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Jul

Website launch
 Presenting the first
 ASA summary of
 research of CAP and
 industry

Aug

Sep

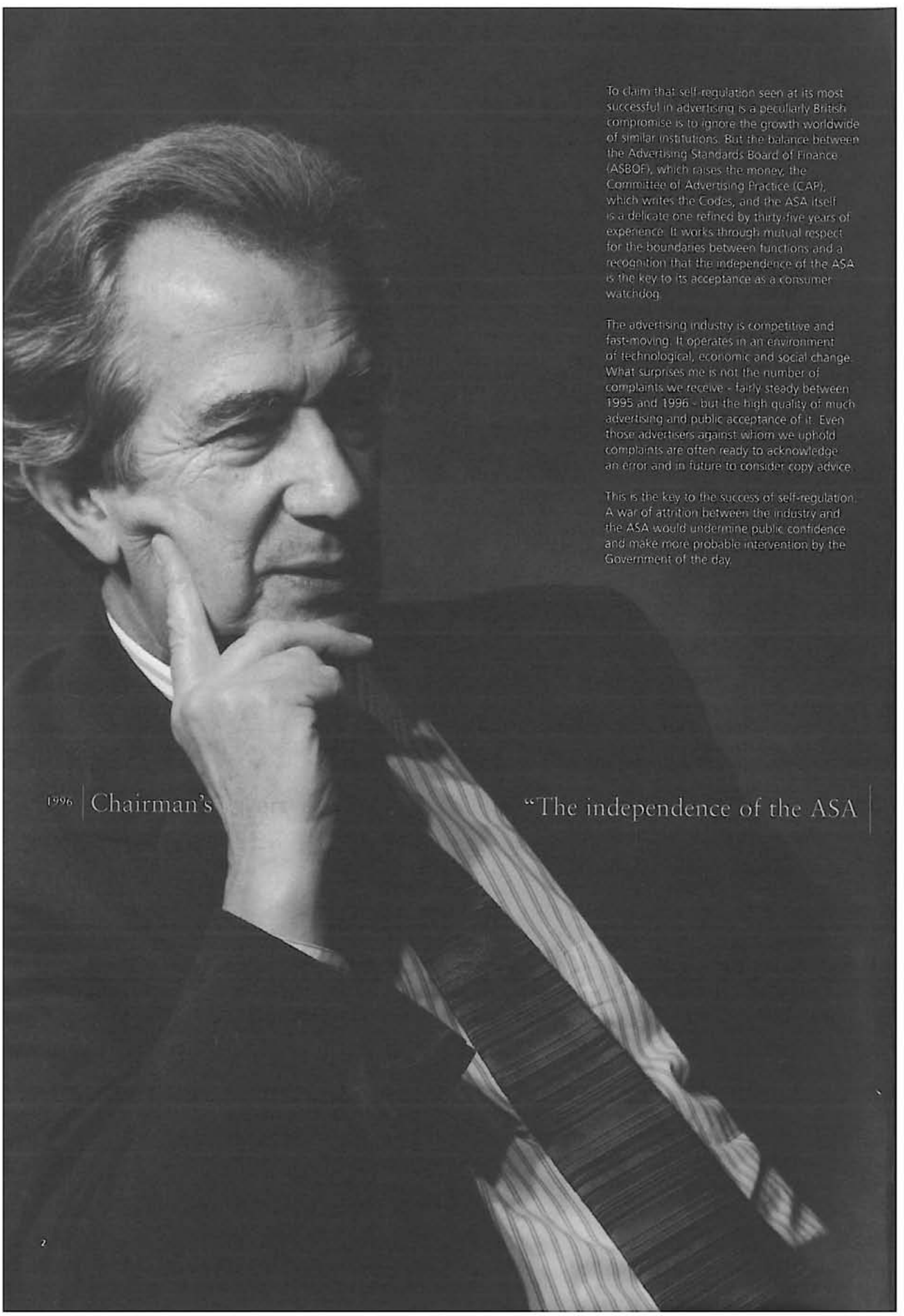
Oct

Attended in society conference

Nov

Bath consumer conference

Dec



To claim that self-regulation seen at its most successful in advertising is a peculiarly British compromise is to ignore the growth worldwide of similar institutions. But the balance between the Advertising Standards Board of Finance (ASBOF), which raises the money, the Committee of Advertising Practice (CAP), which writes the Codes, and the ASA itself is a delicate one refined by thirty-five years of experience. It works through mutual respect for the boundaries between functions and a recognition that the independence of the ASA is the key to its acceptance as a consumer watchdog.

The advertising industry is competitive and fast-moving. It operates in an environment of technological, economic and social change. What surprises me is not the number of complaints we receive - fairly steady between 1995 and 1996 - but the high quality of much advertising and public acceptance of it. Even those advertisers against whom we uphold complaints are often ready to acknowledge an error and in future to consider copy advice.

This is the key to the success of self-regulation. A war of attrition between the industry and the ASA would undermine public confidence and make more probable intervention by the Government of the day.

1996 | Chairman's Report

“The independence of the ASA

A fly-on-the-wall would be as impressed as I have been in my two years as Chairman by the quality of the ASA Council. Members listen to each other, changing their minds in the course of discussion. The industry members - a minority under the Articles of Association - are not delegates. They are as independent as the 'lay' members although they bring valuable inside experience of advertising.

It is Council's task to apply the Codes and to interpret them. In some areas, particularly when taste and decency are involved, judgements are inevitably subjective. But even when an advertisement is not one that might cause serious or widespread offence, Council must look at it carefully to decide whether it may mislead. In so doing, Council members must try to place themselves in the position of the wider public.

Research is one source of guidance on public attitudes. What swear words - if any - are acceptable in advertising? How far does a poster that offends on the street become harmless in the pages of a magazine? As the Codes remind us, the question of context is very important in reaching decisions.

This year our consumer conference in Bath enabled us to test our judgements against the representative views of the public. We learnt

from the experience and we were glad that one of our more controversial adjudications - on the Gossard advertisement - was supported in a straw poll.

Our seminar on violence was of a different kind. Here we were drawing on a group of experts, in the aftermath of the killing of the London head teacher Philip Lawrence and of the Dunblane tragedy, to assess how far advertising might be a contributory factor to the growth of violence in society.

One difficult, and again controversial, decision was to uphold a complaint against an advertisement portraying the Labour Party leader Tony Blair as a demon. Council would have preferred not to be drawn into the political debate but the Codes are clear: the exemption from ASA jurisdiction that applies to much political advertising does not extend to the portrayal of individuals.

At the end of the year, Elizabeth Filkin retired from the Council. Her knowledge and skills, learnt first as Chief Executive of the National Association of Citizens Advice Bureaux and later as Adjudicator for the Inland Revenue and Customs & Excise, are typical of those of Council members. Her place is taken by Harry Rich, a businessman with a useful diversity of career experience.

Council continued to be well served by the ASA's Secretariat and Matt Alderson was appointed a further four-year contract as Director General, recognising the strength of her leadership. Towards the end of the year, Christopher Ogden, Deputy Director General for over six years, decided it was time to move on. He will be missed, not least for his role in the European Advertising Standards Alliance. I continue to be grateful to Brian Nicholson, Chairman of ASBOF, and its Secretary John Robinson for the entirely hands-off way they fund the budget agreed by the ASA Council.

Changes in Westminster and Whitehall mean that both statutory regulation and self-regulation will be under scrutiny. A new Government inevitably reviews what may best protect the consumer without impeding legitimate business enterprise. I am satisfied that, judged by its record and with the continuing commitment of the industry, self-regulation in advertising will stand the test.

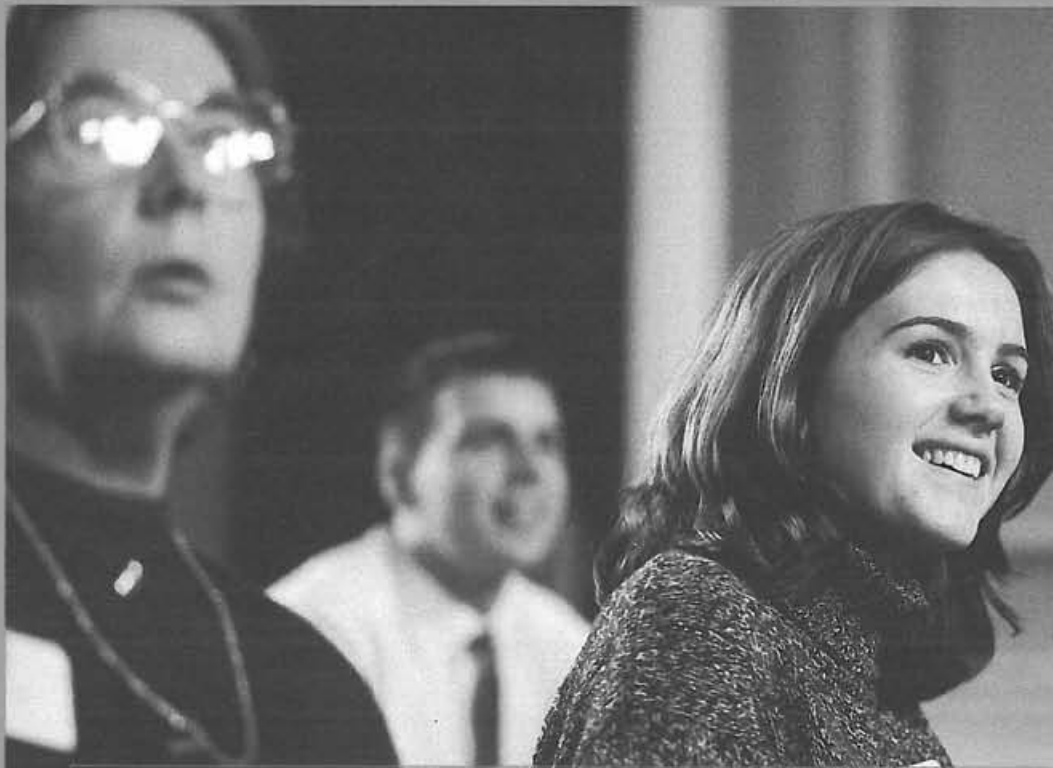
Rt. Hon. Lord Rodgers of Quarry Bank,
Chairman

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Bath

Consumer conference

ASA listened to consumers in the West Country in November







The ASA works with the advertising industry to the benefit of consumers

1996 | Review

From posters to direct mail, press advertisements to sales promotions, cinema commercials to the Internet, the broad range of media within the scope of the British Codes of Advertising and Sales Promotion is matched by the diversity of issues which the ASA addresses every year. 1996: the year of alcopops, a year of public concern about aggressive and drug-related imagery in advertisements and the continuing media interest in underwear advertising. The following review looks at the impact of the Authority on these and many other areas during 1996.

Gossard Glossies →

The ASA's Council took a different view from that of some journalists by not upholding complaints



Lingerie

Underwear advertising again hit the headlines in 1996 with two campaigns in particular coming under media scrutiny.

The Gossard Glossies poster campaign created a storm of controversy when the ASA's Council took a different view from that of some journalists by not upholding complaints. The advertisement showed a model wearing the underwear reclining on a bed of long grass with the line "Who said a woman can't get pleasure from something soft." Most of the people who wrote in to the ASA objected to the translucent quality of the bra, which they felt was unacceptable on a poster.

The complaints were increased when one national newspaper criticised the poster and encouraged readers to ring the ASA to object

to it. Many of the callers said that they had not seen the poster themselves but nevertheless they agreed with the journalist's criticism of it!

The poster was shown to an audience of 100 members of the public at the ASA's consumer conference in Bath later in the year and two thirds agreed with the decision that the advertisement was not offensive. This is not a scientifically valid survey but it was a useful straw poll.

Just before Christmas the press took against a raunchy poster for men's underwear. Despite the ASA's attempts to temper their exuberance, the picture of a model in bulging briefs was printed by several newspapers who continued wrongly to report that the advertisement had been banned by the ASA. In fact, the advertisers had been encouraged to use their

discretion and to be sensitive to the fact that they might cause offence. Advice in keeping with other similar examples of underwear advertising.

The taste and decency provisions of the Codes present advertisers with special difficulties because what is tasteless or indecent to some people may be perfectly acceptable to others. While journalists voice their own opinions in the columns of their newspapers, public opinion is not always so firmly rooted in absolute terms. The essential balance that the Council must achieve in judging such advertisements could not be impartial if the ASA was influenced solely by media pressure or lobbying.

Sega →

Complaints that this advertisement contributed to increasing levels of anti-social behaviour were upheld



Violence in society

During the year, the public reacted angrily towards advertisements that appeared to use violent or aggressive imagery to promote products, especially where they were aimed at, or seen by, young people. Undoubtedly, the public concern and media debate fuelled by the stabbing of head teacher, Philip Lawrence, at the end of 1995 and the Dunblane tragedy in March 1996 prompted much of the criticism. In total, 275 complaints were received about 70 advertisements and the ASA asked for 22 of these to be withdrawn.

Complaints of this kind increased by 25% during the year and the ASA Council felt that it was time to reflect on how they reached their judgements on such advertisements. Thirty high-level experts were invited to an intensive seminar. They did not confine themselves to discussing advertising but their views have helped the ASA to look at

advertising regulation in the context of the broader subject of violence in society.

Those taking part in the ASA's discussions included the Chairman of the Commission on Children and Violence, a Home Office Minister, a Chief Constable, a senior journalist, a head teacher from an inner city school, a consultant psychiatrist from a hospital children and adolescent's department, representatives from the British Board of Film Classification and the Commission for Racial Equality, as well as senior advertising industry figures.

Advertising was seen to be well regulated and it was agreed that the ASA was getting the balance right. However, participants felt that we each had a role to play in addressing people's concerns about violence in society and that the ASA should remain vigilant to stop any excesses in advertising whenever they appeared.

Political advertising

The summer recess and the increased interest in politics amid speculation surrounding the timing of the 1997 General Election, undoubtedly fuelled intense interest in the Conservative poster that featured the Labour leader, Tony Blair, with demonic red eyes. One theme that united the 167 complaints was a shared outrage at what they saw as a step too far in party political bickering.

In what became the most written about and parodied advertisement of 1996, the media coverage was divided between those who felt that the ASA should leave the politicians to fight it out and those who felt that we should intervene to prevent British party political advertising from going down the slippery pole of American advertising. On balance the coverage was positive for the ASA's decision to uphold the complaints because the advertisement broke the Codes by portraying Tony Blair in an adverse and offensive manner.

"Children **grow up** too quickly these days... there are certain things

The fact that the advertisement was for a political party was incidental to the protection the Codes offer to individuals with a high public profile.

The Codes exempt political parties from the requirement for truthful presentation. However, other rules such as those on privacy are applied to all advertisers. Although these rules are being considered as part of the current Code review being carried out by the Committee of Advertising Practice, CAP members are unlikely to change their minds about the need for the Codes and the ASA to stay outside the debate about the accuracy or otherwise of arguments put forward by politicians to the electorate.

Sweepstake mailings

If Napoleon had been a UK householder in the 1990's he may well have labelled Britain a nation of gamblers rather than shopkeepers. There's no doubt that many of us like a bet every now and then, and as promoters compete for attention with the National

Lottery they devise imaginative mailings to entice the consumer to enter their sweepstakes with promises of big money prizes. All well and good provided it is made clear that recipients are eligible to enter a draw rather than being led to believe that they have already won. However, there is sometimes a fine line between engaging consumers' interest and participation and misleading them into thinking that they have definitely won.

1996 saw a rash of mailings with claims such as "Urgent Notice: £20,000 has already been set aside which can enable us to pay you £20,000 in cash...". Consumers continue to find some sweepstake mailings confusing and misleading - a situation that the direct marketing industry has undertaken to address. The ASA welcomes this initiative. Efforts to bring these mailings clearly into line with the Codes serve the best interests of consumers, the industry and the self-regulatory system in equal measure.



they don't need to see

until they are older."

Independent research for the ASA in 1996 invited a group of 20-25 year

old women to say what they thought about advertising standards

1996 | Case study

In extreme cases ASA action can result in advertisements being withdrawn overnight. This is in stark contrast to the normal investigation process in which advertisers are given the opportunity to comment on a complaint. However, there are occasions when the Authority needs to take swift action to enforce the British Codes of Advertising and Sales Promotion to protect the interests of the public. Often such action also helps to ensure that one advertiser does not unwittingly bring a whole sector into disrepute.

September 1996: At a time of widespread public disquiet about the reported appeal of alcoholic carbonates or "alco-pops" to teenagers, a series of advertisements appeared by a competitor in this market, Diamond Zest Cider. They were captioned "It was a Diamond Nite-out" and featured polaroid-style pictures of young people engaged in various high-spirited pranks.

The Codes contain stringent rules, energetically supported by the alcoholic drinks industry, to ensure that products are advertised in a socially responsible way. ASA research shows that the industry has a very good record of compliance. However, this particular approach used by Matthew Clark Toulton was at odds with the Codes for using models who looked under the age of 25 and who were engaged in anti-social

and irresponsible behaviour. The Authority took action immediately the campaign hit the streets, coinciding with a public complaint.

9th September: The first public complaint arrived at the ASA expressing concern at the irresponsible nature of the campaign.

10th September: After an initial assessment of the advertisement, a letter was faxed to the agency responsible for the campaign seeking their urgent response to the complaint.

11th September: An alert was issued via the Committee of Advertising Practice warning publishers and poster contractors of the potential problems with the campaign and asking them to seek advice from the CAP Copy Advice team before publishing any more of the advertisements.

13th September: Just five days after the file was opened, the case was brought before the Authority's Council, who ruled that the advertisements broke the Codes.

A campaign that took many months to plan and develop ultimately took just days to investigate and stop.

A positive result for the public, true, but just as important the alcoholic drinks industry was spared the glare of further negative publicity which a prolonged campaign of this nature would undoubtedly have provoked given the sensitivity to alcoholic drinks advertising during the summer.

Diamond Zest Cider →

The use of models acting in a socially irresponsible way is not an acceptable way to advertise alcoholic drinks



In extreme cases
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Drugs

Early in 1996 schoolgirl Leah Bett's Ecstasy-related death became the centre of debate in the media. This coverage and other well-publicised drug-related tragedies heightened public sensitivities and may well have contributed to complaints that some advertisers were cynically exploiting the use of drugs to appeal to young people.

Although not a common theme for advertisers, four advertisements had to be withdrawn during the year for using inappropriate or irresponsible drugs imagery that appeared to trivialise, condone or glamorise drug taking. One advertiser headlined its posters for sweets "Fancy a smack in the mouth" and "Always read instructions before use". The advertisements featured an open mouth with a square blue sweet on the tongue. While perhaps

intended to be a harmless reference to the taste sensation of the product, the ASA Council upheld complaints that the overall style could be seen to be condoning drug taking.

One of the basic principles of the industry's Codes is that advertisements should be prepared with a sense of responsibility to consumers and to society. The public and the ASA have been strong in their condemnation of advertisements that appear to play on drugs imagery in a way that conflicts with society's concerns about the use of illegal drugs by young people. CAP's Copy Advice team work with advertisers who wish to get anti-drugs messages across to parents and young people in a direct and sometimes graphic way without appearing to encourage or condone drug-taking.

Jolly Rancher | →

The ASA Council upheld complaints that the overall style might appear to condone drug taking



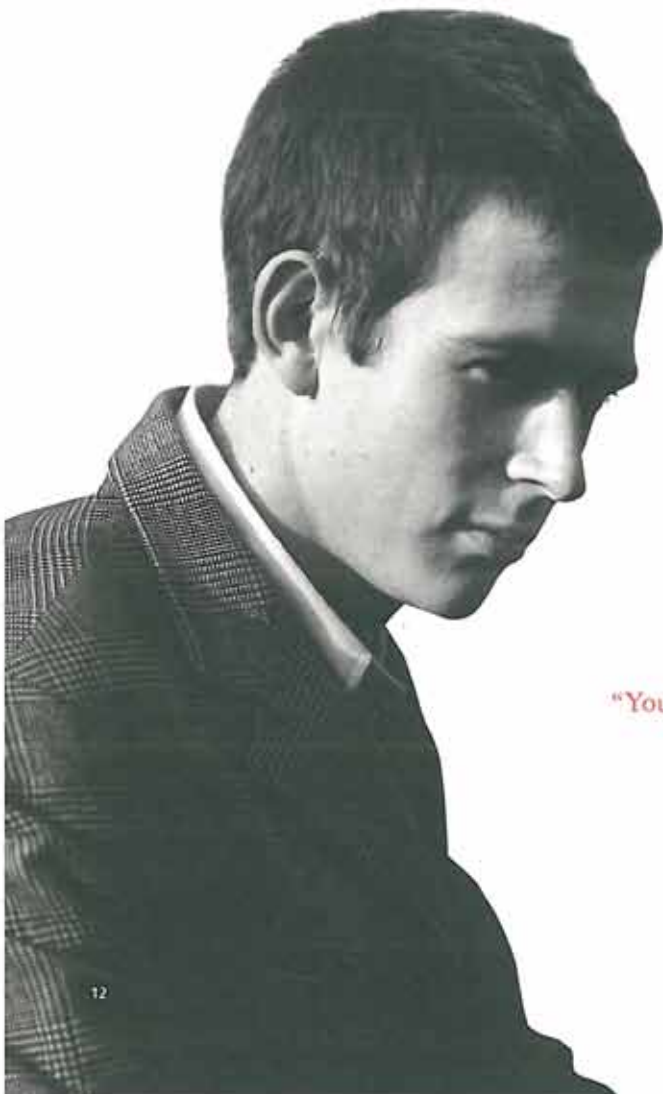
No win, no fee

The introduction of the Conditional Fee Agreements Regulations in 1996 generated a flurry of advertisements by solicitors offering their services on a "no win, no fee" basis. Those clients with a good chance of winning their case were invited to pursue personal injury claims without paying solicitors' fees unless compensation was awarded. To balance the risk of not being paid if they lost, solicitors were able to charge more than their normal fee on cases that they won.

The term "no win, no fee" was used as a simple way of conveying the arrangement between solicitor and client. Unfortunately, the brevity of the phrase misled some members of the public into believing the claim meant "no win, no cost". In some cases this was true but in others clients were required to pay for disbursements, such as medical or specialist reports. Furthermore, litigants were often required to take out indemnity insurance or run the risk of paying the other side's costs if the case was lost. The ASA upheld a number of complaints during the year because the advertisements failed to make clear that the

plaintiff could be liable for costs and the Council concluded that, unless the customer pays nothing in the event of losing their case, advertisers should not refer to "no win, no fee" without qualification.

Following discussions with the Law Society, advice was drawn up for solicitors to help them advertise these arrangements clearly to consumers. The results have been encouraging with a noticeable reduction in complaints towards the end of the year.



"You need the ASA there to make sure

that advertisers don't

Live TV | →

The royal family should not feature in advertisements without permission from the Lord Chamberlain



Privacy

Privacy for the famous is a luxury these days. However, advertising is one area where individuals do still have some say over the use of their own image.

In total, 221 complaints were made about 33 advertisements in this category, 10 of which were unacceptable under the Codes. Some members of the public objected that they had been shown in an advertisement without their permission. Other complaints were made by high-profile personalities. The Codes urge advertisers to obtain written permission before

portraying members of the public. However, while such permission is not compulsory for the use of high-profile celebrities, there are certain conditions. For example, they must not be depicted in an offensive or adverse way and endorsements should not be implied unless the individual chooses to put their name to the product.

Members of the royal family should not be portrayed in advertisements without permission from the Lord Chamberlain. An advertisement for Live TV which used a doctored wedding photograph of Diana, Princess of Wales with

a grinning Paul Gascoigne superimposed on the Prince of Wales' body, stimulated debate in the trade press about whether the Codes should provide privacy protection to the royal family. This issue will be discussed by the Committee of Advertising Practice as part of the on-going review of the Codes.

go too far and end up offending people.”

1996 research revealed strong support for the ASA's decisions

on matters of taste and decency in advertisements

Gaio →

Some companies have been unable to support the strong health claims made for their products



Functional food claims

Functional foods were on the media menu this year, but this was largely because the Authority found some of the advertising claims made for them pretty hard to swallow.

Functional food is a marketing term for "value added" products; ordinary food such as bread, soft drinks, low-fat spread, or yoghurt which has been fortified with ostensibly health-boosting ingredients. They clearly have the potential to benefit consumers but the advertising has to be honest.

While health maintenance claims are not unusual in food advertisements, those made for functional foods are more commonly found in relation to medicinal or pharmacological products. Unlike Japan, we have not yet

reached the stage where meatballs are apparently advertised for lowering blood pressure and chewing gum is promoted as strengthening the immune system. The Authority has nevertheless found that some companies in the vanguard of UK functional food advertising have been unable to support the strong claims they have made or implied. Advertisers who have suggested that a breakfast cereal can detoxify the body, that a yoghurt can lower cholesterol, that a butter-substitute is good for the heart, or that a soft drink can work as an aphrodisiac have all been criticised by the ASA this year.

Given public confusion over what constitutes a healthy diet, companies advertising functional foods have a particular responsibility to avoid exploiting consumers' lack of nutritional

expertise. The Authority expects all health claims to be backed with scientific evidence of sufficient rigour to justify their acceptance, and will continue to keep a vigilant watch on this sector.

Front page problems

After lengthy negotiation, good progress was finally made in 1996 with the introduction in January of advice for publications which use front page promotions. Consumers buying newspapers on the strength of front cover offers have, in some cases, found out only subsequently that there were hidden costs or conditions. Examples include increased postage costs for an item described as "free", an offer that actually started the next day, and one that could be obtained only from a specific retail chain.

"It's comforting | to know that you can approach the ASA

The guidance, together with the dialogue that took place between the ASA and the publishers, resulted in a noticeable drop in complaints. But there remained a couple of titles that were not following the guidance. The Daily Mirror and The Times continued to let flawed promotions slip through their net. Finally, the ASA was forced to take the unusual step of referring both newspapers to the Office of Fair Trading, whose Director General has powers to institute action in court under the Control of Misleading Advertisements Regulations 1988.

The referral worked well and quickly with The Times, who set up a new procedure for checking their promotions. Their front page flashes have ceased to be a problem as a result. The Daily Mirror are still discussing their position with the OFT but complaints to the ASA are now few.

The ASA is confident that this initiative will lead to a positive improvement in all promotions and that we will be able to report next year that front page promotions no longer give consumers any special problems.

Sales promotions

The number of complaints about sales promotions has fallen slightly from 1,243 in 1995, when 305 promotions that attracted complaint were withdrawn, to 1,169 complaints, of which 268 raised problems, in 1996. Promotions that work well benefit customers and companies alike and the decreasing levels of both complaints and misleading promotions demonstrate the continuing commitment that this sector of the business has for self-regulation and the Codes.

who will listen to you.”

The “30-something” men questioned in the North as a part of a research group voiced their confidence in the ASA



Territorial Army | →

This approach caused concern in the light of growing public anxiety about the use of firearms in advertisements



1996 | Research

As well as investigating complaints, the ASA keeps an eye on how well advertisers achieve the high standards they set for themselves in the Codes. Overall, standards of compliance are exceptionally high with 98% of posters, 96% of press advertising and 82% of direct mailings found to be legal, decent, honest and truthful in the Authority's 1995 survey. The following four research projects were conducted in 1996:

The direct approach

Approximately 2.8 billion items of direct mail are distributed in the UK each year. Two sample surveys were carried out in 1996 by the ASA's research team to check the content of mailings and the way that lists are used for targeting direct mail.

Content survey

Out of a random selection of 100 mailings in January, 82% were acceptable under the Codes. Most of the problems found were small but irritating for consumers, such as the omission of closing dates and, for those consumers being asked for personal information, a lack of a facility to opt out of having their details passed on to other companies.

List and database survey

A further 100 mailings were selected to check how companies were satisfying the Codes' rules for targeting direct mail. Only eight needed to make some changes to their practices because they had not passed on consumer suppression requests to the Mailing Preference Service, or had not provided an opt-out facility.

The ASA announced the results at a well-attended seminar for the direct marketing industry in May where the feedback from senior industry delegates was supportive and positive. The results of these surveys show that the direct marketing industry generally has a good understanding of the requirements of the Codes and compliance levels are reassuringly high.

Health and beauty survey

The amount of advertising for health and beauty products reflects the apparently growing public interest in this sector. Looking good and feeling healthy is big business.

The ASA keeps a close watch on advertisements to make sure that the health-conscious consumer is not being misled. In April the research team conducted a survey to check compliance with the Codes' strict rules for this sector.

A total of 401 advertisements from the national press and consumer magazines were examined and 82% were found to be acceptable. Most of the advertisements in the

sample (66%) appeared in the consumer press and these were primarily for products such as skin creams and cosmetics.

Most of the problems were found in advertisements for hair and scalp products and skin creams where claims overstated the likely effect of the advertised product. Several advertisements for shampoos claimed to be able to "restore" or "replenish" the hair but the ASA has seen no persuasive evidence of this to date.

The results were only a marginal improvement on the research team's earlier survey in 1995 when 79% of advertisements were found to be in line with the Codes. Quarterly checks are now being carried out to help newspapers and magazines identify problems more easily before publication and the ASA would expect this improvement to continue throughout 1997.

Weapons

The stabbing of head teacher Philip Lawrence in November 1995 triggered a public and political debate about the availability of knives and other weapons.

Bishop's Finger →

The ASA keeps a regular watch on advertisements for alcoholic drinks



Unsurprisingly, attention turned towards the advertising of these products with MPs seeming to compete to find the most gruesome product names and descriptions in catalogues. The ASA contributed positively to discussions with the Home Office and with Opposition spokesmen by conducting a survey of weapons advertising across consumer and special interest press and catalogues to check whether or not they were satisfying the Codes' rules. In total 259 advertisements were found in the first two weeks of February, all for legally available products. The vast majority (226) were for guns and 97% of all the advertisements appeared in specialist press.

The Codes state that advertisements should be prepared with a sense of responsibility and they should not condone or encourage violent or anti-social behaviour. 94% of the advertisements were found to be acceptable.

Of the 15 questionable advertisements, the ASA asked for changes to be made to approaches that were considered overly aggressive, immature or flippant. In following up the project later in the year during the

Commons debate on the Weapons Bill, wherever the companies were still trading, all the advertisements criticised by the ASA had been amended in line with the advice given. The ASA will continue to keep a general watch on this area in response to public disquiet about violence in society generally, although our research shows that the vast majority of companies are advertising these products responsibly.

Alcoholic drinks

The marketing of alcoholic carbonates or "alcopops" was a subject of great media debate during the year. The ASA keeps a regular watch on advertisements for alcoholic drinks generally and usually conducts a survey in the run up to Christmas when the weight of advertising is at its heaviest. However, because of criticism of the marketing of alcopops, the research team checked a sample of advertisements appearing in the summer months to see how these products were being advertised and how the drinks industry was complying with the rules in the Codes.

The results of the survey were very positive, revealing a compliance rate of 98%. A total of 359 advertisements were found in national

newspapers and a selection of regional, consumer and trade publications.

Of the four advertisements that raised problems under the Codes, two appeared to encourage or condone excessive consumption in multi-buy promotions for an off-licence. One advertisement used the alcoholic strength of the product as the main advertising platform and one featured a model who appeared to be under the age of 25. Models featured in alcoholic drinks advertisements should not be, nor should they look, under 25 years old.

There were 12 advertisements in the sample for alcoholic carbonates, 10 of which appeared in the trade press, and none broke the rules for alcoholic drinks. A further sample was assessed in October and only three advertisements for these products were found. None raised concerns under the Codes.

This survey bears out previous research: the alcoholic drinks industry continues to demonstrate their commitment to the Codes through high rates of compliance with the rules.

ASA Council

So, whose task is it to decide whether or not an advertisement breaks the British Codes of Advertising and Sales Promotion? Featured overleaf are the people appointed by the ASA Chairman to make these judgements a diversity of background and experience. The majority of Council members have to be free of all advertising interests. During 1996, a total of 12 people have served on the Council.

Rt. Hon. Lord Rodgers of Quarry Bank (Bill Rodgers) was MP for Stockton-on-Tees from 1962-83. Elected a Labour MP, he became one of the SDP's founding "Gang of Four" in 1981. Lord Rodgers became a Privy Councillor in 1975 and a Life Peer in 1992. From 1987-1994 he was Director General of the Royal Institute of British Architects.

Jane Anderson is Joint Divisional Manager in the Sex and Race Equality Division of the Department for Education and Employment. She worked for the British Council in Venezuela in 1976. On returning to London, she joined the BBC, working there until 1990 when she left to become a civil servant, initially in the Home Office.

Richard Bradley is both Vice Chairman of L'Oreal (UK) Ltd and the Cosmetics, Toiletry and Perfumery Association. A past President of COLIPA, the industry's European body, he is also Chairman of the Cosmetic Industry's Education Trust and its charitable foundation.

Hugh Burkitt is Chairman of Court Burkitt & Company. He was co-founder and the first President of Alto, a federation of European advertising agencies set up in 1991. He is a council member of the Institute of Practitioners in Advertising and the Advertising Association.

Patricia Mackesy was formerly Chairman of Oxford Magistrates' Bench and of Camden Juvenile Court. She was also Deputy Chairman of North Westminster Court and a member of the Home Office Magistrates' Committee. She now lives in Aberdeenshire.

Ian Markham is a Professor of Theology and Public Life at Liverpool Hope University College. He has published on the area of Christian ethics and culture.

Peter Mitchell is Strategic Affairs Director at Guinness plc. He is also Vice President of the Brussels-based World Federation of Advertisers.

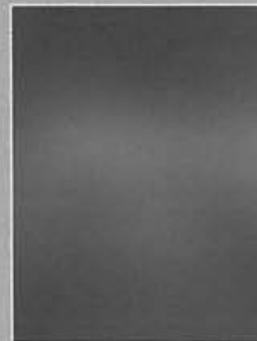
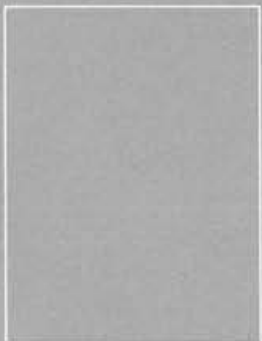
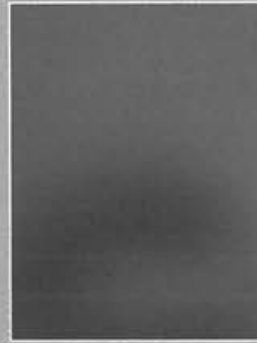
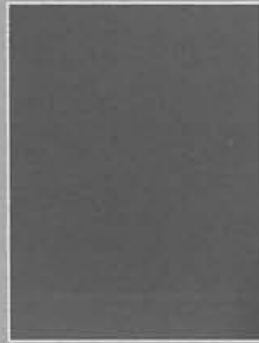
Catherine Peckham is Professor of Paediatric Epidemiology at the Institute of Child Health and Hon. Consultant at Great Ormond Street Hospital, London. She has written extensively on health issues relating to pregnancy and childhood.

ASA Directors

Rt. Hon. Lord Rodgers

Jane Anderson

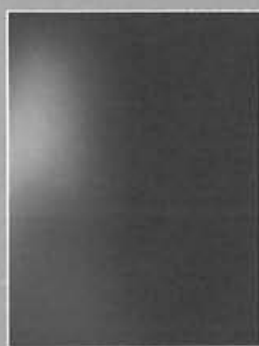
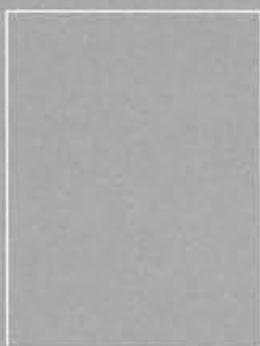
Richard Bradley



Elizabeth Filkin

Sylvia Heal

Hugh Burkitt



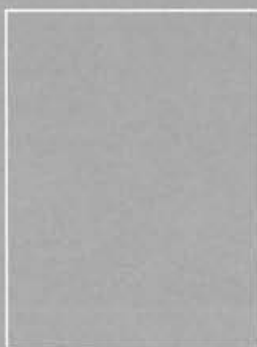
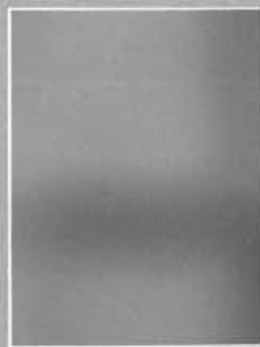
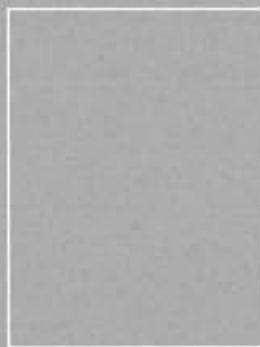
Sheila Iffat Hewitt



Patricia Mackesy



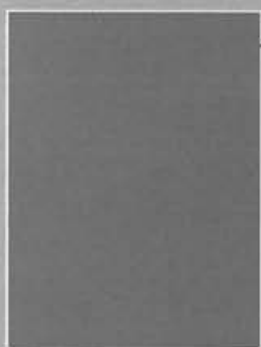
Ian Markham



Peter Mitchell



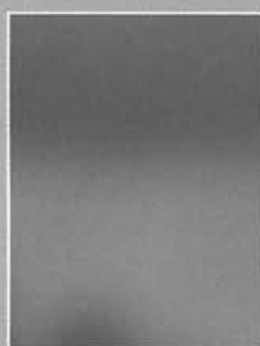
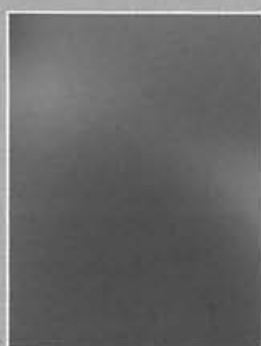
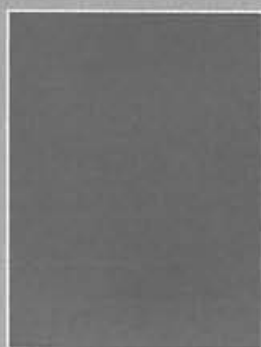
Catherine Peckham



Leri Sanderson



Norman Tutt



Elizabeth Filkin is the Adjudicator for the Inland Revenue and Customs & Excise, a Director of Britannia Building Society, Logica plc, and Hay Management Consultants. Previously she was Chief Executive of the National Association of Citizens Advice Bureaux.

Sylvia Heal is a National Officer for Carers National Association. Appointed as a JP in Surrey in 1973, she was Deputy Chair of Chertsey Division Domestic Panel. She is a former Labour MP for Mid-Staffordshire and was Opposition spokesperson for health and women's rights.

Sheila Iffat Hewitt is Chairman of Surrey Heartlands NHS Trust. A member of the Immigration Appeals Tribunal and the London Rent Tribunal, she also serves as a Magistrate in Surrey, is a governor of St. Paul's School in London and a former Fulbright Commissioner.

Len Sanderson is Managing Director of Sales at the Telegraph Group Limited and is a member of its main board.

Norman Tutt is Managing Director of Social Information Systems Ltd. He was Principal Social Work Services Officer at the DHSS until 1979 when he became Professor of Applied Social Studies at the University of Lancashire. From 1988 to 1992 he was Director of Social Services at Leeds City Council.



Director General
Matti Alderson



Deputy Director General
Christopher Ogden



Director of Finance
and Support Services
Phil Griffiths



Director of Communications
Caroline Crawford



Director of Investigations
and Copy Advice
Roger Wisbey

In the subjective matter of taste and decency, the ASA's Council have to take account not only of relevance and choice of media but also of public opinion. But how do they know what the public think? During the year, the ASA commissioned independent research to gauge public reaction to matters of taste in advertisements and to check levels of awareness of the Authority and perception of its role.

72% awareness of the ASA

The results of the research into awareness and confidence in the ASA were encouraging. Unprompted awareness of the ASA and its activities has risen over the last five years, and on prompting, 72% believe that the ASA is the most appropriate body to contact about offensive or misleading advertising.

Most people had a good knowledge of the workings of the ASA and its structure; only a third were under the wrong impression that the Authority is linked to the Government.

Consumers demonstrate their confidence in the ASA

Over three quarters of people felt that the ASA was an effective regulator and that it was the most sensible way for complaints about advertising to be handled. Indeed, when told

that the ASA was an independent, self-regulatory body funded by the advertising industry most people voiced their support for the existing system with only 14% believing that regulation by a Government body would be preferable.

Positive image

The image of the ASA emerged as strongly positive. Most people felt that the ASA was open, consistent, industrious and appreciated humour; conversely, there was general disagreement that the ASA was old-fashioned, too middle-class or too middle-aged.


Perhaps one of the most positive factors emerging from the research was the feeling that the ASA's decisions were in tune with public opinion. When shown a range of advertisements ruled on by the ASA in recent

years, many respondents said they felt that the ASA was more in touch than they might have expected.

It also emerged during the research that advertising is regarded positively. The most commonly claimed reaction was that advertising was amusing, entertaining and informative. Critical responses were less significant but almost half the respondents claimed that they sometimes felt irritated by advertisements.

Reactions to offensive advertising

There was little tolerance and acceptance of advertisements where the sole intention appeared to be to offend and those interviewed felt that such advertisements should be promptly withdrawn.



Most people felt that the ASA was open, consistent, industrious and appreciated humour

Factors such as context, audience, the nature of the product and timing all contributed significantly to the public's perception of an advertisement. The use of humour and clever innuendo lessened the level of offence but respondents felt that this still did not give advertisers carte blanche.

There was remarkable consistency in terms of what was considered unacceptable in advertising. In particular, three "no-go" areas were pin-pointed: death, religion and bad language.

Children

The effect that advertising has on children also caused the public concern and those interviewed felt that particular care should be taken where children could see advertisements. Those that might set a bad example, such as by encouraging rude gestures, or those where children were portrayed in an unsuitable way, were singled out for criticism.

Sex and violence

References to sex and violence were also highlighted as issues where respondents felt that advertisers should pay particular attention to the sensitivities of the public.

Sexism

The Authority conducted two research projects in previous years to gauge public reaction to the portrayal of women in advertisements. The 1996 survey included questions relating to how men as well as women were depicted. Two thirds expressed at least mild offence to women being portrayed as sex objects and over 30% expressed extreme offence. The reaction to the portrayal of men as sex objects was relatively high with 15% claiming to be very offended and over 40% registering at least mild offence.

Roughly half those questioned registered at least mild offence to women being portrayed

as needing to look slim and attractive or portrayed in low status or traditionally female jobs. Least offence was caused by advertisements portraying women as ambitious or career minded.

From time to time, the ASA receives complaints about the sexist portrayal of women in trade publications aimed at men. Respondents were asked for their reaction to these portrayals. Almost half saw no problem providing the readers of the publications were not offended.

This survey reassured the ASA Council that their decisions were broadly in line with public opinion; however, the ASA will conduct further research in the future to continue to evaluate public reaction.

One of the most positive factors emerging from the research was the

feeling that the ASA's decisions were in tune with public opinion



1996 | Complaints

	1996	1995
Pursued		
Upheld	2,019	3,562
Statement	-	1
Caution	11	-
Resolved directly	1,101	1,214
Not upheld	1,194	758
Awaiting outcome	218	232
Not pursued		
Outside remit	1,462	1,484
Not justified	5,361	4,932
Mail order		
Goods or refund received	372	326
Others	30	22
Awaiting outcome	14	6
Database practice	273	267
Total complaints	12,055	12,804

Figures include competitive complaints: 1,135 in 1995 and 1,332 in 1996

As a result of ASA investigation 720 advertisements were withdrawn or amended in 1996



1996 | Analysis

In 1996, 8,409 advertisements attracting a total of 12,055 complaints were the subject of ASA scrutiny. Following investigation, 720 advertisements were found to break the Codes and were withdrawn or amended.

Explanation of the 1996 figures

Complaints in 1996 fell by 6% to 12,055 from the record high of 12,804 in 1995. However, the number of advertisements complained about rose from 7,715 to 8,409, an increase of 9% and the number of advertisements withdrawn as result of complaints increased by 40% from 515 to 720.

Taste and decency complaints fell by nearly a quarter (23%) from 4,492 to 3,441. But, in line with the overall figures, the number of advertisements complained about rose from 541 in 1995 to 819 in 1996. Of these the ASA Council asked for 85 advertisements to be withdrawn on the grounds that they were likely to cause serious or widespread offence. This compares with 50 advertisements withdrawn in 1995 on the same basis.

The number of complaints about the portrayal of women in advertisements doubled from 400 in 1995 to 846, although the number of advertisements complained about dropped slightly, from 99 to 89, 17 of which required amendment or withdrawal. Although 321 of the complaints were made about one advertisement in the Gossard Glossies campaign, the overall increase in complaints is unwelcome. Advertisers need to be more sensitive to public opinion when portraying women, especially when such images appear on posters.

Each year, the Authority receives complaints from people who have either misunderstood the advertisement or interpreted it in an unusual way that is unlikely to be shared by others. These complaints, referred to as

"not justified" in the statistics, rose from 4,932 to 5,361 and account for nearly half of all complaints received. In these cases, the advertiser is routinely informed about the nature of the complaint and the complainant is advised that there is no case to investigate under the Codes.

At the request of the direct marketing industry, the ASA regulates the use of mailing lists for direct marketing purposes. Complaints on these aspects of the Codes fractionally increased in 1996 from 267 to 273.

ASA | Complaints procedure

One of the ASA's tasks is to investigate complaints that advertisements break the rules in the British Codes of Advertising and Sales Promotion. The procedure for assessing complaints is designed to ensure a balance

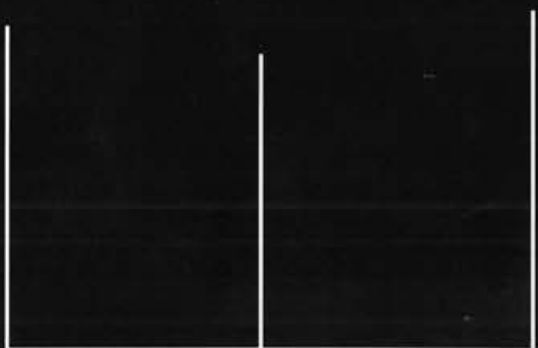
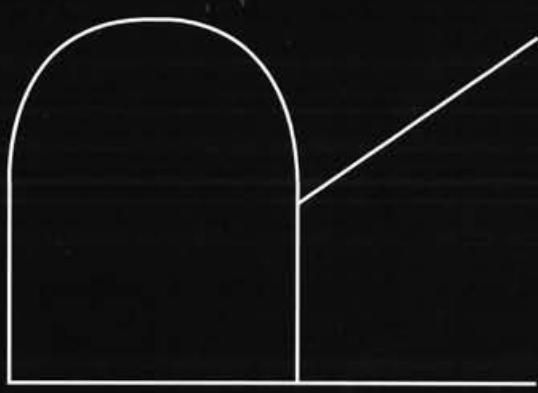
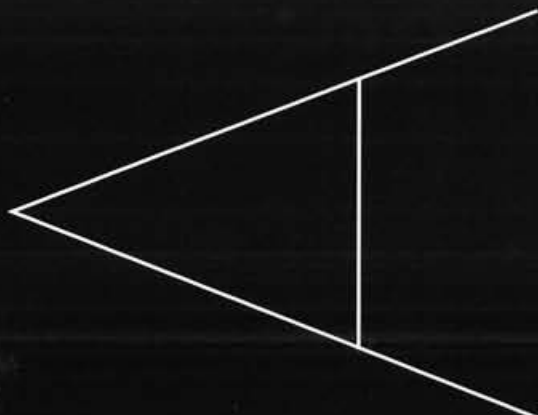
between speed and fairness. The investigation is carried out by members of the Secretariat before an adjudication is made by the ASA Council. A simplified version of this procedure is outlined below:



1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10

Top 10 complaints.

Ten advertisers attracted 1,073 complaints. The full published adjudications are reproduced, in order of the number of complaints, within this section.





Gossard (Holdings) Ltd
Grovebury Road
Leighton Buzzard
Bedfordshire LU7 8SN

Agency: Abbott Mead
Vickers BBDO

321 complaints



Conservative Party
32 Smith Square
London SW1P 3HH

Agency: M & C Saatchi

167 complaints



Complaint: Objections, including one from an MP and one from Leeds City Council, to posters headed "Who said a woman can't get pleasure from something soft". It featured a photograph of a woman wearing a translucent black bra and briefs and lying, arms outstretched, in long grass. The complainants objected that the advertisement was sexist and offensive.

Adjudication:

Complaints not upheld.

The advertisers said that they had conducted group discussions among women in the 20-34 year old target market. The women had not found the advertisement offensive and had assumed that it would appear on posters. The Authority acknowledged that, although some people had been offended, the advertisement was, in the context of the advertised product, acceptable.

Complaint: Objections, from members of the public and Torbay Constituency Labour Party, to a national press advertisement that featured a photograph of Tony Blair, Leader of the Labour Party. A strip of the photograph where his eyes would normally be was torn away to reveal red, demonic-looking eyes. The advertisement was captioned "New Labour new danger". The complainants objected that:

1. The advertisement was offensive to readers; and
2. it portrayed Tony Blair in an offensive way.

Adjudication: The advertisers said the advertisement was designed to symbolise the threat that they believed New Labour represented to the nation's prosperity. They gave examples of earlier party political advertising, by both the Labour Party and the Conservative Party, that used similar types of visual device to make a political point. They reminded the Authority that the red eyes had been used before in the current campaign and in a Party Political Broadcast. They said the eyes were intended to echo a Labour MP's reference to some of her fellow Party members as "people in the dark".

They argued that the advertisement was an attack on the Labour Party and its policies and not on Tony Blair. They believed this type of attack would be seen by most people as an acceptable part of robust political debate.

1. Complaints not upheld.

The Authority considered that, although complainants had been offended because they had taken the image as attributing satanic qualities to Tony Blair or to the Labour Party, most readers of the advertisement would see the image and the wording as symbolic representations of what the Conservative Party believed to be drawbacks to Labour Party policy. It therefore considered that the advertisement would not cause serious or widespread offence.

2. Complaints upheld.

Although it did not consider that readers in general would think the advertisement attributed satanic qualities to Tony Blair, the Authority reminded the advertisers that the Codes prohibited the portrayal, without permission, of politicians in an adverse or offensive way. Because it considered that the advertisement depicted Tony Blair as sinister and dishonest, the Authority asked for it not to be used again.



Nissan Motors GB Ltd
The Rivers Office Park
Denham Way
Maple Cross
Rickmansworth
Herts WD3 2YS

Agency: TBWA

126 complaints

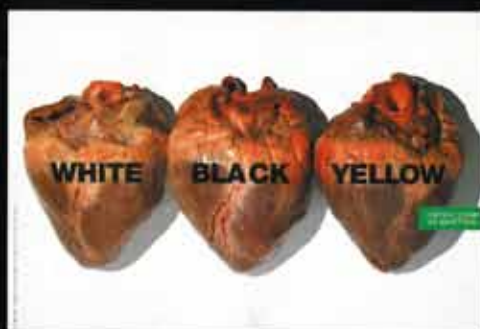


Complaint: Objections to two posters, for the Terrano Outlander four-wheel drive vehicle, that were headlined “4x4 play”. The first poster featured the vehicle superimposed onto a woman’s body, which was decorated to simulate hilly terrain. One of the woman’s breasts was visible. The second featured a man’s body in a similar manner. The complainants objected that the advertisements were offensive.

Adjudication:
Complaints upheld.

The advertisers submitted results of research carried out on the 4x4 vehicle market and the creative brief. They said the advertisements were targeted at people who would want a car that was different and sexy. They argued that people’s responses in their research suggested they linked independence and the freeing of sexual

inhibitions with motor cars. The Authority noted that there was evidence of this in the research but disagreed that this justified the advertising approach on posters. Many people had already been offended and it was likely that the headline and images on posters would cause offence to others. The Authority asked the advertisers to withdraw the advertisements and to seek guidance from the Copy Advice team if they planned using nude models or sexual innuendo to promote motor vehicles in future. The Authority noted the advertisements were appearing in motoring magazines. Although it considered the second advertisement acceptable in this medium, the Authority asked the advertisers to not use the first advertisement in these or other magazines that had many readers outside their target market.



Holsten UK Ltd
 Reeve House
 Parsonage Square
 Station Road
 Dorking
 Surrey
 RH4 1UP

Agency: GGT

94 complaints



Benetton Spa
 Villa Minelli
 31050 Ponzano
 Veneto Treviso
 Italy

87 complaints



Complaint: Objections, including three received via MPs and one from a County Councillor, to a poster and advertisements in the Guardian and Independent. All featured a bottle of Holsten Pils and the strapline "Poncey arsed advertising? Get real!" The poster was headlined "It's new. It's Holsten Pils. It's the new Holsten Pils". The complainants objected that the words "poncey arsed" were unacceptable:

1. On a poster; and
2. in a paper.

Adjudication:

Complaints upheld.

The advertisers said they wanted to use the vernacular of the man in the street in a humorous and unpretentious way. They regretted the offence caused by the posters and had amended them by removing the word **arsed**. They argued that the newspaper advertisements were acceptable because they were more targeted. The Authority considered that the poster and newspaper advertisements were likely to cause widespread offence. It noted that the posters had been amended and asked the advertisers to change the newspaper advertisements as well.

Complaint: Objections to:

1. An advertisement in Company, Cosmopolitan and Sky magazines.
2. A poster.

Both showed three disembodied hearts with the words "White", "Yellow" and "Black" superimposed over them in bold type. The complainants believed the advertisements were disgusting and offensive.

Adjudication:

1. Complaints not upheld.

The advertisers said the advertisement had been devised with the approval of SOS RACISME (a civil rights organisation) and continued their policy of basing their communications on social issues of great relevance. Company and Cosmopolitan said they did not want to censor; they wanted readers to judge if the advertisement was acceptable.

Sky said they had a young readership who would not be offended by the advertisement and would support its message. The Authority considered that the advertisement's appearance in magazines that had young and broadminded readers was acceptable.

2. Complaints upheld.

The Authority was concerned that the poster was likely to cause serious and widespread offence and deprecated the advertisers' failure to recognise consumers' objections to it. The Authority was also concerned that the advertisement had been accepted without liaison with the Copy Advice team, as requested in a CAP Ad Alert.



Virgin Interactive
Entertainment
(Europe) Ltd
2 Kensington Square
London
W8 5RB

Agency: TBWA

60 complaints



Complaint: Objections to a poster, for a computer game, that featured a white bath-tub filled with blood that had spilled onto the floor, above the words "Resident Evil", which was the title of the game. The complainants objected that the advertisement was shocking and offensive.

Adjudication:

Complaints upheld.

The advertisers said the advertisement was meant to reflect the gory and theatrical nature of the game. They believed they had used an approach that would not offend. Although the advertisement campaign had finished, the advertisers planned to run the advertisement in men's magazines. The Authority considered that the advertisement went beyond the bounds of acceptability for a poster in its graphic depiction of a macabre image. It asked the advertisers not to repeat the poster but concluded that the advertisement could be acceptable in tightly-targeted publications with controversial editorial styles.



Fila UK Ltd
Lanmor House
370-386 High street
Wembley
Middlesex
HA9 6AX

Agency: Billington Jackson

58 complaints



Philip Morris Europe SA
Rue Joseph 11
166-1040 Brussels
Belgium

Agency: Bainsfair
Sharkey Trott Ltd

54 complaints



Complaint: Objection to a series of posters all headlined "the best F in shoes...". The complainants believed the headline to be a play on a serious swear word and objected to it.

Adjudication:

Complaint not upheld.

The advertisers said the headline used a popular euphemism and denied that it would cause offence. The advertisements appeared in style magazines and on posters and escalator panels. The Authority did not consider that the advertisements were likely to cause serious or widespread offence.

Complaint: Action on Smoking and Health; the Association for Public Health; the Biscuit, Cake, Chocolate & Confectionery Alliance; the Consumers' Association; European Cancer Prevention; the Food and Drink Federation; Greater Manchester Action on Smoking; the Health Education Authority; Quit; Sales & Management Training Ltd and several members of the public objected to a series of national press advertisements that compared the risk of contracting lung cancer from passive smoking with other risks to health from everyday activities, including eating biscuits, eating pepper frequently and drinking ordinary chlorinated water. The advertisements were head-lined "Second-hand tobacco smoke in perspective", and referred to several studies, including one published in the *Lancet*. The complainants objected that:

1. It was unfair and misleading to compare the risks associated with consuming products such as biscuits, pepper and chlorinated water with passive smoking; and
2. the advertisements misrepresented the findings of the studies.

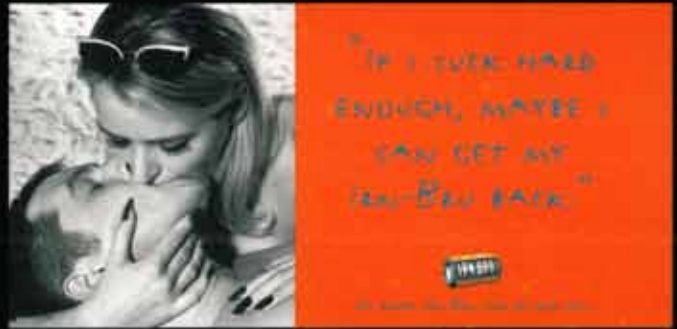
Adjudication

1. Complaints not upheld.

The advertisers submitted the studies referred to in the advertisements. These estimated the increase in health risk likely to be caused by each of the activities. The advertisers maintained that estimates of the relative risk of voluntary activities, such as eating habits, could legitimately be compared with those for involuntary activities, such as passive smoking. The Authority concluded that the approach was acceptable in principle as long as the information on which the comparison was based was reliable.

2. Complaints upheld.

The advertisers believed that the studies were comparable and that they had accurately quoted the relative risk figures from the studies. They said they had intended the advertisement to make clear, by stating "weak association with risk" next to some of the relative risk figures, that studies reporting a relative risk of between 1.0 and 2.0 were not conclusive and they believed the advertisement made clear this was its central message. The Authority noted that, except for the passive smoking risk figure, which was calculated



AG Barr plc
North Road
Atherton
Manchester
M46 0BZ

Agency: The Leith Agency

54 complaints



from 11 studies, and the chlorinated water risk figure, the results were from single studies and had not been verified by repeat studies; some of the authors concluded that their work had not shown beyond doubt that an increase in health risk resulted from the activities they had researched; all the studies were subject to error from poor recall of the past by study subjects; some of the products used in the studies were different from those consumed in the UK; and the people in the samples used in the studies were not comparable in lifestyle, age, diet and gender. The Authority therefore concluded that the comparison of the reported relative risks was invalid. It considered the advertisement gave the misleading impression that passive smoking had been conclusively proved to pose less danger to the health of UK consumers than the five activities placed above it in the table in the advertisement. The Authority asked the advertisers to withdraw the advertisement.

Complaint: Objections to a poster, for a soft drink, that showed a woman leaning over a man and kissing him. The advertisement claimed "If I suck hard enough, maybe I can get my Irn-Bru back." The complaints objected that the advertisement was offensive and in questionable taste.

Adjudication:
Complaints not upheld.

The advertisers said the image was intended to be a humorous way of displaying the woman's desire for Irn-Bru; the idea expressed in the advertisement was meant to be ridiculous and was not to be taken seriously. They did not believe it was offensive. The Authority considered that the claim would generally be regarded as nonsensical humour and did not object to the advertisement.



Royal National
Institute for the Blind
224 Great Portland St
London
W1N 5AA

Agency: DMB&B

52 complaints



Complaint: Objections to an advertisement in the national press that showed the view through a woman's eyes as she lay on her back with her bent legs apart awaiting a gynaecological examination. The advertisement was headlined "The results are between you, your doctor and the person who reads your mail" and claimed "How does a blind person read a letter? Of course, some have friends, relatives or neighbours who can read for them. But what happens when the correspondence is personal? The Royal National Institute for the Blind (RNIB) provides services that enable blind and partially sighted people to read private information in private". The complainants objected that the advertisement was offensive, vulgar and gratuitous.

Adjudication:
Complaints not upheld.

The advertisers explained that they had intended to convey that blindness inhibited people from determining their lives. They said the advertisement highlighted the discomfort felt by blind and partially sighted people who could not read private correspondence. The advertisers said research carried out among visually impaired people showed that 67% found it difficult to get medical information in an accessible form. The advertisers said that, of the NHS Trusts that had responded to their enquiries, only 10% produced medical information in an alternative format on request. Different research among sighted and visually impaired people suggested that the RNIB should use blunter advertising.

The Authority understood the advertisers' research carried out among the target audience of sighted women indicated the approach was acceptable and noted they had sought copy advice before placing the advertisement; they had also been careful to place the advertisement in media with mainly female readers. The Authority considered that the photograph was hard-hitting and designed to be thought-provoking but believed the approach was justified by the research and explained in the text. The Authority did not object to the advertisement.



The ASA's Website is designed for use by advertisers, consumers, researchers and

opinion formers. It is visited, on average, 500 times a day

ASA | Internet



The ASA's own Website was launched at a press conference in July where the

Authority's Chairman, Lord Rodgers, announced that the ASA was "open for business"



[Http://www.asa.org.uk](http://www.asa.org.uk)

The Internet continued to be the buzz word at most of the industry's conferences and seminars during 1996 and the ASA remains at the forefront of initiatives to develop the Internet into a credible medium for marketing communications.

The ASA's Website was launched at a press conference in July, when the Authority's Chairman, Lord Rodgers, announced that the ASA was "open for business" for the Internet and other forms of non-broadcast electronic media such as advertisements on CD-ROM, computer and video games. The Website is visited, on average, 500 times a day by users including advertising agencies, advertisers and journalists. The most popular section is the ASA's adjudications, closely followed by the Codes themselves.

Also announced at the launch was the Committee of Advertising Practice's working group of practitioners and trade bodies which is discussing the development of self-regulation for these new media. These are areas where CAP will be taking a keen and active interest so that the industry applies the Codes to these emerging media and consumers have a measure of protection through the ASA.

The ASA is working closely with the Direct Marketing Association and the Mailing Preference Service to develop an E-mail Preference Service so that consumers can opt-out of receiving marketing e-mails. In time, companies will be able to clean their mailing lists against the EPS suppression files in the same way they currently do with direct mail through the MPS so that irritating and badly targeted e-mails can be kept to a minimum.

Press office

1996 was another busy year for the press office, with over 4,500 stories generated in national, regional and broadcast media. Keeping the ASA in the public eye and focusing industry commitment is essential to maintaining the high levels of consumer trust and confidence in the self-regulatory system. The ASA's enquiry desk handled nearly 20,000 calls for advice from consumers during the year.

"The **commitment** of the industry makes the UK system

CAP | Chairman's report

After two years as Chairman of the Committee of Advertising Practice, Martin Runnacles has completed his term of office and handed over to David Clayton-Smith, Marketing Director of Do-it-All plc. During his two years, Martin oversaw the launch of the new edition of the British Codes of Advertising and Sales Promotion, published in February 1995. At his final CAP meeting as Chairman in November 1996, Martin gave the members an overview of 1995 and 1996. Here he answers questions about the observations he made to CAP in his "end of term" report.

Q. What advertising trends have you observed during your chairmanship?

A. There has certainly been a move towards what is called "in your face" advertising from companies that deliberately provoke controversy and care little if they discredit advertising generally. In the overall scheme of things the numbers engaging in this practice are small but they can have a disproportionate effect on public perception.

Notably, research commissioned by the ASA during 1996 showed that the public find advertising entertaining, amusing and informative rather than misleading or offensive and I suspect that people see through these attempts to attract free publicity. However, there is a serious point here because these mavericks could discredit our highly successful system of self-regulation. If legislators get the impression that this is generally the way that advertisers behave and that the current system can't deal with them effectively, everyone will suffer. The truth is that the system can, and does, deal with these situations very well. Compliance rates are at an all-time high of 98% for posters and 96% for press advertisements - how many law enforcement bodies can make such a claim?

Q. What about industry trends?

A. It seems that, although the ASA has gained in public respect and confidence, the industry has been more inclined to challenge the ASA Council's decisions. Occasional criticism from "unattributed sources" may well be a sign of a more competitive environment, a higher ASA profile or sanctions biting. Those with genuine grievances, concerns or suggestions for improvements know that there are good channels of communication between the ASA and the industry through the Review Panels and CAP itself; these channels are used by the vast majority of responsible advertisers, agencies and media. We do, as an industry, have to recognise that, as part of the self-regulatory system that we agreed to adopt some 35 years ago, someone was always going to have to take on the role of umpire. It is the nature of being an umpire that one player, either the advertiser or complainant, is generally going to have to give way and may therefore feel aggrieved. It is vital that the ASA, as an independent and impartial umpire, has the final say and that its judgement is accepted and acted on. In this respect there is a healthy natural tension between the ASA and the industry.

Q. What has been achieved over the last two years?

A. After an extensive review of the Codes during the successful chairmanship of my predecessor John Hooper, I was very pleased to play a part in their implementation. The new Codes were launched with considerable publicity in February 1995 and have been very well received by the industry and in many other quarters. Indeed, they are used as a model by other similar systems around the world.

Through the work of the Review Panels, we were able to finalise the guidance note on newspapers' front page flashes to address consumer complaints to the ASA. As one of the pillars of the self-regulatory system, it was essential to improve Code compliance among the media. After all it is the support of the media that provides the system with its most effective sanction - that of denying advertising space to those who break the Codes. When the newspapers' own promotions were raising regular and repeated complaints it was clear that the members of CAP needed to work together to effect improvements. I applaud the fact that, in most quarters, there has been a noticeable improvement in these promotions.

of advertising control the envy of countries around the world."

Martin Runnacles
Marketing Director,
Rover Cars.

CAP Chairman,
1995 and 1996



The poster industry too has come in for some criticism during 1996 and after some discussion, the poster contractors intend to pre-check advertisements before they go up on hoardings. Advertisers who have had complaints upheld against them by the ASA will no longer be able to undertake new campaigns with impunity. I urge the poster business to go further than this in 1997 and to pre-view all advertisements booked for their sites, checking where appropriate with the CAP Copy Advice team. The ASA's research indicates a 98% compliance rate for posters but it is such a high-profile medium that a few unacceptable advertisements can gain a disproportionately adverse reaction from the public.

Q. What are your predictions for 1997?

A. I have passed on the Chairmanship of CAP to the very able David Clayton-Smith, Marketing Director of Do-it-All. I know that he will guide CAP safely through what promises to be a very challenging couple of years. It has become increasingly apparent during 1996 that CAP needs to address the way that it operates and even to look at restructuring the Committee to enable it to respond more quickly to industry issues. Of course, there have been changes over the years, but it now seems timely to

have a more radical rethink. We cover a far wider range of sectors and issues than ever before, even offering our services to Internet advertisers.

And we'll be looking at the Codes again in 1997. Advertising is a fast-moving business and the Codes have to keep pace. In coming to decisions, the ASA Council rely on the rules that are agreed and sanctioned by CAP. There were some notable examples of this during the year. In one case the ASA had to judge whether Live TV's use of Diana, Princess of Wales, in a press advertisement featuring Paul Gascoigne broke the Codes because the consent of the Lord Chamberlain's office had not been obtained; they had no option but to say yes because they are not free simply to cherry-pick the rules they like. Some CAP members felt that this Code rule should be looked at again, so it will become part of the wider review.

Similarly, the ASA did not shirk from their responsibility in applying the Codes to the now infamous Conservative advertisement portraying Tony Blair with "demon eyes". The Codes are not applied to the factual accuracy of party political advertising but they do cover other aspects such as ensuring that politicians and other public figures are not portrayed in an "adverse or offensive" way. Again, CAP

and the Codes left the ASA no option but to pursue and uphold the 167 complaints they received. CAP "insiders" are now quoted as saying that the Codes will inevitably be changed. Since the subject has not been discussed yet by CAP, this is mere speculation.

I would like to wish my successor, David, every success in his chairmanship. I can honestly say that I have found the experience a fascinating and rewarding one. I would also like to thank Andrew Robertson and Peter le Conte and their predecessors, Hugh Burkitt, and Colin Hall, for the time they freely give to chairing the two CAP Review Panels.

The other benefit of chairing CAP is that I have had the privilege of sitting as an observer at the monthly ASA Council meetings. When you are able to witness, as I have, the quality and depth of debate and the great care that the Council members take in making their judgments, their common-sense rulings come as no surprise. Their balanced and considered decisions benefit consumers and the self-regulatory system alike.

That care and attention together with the commitment of the industry make the ASA and the UK system of advertising control the envy of countries around the world.



The Copy Advice team responds to 95% of all calls within 24 hours

“The advice allowed us to fine-tune the shocking and humorous elements of the advertising

CAP | Advice

Acting under the auspices of the Committee of Advertising Practice, the Copy Advice team plays an essential role in pre-empting problems by helping those who create, commission and publish advertisements to check them against the Codes before publication. During 1996, the team dealt with around 3,500 written and 7,000 telephone requests for advice from advertisers, agencies, and publishers on the acceptability of advertisements under the British Codes of Advertising and Sales Promotion.

Although advice is neither mandatory nor binding, a growing number of advertisers and agencies view it as an essential part of their planning. They recognise that it can make the difference between a successful campaign with the potential to win highly prized industry awards and one which is dropped amid the negative publicity that ASA criticism will frequently bring. They also appreciate the discretion and professionalism of the service and the efficiency of a team which responds to 95% of all calls for advice within 24 hours.

The team assesses the submitted advertisement, which might be in the form of rough sketches or finished artwork, using their experience of interpreting the Codes and their knowledge of ASA Council rulings. As Simon Hunter, Account Director at TBWA, says about the advice he was given on a cinema commercial for one of his clients, “The advice allowed us to fine-tune the shocking and humorous elements of the

Although advice is neither mandatory nor binding, a growing number

of advertisers and agencies view it as an essential part of their planning



giving us a final product that was both

funny and hard-hitting.”

advertising, giving us a final product that was both funny and hard-hitting. It meant we could get the balance right and has helped us develop press advertisements that follow on from the cinema work". The advertisement, for a computer game, voiced a number of controversial anti-European sentiments. Careful crafting was needed to make sure that the advertisement's tone came across as ironic and light-hearted rather than offensive.

Advice across media

As well as advising on campaigns for mainstream media - newspapers, magazines, posters, direct mail and sales promotion - 1996 has seen the skills of the Copy Advice team being used to benefit emerging media such as the Internet, CD-ROM, computer and video games. Helping the industry apply the Codes to these media will help their development as credible methods of conveying advertising messages to consumers.

Media planning advice

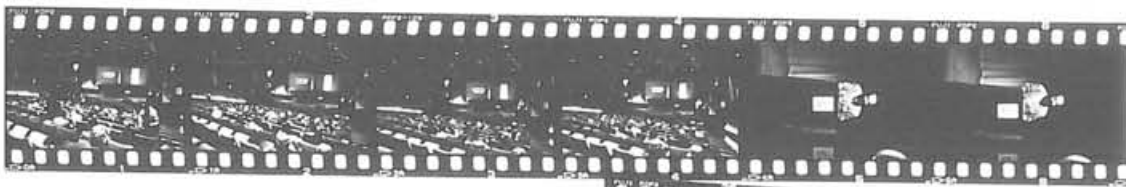
The Copy Advice team's role extends to helping the industry select the right advertising medium to reach their target audience for a campaign. For example, following the ASA's criticism of Club 18-30 for using obvious sexual innuendo in their 1995 poster advertisements, which attracted nearly 500 complaints that they were offensive, the Copy Advice team met the agency to discuss the campaign's future. It was agreed that style magazines were appropriate media for the 1996 advertisements. The team advised the agency that humorous sexual references in advertisements would not cause offence when they were specifically targeted at those interested in going on Club 18-30 holidays. The result: a happy client, and no complaints from the public.

Industry liaison and consultation

The team's close work with the industry pays dividends in many areas. Much of their advisory

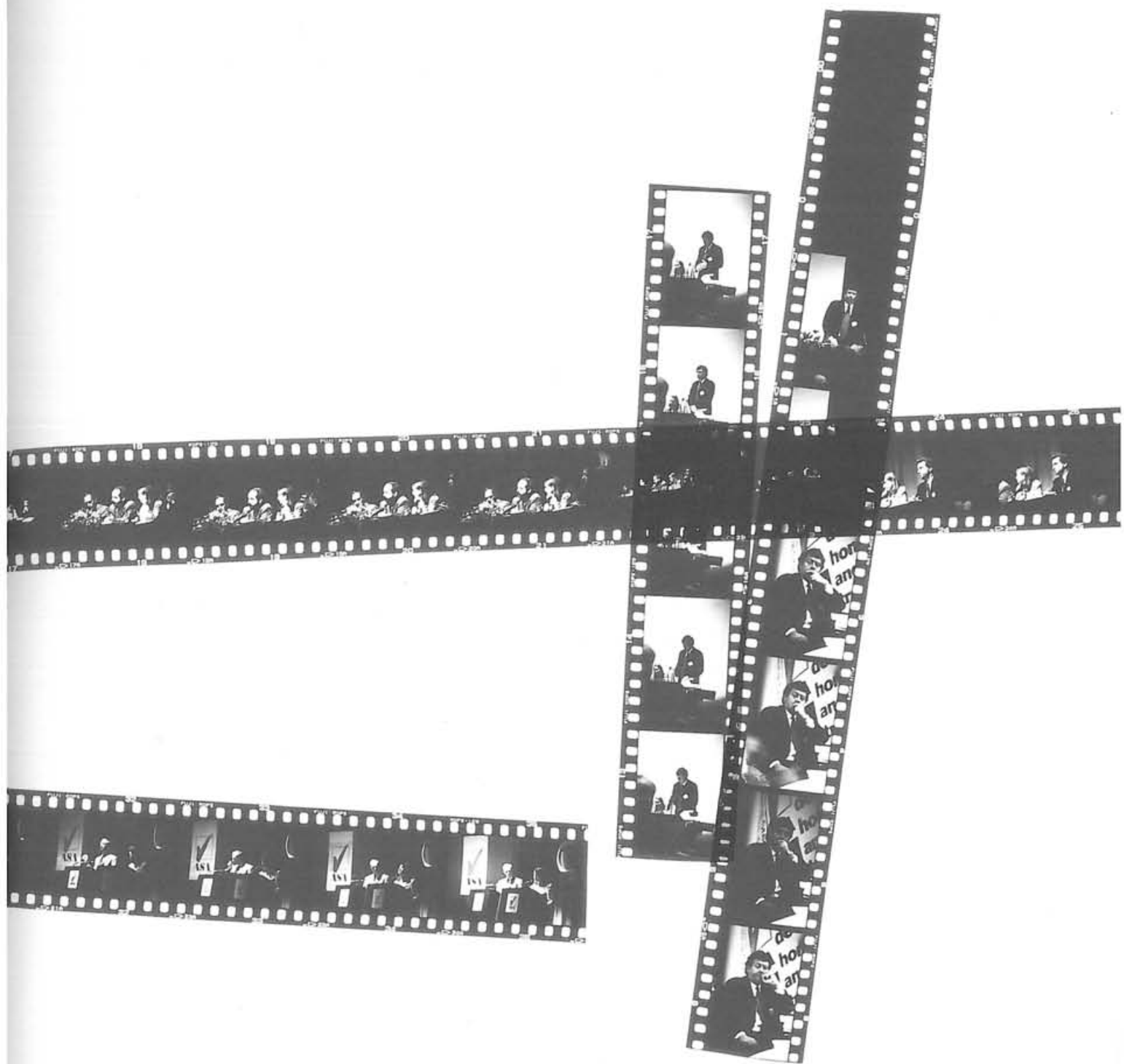
work is ably supported by trade associations. The Cinema Advertising Association, for example, pre-clears advertising in cinemas and liaises closely with the Copy Advice team on scripts or executions that are likely to be controversial.

These close links also enable the Copy Advice team to identify when a particular sector could benefit from more guidance to more fully explain the Codes' requirements on different products or services. During 1996, broad guidance was issued by the team on subjects as diverse as compulsory holiday insurance, the advertising of publications, lucky charms and VAT-inclusive prices. Not only do advertisers benefit from a clear and concise checklist of points to watch, they are reassured that the same rules apply to their competitors and that they are being treated fairly and consistently.



ASA | Conferences and seminars

As well as organising its own consumer and industry seminars, ASA speakers took the platform at over 60 other conferences during the year



Some of the countries that the Authority has liaised with in 1996 are:

Australia
Austria
Belgium

Bulgaria
Canada
China

Czech Republic
Denmark
Finland

France
Germany
Greece

Hungary
Ireland
Japan

Lithuania
Luxembourg
Malaysia

The Netherlands
New Zealand
Poland

Portugal
Russia
Slovak Republic

The ASA | Worldwide

The ASA's involvement in the European and international arenas has been especially busy during 1996. The Authority has maintained a high profile and its expertise and experience has continued to gain international recognition.

The ASA in Europe

As one of its founding members, the ASA has close links with the European Advertising Standards Alliance (EASA) and the appointment in 1996 of Christopher Ogden, the ASA's Deputy Director General, as Chairman of the Alliance, has meant that the Authority is more involved in Europe than ever before.

1996 has seen the Alliance continue to grow in size and status. Turkey joined in January and when Finland joined later in the year it meant that the European Union is now fully represented. The Advertising Standards Authority of New Zealand joined South Africa as the second corresponding member of the Alliance and the UK's television regulator, the Independent Television Commission, became an associate member. The Alliance now stands at 25 members from 22 countries - giving European advertising self-regulation its widest representation to date.

As well as conducting surveys across Europe into issues as diverse as alcohol advertising, children and advertisements and the portrayal of women, the Alliance has also produced an update of its Blue Book, which explains the regulatory differences across the Union and provides invaluable information for those wishing to find out more about how self-regulation works in Europe.

Consultation with the Commission

The ASA and the EASA maintain close links with the European Commission and both have responded to the Commission's Green Paper on Commercial Communications. The draft Paper has been broadly welcomed and the Commission has been encouraged to observe the differences in commercial practices, cultures and attitudes among consumers in different countries.

ASAは世界中の国々と

知識を分かち合い

そしてその国々から
学び続けてゆきます。

01:00

02:00

03:00

04:00

05:00

06:00

07:00

08:00

09:00

10:00

11:00

12:00

Slovenia
South Africa
Spain

Sweden
Switzerland
Turkey

Cross-border complaints

The cross border complaints system operated by the Alliance has successfully resolved over 150 complaints made by consumers. 47 cases were examined and resolved by Alliance members in 1996, 13 of which were dealt with by the ASA. This mechanism offers consumers in member countries a pan-European opportunity to complain about misleading or offensive advertisements appearing in one country but published in another.

The ASA and former Eastern Bloc countries

The ASA and the EASA have been at the forefront of initiatives to encourage the development of self-regulation in Central and Eastern Europe and the Authority has been involved in visits to Hungary, the Czech Republic, Slovakia and Poland to give advice and encouragement to their efforts to establish comprehensive systems of advertising control.

At a Conference hosted by the Czech Republic's self-regulatory organisation in Prague, members of the Alliance and the ASA spoke to representatives from the World Federation of Advertisers, European advertising industry figures, Czech Parliamentary members, the European Association of Advertising Agencies, and representatives from the European Commission. The presence of so many senior representatives demonstrating their support for the Czechs' initiatives illustrates the commitment that exists to developing self-regulation across national boundaries.

The ASA internationally

The ASA continues to share its knowledge with, and to learn from, countries all over the world. International representatives and government delegations regularly visit the ASA's offices in London to see how the UK

self-regulatory model works. Delegations from Japan and Malaysia, Australia, New Zealand and Russia were among those who visited the ASA in 1996.

The UK's self-regulatory system continues to be highly regarded by the international community and during November the ASA and the UK self-regulatory system was used by the Organisation for Economic Co-operation and Development (OECD) as a case study to demonstrate an effective alternative to traditional command and control regulation. The Authority's expertise, developed over 35 years, will continue to be offered to any country wishing to develop an effective and efficient self-regulatory system of consumer protection.

*ASA continues to share its knowledge with, and learn from, countries all over the world.

Japan was one country to send a delegation to the Authority in 1996.

日本は 1996年、

ASAに代表団を派遣した国々のなかのひとつです*。

13:00 14:00 15:00 16:00 17:00 18:00 19:00 20:00 21:00 22:00 23:00 00:00

Financial Report

For the year ended 31 December 1996

	1996	1995
Income		
Cash received from the Advertising Standards Board of Finance Ltd	3,283,649	2,859,091
Interest receivable	54,336	43,918
Total	3,337,985	2,903,009
Expenditure		
Salaries and staff costs	1,632,837	1,508,205
Rent and accommodation costs	247,961	194,455
Travel, subsistence and entertaining	59,695	50,140
Consultancy and professional fees	202,123	127,822
Council honoraria and expenses	85,767	53,787
Depreciation	133,291	95,882
Telephone, postage, printing, stationery and other general expenses	374,052	339,820
Advertising and promotion	213,782	197,238
Direct marketing	398,283	305,089
Total	3,347,791	2,872,438
(Shortfall)/excess of income over expenditure	(9,806)	30,571

Registered Office: The Advertising Standards Authority Ltd, 2 Torrington Place, London WC1E 7HW
Telephone 0171 580 5555. Registered in England No. 733214

Year to 31st December 1995

Last year's financial statement predicted expenditure of £2,872,438 and anticipated a pre-tax profit of approximately £30,500. Audited figures for 1995 confirm actual expenditure of £2,872,438 and pre-tax profit of £30,571; profit after tax was £17,538. Details of expenditure for 1995 are shown on the facing page.

Year to 31st December 1996

At the time of preparing this Report, audited income and expenditure figures for 1996 are not available. Provisional indications can, however, be given and these are below and on the facing page. Finalised accounts will be presented to the Council of the Authority at its Annual General Meeting in May 1997 and will be lodged subsequently with Companies House in the normal way.

Income

Compared with 1995, income received from the Advertising Standards Board of Finance Ltd rose by £424,558 (14.85%) to £3,283,649. Interest received rose by £10,418 (23.72%) and produced additional income of £54,336. The total income for 1996 was £3,337,985.

Expenditure

Expenditure in 1996 rose by £475,353 (16.5%) to £3,347,791 compared with 1995.

Significant increases in expenditure were in consultancy and professional fees, which rose by 58% because of increased legal costs; rent and premises costs, which rose by 27.5% because of the rate rebate received in 1995; and depreciation and direct marketing, which rose by 39% and 30% respectively because of replacing and upgrading the Information Technology system. With the exception of legal costs, increases in expenditure were planned and were within budgetary provisions.

Continued economy measures enabled other office and general expenses to be held at levels similar to 1994 and 1995.

Profit/loss

We anticipate that the final accounts for 1996 will show a pre-tax loss of about £10,000 and a loss of £15,000 after tax.



Compliance with the Codes is high: 98% for posters, 96% for press and 82% for direct mail



About the ASA and CAP

The Advertising Standards Authority

The Advertising Standards Authority promotes and enforces the highest standards in all non-broadcast advertisements in the UK. It acts independently of both the government and the advertising industry.

The Authority operates in the public interest and in co-operation with the whole of the advertising industry by ensuring that everyone who commissions, prepares, places and publishes advertisements observes the British Codes of Advertising and Sales Promotion.

The Codes require that advertisements and sales promotions should be: legal, decent, honest and truthful, prepared with a sense of responsibility to consumers and to society, and in line with the principles of fair competition generally accepted in business.

If an advertisement or promotion breaks the Codes, advertisers are asked to amend or withdraw it. If they choose not to a number of sanctions are available:

Adverse publicity

The ASA's Monthly Reports contain complaint adjudications, including the name of the advertiser, agency and the type of media involved. The reports are circulated to journalists, government agencies, the advertising industry, consumer bodies and the public. Published cases receive extensive media coverage.

Refusal of advertising space

Media can be asked to enforce their standard terms of business, which require compliance with the Codes. They may decide to refuse space to advertisers until the advertisement has been amended.

Removal of trade incentives

Both advertisers and their agencies may jeopardise their membership of trade or professional organisations. This could result in the loss of financial and other trading benefits.

Legal proceedings

Ultimately, the ASA can refer a misleading advertisement to the Office of Fair Trading. The OFT can obtain an injunction to prevent advertisers using the same or similar claims in future advertisements.

Complaints

All complaints must be in writing and should be accompanied, wherever possible, by a copy of the advertisement and as much relevant detail as possible. Complaints should be addressed to:

The Advertising Standards Authority
2 Torrington Place
London WC1E 7HW

For information, telephone the ASA's enquiry desk on 0171 580 5555 between 10am and 4pm on weekdays.

The Committee of Advertising Practice

The Committee of Advertising Practice is the self-regulatory body that writes and enforces the British Codes of Advertising and Sales Promotion. CAP is made up of 22 trade and professional bodies representing the advertising, sales promotion, direct marketing and media businesses.

As part of their commitment to the Codes and the ASA, CAP provides a free and confidential pre-publication Copy Advice service to help advertisers, agencies and publishers to check advertisements before publication. This service and the industry's support for a system of self-regulation help to maintain the highest standards of non-broadcast advertising to the benefit of the industry and consumers alike.

The organisations that make up CAP support the ASA by providing the sanctions outlined above. Each require their respective members to abide by the Codes and the ASA's adjudications as a condition of membership or as part of a contractual agreement. It is this support that achieves compliance rates of 98% for posters, 96% for press and 82% for direct mail.

1996 ASA/CAP staff:

The ASA Council and CAP are served by a secretariat of 60 people who carry out the day to day running of the office.

Head of Strategic Affairs
Grahame Fowler

Head of Investigations
Mark Whitbread

Operations Managers

Ailsa Chater
Joanne Poole
Suzanne Wright
(Acting Manager)

Investigations Managers
Niamh McGuinness
Claire Serle

Copy Advice Manager
Guy Parker

Research Manager
Dominic Kollett-Bowman

Information Manager
Linda Wheeler

External Affairs Manager
Chris Reed

Systems Manager
Laura Fishman

Office Manager
Richard Aubigne

Sep —

Oct — **The Advertising Standards Authority**
2 Torrington Place, London, WC1E 7HW

Nov —

Dec —

Jan —

Feb —