of the ASA, after five years' trial, has thus been endorsed by successive governments, by members of Parliament of both parties, by the Office of Fair Trading and by the National Consumer Council. The ASA can fairly be said in 1980 to have come of age.

None of this means that there is any complacency amongst those who administer the ASA about the need constantly to strive to improve our organisation and our performance. We remain closely in touch with the OFT about the recommendations they have made regarding some of our internal procedures. And as I shall describe below we are seeking to extend our services in various directions.

The more general lesson I draw from the history I have just recounted is three-fold. First that self-regulation and State regulation should not be seen as exclusive alterna-

tives. They are partners rather than rivals, and the problem of judgment in public policy is how to strike the balance between them and obtain the best "mix" appropriate to each industry. Second, that there are significant fields of economic activity – advertising is one of them – where self-regulation over a large area is more flexible and effective in the public interest, than State regulation. But third, I conclude that in our mixed economy and our democratic society some constructive tension between industry and Government keeps us all on our toes, and it helps the leaders of an industry to persuade any reluctant laggards that their true self-interest and duty lies in making self-regulation effective.

Within the United Kingdom the main political pressure is now to preserve and improve the ASA's contribution to maintaining advertising standards. The approach adopted by the EEC, however, threatens the continuation of the British system of advertising control under which statutory control and self-regulation generally complement each other. The proposals by the EEC Commission also raise the wider issue of whether national systems of consumer protection should be harmonised into a neat and tidy Community system.

During the years I was a member of the European Commission I always argued against harmonisation for the sake of harmonisation. My experience as Chairman of the ASA dealing with the Directive on Misleading and Unfair Advertising has amply confirmed that view about the folly of the European Community seeking to run the details of our daily life from Brussels.

The European Community is primarily in the fateful and historic business of bringing about the strategic convergence of our national economies and enabling Europe to have a single foreign policy. It ought not to be dissipating its energies in seeking to ensure that advertisements from Greenland's icy mountains to Sicily's golden strand conform to the same framework of control. The honourable intention of the Commission is to give the European Community a human face, but its main consequence is to give the Community a bad name. And

the pity is that the Community could do a great deal of good in the field of consumer protection if they would remember Talleyrand's advice to all ambitious diplomats "Not too much zeal!"

There is a need coolly to rethink the purposes and limits of harmonisation in the consumer field. There is a case for closely harmonising methods of consumer protection where human health and safety is seriously in question, or where national consumer regulations are seriously interfering with freedom of trade within the Community and are mainly disguised tariff barriers. Generally, however, it would be wiser for the Commission to stick to the precept of harmonisation of objectives, but flexibility over means. That, after all, is the classic definition of a Community Directive, and as the House of Lords Scrutiny Committee on European legislation has pointed out, in a number of instances there is a temptation on the part of both European Commission and the European Parliament to flout both the letter and the spirit of the Treaty of Rome in these matters. It is legitimate for the Commission by means of a Directive to seek agreement on a common goal of preventing misleading and unfair advertising, and it could have had agreement a long time ago, saving everybody a great deal of time, trouble and expense if it had been content to leave the means of achieving this goal to national administrations. Instead of struggling for years in the impossible task of fitting idiosyncratic national habits into a Community strait-jacket, the European Commission should encourage each country to adopt and adapt the best ideas of their neighbours by a vigorous Community campaign of comparative consumer information. The European Commission is ideally placed to be an information broker in fields too remote from the grand economic and political strategy of the Community to require the treatment of Directives or Regulation.

What a saving there should be of time, temper – and money! The draft Advertising Directive is a typical example of hundreds of proposals either gathering dust in the pigeon holes of the Council of Ministers or stuck in

# Chairman's Report

endless working parties. Some earnest researcher might profitably do a study of what it has cost in expensive official man-hours so far to produce the present stage of the draft Advertising Directive. When I returned from Brussels three years ago, two years of work had already gone into it and since then three more years have passed without a conclusion being reached. Highly paid Community officials have beavered away in the backrooms of the Berlaymont or toured the national capitals. Less highly paid national officials have laboured in the depths of their own departments before dutifully going back and forwards to Brussels to man the working parties – first of the Commission; then of the Council of Ministers. Both the European Parliament and the Economic and Social Committee have set up their own Committees and summoned their own experts, and throughout senior people in industry and their Trade Association officials have spent countless hours fighting for common sense and practical reality.

A thorough cost-accounting would be fascinating and formidable. And to what end? Would a Directive on Misleading and Unfair Advertising make any contribution to the growth and success of the European Community commensurate with the time and treasure spent on it?

"And everybody praised the Duke  
Who this great fight did win.  
'But what good came of it at last?'  
Quoth little Peterkin,  
'Why that I cannot tell,' said he  
'But 'twas a famous victory.'"

In the meantime the ASA can with confidence forge ahead with its contribution to advertising standards in Britain, reassured by the Minister for Consumer Affairs, Mrs. Sally Oppenheim, that Britain is not ready to agree to any Advertising Directive that would undermine the role of the self-regulatory elements of the British system of advertising control.

So I return to my main theme. The ASA's period of probation is over. 1980, the new decade, marks the

beginning of a new chapter. Our aim is to develop the more positive sides of our work, while maintaining conscientiously our complaints machinery for those who feel they have been misled or offended by an advertisement. The ASA has accordingly been developing steadily its monitoring service under which it examines sensitive areas of advertising – such as children or alcohol – to test whether they are conforming to the Code. We have also during the last year initiated our first research projects on the impact advertising makes on women and children respectively. The British Code of Sales Promotion Practice has recently undergone its second revision in the light of experience gained since the previous edition was published in 1977. We have launched a major nation-wide educational campaign within the advertising industry itself in order to make those who work in agencies, marketing and advertising departments more aware of the British Code of Advertising Practice and their obligations under it.

Many of these activities – new and old – are described elsewhere in this report, as is the ASA's own new advertising campaign created by our agency Davidson Pearce Ltd.

It only remains for me to express my thanks to those inside and outside the advertising business, and especially to my colleagues on the Council of the Authority and to the Secretariat of the ASA itself, for all the help I have received during my three years as Chairman. The ASA is well served by its Secretariat under the leadership of the Director General, Mr. Peter Thomson. They are painstaking and conscientious in trying to draw up a balanced adjudication on the complaints that come before them. Over the years they have built up a great deal of experience and a considerable body of case law.

I would also like to pay special tribute to those from the advertising business who give unpaid service, both on the ASA Council and on the many sub-committees and panels, through which the Code of Advertising Practice is administered. They are jealous of the reputation of their industry and are indistinguishable in the zeal with which they pursue any deviation from the Code from the

independent members who form two-thirds of the ASA Council.

For me these have been interesting, stimulating and deeply satisfying years. By the time this appears my successor, Lord McGregor, will be established as the new Chairman. He is ideally equipped for the task with his distinguished academic career in social science and the law, and his experience presiding over the Royal Commission on the Press. I wish him and the ASA every success in the future.

Thomson of Mansfield

## The Advertising Campaign

*Press and poster advertising in 1979 was supported by leaflets on the Code.*

As the Authority exists to receive the complaints of the public about advertising it goes without saying that we must let the public know who we are, what we do and where we can be found.

So 1979 found us continuing to advertise. Previous advertising had referred primarily to the basic tenets of the Code, that advertising should be "Legal, Decent, Honest and Truthful". In 1979 we sought to inform the public in rather more detail of the scope of the Code and we did this by highlighting some sensitive areas. For example, the Press campaign dealt solely with "The Code and Children" and invited readers to send for a leaflet which reprinted Appendix B on children in full.

The poster campaign presented two of the other subjects which each merit a separate and detailed appendix to the Code—cigarette advertising and alcohol advertising. This campaign was supported by a second leaflet setting out the general principles of the Code and listing Appendices.

As in previous years, our paid-for campaign was supplemented by the free spaces generously donated by media organisations. Their contribution to the success of the advertising industry's system of control is very considerable.

After five years with Roe and Partners the ASA decided in December 1979 to review its advertising agency arrangements. The Authority is most grateful to Roe and Partners for their contribution to the task of publicising the self-regulatory system of control. This owed much to the personal involvement of Graeme Roe.

We have now appointed Davidson Pearce Ltd. to act as our advertising agents. Lord Thomson commented at the time of this appointment that "We were very impressed with the agency's comprehensive approach to our total communication strategy" and the plans they have since produced for the 1980 campaign bear out this confidence.

The objective of the 1980 campaign is to make clear to those who want to complain about an advertisement that the ASA exists and how to make use of it; promoting *access*, in short. In addition, we have set out to demonstrate that the ASA is the most effective way of regulating advertisements in all

non-broadcast media, thus presenting the *credentials* of the Authority and the system.

The advertisements range from a simple explanation of how to complain to a detailed text talking about the operation of the Code and the ASA.

We shall watch results carefully and review them in our 1980 Annual Report.

## Advertising and Children

*Emphasis on advertising to children throughout the year resulted in informal ASA/ILEA group discussions with children: formal research will follow.*

When the Sixth Edition of the Code was published in 1979 it was clear that Appendix B, which deals with advertising to children, was both explicit and wide-ranging about the steps advertisers should take to ensure that advertisements do not set examples that could give rise to bad behaviour, dangerous behaviour or fool-hardy exploits.

The Code, in short, requires a high degree of common sense from advertisers and expects them to anticipate what is or could be bad for a child. Thus, ads should not encourage children to talk to strangers when collecting wrappers, coupons, etc., a fireguard is an essential feature of an ad which has both a child and an open fire in it; in a busy street children should be shown using a Zebra crossing; children should not be seen hanging dangerously out of windows or over bridges or clambering up to high shelves or using matches or gas or petrol... and so on.

The rules are all sensible and appear to be regarded as such for we have received very little evidence of irresponsibility on the part of advertisers – an attitude most welcome in The Year of the Child.

Children, indeed, played a big part in our 1979 advertising campaign and to emphasise the Authority's concern for their interests we produced a leaflet, "The Code and Children". This was available free to the public and was in demand throughout the year.

The relative lack of complaints about advertising addressed to or likely to be seen by children is discussed on page 19 of this Report.

As a result of the Authority's monitoring programme it became clear during the course of 1979 that the feedback on the effect of advertising on children was only coming from adults – concerned adults who made complaints on behalf of children, and the adults in the Monitoring Section of the ASA. It was subsequently agreed that it would be helpful to seek the children's own views and feelings and in October, with the co-operation of the ILEA, case officers from the Authority carried out informal group discussions with children aged 8-11, at a primary school in South East London. Whilst it would be impractical to draw conclusions from such a small exercise, the experiment provided the



basis for a formal research project. Marplan Ltd. has now been commissioned to carry out this project in the early part of 1980 – it will initially be undertaken in London and the South East, and will involve group discussions and individual interviews carried out in schools taking in some 350 children in the 8-14 age groups. It is hoped that a report on the research will be available by mid-1980.

## A Year of Editorials

*Editorials this year have highlighted a number of issues of concern.*

Every month the Authority issues a Case Report which details investigated complaints from members of the public which have been concluded during the month. In April 1978 we decided to precede each of these Reports with an editorial to enable us to keep the media, public and Code users abreast with our thoughts and comments on the general scope of our work and also to highlight specific areas.

The editorials of the past twelve months have, we believe, fulfilled both these intentions.

We have, for example, dwelt on the need to identify editorial-style advertisements as advertisements (1), we set out why the Code is so explicit in its rules about advertising to those "great emulators," children (2) and we have itemised certain information which we believe should be contained in travel brochures (3).

Through the editorials we have been able to tell readers how the Authority's internal monitoring service operates, what papers and magazines it looks at and what categories of ad it puts under the microscope (4). We have also been able to explain the monitoring and advice procedure of the Sales Promotion Secretariat and how it can help to produce better and more satisfactory promotions (5 and 6).

We also used an editorial to point out that "there is a vast difference between the number of complaints received and those that require to be pursued", and gave some reasons for – and examples of – the large number of complaints which fall into the "not pursued" category (7). See also p.17 of this Annual Report.

In the editorial immediately following the first of such meetings, we put the spotlight on the series of ASA Evenings (see page 10).

Finally, the ability of an editorial to put the spotlight on matters of concern was demonstrated when we pointed out the absolute necessity for advertisers to observe the Code's requirements about a) ensuring that claims are capable of substantiation and b) making such substantiation available to the Authority immediately it is asked for (9).

(1) ASA Case Report No. 52

(2) ASA Case Report No. 53

(3) ASA Case Report No. 51

(4) ASA Case Report No. 54

(5) & (6) ASA Case Reports No. 48

(7) ASA Case Report No. 57

(8) ASA Case Report No. 56

(9) ASA Case Report No. 58

Before You Publish That "Editorial" ad...

The Great Emulators.

It's Time for More Accurate Travel Brochures.

Questions and Answers on a Year of Monitoring.

Launching a Promotion Query.

Ask for Advice First.

55 Memo to: All Sales Promotion Managers.

Case Reports Tell Only Half the Story.

Covering the Country.

Truth – and Substantiation.

## External Relations

*The first ASA Evening got the series off to a good start; members of the Secretariat also took part in industry conferences and seminars, radio programmes and meetings of local or specialist organisations.*

1979 saw the start of a programme of ASA Evenings throughout Great Britain.

Manchester was the venue of the first Evening on November 27. This was held at the Old Trafford headquarters of the Lancashire County Cricket Club.

Over 200 guests from the advertising industry in the greater Manchester area heard Lord Thomson explain the public complaints mechanism of the ASA and the industry's voluntary system of control. Peter Thomson, ASA's Director General, gave a brief outline of the current situation regarding the EEC Draft Directive on Misleading and Unfair Advertising and Enid Cassin, Assistant Secretary to the Code of Advertising Practice Committee, rounded off the presentation with a detailed look at the operation of CAP. The film 'A Question of Standards' was shown.

Eight similar Evenings have been, or are to be held throughout the country between November 1979 and November 1980.

Industry conferences and seminars, held during the year, have had considerable ASA co-operation and have been attended by either the Chairman, the Director General or senior members of the Secretariat.

European Association of Professional Secretaries  
 Off Licence News Seminar  
 National Council for the Training of Journalists  
 Newspaper Advertising Conference  
 IPA Education Session  
 BDMA Mail Order Day Forum  
 Advertising Association Seminar, Cambridge  
 EEC Law Seminar  
 Advertising Law Seminar  
 Trading Standards Officer Training Unit  
 Glasgow Publicity Club  
 IPR Conference

January  
 March  
 March  
 April  
 May  
 May  
 July  
 September  
 September  
 October  
 November  
 November

World Health Organisation UNICEF  
 Motor Agents Association Conference

December  
 December

Apart from industry conferences, members of the ASA staff have also spoken to audiences belonging to various organisations, ranging from schools to Townswomen's Guilds.

During the year many radio programmes have featured the ASA, and on several occasions members of staff have taken part in these programmes.

*"A Question of Standards"*

The film 'A Question of Standards' has had an exceptionally good reception from hirers and, due to the extent of advance bookings for 1980, additional copies have been added to the library capacity.

In the months from March to December 1979 the film was seen by 456 separate audiences covering schools, further education establishments, industrial and commercial companies, trade associations and community organisations: a total of 24,300 viewers. It is pleasing to note that a high proportion of the later bookings resulted from 'word of mouth' recommendation by previous borrowers. During 1980 the film will be updated to include Lord McGregor – who will succeed Lord Thomson as ASA Chairman – and other new members of Council and will be re-issued in its new form.

*The SFD Advertisement Viewing Committee.*

During the year the Kinematograph Renters Society adopted the new title of the Society of Film Distributors as being much more appropriate to their function in today's film world.

The ASA is represented at the weekly meetings of the SFD Advertisement Viewing Committee. The terms of reference of the Committee have been extended during the year and now apply to posters, press advertising and front of house advertising for films carrying an 'X' certificate from the British Board of Film Censors and on exhibition anywhere in the United Kingdom.

Distributors can seek the advice of the Committee regarding advertising for any film which it is hoped to release in the U.K.

Membership of the Committee now includes representatives of film distributors, exhibitors, media, local authorities, the British Board of Film Censors, the SFD and the ASA.



## Monitoring

*Selected categories received special attention in the first full year of study by the new Monitoring Section.*

1979 was the first full year of our new, formal, monitoring system. During the year, the Monitoring Section has had the chance to streamline its methods of monitoring and investigation.

Every week a selection of publications are scanned. These include national daily newspapers, national Sunday newspapers plus supplements and the London evening newspapers. Consumer interest magazines are also monitored regularly. In addition to a random selection of local newspapers, a system has been developed to monitor all publications in the area of each of the current "Evenings with the ASA." For example, three weeks before the Evening in Manchester, all publications circulated in the area (including editions of national newspapers printed in Manchester) were purchased and scanned. This provided background information for those speaking at the Evening, and enabled the Monitoring Section to build up a picture of the total advertising in the area.

In addition to this general monitoring, our cuttings agency provides us with copies of every advertisement appearing in certain selected categories.

Hence, throughout the year, all advertisements for alcoholic drinks were monitored. This showed that in general these advertisers were adhering to the requirements of Appendix J.

Double-glazing advertisements were examined in a similar way – and this gave rise to many enquiries concerning claims for the elimination of condensation. Independent expert advice was sought to clarify the up-to-date developments in the field.

Another of the selected categories was slimming. A careful analysis of the cuttings received showed that there was a certain lack of knowledge of the provisions of Appendix C on slimming. A watch is being maintained in this area.

Advertisements for petrol saving devices also came under scrutiny. Several advertisers were asked to substantiate the claims they made, and were able to do so.

An extensive study of advertisers in the field of hypnotherapy was undertaken, and this provided background material for consideration by the Health and Nutrition Sub-Committee.

Throughout 1979, the International Year of the Child, a close watch was kept by monitoring all advertisements featuring children or directed at them and, as a result, a pilot study into children's attitudes on advertising was undertaken by ASA staff. From this study, proposals were formulated for a research project on this subject to take place during the first half of 1980.

The Monitoring Section has received widespread support from the various media organisations for which we are most grateful. Without such support their task would be almost impossible.

*Co-operative attitudes leading to open discussion between industries, Government and CAP have been a feature of 1979.*

The new, Sixth Edition of the British Code of Advertising Practice was published in April, in itself a re-statement of the industry's belief that present flexibilities and freedoms will only be retained so long as they are seen to be deserved.

It was, therefore, no accident that during the year the CAP Committee took steps to maintain and promote constant awareness of the Code throughout the industry. Though the majority of established practitioners are fully aware of the need for proper standards, young people entering the advertising business need to be trained and informed—and the impetus for this must come from the top. The Chairman of CAP has, accordingly, asked the Chief Executive Officers of the largest advertisers and agencies for positive help and has met with an encouraging response.

As a result of the increased monitoring activity by the ASA Secretariat during the year, CAP has given special attention to "fringe area" advertising in publications which do not belong to organisations subscribing to the self-regulatory system. Although the incidence of breaches of the Code in these publications is quite high, many are often only technical breaches and publishers have mostly responded willingly and appreciatively to a request to amend the offending advertisement or take note of the Authority's guidance. Looking ahead, the Committee noted that another category of publication to which help may need to be extended is the so-called "ethnic press" — many with relatively small circulations, with distinctive standards, social and cultural history and often published in a language other than English.

During the year, a CAP member organisation, the Proprietary Association of Great Britain (PAGB), issued a revised edition of its Code of Standards. This is one of the three self-regulatory codes (the others are those of the Health Food Manufacturer's Association and the British Herbal Association) which the Department of Health and Social Services has recognised as appropriate in relation to the labelling and advertising of homeopathic and non-orthodox medicines. Representatives of the three associations and of the CAP Secretariat meet regularly to ensure harmonisation of standards — a very valuable and practical exchange of views.

A further result of co-operative attitudes leading to open discussion and action — this time between the industries concerned, under the aegis of The Incorporated Society of British Advertisers and the DHSS — was the new and revised Appendix J of the Code which appeared towards the end of the year. This Appendix deals with the advertising of alcoholic drinks.

The uncertainties produced by the Price Marking (Bargain Offers) Order 1979, have resulted in the suspension of Section II, 4.4. of the Code and its sub-paragraphs relating to price comparisons. The Committee regrets the uncertainties and hopes that when the application of the Order is clarified an appropriate section to the Code will be re-introduced.

Work on a revised British Code of Sales Promotion Practice took place during the year and the new Code was published in the Spring of 1980. The sales promotion monitoring activities of the ASA/CAP Secretariat are dealt with elsewhere in this Report. (See page 14)

During the year the Secretary of State for Trade decided that it was not, as yet, necessary to make regulations about financial advertising, a decision which the CAP Committee feels is a welcome and justified endorsement both of the system and the considerable work done by the Financial Advertising Sub-Committee.

There was, inevitably, some uncertainty about the policies of the incoming Government in the matter of the future of the joint working party which was set up after the 1978 OFT Review of the control system. In the event, the joint working party continued to a successful conclusion (see Chairman's report). Although the CAP Committee was not directly involved in these discussions its constituent bodies were able to express their views (as has the Committee itself). The Committee particularly welcomed the working party's decision to assess the validity and extent of the concern they felt about certain areas of advertising and promotion giving consideration to the practicability of devising suitable supportive legislative powers in a form that will not compromise the self-regulatory system. CAP was happy to see the terms of the recommendations made by the working party in its report.

The Committee applauded the statement by the Minister of State for Consumer Affairs on the EEC Draft Directive on Misleading and Unfair Advertising making clear its continued unacceptability for reasons that

include its potential adverse effect upon the self-regulatory system.

The CAP Committee records its grateful thanks to Cholmeley Messer, who retired as Chairman in January 1979, and has welcomed his successor, Peter Scruton.

A number of experienced and valuable members of the Committee retired during the year; their equally energetic replacements are already hard at work.

## Cigarette Advertising

The discussions which began in the latter part of 1979 between the Government and the Tobacco Manufacturers, suggest that this may be an opportune moment to refresh memories as to what part the Authority plays in controlling cigarette advertising.

Briefly, our sole responsibility is to ensure that the *content* of cigarette advertisements adheres to the rules laid down in Appendix H. of the Code. Matters such as the Government health warning, what appears on the pack and the pros and cons of sponsorship by sporting bodies are not our business, but are the subject of bilateral agreements between the manufacturers and the Government. It is these agreements which are currently under review. We understand (as at March 1980) that the discussions have not involved any suggestion for amendments to Appendix H or changes to the control system operated by the Authority. These rules were drawn up in tripartite discussion between the Government, the tobacco business and ASA in 1976.

## Sales Promotion Monitoring

The year has revealed that promoters and advertisers are increasingly aware of their responsibilities and of the requirements of the Code.

In September 1978 the Sales Promotion Secretariat became fully responsible for both purchasing and subsequent monitoring of Sales Promotion material. Once a month members of ASA/CAP staff "go-shopping" in supermarkets in ten cities in the regions of England, and in Scotland and Wales. Their original object was to buy goods which carried a promotion of any sort whatsoever; on-pack competitions, premium and free offers of all kinds and with a special emphasis on promotions likely to appeal to children. They also collected all promotional leaflets. In the event, close scrutiny of promotions likely to appeal to children has shown that these are largely innocuous in terms of the Code, as are "savings schemes" promotions which offer cash refunds or discount vouchers in exchange for proofs of purchase. These two categories are now no longer pursued.

In all cases where there has been a prima facie breach of the Code, e.g. limiting offer terms appearing inside labelling, competition rules not given in full on the packaging or the omission of information about availability of results, we pursue the matter with the originator of the promotion. We also make enquiries about promotions when there is no prima facie breach with a view to obtaining copies of full competition rules or assuring ourselves what "while stocks last" really means. It was as a result of such enquiries that we were able to discontinue investigations into "worth and value" claims as it became apparent that the great majority of these claims conform to the Code. (The Price Marking (Bargain Offers) Order 1979 has, of course, superseded the Code in this area.)

For similar reasons, we no longer – at least for the time being – investigate premium and free offer promotions which feature a “subject to availability” statement. We have found that such statements have always been adequately supported. By and large, promoters and their consultants have been willing to co-operate with the monitoring Secretariat’s queries; the only difficulty consistently encountered has been delay in answering specific enquiries.

Over and above these necessary efforts to ensure that promotions conform with the Code is the evidence over the past year that promoters and advertisers are increasingly aware of their responsibilities and of the requirements of the Code. Many companies now ask for CAP guidance in applying the Code during the planning of campaigns. This “preventive and protective” function has now become a continuing feature of the Secretariat’s work.

From January – December 1979, we investigated a total of 151 promotions of which 91 were acceptable and 60 were in breach of the Code. There were 44 instances of tinned and packaged foods promotions breaching the Code and 16 instances of breaches by household goods promotions. Competitions and premium offers were the kinds of promotion which most often breached the Code.

Over half the cases investigated fell into one or other of five Code Sections; 5.6.1., 5.10.2., 5.10.3., 5.13.3., and 5.13.5. Full statistics follow. We should point out that these figures relate only to cases *actually pursued* and do not include figures of promotions found acceptable on prima facie examination and therefore not investigated. A new system of recording details of *all* promotions noted was started in January 1980.

It will be observed from the following figures that the number of cases investigated differs from the total of Code sections cited; this is because some enquiries raised more than one issue or that the same issue was considered under more than one section.

## SALES PROMOTION MONITORING 1979

### 151 Cases investigated

91 – Acceptable (A)    60 – Breach of Code (B)

#### Type of product

	A	B
A – Household goods	11	16
B – Toiletries	7	6
C – Tinned & packaged foods	23	44
D – Cereals & Bread	8	10
E – Dairy Produce	2	3
F – Frozen Foods	2	3
G – Soft Drinks	–	3
H – Alcohol	1	2
I – Cigarettes & Tobacco	–	2
J – Infant & Medical	3	2
K – Leaflet	3	–
	91	60

#### Type of Promotion

	A	B
C – Competition	27	34
FO – Free Offer	10	18
PO – Premium Offer	22	33
SS – Savings Scheme	1	6
	91	60

# Complaint Analysis

## ANALYSIS OF COMPLAINTS RECEIVED

In 1979 the Authority received a total of 3367 complaints, less than a third of which gave rise to investigation under the terms of the Code.

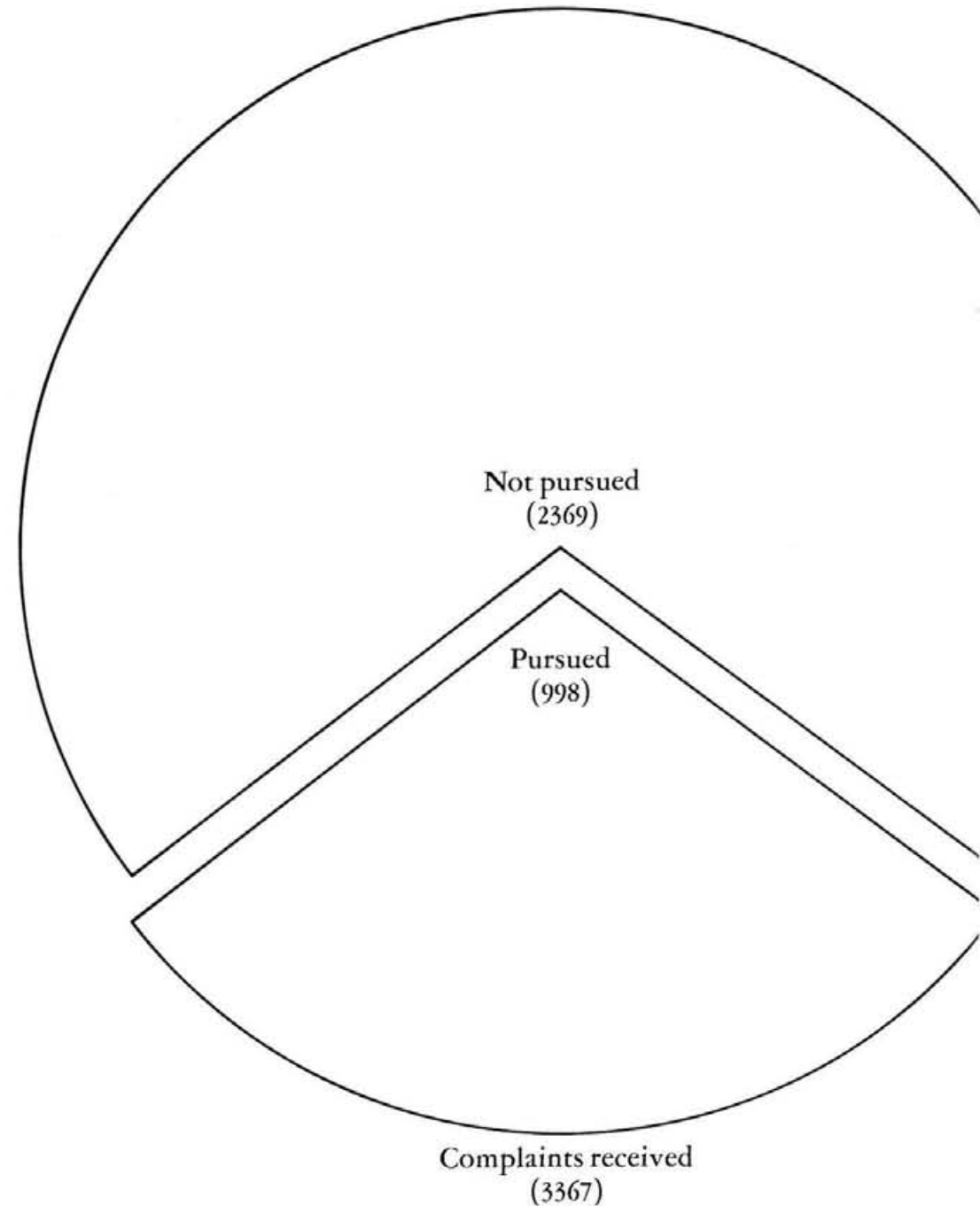
During the past three years the number of complaints received and the number it is necessary to investigate has gone down year by year – the result, we have reason to believe, of increasing awareness of the Code on the part of advertisers. As a corollary and as an indicator of continuing public interest, it is worth noting that the Authority's publicity campaign produced during the year over 1800 requests for leaflets and details of our work.

The charts shown opposite give a breakdown of the categories of complaint and illustrate why it is that of the 3367 complaints we received this year only 998 were pursued for investigation.

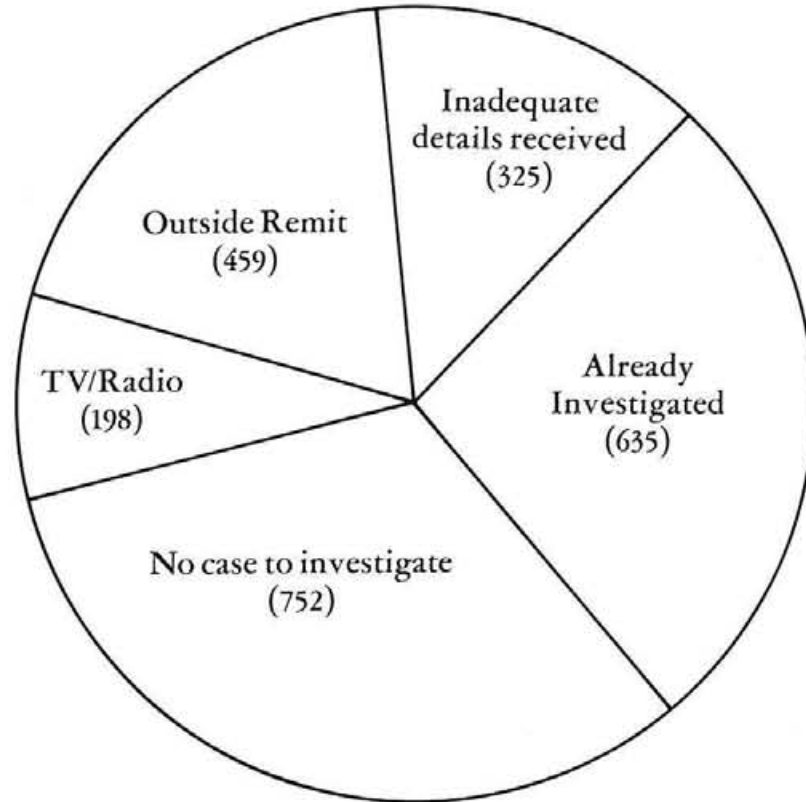
We went into the reasons for the large numbers of complaints which are not pursued very fully in the editorial which preceded Case Report 57. Briefly, some of these "not pursued" complaints are about TV or radio commercials and these are passed to the IBA for action. Some raised matters outside our remit, some dealt with advertisements we had already investigated and some simply did not give enough information for us to identify the advertisement. This still leaves many which lacked sufficient substance to merit pursuing. The reasons vary. Carelessness in reading the advertisements and therefore basing the complaint on a faulty conclusion is one. An over-sensitive opinion of what is or is not decent or blasphemous is another. We take the view that while complainants have every right to hold the views they do they cannot – except in extreme cases – expect them to be imposed on the majority. A lack of sense of humour – often married to an over-literal mind – has also been known to produce complaints which cannot be said to contravene the Code.

## INVESTIGATED COMPLAINTS

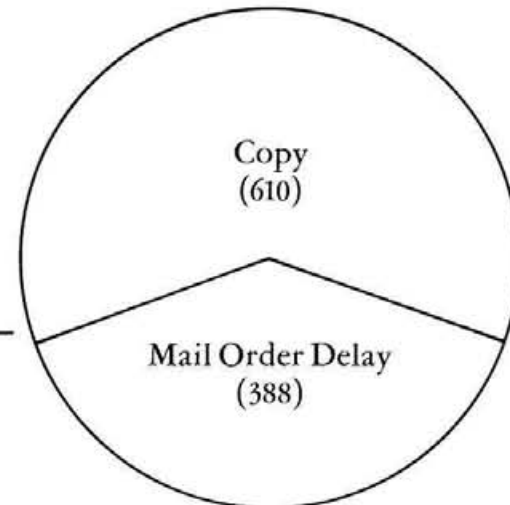
Of the complaint investigations about advertisement copy which were concluded and reported during the year, 64.5% were upheld either wholly or in part. In all instances the Authority obtained assurances from the advertisers that the offence would not be repeated.



# Complaint Analysis



Complaints  
Not Pursued  
(2369)



Complaints  
Pursued  
(998)

# Complaint Analysis

An analysis of the complaint investigations reported during the year (Case Reports 47-58) reveals that the product groups which gave rise to most complaints were holidays/travel and cars/car accessories. A complete product group breakdown is given opposite and overleaf.

## SPECIAL INTEREST AREAS

### *Offensiveness*

Complaints of poor taste and offensiveness amount to 14% of all the complaints we receive. In 1979 nearly half of these have been on the subject of "sexism," i.e. the way women are portrayed and the way stereotypes of women are used in press, magazine and poster advertisements.

While the Authority's approach to this matter was stated at some length in 1978 (Case Report 38) we felt that the complaints were sufficiently frequent and potentially important enough to warrant research on our part. To this end we commissioned a research organisation to undertake a pilot qualitative study concentrating on the first of these issues with the intention that it should be followed in due course by quantitative research if results warranted it.

We have now received the results of this pilot study. As it was based upon a sample of only 50 women (though these were carefully chosen to be representative) the findings are clearly tentative rather than conclusive and it could be misleading to publish them yet.

They are, however, exceedingly interesting and the Authority intends to commence quantitative research as soon as possible. When this has been completed, we will publish the findings of both pilot and quantitative studies.

## GENERAL GROUP

## CASES REPORT

	47	48	49	50	51	52	53	54	55	56	57	58	Total
Alcohol					1	1			2			1	5
Automobiles & accessories		4	5	4	5	5	6	2	3	4	6	9	53
Betting								1				1	2
Book/Audio Clubs	2			2									4
Building materials		1	1	2		1		1				1	7
Building Societies									2	2			4
Charities				1	1				1				3
Cigarettes/tobacco	1												1
Clocks and Watches	3			1		1			1	1			7
Clubs													-
Commemorative Items								1					1
Computer Dating												1	1
Educational			1							2	2		5
Entertainment		1	1			1	1	4	1	4	1	2	16
Estate Agents/Property Dev.		1		1			1	1			4		8
Finance	2	1	2		4	3			3	1	2	6	24
Food				2	2	2	1	3	1	3	2	1	17
Gardening		2		1			4		1	1			9
Govt. Depts./Agencies & Local Authority	1	2	2		2				1			1	9
Heating/Energy/Insulation	3	3		2		2	1	2			2	3	18
Hi-fi	2		1	6			2	1		1	1	5	19
Holidays	2	2	8	1	2	2	2	1	6	1	4	1	32
Hotels/Restaurants							1	1	1	1		2	6
Industrial equipment/machinery	1				2		3		1		1	1	9
Insurance								1					1
Luggage								1		1			2
Office equipment								2	1	1	1	1	7
Pain					1								1
Photography/Photo equipment	2	2	1	1	1	2	1	2	2	3	2	2	21
Publishers	5	2	1	1	1		3		1	3	3	7	27
Recruitment/Employment								1	3	2	1		7
Religious Organisations												1	1
Retail	2	7	2	2	3	1	6		2	3	6	7	41
Security Devices	2								1				3
Services		2						1	3	3	5		14
Sports Goods	1	1							1			2	5
Stamps				1		1							2
Stationery												1	1
Sundries	5	1			1	2	1			2	3	4	19
Telephones												1	1
Television and Radio		1			2	3						4	10
Toys			1	1					1				3
Tools												1	1
Travel	2		4		4	1	4	4	2	5	5	1	32

# Complaint Analysis

## CASES REPORT

	47	48	49	50	51	52	53	54	55	56	57	58	Total
<b>PERSONAL GROUP</b>													
Clothing		1	1	2			1	2	2	3		4	16
Cosmetics/Toiletries		1			1	1	1		1		1		6
Footwear								1					1
Hair						1			1			1	3
Hearing Aids					1	1			1				3
Hypnotist											1		1
Jewellery	1	1		1		1					1	1	6
Nutrition		1								1			2
Optical							1		1	1			3
Pregnancy Testing												1	1
Proprietary Medicines/Appliances			1				1		2				4
Slimming						1			1	1			6
Suntanning appliances	3									1		1	2
Treatments												1	1
<b>HOUSEHOLD GROUP</b>													
Appliances					1						1	2	4
Bathroom Equipment		1										3	4
Bedding				1	1	1			1	1	1		6
Carpets/Floor coverings			1		1	1						1	4
Cleaning equipment	1								1				2
Cutlery/China			2						1			2	5
Double Glazing/Windows			1									3	4
Furniture		1		1	1				2		1		7
Kitchen Equipment			3					1	2	1	1		8

### Children

As 1979 was The Year of the Child, we were particularly interested in any complaints relative to Appendix B of the Code. However, over the year we received only 14 complaints; two about advertisements specifically addressed to children (neither of them indicated breaches of the Code), six about advertisements featuring children (three of which required investigation with one complaint upheld) and six about general advertisements which might be seen by children and could be harmful to them (only one of these required investigation and the complaint was not upheld).

# Financial Report

The Advertising Standards Authority Ltd.  
Expenditure Account for the Year ended  
31st December 1979

1978		1979
215,655	Salaries and staff costs	266,442
72,800	Rent and accommodation costs	104,664
15,357	Travel, subsistence and entertaining	17,486
15,836	Consultancy and professional fees	9,770
6,071	Council honoraria and expenses	6,225
<u>49,949</u>	Telephone, postage, printing, stationery, furniture and other general expenses	<u>60,471</u>
375,668		465,058
<u>688,509</u>	Advertising and promotion	<u>277,148</u>
<u>312,841</u>		<u>742,206</u>

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