



Having more impact, being more proactive

Advertising Standards Authority
Committee of Advertising Practice
Annual Report 2014

Legal, decent, honest and truthful

ASA ✓ CAP ✓

About us

The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising across all media. Together with the Committees of Advertising Practice (CAP), who write the Advertising Codes, we work to make advertising responsible.

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

We believe responsible ads are good for people, society and advertisers. It is our ambition to make every UK ad a responsible ad.

2014 highlights



- January 2014
Lucozade

We tackled misleading health claims for soft drinks e.g. Lucozade "hydrates and fuels better than water" (GlaxoSmithKline Ltd) and the PepsiCo Ltd claim that its Naked Juices had antioxidant properties.



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Our year in numbers

37,073

complaints received

60%

of formally investigated ads upheld

7,168

Copy Advice enquiries

3,384

ads changed or withdrawn

35%

increase in complaints about online ads

194,200

occasions where we provided advice and training

► February 2014 Jamster

We ruled against Jamster's ad for a 'Nude scanner 3D' app for causing offence. We decided the ad was not suitable for broadcast at any time.



► March 2014 Paddy Power

Paddy Power published the most complained about ad of all time (5,525 complaints). We ordered its immediate removal for trivialising a murder trial and disability.



A message from the ASA Chairman

In last year's report, I set out our big overriding ambition: to make every UK ad a responsible ad. And throughout this past year, we have continued to work – day in, day out – to help to achieve that goal.

We'll never get everything right, of course, but in a whole host of areas of advertising that raise public concerns, whether it's about food, alcohol, payday loans, gambling, or plain simple misleading claims about availability or cost, we've taken action wherever we think it right to do so. I'm especially grateful to our dedicated staff who have continued to apply their expertise and professionalism in helping us to achieve this.

But we've also, this year, been putting some serious thought into how we go about working as effectively as possible, with the interests of the consumer in mind. It's about how we provide the best value to the consumer through what we do.

That's why we've put in place a new broad strategy for our work, which is all about having more impact and being more proactive. Instead of looking at every single case in as much detail as every other one, we want to put a stronger focus on those cases where there is the greatest potential detriment or harm.

And we'll look at those areas of advertising where a general problem emerges, so that we can take a view across a cluster of cases and tackle the underlying issues, rather than simply looking at a single instance. The recent work we've done on copycat public service ads might be a good example of where we could go in future.

We'll be working just as hard as ever, of course, but I hope even more effectively.

In 2014 three of our Council Members, David Harker, Louisa Bolch and Sir Andrew Motion, came to the end of their terms of office, and we were very sorry to see them go. We were however delighted to welcome Kate Bee, Shireen Peermohamed and Sam Younger to replace them.



Rt Hon Lord Smith of Finsbury
ASA Chairman

► May 2014
Fahrenheit60 Ltd and
Electronic Healing

We made our first referrals to Trading Standards under our new legal backstop regime. Fahrenheit60 Ltd and Electronic Healing persistently made misleading health claims.



► July 2014
Koosday Events Ltd

For the second time in 2014, we ordered the immediate removal of an ad pending further investigation, this time for linking alcohol with driving.





► November 2014
Mondelez UK Ltd

Our landmark ruling against a vlog ad for Oreos means that the advertising nature of an online video has to be clear before you click.



▼ November 2014
Ofcom contract

We renewed our contract with Ofcom to regulate broadcast advertising until 2024.



► December 2014
Must Have Ltd

New ad rules for e-cigarettes were tested within weeks when we ruled against a number of ads. This one was banned for indirectly promoting tobacco products.



A message from the CAP Chairman

Change throws up challenges. And advertising is constantly changing. So the challenge for the CAP Committees is to keep developing the Advertising Codes and guidance in response, as our work in 2014 shows.



The growing significance of online ad spend, search and social media to marketing has given advertisers and their agencies opportunities to engage audiences in new ways. In turn, we've met the challenge of ensuring our media-neutral advertising rules are properly applied to new advertiser behaviour and consumer experience: our work on vlogging, native advertising and tweets are examples.

New categories are emerging, too, with some, like e-cigarettes, demanding Code development and others, like payday loans, leading us to question whether they are sufficiently regulated.

And society's concerns over people's health and wellbeing are reflected in new interrogation of advertising's role in sensitive sectors, as our reviews of gambling and the online marketing of food to children illustrate.

The Advertising Codes – broadcast and non-broadcast – can deal with these challenges for three good reasons.

One, they are based on enduring principles: that advertising must be legal, decent, honest and truthful; and that our regulation of it must be transparent, proportionate, targeted where it matters and effectively enforced.

Two, our industry has a strong track record of commitment to our self-regulatory, but mandatory and universal rules. The CAP and BCAP Committees are made up of representatives from all the players in advertising, large and small, established and new, who are aware of, and can respond to, the changes in our business and wider society.

And three, the expertise in our Executive team in Regulatory Policy, Compliance and Copy Advice, together with our Advisory Panels of senior marketing practitioners and independent individuals, keeps the Committees fully informed of developments inside and outside advertising. The currency and efficacy of our Codes depend on them and I thank them all.



James Best
CAP Chairman

► Committee of Advertising Practice

Advertising Association
Atvod Industry Forum
Cinema Advertising Association
Direct Marketing Association
Direct Selling Association
Incorporated Society of British Advertisers
Institute of Practitioners in Advertising
Institute of Promotional Marketing
Internet Advertising Bureau
Mobile Broadband Group
Mobile Marketing Association
News Media Association
Outdoor Media Centre
Professional Publishers Association
Proprietary Association of Great Britain
Royal Mail
Scottish Newspaper Society
Clearcast
Radio Advertising Clearance Centre

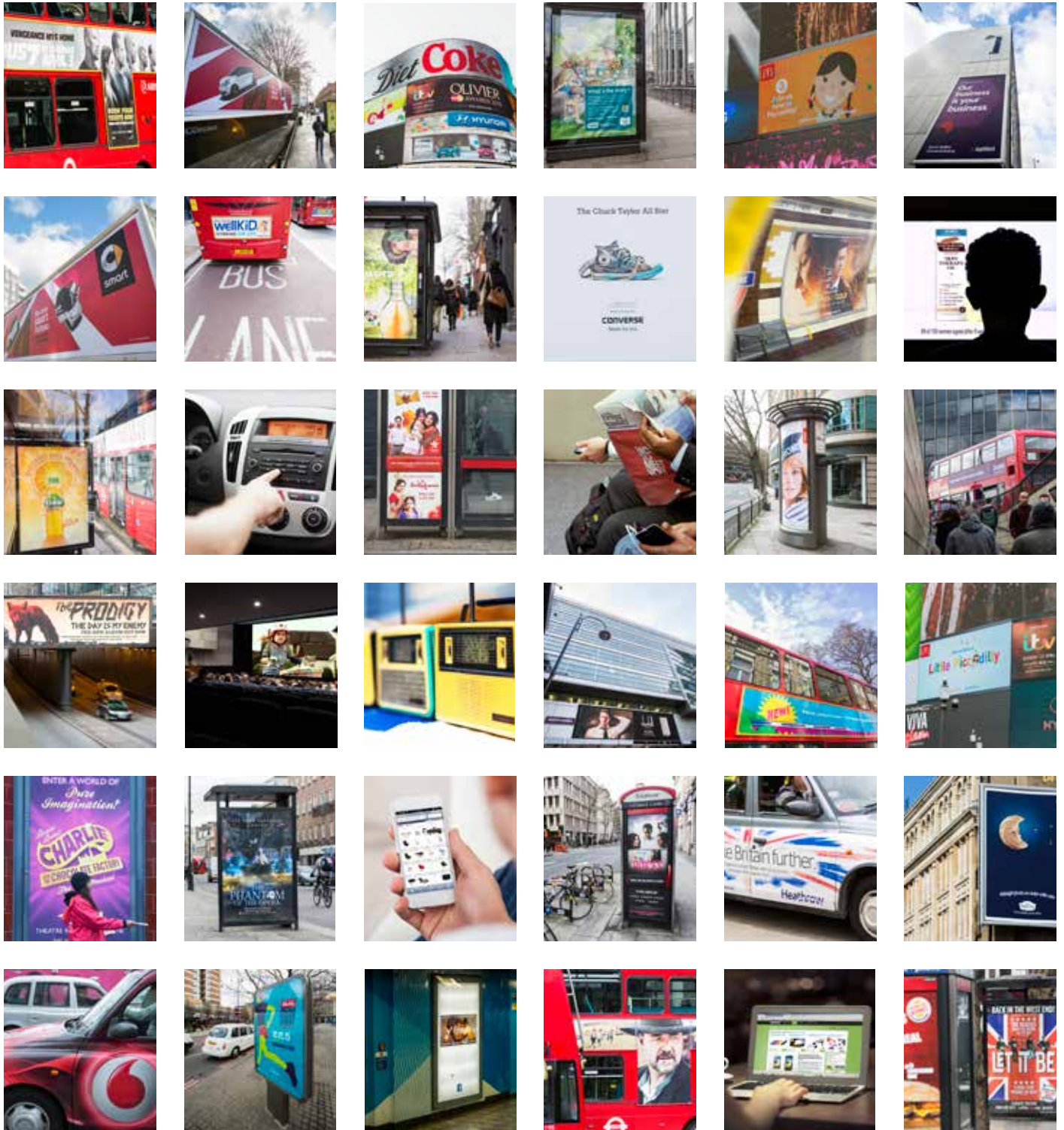
► Broadcast Committee of Advertising Practice

Advertising Association
British Sky Broadcasting Ltd
Channel 4 Television Corporation
Channel 5 Broadcasting Ltd
Commercial Broadcasters Association
Direct Marketing Association
Electronic Retailing Association UK
Incorporated Society of British Advertisers
Institute of Practitioners in Advertising
ITV plc
RadioCentre
Clearcast
Radio Advertising Clearance Centre
S4C

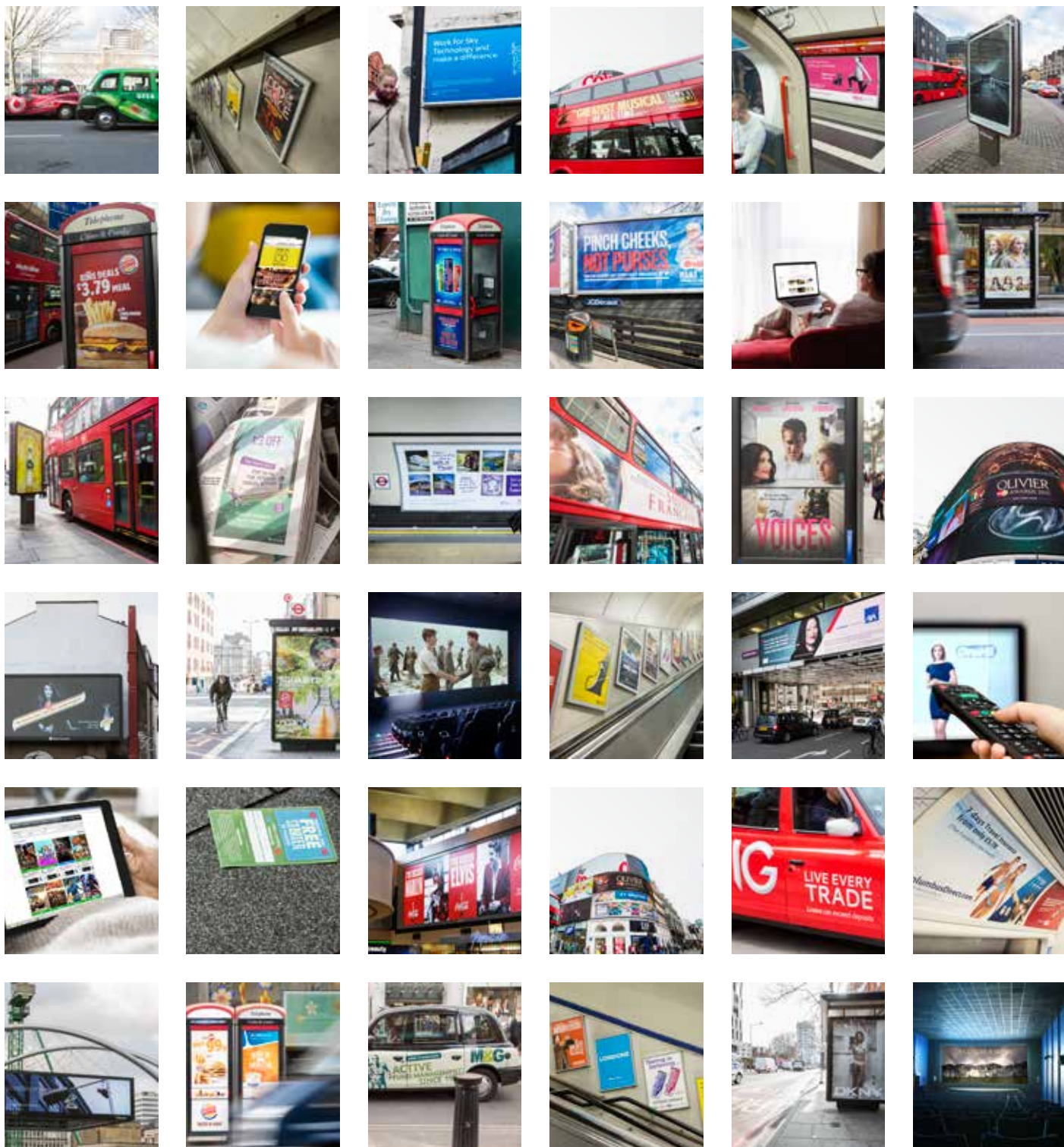
N.B. Clearcast, Radio Advertising Clearance Centre and S4C have observer status on the Committees.

Context

Each year, the UK public sees many millions of advertisements, promotions and direct marketing communications.



Our job is to make sure they're responsible. And that means legal, decent, honest and truthful.



Listening to those with a stake in the work we do is an important part in helping us to deliver effective changes in how we regulate. Here, three key opinion-formers provide their views from the perspective of consumers, society and business on the challenges we face and how our strategy might address them.



The view
from consumers

Stay ahead of the game

Gillian Guy
Chief Executive, Citizens Advice

The Citizens Advice consumer helpline receives 1.2 million calls a year. This gives us unrivalled insights into how consumers make choices – and it shows us the costs when things go wrong.

We know that ads can and do mislead. And we know that the way they mislead changes all the time. The challenge for the ASA is therefore one of adaptation. The principles of honest advertising do not change. But the way the ASA defends these principles must evolve over time.

That's why the key word for us in the new ASA strategy is 'proactive'. Consumer markets are changing faster than ever and the ASA is at its best when it acts quickly in response. It was in this spirit that we worked with the ASA to stop the irresponsible promotion of payday



loans. The industry had ballooned overnight and was causing severe harm to our clients. We identified ads that were worsening the problem and we welcomed the ASA's work to stop these ads before more harm was caused.

But new risks open up all the time. Take the way broadband is advertised. For many years the ASA has defended the principle that advertised prices should reflect the price people pay. The ASA has also long defended the principle that the word 'free' must mean free. Now the broadband industry is engaged in a race to the bottom as headline prices fall from £4 to £2 a month – and now to 'free'. Meanwhile the small print hides the big cost of line rental, often £17 a month.

It's cases like these that will be the test of the ASA's new strategy. This means holding advertisers to the letter of the law and ensuring the rules themselves remain adequate. We look forward to working closely with the ASA as it implements this new strategy and works to stay ahead of the game.

1.2m

We get 1.2 million calls a year to our Consumer Services helpline.



The view from society

Be available, accessible and fair

Ben Page
Chief Executive, Ipsos MORI

What does society care about in terms of advertising?

Fundamentally that it should be legal, decent, honest and truthful. People accept that ads are a normal part of everyday life, and part of an increasingly fragmented media. But that they also need to play by the rules.

A part of the ASA's success is that it keeps up to date with social change. The challenge for a regulator is that society doesn't hold uniform views. The dial of social values is constantly turning. Younger people are generally more relaxed in their attitudes towards homosexuality than older people, and less tolerant of misogyny and gender stereotyping. But older people watch ads too. What the ASA has done is to maintain a level playing field between generational attitudes.

The view from consumers, society and business

1990s

There were a limited number of channels to get messages across.



In the 1990s there were a limited number of channels to get messages across. Now there are dozens – and ads can be personally targeted. Some of our clients, for example, put messages up for an hour, just to see what happens. This is all probably uncontrollable. But the issue of how we as a society use – and accept the use of – personal data has yet to be properly addressed.

In an ideal world you'd like the ASA to be more available and accessible and speed of response is increasingly important. People want a reply to an email immediately. However, there is an issue about how the ASA would meet demand if it increased its profile.

Unsurprisingly, I have been deeply involved in the General Election. Politicians can – and do – make outrageous claims that cannot be challenged. It is an obituary to facts, and I would like to see a mechanism for clear rebuttals. In the UK, people trust TV news more than print media. Why? Because they are highly regulated. And I think it is for the same reason that British ads are the best in the world. Advertisers know that the ASA will draw the line if need be.





How we advertise, the data we collect and how it is used, the channels we advertise on, who owns them, the way all of us recommend, choose and buy – all of this is changing, all of the time. And if that wasn't enough, alongside this revolution in advertising and media, we are seeing huge shifts in everything from global economics to consumer empowerment through technology.

That's why I believe that the ASA's new strategy could not be better timed. There is incredible opportunity, but also great risk in just how fast things are moving across our sector. Advertising has never needed an independent, expert, recognised regulator more and the way self-regulation adapts will be critical, if we are to maintain our licence to operate.

The ASA's ambition – to make every UK ad a responsible ad – is 100% right. But its challenge, frankly, will be to keep

up, because the upheaval we have experienced to date is only the beginning. As advertising continues to change, so will what it means to be responsible.

Through the Advertising Association, I know that UK agencies, brands and commercial media are ready to play their part, and it's good to see the ASA preparing to respond to that same challenge.

50 years

Our system of self-regulation, created over 50 years ago, is successful in large part because we know that without confidence in the ads, everything suffers.



The view
from business

Keep up with the pace of change

Andy Duncan
Chief Executive, Camelot UK
Lotteries and President of the
Advertising Association

When the Advertising Association asked me to close its industry summit this year, I took the chance to ask our 300 delegates a question. Is it time for a new deal? Do we need to think again about how we listen and respond to the world we operate in?

The answer was overwhelming. 'Yes'.

Business clearly cares about responsible advertising; it always has. Our system of self-regulation, created over 50 years ago, is successful in large part because we know that without confidence in the ads, everything suffers. That fundamental truth won't change, but advertising itself is changing – and will continue to do so.



Chief Executive's report



We received 37,073 complaints – the highest ever – driven mostly by social media.



We resolved a record 1,599 compliance cases in 2014, up 27% on 2013.



We delivered a 21% increase in advice and training to advertisers. Satisfaction with CAP Copy Advice increased to 92% (91% in 2013).



Our strategy is to have more impact and be more proactive in order to achieve our ambition of making every UK ad a responsible ad. So it stands to reason we're going to be doing things differently.

Driven by social media, 2014 saw our highest ever number of complaints. But we don't just watch our mailbox – we're already becoming more proactive. For example, we resolved a record number of compliance cases last year: cases where we stop problem ads, usually despite not receiving a single complaint. And we provided a record amount of advice and training too. The numbers were big and we delivered them while maintaining quality.

The next few pages set out the progress we're making against the five strands of our strategy: Understanding; Support; Impact; Proactive; and Awareness.

Public research and other forms of intelligence gathering will play an increasingly important role in helping us decide where we should be focusing our time and effort in order that we deliver more effectively. But speaking and listening to key opinion-formers is important too. So I'm particularly grateful to Gillian Guy, Andy Duncan and Ben Page for giving us the benefit of their wisdom.

The view from the citizen camp is clear: we're working together well but need to stay ahead of the game. Gillian picks out broadband pricing as a current worry. This summer we'll conduct public research jointly with Ofcom on this important matter, to establish whether we're drawing the right line – and to respond if we're not.

The view from business is part reassuring, part sobering: Andy believes our ambition is 100% right but can we keep up with the pace of change? My answer is that we must. And prioritising our efforts to where they will have the greatest impact will be key.

And the view from society is challenging. Regulating truth in political ads at election time is not within our remit. But the question of how to reflect diverse views certainly is, as are concerns about the use of personal data, and a need for us to become ever faster and more accessible. I'm convinced our focus on greater impact and more proactivity will give us the best chance of responding to these challenges.



Guy Parker
Chief Executive

Our strategy and performances

Our purpose and ambition

Our purpose is to make advertisements responsible and our ambition is to make every UK ad a responsible ad.

What we do is important

We're passionate about what we do, because responsible advertisements are good for people, society and advertisers.

How we make every UK ad a responsible ad through our 2014 – 2018 strategy

We've been phasing the implementation of our strategy over five years. Some strands, like Impact and Proactive, have prompted immediate reviews of how we work. In the meantime, we're finding opportunities to implement the aims of the strategy within our existing working practices.



Strategy

Understanding

We'll be an authority on advertising and active on issues that cause societal concern. We'll be open to calls for regulatory change, acting purposefully and in a timely fashion, while being fair and balanced in our assessment of the evidence and arguments.

Support

We'll provide support to advertisers to help them create responsible ads. We'll increase, improve and better target our advice and training so every business has access to the information and support it needs.

Impact

We'll spend more time on matters that make the biggest difference. Focusing on our existing remit, we'll spend less time tackling ads that cause little detriment to consumers or the vulnerable. But where a complaint indicates that the rules have been broken we will always do something.

Proactive

We'll be proactive and work with others. We'll use a wide range of information to identify and tackle problems to make sure ads are responsible, even if we haven't officially received a complaint.

Awareness

We'll increase awareness of the ASA and CAP. We will make sure that the public, civil society and the industry know who we are and what we can do, so they can engage with us when they need to, and have confidence in our work.

Progress

- Conducted research into public experience of 'copycat' websites and gambling advertising.
- Continued to widen our stakeholder relationship programme with advertisers, which helps us to gain a better understanding of those we regulate and the issues they face.

- Delivered a 21% increase in advice and training provided. The growth has been driven by increases in newsletter readership and visits to our online advice.
- Worked on our first eLearning modules on alcohol and misleading advertising.
- Improved online accessibility of the Advertising Codes, including on mobile.

- Suspended two ads pending investigation (Paddy Power's 'Oscar Pistorius' ad and a Koosday Events Ltd ad which irresponsibly linked alcohol to driving).
- Extended our target for out of remit cases (five to ten days) and decreased our target for allocating investigated cases (15 to ten days) so we can tackle problem ads.
- Developed a set of Prioritisation Principles through pre-consultation with other regulatory bodies, consumer groups and business groups.
- Delivered a new approach to seasonal and time-sensitive ad campaigns.

- Adopted more of a project-based approach to tackling issues e.g. copycat websites.
- Initiated reviews into a number of areas of advertising policy and practice, such as payday loans advertising. CAP commissioned an independent literature review on children's experience of online marketing for food.
- Consulted on and introduced new rules for e-cigarette advertising.
- Worked with the industry to deliver sector-wide compliance e.g. producing new guidance on guide prices for properties to tackle misleading pricing.
- Published the outcomes of our review into the gambling rules.

- Produced our first corporate video providing an overview of advertising regulation for the public.
- Produced a new information leaflet about the ASA and CAP.
- Began work on a national advertising campaign, securing pro bono support from the industry. We're committed to having a public advertising presence for the next four years.
- Increased our engagement on @ASA_UK and @CAP_UK. Experimented with live tweeting events. Launched a new LinkedIn page for CAP and an ASA Facebook page.

Looking ahead

- Increase public research in 2015.
- Conduct research with Ofcom into Broadband pricing practices.
- Begin to identify areas of consumer detriment in 2015.

- Launch the eLearning modules on alcohol and misleading advertising in 2015.
- Improve the search facility for our online advice.
- Continue with improvements to online advice, making it easier to digest.
- Step-change improvements to our advice and training are being targeted for 2015 and 2017.

- Deliver speedier responses.
- New Prioritisation Principles published in 2015.
- Work on bringing the Prioritisation Principles to life to begin in 2015.

- Publish outcomes of Proactive reviews for payday loan advertising and where appropriate act on the results.
- Publish and act on the outcomes of our proactive reviews in areas of societal concern.

- Ad campaign to begin rolling out in early 2015 beginning with non-broadcast ads. Broadcast ads to be rolled out later in the year.
- Develop a full Awareness strategy in 2015.
- Improve online content and start planning for new websites in 2017.

Understanding

We'll be an authority on advertising and active on issues that cause societal concern. We'll be open to calls for regulatory change, acting purposefully and in a timely fashion, while being fair and balanced in our assessment of the evidence and arguments.



Miles Lockwood
Director of Complaints and Investigations

We work hard to protect consumers from misleading and harmful advertising and in doing so we use a wide range of approaches to identify, understand and respond to problems.

Sometimes, intelligence arrives via the complaints mailbox. One issue that we identified in 2014 was the growing problem of copycat websites – sites that offer access to government services, but are not the official channels, and often charge a premium on top of what would otherwise be a free service.

While we can take action on a single complaint, we also aim to take a joined-up and strategic approach to identifying the issues that matter most to consumers. Because of the potential for many people to be misled and put out of pocket by

these websites we decided to take a wider look at this issue.

We responded in three ways. First, using the intelligence gathered from complaints, we worked with our partners in government, Trading Standards and search engines to identify the scale of the problem and discuss joined-up solutions.

Second, we commissioned research from Ipsos MORI to gain a better understanding of how consumers apply for official services online, their expectations of official services and the extent and ways in which they're misled by non-official services. That research, published in June 2014, identified certain aspects of copycat sites that some people found hard to distinguish from official sites, and provided compelling and robust evidence upon which to take regulatory action.

Third, we conducted a series of investigations which ruled against a number of the sites, among them TAD Services t/a uk-officialservices and Europe EHIC Services Ltd t/a European Health Card, and then used these to take action to bring the whole sector into line. This is just one example of where we have addressed a key consumer concern through evidence and in a proportionate and considered way.

Other activity

The Broadcast Committee of Advertising Practice (BCAP) conducted a review of payday loan advertising to look into societal concerns about irresponsible practices. Alongside this, the ASA took action to ban specific ads that had broken current rules and guidance.

We expanded our stakeholder relations programme to involve a wider range of companies and organisations to provide us with a better insight to their advertising practices and concerns.



▲ *UK Official Services – one of several 'copycat' websites we took action against for misleading consumers.*



Support

We'll provide support to advertisers to help them create responsible ads. We'll increase, improve and better target our advice and training so every business has access to the information and support it needs.





Jane Eldridge
Head of Casework

Our ambition to make every UK ad a responsible ad means helping advertisers to get their ads right in the first place. We have delivered significant increases in advice and training over the past year, from training seminars to free online advice as well as creating new guidance for advertisers in response to emerging markets and developments in the way ads are served to people.

For example, we created new guidance for advertisers and vloggers giving practical advice on how to make it clear when an ad is being served online. This followed a landmark ruling against Mondelez UK Ltd, in which the advertiser had paid vloggers to promote their

product but did not make it clear from the outset that the content was, in fact, an advertisement.

Using new advertising techniques to reach audiences isn't a problem but people have a right to know when they are being advertised to, especially when the ad appears in a format or a space that is normally expected to be non-promotional.

Our work has helped to provide a responsible framework for advertisers to continue to engage creatively with their customers.

We know that businesses have differing training needs, so we're working to tailor our support so advertisers can use it in the way that best suits them. In 2014 we broadened our advice and training resources with the development of CAP eLearning. This new offering will enable CAP Advice and Training to provide services to a wider audience. CAP eLearning will launch in 2015, initially with modules on alcohol advertising and misleading advertising.



194,200 occasions where we provided advice and training, up 21%*



47 industry training presentations



7,168 Copy Advice enquiries



102,684 visits to online resources



10,947 subscribers to *Insight* newsletter

* The number of discrete occasions where, for example, Copy Advice was sought, AdviceOnline entries were read or individuals attended training events.



Impact

We'll spend more time on matters that make the biggest difference. Focusing on our existing remit, we'll spend less time tackling ads that cause little detriment to consumers or the vulnerable. But where a complaint indicates that the rules have been broken we will always do something.



Jo Poots
Head of Operations (Complaints and Investigations)

As part of our five-year strategy one of our key aims is to have more impact through how we regulate. We believe that the more impact we have, the more we amplify the good work we do and the more successful we will be in promoting responsible advertising across the marketing community.

We began by making small but significant changes to our current processes and systems and at the end of 2014 we implemented a new policy for dealing with seasonal and other major event ads to ensure our decisions would be timely and relevant. For example, over 800 complaints about the Sainsbury's Christmas TV ad were treated as a

priority and the final decision was communicated in November.

Earlier in the year we took immediate enforcement action by suspending two ads pending investigation: one was a Paddy Power ad that referred to the Oscar Pistorius trial and the other was an ad by Koosday Events Ltd that linked alcohol with driving.

However, our main focus for this area of strategy has been on devising a set of Prioritisation Principles, which we developed through pre-consultation with other regulatory bodies, consumer groups and business groups. These Principles will help us decide what regulatory resource we commit, or activity we undertake, in response to the issues we identify either through complaints or other forms of intelligence. We will consider the following to help guide us:

- what harm or detriment has occurred;
- the likely risk of action versus inaction;
- the likely impact of our intervention; and
- what resource would be proportionate to the problem to be tackled.

Work on how we bring the Prioritisation Principles to life will begin in 2015.

Other activity

New guidance on guide prices for properties to tackle a sector wide problem with misleading pricing.

New guidance on price comparisons.



▲ We prioritised complaints about Sainsbury's Christmas TV ad in order to make a more timely decision on whether the ad breached the rules.



Our strategy



Shahriar Coupal
Director of Advertising Policy and Practice

Being proactive means not simply relying on the barometer of public complaints to identify advertising problems. Instead we actively monitor compliance with our rules across different advertising sectors and take enforcement action where necessary. And we're increasingly proactive in testing whether the rules themselves are drawn in the right place. We have a responsibility to ensure the rules take account of the best

Proactive

We'll be proactive and work with others. We'll use a wide range of information to identify and tackle problems to make sure ads are responsible, even if we haven't officially received a complaint.



available evidence and that they correctly balance the risks against the benefits of advertising.

For newer markets, like e-cigarettes, evidence about the role that advertising plays around public health outcomes, for example, is very limited. We acted early and in collaboration with public health experts, the industry and campaigning organisations to put in place strict advertising rules. These ensure enhanced protection for children and non-tobacco users, prevent irresponsible messages and ensure e-cigarette advertising remains responsible. By acting proactively, we've prevented advertising problems down the line and by remaining vigilant we'll continue to ensure the rules remain fit for purpose.

We proactively tested whether our gambling rules and the judgments we make against them continue to provide

the right level of protection for children and those vulnerable to exploitation. We assessed the findings of a comprehensive literature review which reflected positively on our rules but will require us to do more work around 'free' offers. We also asked the UK public their opinion on our rulings and we're pleased that our views align. But on the link between gambling advertising and 'toughness', we need to be more circumspect.

By remaining open to a range of different information, including complaints, research, intelligence from other regulators, developments in Europe and beyond and the views of the British public, we're better able to identify the issues that matter most. By being proactive, we're better able to get ahead of the game and have the greatest impact in our work.



▲ *New rules for e-cigarette ads prevent irresponsible messages and ensure protection for children and non-tobacco users.*

Awareness

We'll increase awareness of the ASA and CAP. We will make sure that the public, civil society and the industry know who we are and what we can do, so they can engage with us when they need to, and have confidence in our work.



Lynsay Taffe
Director of Communications, Marketing
and Public Affairs

Public consultations, new guidance, ASA decisions, high profile ad campaigns and societal concerns about particular types of advertising all create a continuing need for the ASA and CAP to publicise their work. Awareness is a key part of making our work accountable. The public, civil society and industry need to know what we're doing and how they can get involved. Such accountability improves the way we regulate.

Our promotion of our public consultation on new advertising rules for e-cigarettes is a case in point. We sent our consultation to thousands of subscribers and publicised it through our websites, social media and the press, leading to over a hundred responses from a wide range of organisations and individuals. The responses helped shape

the rules which were positively received. This approach was replicated for the six other consultations we published over the course of the year.

Making sure we're better known among the public was a particular ambition we identified in 2014. As a result we started developing our first public awareness advertisements in almost a decade. It's important that people know who we are and what we do. The overwhelming majority of UK advertising is responsible. We want people to feel confident in the knowledge that if they spot an ad they think is misleading, harmful or offensive we're here to put it right.

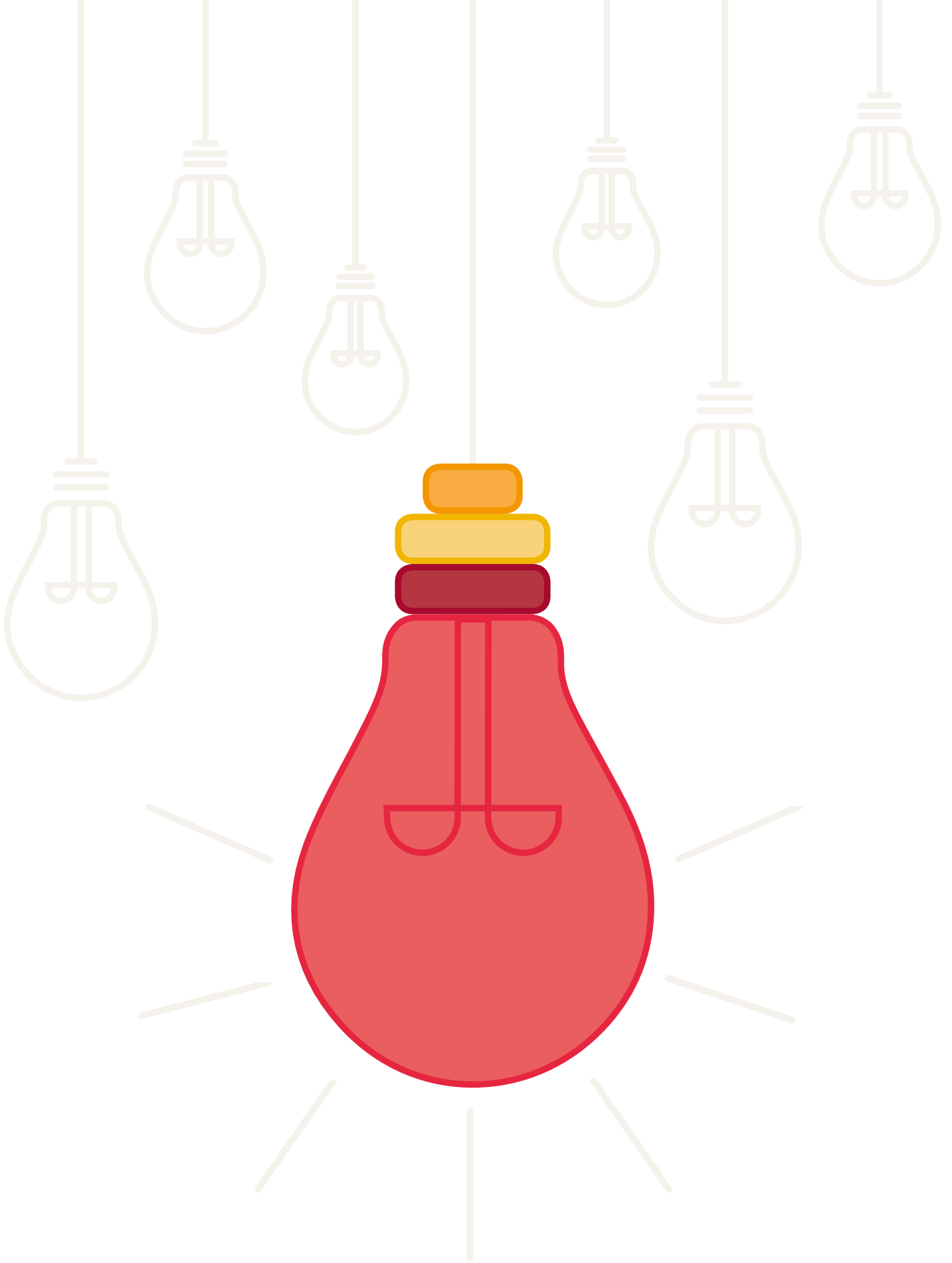
Ad agency AMV BBDO worked with us on a pro bono basis to produce the campaign and, since January 2015, it has appeared in media space generously donated by the media industry.

The cross-media campaign (national press, posters, cinema, online, TV and radio) focuses on the theme that we are all prone to 'bending the facts' on occasion; but while we might get away with it in our day-to-day lives, advertisers are not allowed to. Our campaign is clear: if an ad isn't legal, decent, honest and truthful, it mustn't run.



▲ In June we produced our first corporate video.
▼ 'Irene' – one of the ads produced for our national ad campaign.





ASA Council

The ASA Council is the independent jury that decides whether ads have breached the Advertising Codes.

● Non-broadcast Council
● Broadcast Council



Independently chaired by Lord Smith of Finsbury, the Council is made up of two panels – broadcast and non-broadcast – with almost all members sitting on both.

Two-thirds of the Council members on each panel are independent of the advertising and media industries and the remaining members have a professional background in the advertising or media

sectors. Collectively, they offer a wide range of skills and experiences, representing perspectives across society, including young people, families, charities and consumer groups.

The Chairman and the Council members are also Company Directors of the ASA, and therefore have oversight of the administration of the organisation

as a whole. Other responsibilities of the Council members include serving on one of the Council's sub-committees, for example Risk and Audit, Appointments and Remuneration or Performance Review, and attending meetings of CAP's advisory panels.

1. Rt Hon Lord Smith of Finsbury

ASA Chairman

Former Culture Secretary
PPL Board member
Chairman, Art Fund
Honorary Fellow of Pembroke College Cambridge



2. Anthony Earle Wilkes

Independent member

Managing Director, CETC Ltd
Fellow and Professional Standards Regulatory Panel Member, Institute for Learning
Chair of UKIED



3. Kate Bee

Independent member

Broadcast journalist, BBC



4. Shireen Peermohamed

Independent member

Partner, Harbottle & Lewis LLP



5. Sam Younger

Independent member

Vice Chair, Voluntary Service Overseas
Chair, VSO UK Board



6. Alan Bookbinder

Independent member

Director, Sainsbury Family Charitable Trusts



7. Ruth Sawtell

Senior Independent member*

Non-executive Director, PhonepayPlus



8. Rachel Childs

Independent member

Home Education English Lead, The Reintegration Service
Former Junior School Headteacher
Team Leader, EDI/Pearson



9. Sir Martin Narey

Independent member

Consultant, Department for Education on Children's Social Care
Chair, Adoption Leadership Board
Chair, Portman Group



10. John Mayhead CBE

Advertising industry background member

Non-executive member, Aviation Directorate at Department for Transport
Former Marketing Director and Chairman of the Marketing Society



11. Roisin Donnelly

Advertising industry background member

Brand Director, Procter & Gamble (UK & Ireland)
Fellow and Past President, Marketing Society
Chairman, Cosmetic Executive Women



12. Hamish Pringle FIPA

Advertising industry background member

Non-executive Director, 23red
Partner, Pringle and Pringle LLP



13. David Hepworth

Non-broadcast media industry background member

Writer and broadcaster
Director, Development Hell Ltd



14. Ray Gallagher

Broadcast media industry background member

Communications and Public Affairs Consultant
Specialist Adviser, House of Commons Culture, Media and Sport Select Committee

Council members are appointed for a maximum of two three-year terms and receive an honorarium of up to £17,500 p.a. A Register of Members' Interests may be requested from the Company Secretary.

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

Senior Management team

The Chief Executive and Senior Management team run the day-to-day affairs of the ASA, reporting to the ASA Chairman and Council and, on certain matters, the CAP Chairman and the Committees of Advertising Practice.

1. **Guy Parker**
Chief Executive
2. **Shahriar Coupal**
Director of Advertising Policy and Practice and Director of the Committees of Advertising Practice
3. **Trevor Ellis**
Director of Corporate Services
4. **Miles Lockwood**
Director of Complaints and Investigations
5. **Lynsay Taffe**
Director of Communications, Marketing and Public Affairs



Advertising Advisory Committee report

The AAC advises the Broadcast Committee of Advertising Practice (BCAP) on the consumer and citizen issues arising from key aspects of the TV and radio broadcasting rules.



//
AAC members are drawn from a wide range of backgrounds – such as consumer policy, public administration, the law and broadcasting – and are independent of the advertising self-regulatory system.
//

We strongly support the Advertising Standards Authority's strategy to have more impact and be more proactive in regulating ads. In November 2014 we contributed to the ASA's consultation on its proposed Prioritisation Principles. From our point of view, it makes very good sense to respond proportionately and proactively to problems based on their likely impact; and for resources to be targeted accordingly. Although the Principles are designed primarily to impact on casework, there are important ramifications for the Advertising Codes and its associated guidance, given the two-way read-across between the Codes and casework. For this reason, we have argued that the Principles should be applied to Code and guidance development as well as to casework. We hope that the AAC will be able to make a constructive contribution to this process in the near future.

During 2014 our main focus was on the regulatory response to changes in the market – a very good example being the emergence of e-cigarettes and the very strong concerns expressed by some parties about how these are advertised. This issue revealed how difficult it is to develop advertising rules in the absence of clear public policy, and with a very limited evidence base. We are broadly supportive of the rules now in place but this is a market that will require close scrutiny as it develops. The potential health benefits of e-cigarettes have been acknowledged, but we would be very concerned if any evidence were to emerge that ads were encouraging the re-normalisation of tobacco smoking.

As such, we felt that this risk needed to be flagged in clear guidance to the industry.

A second major theme to our work has been changing social concerns – as evidenced by topics such as payday loans and gambling. We evaluated the range of concerns and to what extent advertising rules were part of the problem – or could be part of the solution. In each case, we identified a need to maintain a sharp focus on prevention of detriment, and to improve available evidence of the risks to consumers and society at large.

Our Committee is very grateful to Shahriar Coupal, Malcolm Phillips and their colleagues on the BCAP Executive for their excellent support throughout the year.

Stephen Locke
AAC Chairman

► AAC Committee members:

John Bradford
Colin Cameron
Alison Goodman
Dr Michaela Jordan
Angela McNab
Claire Whyley

Industry representation

The advertising industry's commitment to advertising self-regulation is central to the system. Its ongoing contribution to various panels in addition to the CAP Committees helps the system to run smoothly.

The General Media Panel (GMP), the Sales Promotion and Direct Response Panel, and the Online Publications Media Panel bring together advertisers, creatives, media planners and publishers who volunteer their time to give peer advice on marketing communications. The Panels also provide a forum for information exchange between the industry and the ASA and CAP Executive.

General Media Panel

The General Media Panel advised the ASA and CAP Executive on cases across a range of issues including payday loans, vlogging, e-cigarettes and alcohol. In doing so, they provided valuable industry insight to the ASA and CAP to help them form sound, on-balance recommendations and decisions.

The Panel also advised the CAP Copy Advice team on matters such as native advertising, which allowed the Copy Advice team to publish advice to help advertisers on this hot topic, even though there was no ASA precedent.

► Members

Tess Alps
Sarah Bennison
Jenny Biggam
Martin Brooks
Shahriar Coupal (Secretary)
Matthew Dearden
Tim Duffy (Chair)
Tim Evans
Peter Gatward
Steve Goodman
David Hollis (Assistant Secretary)
David Lloyd
John Mayhead, CBE (ASA Council)
Sheila Mitchell
Mike Moran
Sue Oake
Simon Rhodes
Charlie Snow



The GMP played a vital role in ensuring the views of the advertising industry were taken into account in some of the most sensitive sectors of advertising in 2014. This was particularly the case with the complex regulatory issues that surround advertising in new media, with the Panel giving crucial insight to the ASA and CAP around the constraints, expectations and options for advertisers in new media. The Panel will, I'm sure, continue to have a great impact in this area over the coming years.



Tim Duffy, Chair,
General Media Panel



2014 was about continuing to build on the Panel's successes in providing valuable industry insight; to make sure that the ASA and CAP are right up to date with industry practice and processes in this dynamic and innovative sector. This is vitally important in order to both safeguard consumers and ensure industry practitioners are absolutely clear about how to run their promotions properly.



Philip Circus, Chair, Sales Promotion and Direct Response Panel

Sales Promotion and Direct Response Panel

This was a productive year for the Sales Promotion and Direct Response Panel with a wide variety of issues and cases for the Panel to consider. This included providing specific inputs into the important updates to the sales promotion rules through CAP's consultation, and significant consideration of the use of sales promotions in social media, where the Panel invited along a prominent blogger to present on the issue.

► Panel Members:

Peter Batchelor
Mark Challinor
Philip Circus (Chair)
Shahriar Coupal (Secretary)
Mark Dugdale
Michael Halstead
Nick Hudson (Assistant Secretary)
Hina Parmar
Janine Paterson
Hamish Pringle (ASA Council)
Jo Prowse

Online Publications Media Panel

The Online Publications Media Panel was established at the instigation of the Advertising Association Council, and with the endorsement of CAP, to advise CAP on the proper distinction between editorial and advertising in online publications, in the event of any confusion.

To date, the Panel has not needed to meet.

► Members

Lord Black of Brentwood, Executive Director, Telegraph Media Group
Sir Chris Powell, Chairman, Advertising Standards Board of Finance

Independent Reviewer report

An independent review of the rulings of the ASA Council enables consumers and advertisers to question whether those decisions are fair and reasonable.



In terms of the ASA's published strategy the review process contributes directly to the Understanding strand and within it to be 'fair and balanced in our assessment of the evidence and arguments'. In terms of the shared values of the ASA it supports that of 'being open and accountable, acting with integrity and never being afraid to admit where we're wrong'. Below I describe two case examples which illustrate different aspects of these points, one in which I invited the Council to reconsider its ruling and one in which I did not.

The first case I want to mention was a TV ad by Cycling Scotland for a campaign to encourage motorists to give them a sensibly wide berth. The ad's slogan was "SEE CYCLIST THINK HORSE". The ad showed cyclists, some wearing helmets and some not, being schooled and groomed as if they were horses, before a final sequence showed a female cyclist, un-helmeted, on a rather deserted public road being given a wide berth by a passing car. The Council decided that the ad was irresponsible because it showed a cyclist without a helmet and cycling more than one metre from the kerb.

This ruling caused a storm of protest. I received over 360 emails requesting a review (all of which were ineligible) and a personally directed online petition which attracted 4,500 signatures. Fortunately the advertiser also requested a review and was able to establish that the cyclist's position on the road, in the centre of the

active traffic lane, was the recommended position and that the ruling had ignored Rule 163 of the Highway Code. On the helmet wearing issue I told the Council that the ad was directed to motorists not cyclists and while wearing a helmet was recommended it was not compulsory. On reconsideration the Council agreed to reverse its original ruling.

The second example was a judicial review of my decision to defend a ruling by the ASA Council that a complaint by Sainsbury about Tesco's price comparison advertising should not be upheld. Sainsbury's complaint was that some of their products compared in the ad (e.g. certain teabags, eggs, ham, fish fillets) were not comparable because their products were certified to have been sourced from suppliers meeting certain ethical or environmental standards. I had concluded that the comparison was not misleading and that the products, as far as the average consumer was concerned, were interchangeable. Therefore, the ruling was not substantially flawed. In the High Court in November 2014 Sainsbury's claim for an order quashing my decision was dismissed. The outcome suggests that the court will not readily interfere with the regulator's decision-making in this area.

**Sir Hayden Phillips GCB DL,
Independent Reviewer of the Rulings
of the ASA Council**

//
During 2014, I reviewed 75 cases compared with 64 cases in 2013, which was then the highest ever. The average turnaround time for cases not referred back to the ASA Council was 28 days.
 //

Review cases 2013 – 2014

Non-broadcast	2013	2014
Total cases received	51	56
of which:		
Ineligible/withdrawn	6	6
Preliminary consideration	2	2
Not referred to Council	29	29
Referred to Council	14	18
of which:		
Unchanged	–	–
Decision reversed	3	2
Wording changed	3	5
Re-opened investigation	6	11
In progress	2	1

Broadcast	2013	2014
Total cases receive	13	19
of which:		
Ineligible/withdrawn	1	1
Preliminary consideration	–	–
Not referred to Council	9	12
Referred to Council	4	6
of which:		
Unchanged	–	–
Decision reversed	2	2
Wording changed	1	2
Re-opened investigation	1	2
In progress	–	–

Resolving complaints and cases

Listening and responding to complaints and concerns about advertising is at the core of our work. Responsible regulation means making sure that our action is targeted where it is needed. So every complaint we receive is carefully assessed against the Advertising Codes. As well as a record number of complaints received, 2014 saw a large rise in the number of complaints about online ads, overtaking television ad complaints for the first time. However, the number of ads changed or withdrawn dropped by 16% to 3,384.

Complaints and cases received

As some ads receive multiple complaints, we report on both the total number of complaints received and the number of ads (cases) to which these complaints relate.

In 2014, we received 37,073 complaints, up 19% from 2013, though this related to slightly fewer ads than in the previous two years. The increase in the complaints received was driven by a handful of ads which prompted high levels of complaints. For example Paddy Power's 'Oscar Pistorius' ad (5,525 complaints), Booking.com (1,768 complaints) and News UK & Ireland (1,711 complaints) – the top three most complained about ads of 2014. It also

reflects the rise of social media, which allowed members of the public to voice and co-ordinate their concerns about ads. For example, many of the complaints about the Paddy Power ad were co-ordinated via the online petition site, change.org.

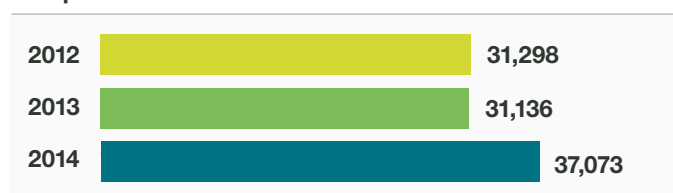
Complaints and cases resolved

We were able to resolve a total of 29,083 complaints about 17,325 ads. We resolved 12,580 complaints about 5,128 broadcast ads and 16,998 complaints about 12,573 non-broadcast ads.

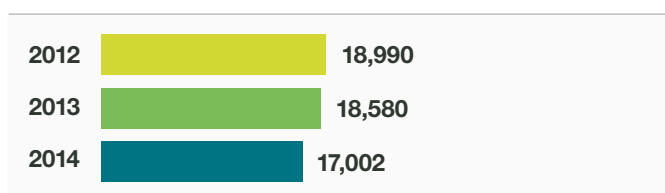
Of the total number of cases resolved 13,456 did not require action from us as they were either out of remit or were not

Complaints and cases received

Complaints



Cases



Complaints and cases resolved by outcome

	Non-broadcast		Broadcast		Overall totals	
	Complaints	Cases	Complaints	Cases	Complaints	Cases
Outside remit	1,521	1,369	549	390	2,046	1,741
No additional investigation	9,237	7,396	6,516	4,137	15,472	11,294
No additional investigation after Council decision	926	219	3,002	245	3,837	421
Total not investigated	11,684	8,984	10,067	4,772	21,355	13,456
Informal investigation	3,082	2,847	243	164	3,293	2,981
Formal investigation	2,232	742	2,270	192	4,435	888
Of which:						
Upheld	1,713	459	940	89	2,622	525
Not upheld	295	130	1,305	82	1,571	195
Withdrawn	224	153	25	21	242	168
Total investigated	5,314	3,589	2,513	356	7,728	3,869
Totals	16,998	12,573	12,580	5,128	29,083	17,325

N.B. (1) Both non-broadcast and broadcast figures include multimedia figures which appear only once in the 'overall totals' column.

(2) Complaints figures in this table are lower than our overall complaints figure because 'big group complaints' are processed differently, meaning they don't have a formal outcome that fulfils the criteria of this table, even though the issues are addressed.

in breach of the Advertising Codes. The remaining 3,869 cases were subject to further action or investigation, with 888 being formally investigated and 2,981 being subject to informal investigation.

Our action on misleading, harmful or offensive ads

There are three types of action we can take as a result of an investigation:

No additional investigation

After carefully assessing a complaint about an ad, we may decide there is no problem under the Advertising Codes and take no further action. In some cases our assessment will include making further

enquiries and asking the ASA Council to investigate. In other instances we are unable to investigate because the complaint or the advertising material falls outside of our remit.

Informal investigation

We prefer to work by persuasion and consensus and, where appropriate, we will resolve issues informally. For example where a minor or clear cut breach of the Advertising Codes has been made and the advertiser agrees to 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 may conduct a thorough investigation in which all sides are given the opportunity to comment. Advertisers are asked to provide their rationale or relevant evidence to support their advertising approach and/or the claims they have made. A final decision on whether the ad has breached the advertising rules is made by the ASA Council and a full report of their ruling is published on the ASA website.

Turnaround performance

% on target for different case types (target=80%)

	Non-broadcast 2013 %	Non-broadcast 2014 %	Broadcast 2013 %	Broadcast 2014 %
No additional investigation in 10 days	81	88	92	97
No additional investigation after Council decision in 25 days	90	92	93	91
Informal investigation in 35 days	94	94	94	93
Standard investigation in 85 days	92	88	94	89
Complex investigation in 140 days	80	76	72	77

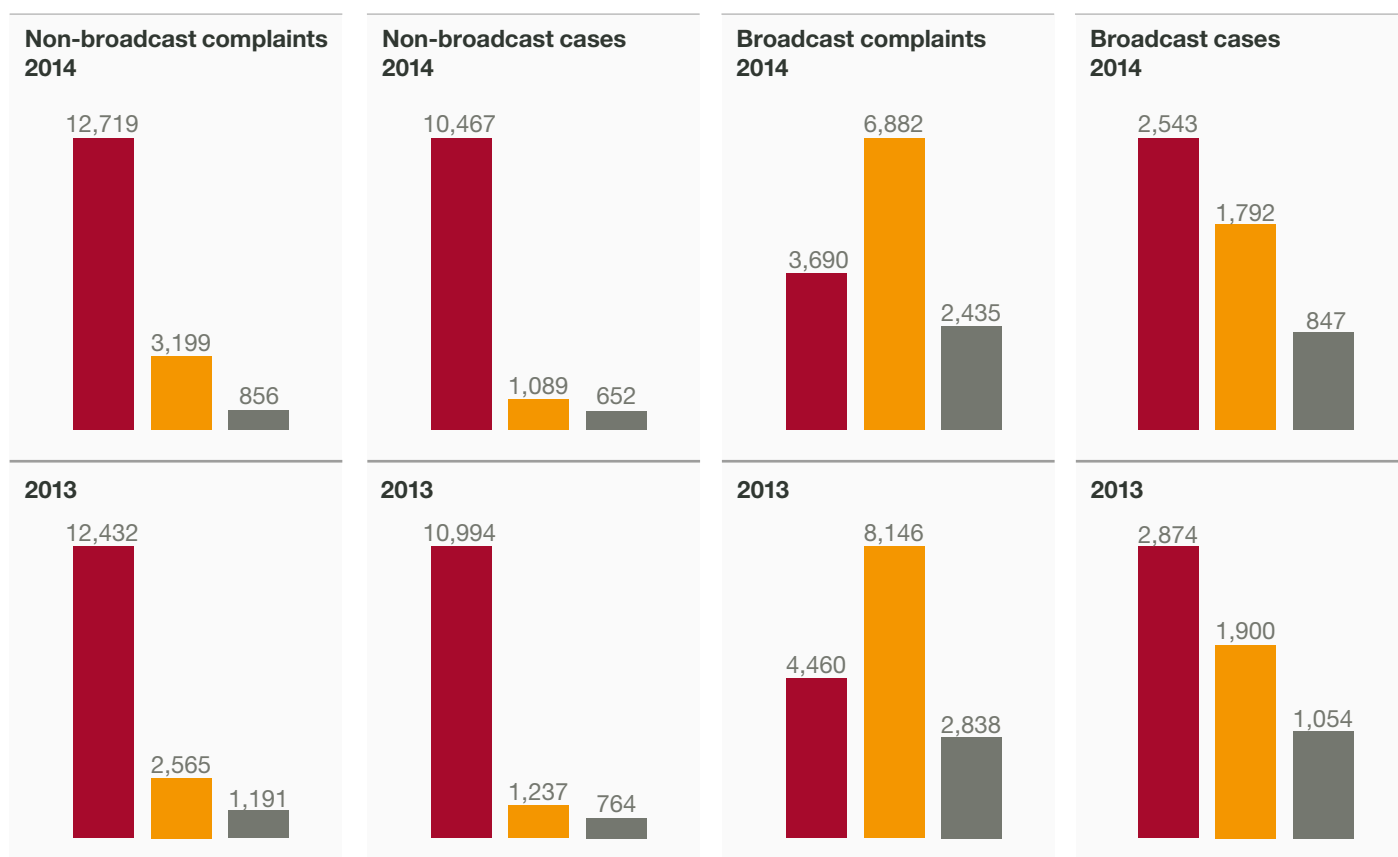
Trends in complaints and cases



Issues

71% of all cases resolved related to misleading advertising, similar to the 69% in 2013. 80% of the misleading cases related to non-broadcast ads, making it the primary reason for complaint in non-broadcast advertising channels. In broadcast advertising offensiveness was the lead cause for complaint, although there were a greater number of cases complained about for misleading advertising (6,882 complaints about 1,792 cases for offensiveness; 3,690 complaints about 2,543 cases for misleading).

Complaints and cases resolved by issue



● Misleading ● Offensive ● Harm



Media

In 2014, the internet overtook television for the first time ever as the most complained about medium with 13,477 complaints about 10,202 ads, an increase of 35% from 2013. The number of television related complaints remained high with 11,926 complaints but dropped by 10% compared with 2013. There was a 106% increase in complaints about ads seen in the cinema, because of the high levels of complaints about the ad campaign by Booking.com.

Complaints and cases resolved by media

	2014 Complaints	2013 Complaints	% Change	2014 Cases	2013 Cases	% Change
Internet	13,477	9,988	35%	10,202	8,813	16%
Television	11,926	13,179	-10%	4,700	5,063	-7%
National press	1,108	969	14%	755	756	0%
Outdoor	927	1,180	-21%	536	530	1%
Email	881	987	-11%	832	930	-11%
Radio	742	867	-14%	506	503	1%
Regional press	559	655	-15%	430	484	-11%
Magazine	396	477	-17%	358	434	-18%
Point of sale	394	522	-25%	376	463	-19%
Direct mail	351	529	-34%	329	493	-33%
Leaflet	304	330	-8%	288	303	-5%
Brochure	293	380	-23%	275	325	-15%
Transport	276	378	-27%	188	161	17%
Other*	273	265	3%	246	245	0%
Cinema	243	118	106%	96	76	26%
Text message	233	246	-5%	216	224	-4%
Video-on-demand	197	193	2%	131	117	12%
Press general	122	177	-31%	96	129	-26%
Circular	110	166	-34%	98	143	-31%
Packaging	106	116	-9%	100	106	-6%
Catalogue	92	133	-31%	79	97	-19%
Mailing	81	45	80%	76	38	100%
Mobile	76	54	41%	67	46	46%
Insert	67	78	-14%	61	71	-14%
In-game advertising	42	42	0%	42	37	14%
Ambient	28	74	-62%	26	49	-47%
Directory	16	22	-27%	16	22	-27%
Fax	5	1	400%	4	1	300%
Voicemail	5	2	150%	5	2	150%

* Includes general advertising and out of remit complaints.

Trends in complaints and cases



Sector

Leisure, which comprises all entertainment services such as films, DVDs, computer games and gambling, continues to be the most complained about sector, though the number of complaints and cases declined by 5.8% and 19.3% respectively. Complaints about the publishing sector increased by 157%. These were mainly driven by complaints about the ad campaign by News UK & Ireland.

Complaints and cases resolved by sector

	2014 Complaints	2013 Complaints	% Change	2014 Cases	2013 Cases	% Change
Leisure	4,820	5,119	-6%	2,844	3,526	-19%
Retail	4,014	4,467	-10%	2,385	2,897	-18%
Business	3,361	2,365	42%	1,975	1,887	5%
Health and beauty	2,566	2,692	-5%	1,872	1,902	-2%
Non-commercial	2,466	2,127	16%	933	922	1%
Financial	2,106	2,364	-11%	1,302	1,497	-13%
Food and drink	2,013	3,988	-50%	967	947	2%
Computers and telecommunications	1,565	1,836	-15%	1,251	1,245	0.5%
Publishing	1,509	587	157%	377	416	-9%
Holidays and travel	1,470	1,510	-3%	1,158	1,300	-11%
Motoring	836	564	48%	371	295	26%
Household	803	771	4%	573	598	-4%
Property	461	352	31%	432	341	27%
Clothing	214	110	95%	125	96	30%
Utilities	214	149	44%	175	135	30%
Alcohol	187	378	-51%	140	193	-27%
Education	160	134	19%	149	127	17%
Unknown*	143	62	131%	140	58	141%
Employment	76	68	12%	73	62	18%
Industrial and engineering	26	38	-32%	23	35	-34%
Tobacco	25	22	14%	11	20	-45%
Agricultural	24	118	-80%	24	24	0%
Electrical appliances	24	2	1,100%	23	2	1,050%

* Includes complaints about advertising in general.

Financial report

We are funded by advertisers through an arm's length arrangement that guarantees the ASA's independence. Collected by the Advertising Standards Board of Finance (Asbof) and the Broadcast Advertising Standards Board of Finance (Basbof), the 0.1% levy on the cost of buying advertising space and the 0.2% levy of the Royal Mail's Mailsort and Advertising Mail contracts ensures the ASA is adequately funded without revealing to us which companies are contributing. We also receive a small income from charging for some seminars, premium industry advice services and from the European interactive Digital Advertising Alliance for regulating Online Behavioural Advertising.

Year to 31 December 2014

Audited income and expenditure figures for the combined non-broadcast and

broadcast activity in 2014 (see table below) are the total of the amounts recorded in the Report and Financial Statements of the two companies. These were adopted by the Non-broadcast and Broadcast Councils at their respective Annual General Meetings held on 17 April 2015.

Income

Compared with 2013, total income received from Asbof and Basbof increased by £74,000 (0.9%) to £8,203,000. Interest received increased by £1,795 (37%). Other income decreased by £6,656 or (4%) which is a combination of revenue generating seminars delivered and one off reimbursements for costs.

Expenditure

The budget initially proposed was £8,204,443 net of interest receivable.

At the year-end, audited expenditure on a profit and loss basis was £8,082,688, an underspend of £121,755 (3%) against the budget.

Profit/loss

The combined profit before tax of both non-broadcast and broadcast activity was £302,545. After tax the combined profit was £264,855.

The Report and Financial Statements for the ASA and ASA (Broadcast) reflect a split of costs, determined by Asbof/Basbof, to reflect the workload between non-broadcast and broadcast activities, of 63% and 37% respectively, and applying them to the non-specific costs – overheads, general office costs and the like. Specifically identifiable costs were allocated in full to the relevant function.

Non-broadcast and broadcast combined for the year ended 31 December 2014

	2013 £	2014 £
Income		
Cash received from the Advertising Standards Board of Finance Ltd	5,295,000	5,098,000
Cash received from the Broadcast Advertising Standards Board of Finance Ltd	2,834,000	3,105,000
	8,129,000	8,203,000
Expenditure		
Salaries and direct staff costs	5,515,948	5,122,422
Other staff costs	339,606	303,282
Rent and accommodation costs	1,164,978	1,226,770
Travel, subsistence and entertaining	31,826	33,344
Consultancy and professional fees	333,782	451,039
CRM project costs	80,639	32,744
Depreciation	173,242	112,684
Telephone, postage, printing, stationery and other general expenses	377,664	415,586
Advertising and promotion	346,576	384,817
Total	8,364,261	8,082,688
Operating profit/(loss)	(235,261)	120,312
Interest receivable	4,831	6,626
Other income (i.e. seminars)	182,263	175,607
Profit/(loss) on ordinary activities before tax	(48,167)	302,545



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Mid City Place, 71 High Holborn

London WC1V 6QT

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