

# Celebrating 50 years

Legal, decent, honest and truthful

Advertising Standards Authority  
Committee of Advertising Practice

Annual Report 2011



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Legal

Decent

Honest

The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising across all media. We apply the Advertising Codes which are written by the Committees of Advertising Practice (CAP).

Truthful

# Our mission and remit

Our mission is to ensure that advertising in all media is legal, decent, honest and truthful, to the benefit of consumers, business and society.

## We regulate ads in:

- Magazines and newspapers
- Radio and TV
- Television shopping channels
- Posters
- Cinema
- Direct mail (advertising sent through the post and addressed to you personally)
- Internet, including a company's advertising on its own website and in paid-for space (including sponsored search)
- Leaflets and brochures
- Commercial email and mobile messages
- CD ROMs, DVD, video and faxes
- Sales promotions (special offers, prize draws and competitions)



## A word from...

Rt Hon Lord Smith of Finsbury, ASA Chairman



The ASA is 50 years old this year; and as can be seen from this report, we are busier than ever, and as much needed now as we were back in 1962. The fundamental purpose of our work remains what it has always been: the determination of the advertising industry itself to ensure that ads are legal, decent, honest and truthful, for the sake of consumers, of society as a whole, and of the vast majority of responsible advertisers. Advertising depends at heart on the trust the public can place in it; and the ASA is there to uphold that sense of trust.

Our work has developed and grown over the intervening 50 years, of course. We started life purely as a non-broadcast regulator, addressing ads in print and on posters. Seven years ago we became the regulator, on Ofcom's behalf, for all broadcast ads on radio and television, and a year and a half ago for video-on-demand. And then in a major change, in 2011, we took on the task of regulating all online advertising, with the inclusion of marketing claims on companies' own websites and in their social network spaces.

The online remit has hugely increased our workload, with numbers of complaints and cases substantially up on previous years. But through the dedicated commitment of our staff, we've stepped up to the task, and have managed to maintain our efficiency, our

standards of service, and the care with which we scrutinise the claims we are called upon to consider. We have also increased our offer of copy advice and guidance. We take some pride in the independence and thoroughness of our assessment and advice processes, because we know – as we have for 50 years – that for the public to have confidence in a self-regulatory or co-regulatory system, it must be demonstrably robust.

We also know that we have to be attuned to changes in society's expectations and attitudes. Where there is growing concern, for example, about the glamorisation of violence, or about the impact on children of sexualised images, we need to be prepared to acknowledge these concerns in the way in which we implement our regulatory responsibilities. One of the advantages of a self-regulatory system is the ability to respond to such concerns rapidly.

Our challenge now is to prove that we can be as effective for the next 50 years as we have been for the last. We're up for the task. ●

A handwritten signature in black ink, which appears to be 'Chris Smith'.

## A word from...

James Best,  
CAP Chairman



**As its new chairman, I can probably get away with this naive observation: the Committee of Advertising Practice for broadcast (BCAP) and non-broadcast (CAP) is a curious creature. But it's an effective one.**

Curious, because a group of representatives from the UK's advertisers, media owners (big and small), creative agencies, direct marketing, promotional specialists and the burgeoning online ecosystem - a heterogeneous and disparate set of organisations - all join forces in the effort to set, develop and enforce the Advertising Codes that regulate advertisers' freedom of action and curb their keen competitive instincts.

Effective, because those disparate organisations believe in the mutual benefits of self – and co-regulation; because they are part of a regulatory system that has 50 years of experience behind it and enjoys the implicit authority brought by that history; because they have delegated the adjudications made for and against advertisers under the Codes to a genuinely independent jury, the ASA Council; and because they are prepared to back the system with their time, money and reputations.

I would add that it works because it has an Executive of skilled and able people who work hard for the Committees' members. Advising on issues of what and how industry can legitimately advertise; interpreting the complexities of the many laws and regulations that underpin the

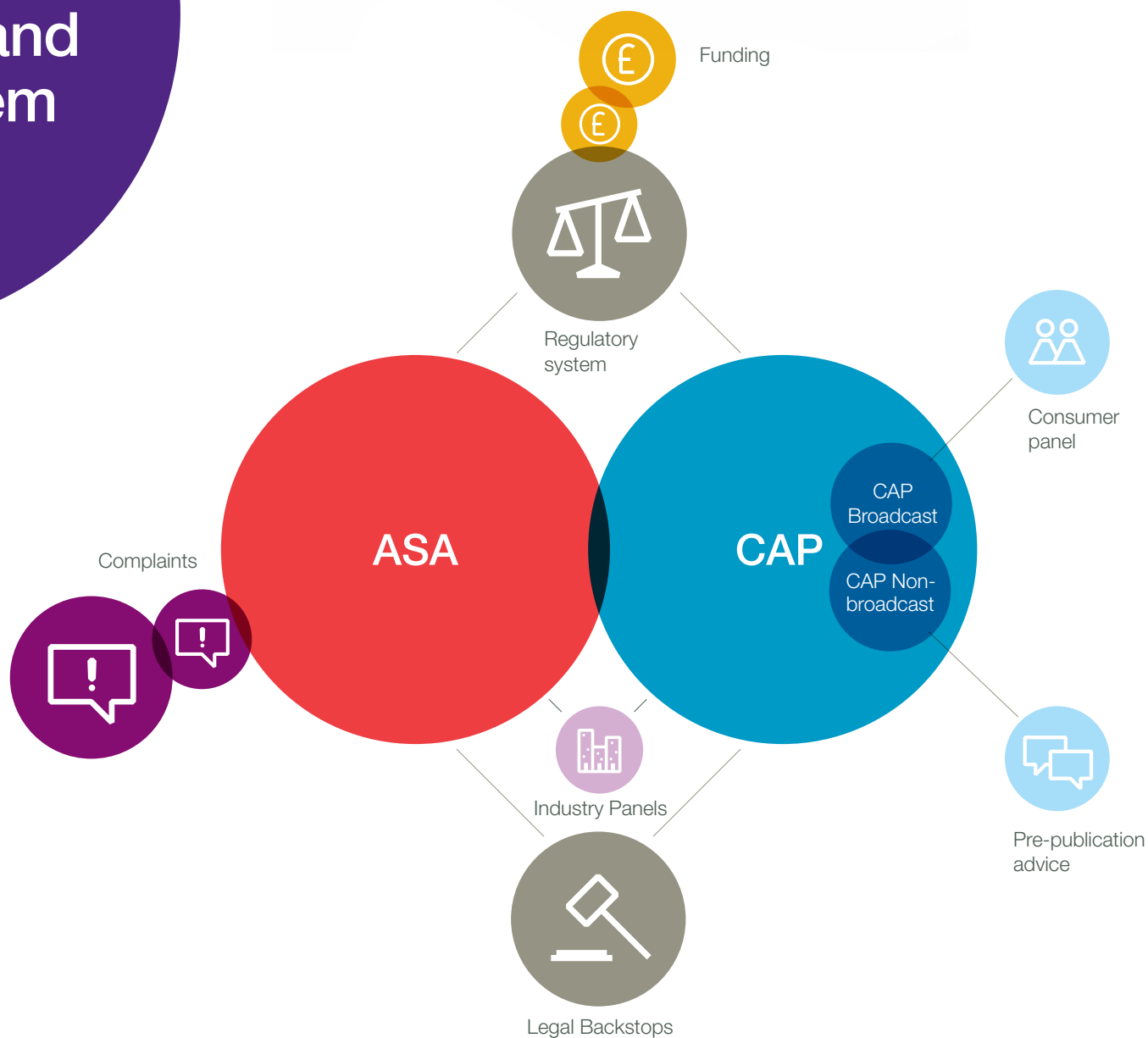
Codes to provide clear guidance on good advertising practice; securing the compliance of advertisers and media to the constraints and sanctions of the Codes; keeping the Codes and guidance up-to-date in a world of changing legal requirements, communications' technologies and social expectations; balancing the rights of advertisers and of commercial freedom of speech with the robust protection of individuals, especially the vulnerable: the Executive is engaged in all these tasks and we all owe them our thanks for doing so much so well.

In the past year, of course, the Executive has worked exceptionally hard to master the extended online remit, on top of their 'normal' duties, as well as producing important new guidance on topics as diverse as broadband speeds and production techniques in cosmetic advertising – always with the essential involvement of the industry and under the leadership of our Committee members, whom I wholeheartedly thank, too.

So although I may have found the Committee of Advertising Practice a curious creature, I have equally found it one to admire and respect, and one that I hope most providers and consumers of advertising alike can agree is doing an extremely effective job. ●

A handwritten signature in black ink, appearing to be 'J Best', written in a cursive style.

# The ASA and CAP system overview



## Glossary of terms

### Advertising Standards Authority

The UK's independent regulator of advertising across all media. Responds to and investigates complaints about ads made by the public and advertisers.

### Committees of Advertising Practice

The two industry bodies, the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP), which write and enforce the Advertising Codes, and provide training and advice to the industry.

### Funding

The system is funded by an arm's-length levy on display advertising, direct mail and advertising airtime cost which is collected by the Advertising Standards Board of Finance (Asbof) and the Broadcast Advertising Standards Board of Finance (Basbof).

### Pre-publication advice

CAP Copy Advice provides advice and guidance to non-broadcast advertisers on their advertising copy.

In addition, Clearcast operates the clearance system for television commercials before they are screened. The Radio Advertising Clearance Centre (RACC) clears radio advertisements and sponsorship credits for commercial radio.

### Industry Panels

The industry panels provide non-binding opinion on advertising regulatory issues from an industry perspective.

The Sales Promotion and Direct Response Panel, the Online Publications Media Panel and the General Media Panel (GMP) all advise the ASA and CAP Executive and the GMP also advises the BCAP Executive.

### Consumer Panel

The Advertising Advisory Committee (AAC) advises BCAP on potential changes to the UK Code of Broadcast Advertising and associated guidance.

### Legal Backstops

The Office of Fair Trading (OFT) is the ASA's legal backstop for misleading or unfair advertising. The Office of Communications (Ofcom) is the ASA's co-regulatory partner and legal backstop for regulating TV and radio advertisements.

# Taking positive action



## About our funding

The system is financed at arm's-length by advertisers through a small voluntary levy of 0.1% on display advertising expenditure, airtime and paid-for search charges collected by agencies, and 0.2% of the Royal Mail's Mailsort and Advertising Mail contracts. We don't know who pays the levy so it cannot affect our judgments and we receive no public funding from the tax payer.



**As the UK's independent regulator for advertising across all media, our work includes acting on complaints and proactively checking the media to take action against misleading, harmful or offensive advertisements.**

If we judge an ad to be in breach of the UK Advertising Codes, it must be withdrawn or amended and the advertiser must not use the approach again. In 2011 we considered 31,458 complaints about 22,397 cases and we actively checked thousands of ads. Our work led to 4,591 ads being changed or withdrawn.

Prevention is always better than cure, so CAP provides training and advice on the rules to help prevent problem ads from appearing in the first place. CAP also continually ensures that the Advertising Codes and related guidance are kept up-to-date by responding to the latest developments.

The industry established the ASA 50 years ago because it knew that maintaining trust in advertising was essential. Not only because it is wrong to mislead, harm or offend consumers, but because if advertisements are to work at all, they must be welcomed by the public.





31,458 complaints  
about 22,397 ads

4,591 ads changed  
or withdrawn



Over the course of the last year, the values that have underpinned and shaped the ASA and CAP for 50 years have been more apparent than ever in our work. Our achievements in four key areas demonstrate how we are taking positive action to keep UK advertisements legal, decent, honest and truthful:

### 1. Successfully regulating online ads

In March 2011, our remit was extended significantly to cover companies' own advertising on their own websites and in other social media they control. Although this significantly increased our workload, contributing to a 71% increase in the number of complaint cases we received, so far we have met the challenge. See page 10.

### 2. Protecting children and young people

We acted quickly to respond to societal concerns about the sexualisation and commercialisation of childhood. We have been responding fully to the concerns we uncovered in our own research with parents and children and to the advertising-related recommendations in the Government-commissioned review *Letting Children Be Children*. See page 12.

### 3. More efficient and in tune with consumers, business and society

We want to get better at what we do. We made changes to be more efficient, more cost-effective and more in tune with our stakeholders. Our activities have included producing new guidance on the use of digital retouching in cosmetics advertising and introducing a new policy requiring competitors to resolve matters between themselves before complaining to us – freeing up our time to respond to public complaints. See page 14.

### 4. Providing advice and training to the ad industry

Given that there are many millions of ads published in the UK every year, it's important that we support advertisers, agencies and media to get their ads right first time. As well as providing online resources, newsletters and training events, our advisers also give tailored advice on campaigns. Boosted by an ad campaign directed at businesses, we gave advice or training on 97,160 occasions last year, a 113% increase on the year before. See page 16.

# Taking positive action Successfully regulating online ads

7,195 online remit complaints about 6,631 cases

38 online remit training seminars

We marked a regulatory milestone on 1 March 2011, as our online remit was extended to cover companies' advertising claims on their own websites and other third-party space they control, such as on social networking sites like Facebook and Twitter. As CAP celebrated its 50th anniversary, it demonstrated that together with the industry, it had the drive to bring responsible practice to new areas.

The new remit plugs a regulatory gap, providing more comprehensive consumer protection online. Before, the ASA had to reject several thousand complaints leaving the public confused about why we could take action across other media but could do nothing when the same claims appeared on advertisers' own websites.

The impact of the change in regulation was immediate, as demonstrated with our upheld ruling against T-Mobile, whose claim to provide 'Truly unlimited internet' was banned not only on their poster and press ads, but also on their own website.

In the first ten months, we received 7,195 online remit complaints about 6,631 cases. Online remit cases comprised 29% of all cases received – higher than our forecasted level – and contributing to a 71% increase in cases overall, with only a 15% increase in staff.

The complaints we received about claims on websites are very similar to those we receive about ads in traditional space, but with an even greater bias to misleading issues.





T-Mobile ad: 'Truly unlimited' claims ruled misleading on their own website, as well as in posters and press

The public has been quick to raise concerns about misleading pricing, availability of goods and unclear terms and conditions. And our action has been broadly successful, with the majority of website owners willingly co-operating to make changes to their online claims.

A higher proportion of cases than usual have related to advertising on the websites of small or medium sized businesses, particularly Complementary and Alternative Medicine practitioners. By taking a more flexible approach to handling these cases, giving advertisers a period of grace to amend their claims, providing additional advice to businesses and keeping complainants informed of the steps we were taking, we have made good progress bringing practitioners into compliance.

All this work has meant that our compliance teams, who enforce ASA rulings and proactively check ads for compliance with the Codes, worked on 328 online remit cases, 36% of their total caseload. All but 18 were resolved without recourse to our new remit sanctions. Of those, 16 were subject to our 'enhanced name and shame' sanction and two also had their paid-search ads removed by search engines, following our request.

We're not resting on our laurels. We're monitoring how effectively the new remit is working and we're committed to its success. ●

# Taking positive action Protecting children and young people

We've always placed the protection of children at the heart of our work. This has been more important than ever as public concerns about the commercialisation and sexualisation of childhood have come to the fore. Many parents are anxious that the 'sexualised culture' in which we live is placing pressure on children to grow up too quickly and that the ready abundance of different media to which children have access – the 'wallpaper' of children's lives – makes them powerless to do anything about it.

Listening and responding to societal concerns is a vital part of our work, so we've talked to parents, teachers and young people to understand their concerns about advertising and children.

We published the results of our 2010 research in Cardiff, *Advertising and Young People*, which found that the ASA had, sometimes, been too permissive in allowing sexual imagery on posters. The Government-commissioned report by Reg Bailey, *Letting Children be Children* endorsed these findings and made a range of recommendations, including on advertising, to tackle the 'unthinking drift' towards ever greater sexualisation. We have listened and we're acting to make sure advertising regulation is in line with public expectations.

The ASA Chief Executive Guy Parker attended a roundtable meeting hosted by Prime Minister David Cameron and outlined the series of measures the ASA was taking to implement the advertising-related Bailey recommendations.



This includes cracking down on the use of overtly sexual imagery on posters, the roll-out of a Schools Engagement Programme to educate and listen to parents and pupils on the subject of advertising and conducting comprehensive research amongst the public, particularly parents, to gauge society's views on matters of harm and offence in advertising.

We also joined forces with seven other UK media regulators to launch ParentPort ([www.parentport.org.uk](http://www.parentport.org.uk)), a website aimed at making it easier for parents to provide informal feedback or to complain about material they have seen or heard across the media, communications and retail industries.

We held a panel debate on advertising and children with members of the public at Burnage Media Arts College in Manchester. The debate featured a panel of representatives from the ASA, the advertising industry and family and parenting groups, including Reg Bailey, who responded to questions from a lively audience. We also delivered presentations to 11 to 16 year-olds at four Manchester schools, to promote awareness and understanding of advertising and advertising regulation. The report of our activity in Manchester will be published later in 2012.

Our work has demonstrated that we've already taken positive action in response to the Bailey Review, and we're committed to doing more. ●



Banned for featuring a sexualised image of a young model



The sexual content of this M&S bus advert made it unsuitable for public display



[www.parentport.org.uk](http://www.parentport.org.uk)

# Taking positive action More efficient and in tune with consumers, business and society

**We believe in getting better at what we do. To regulate UK advertising successfully, we need to listen to views expressed by consumers, business and society and take positive action to tackle any problems.**

## **Cosmetics advertising**

Public concern about pre- and post-production techniques in cosmetics advertising led to the production of a new Help Note for industry. The guidance clarifies that advertisers shouldn't use digital retouching or products like hair extensions or false eyelashes in a way that could mislead consumers. The ASA has banned several ads since the new guidance, including two L'Oreal ads for foundation and face cream.

We also listened to industry concerns about inconsistency between experts advising the ASA, Clearcast and the RACC in their assessment of evidence for dermatological products. This led to the establishment of a shared panel of dermatological experts advising the three bodies. The panel provides advice on the adequacy of evidence supporting claims in ads both before an ad appears and afterwards, in the event of challenge, helping to provide more certainty to advertisers.



### Process Review

The panel of dermatological experts had been recommended in our Process Review, which looked at how we could be more effective, efficient and in tune with our stakeholders.

The Review was timely in light of the increased workload from our new online remit. It was vital that we became more focused on our priorities and more effective at resolving investigations quickly. Implementing the recommendations helped us do just that. We adopted a new policy that encourages competitors to attempt to resolve their differences between themselves before lodging a complaint with us, which means we can concentrate on addressing public concerns. Plus by introducing more informal ways of resolving complaints, we have been able to manage our workload successfully without compromising standards.

### Working with others

Following repeated Code breaches, we referred Groupon (MyCityDeal Ltd) to the Office of Fair Trading (OFT). We had serious concerns about their advertising, including exaggerated savings claims and failures to conduct promotions fairly. It was in the public interest to refer Groupon to the OFT, as it can investigate wider trading practices.

### Transparency

We want to be as transparent and accountable as we can, whilst respecting the anonymity of members of the public who complain to us and the commercial trust that industry places in us. To that end, we continue to make good progress with our transparency project, and expect to publish more and more information routinely as part of our publication scheme. ●

Right: One of the banned L'Oreal ads featuring Juila Roberts, promoting Lancôme foundation



# Taking positive action

## Providing advice and training

### We delivered:

Advice and training on **97,160\*** occasions, up **113%** on 2010

**12** Advice:am seminars

**17** bespoke seminars

**33** industry presentations

**02** agency graduate training seminars

**12** newsletters giving advice on topics such as beauty and cosmetics advertising claims

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

CAP provides a range of advice, training events and online resources to help practitioners get their ads right. As well as increasing awareness and understanding of the Advertising Codes, our advice and training helps advertisers to avoid the commercial or reputational damage that invariably results from breaching the rules.

Compliance with the Advertising Codes is already high, but we have been working to increase our advice and training services in order to drive compliance even higher.

This is particularly important in light of our new online remit because we are dealing with many businesses and organisations that only advertise using their own websites and have not previously been aware of the Advertising Codes.

There was a big uplift in the number of people subscribing to our newsletters (+49%) and the number of visits to online advice resources (+179%). We also received a substantial increase in the number of training presentations delivered and the number of occasions on which businesses sought bespoke advice on their advertising.

We successfully launched two new paid-for services which have already proved to be popular. Website Audits, which consist of a dedicated and expert 'health check' of a website to assess the marketing communications contained within it, and Express Copy Advice, with advice given within four working hours rather than the 24-hour turnaround that we provide for free.

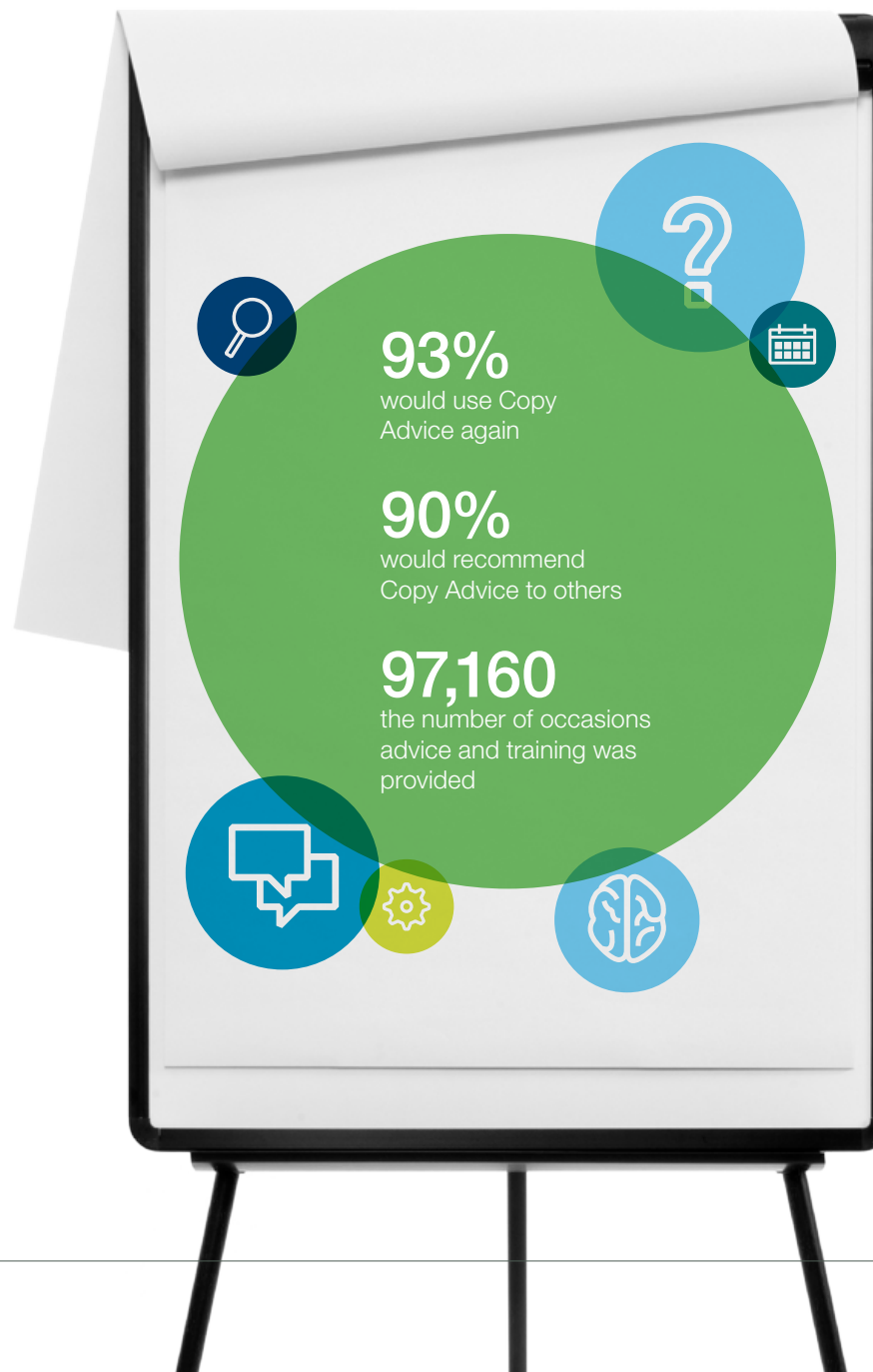


## Guidance

CAP provides advice and guidance on emerging advertising practices that affect particular sectors. For example, in response to the large number of complaints received by the ASA about advertising by Complementary and Alternative Medicine practitioners, it produced a number of guidance notes to help practitioners keep on the right side of the rules.

CAP also produced formal Help Notes on broadband speed claims and the use of 'unlimited' claims in telecoms advertising. These responded to concerns that consumers might not be able to achieve the top speeds advertised or experience genuinely 'unlimited' downloading. The new Help Notes give clear guidance that advertised maximum speeds should be based on the actual experience of a reasonable proportion of customers. As for 'unlimited' claims, these will be judged likely to mislead if customers are charged, their service is suspended, or disproportionate traffic management is imposed for 'excessive' usage.

Visit [www.cap.org.uk](http://www.cap.org.uk) to access our advice and training and to sign up for our newsletters. ●



50 years of  
legal, decent,  
honest and  
truthful

50

From 1961, when the first edition of the non-broadcast Advertising Code (the CAP Code) was published, to the present day, the ASA and CAP have been protecting consumers and promoting responsible advertising by ensuring that ads are legal, decent, honest and truthful.

We have done this by adapting and responding to the many changes in society as well as evolving advertising practices.

As we celebrate our 50th year, we take a look at the most memorable moments in our history.

Images of the BOAC VC10, Gordon's Gin, and Motorola ad campaigns are reproduced courtesy of the History of Advertising Trust Archive, and by kind permission from British Airways plc, Diageo Great Britain Ltd and Motorola Ltd.



**Electric Belt cures hysteria, palpitations, bronchitis, gout, indigestion.**

**How did advertisers ever get away with monstrous claims like this!**

In order to require that advertising should be legal, decent, honest and truthful, the Advertising Standards Authority (ASA) was set up in 1961. The ASA has since been joined by the Advertising Standards Board (ASB) to form the Advertising Standards Authority (ASA).

**The Advertising Standards Authority**

...and you too will love to fly **BY B.O.A.C. VC10**

When you fly by BOAC VC10 you fly swiftly . . . silently . . . serenely. Choose First Class, like this young couple, or Economy. Either way, entirely new seat design gives you better support and deeper cushioning than you've met on any other aircraft. And in Economy, you get more legroom, too—the new design lets you stretch your legs out under the seat in front. See your Travel Agent. You enjoy the finest in air travel. BOAC VC10.

ALL OVER THE WORLD **B.O.A.C.** TAKE CARE OF YOU



silent...



**Reliable... beyond the call**

We go to extreme lengths to ensure that our portable telephones are reliable, and that they are easy to use. Because a portable isn't much use, if it is unreliable. We go to extreme lengths to ensure that our portable telephones are reliable, and that they are easy to use. Because a portable isn't much use, if it is unreliable. We go to extreme lengths to ensure that our portable telephones are reliable, and that they are easy to use. Because a portable isn't much use, if it is unreliable.

**TWO YEAR EXTENDED SERVICE CONTRACT**

Please send the name information about the MOTO for portable use by MOTO, complete service offer.

Name: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

**Gordon's**

Cooler, fresher-tempting!

Yours for the asking

Throughout the world most people prefer Gordon's because it has such a subtle, delicate character

**Gordon's STANDS SUPREME**

# 50 years timeline

1962

1962



The Advertising Standards Authority created as an independent body to administer the first CAP Code.

1963



Guidance issued on 'Advertising for Slimming' in October.

1964



CAP begins spot-checking ads focused on slimming treatments, gin, cocktails and health food drinks.

1965



Cigarette advertising banned on TV (though cigars and loose tobacco continue to be advertised until the early 1990s).



Guidance issued to travel industry advertisers to make sure 'holidaymakers do not suffer inconvenience, disappointment or financial loss'.

1966

1967



Gordon's Gin ad, 1963

1968



The Trade Descriptions Act Comes into force, but the Government expresses its hope that the ASA will continue to operate.

1969



ASA responds to high numbers of complaints about circulars for pornographic books. A pre-publication checking system is later introduced by the Direct Mail Producers Association.

Mail-order complaints rise sharply, representing more than half the total number of complaints received.



Commercial radio launches in the UK.



First Code of Sales Promotion Practice. The system expands to encompass promotional marketing.



Advertising Standards Board of Finance created to administer an automatic levy of 0.1% on all display ads to fund the system.



A report by Director of Fair Trading (and future ASA Chairman) Gordon Borrie calls for speedier response times and more effective compliance action.



ASA publishes summaries of its rulings for the first time – but only for persistent offenders.



In April the ASA launches its first ad campaign to promote awareness of its existence.

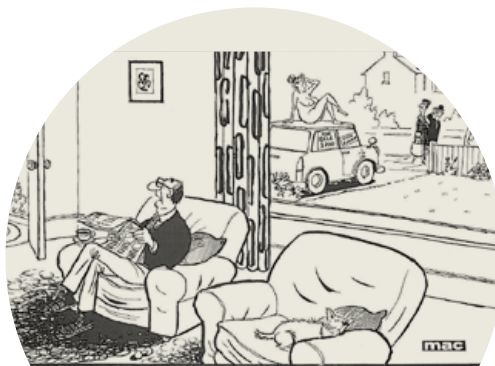
And the ASA / CAP 'tick' theme was born.



Adjudications on competitor complaints published for the first time.



'Herself Appraised', ASA research into women's attitudes finds most women dislike images of sexual suggestiveness and stereotypes in ads.



*It says here that women don't mind nude advertising. What do you think, Doris.....Doris?*

The Hungerford shootings lead to new rules on violence and anti-social behaviour.



First referral to the Office of Fair Trading to prevent misleading slimming claims for Speedslim.



1980

1981

1982

1983

1984

1985

1986

1987

1988

1989



ASA's first computer system enables more efficient monitoring.



Rules relating to cosmetic products require that any claims of biological or physiological effects should be backed by well established scientific evidence.



ASA celebrates its 25th anniversary.



ASA starts receiving regular complaints about ads for mobile phones.



The 90s heralds the birth of 'shock tactics', leading to more complaints to the ASA. CAP introduces a new mandatory pre-vetting sanction to tackle the problem.



Public complaints top the 10,000 mark for the first time.



Remit expanded to include direct marketing.

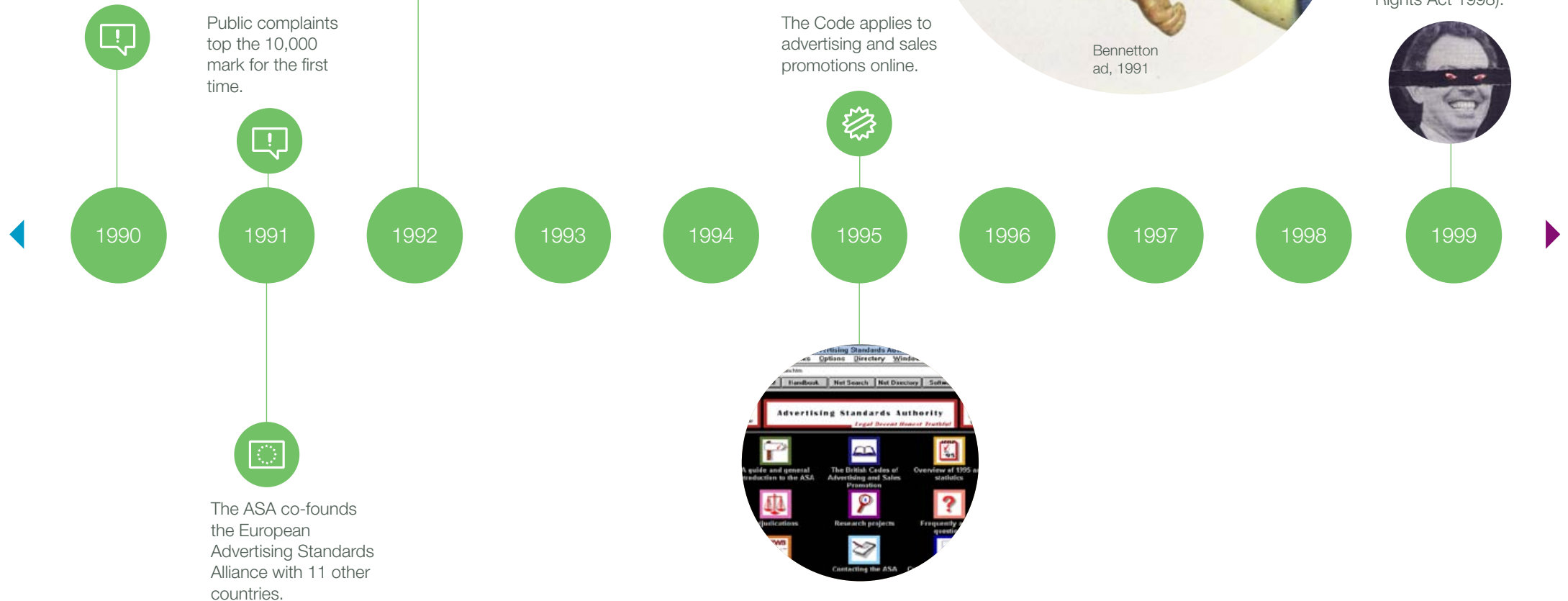


Benetton ad, 1991

Removal of party political advertising from the CAP Code (in light of the new Human Rights Act 1998).



The Code applies to advertising and sales promotions online.



1990

1991

1992

1993

1994

1995

1996

1997

1998

1999

The ASA co-founds the European Advertising Standards Alliance with 11 other countries.



In July, the first ASA website launched.

High Court supports an ASA ruling against a misleading ad for Ribena Toothkind.



2000



The Opium perfume ad featuring model Sophie Dahl attracts 948 complaints.



First upheld complaint about an SMS text ad.



2001

The Tobacco Advertising and Promotion Act 2002 came into force, prohibiting the advertising and promotion of tobacco products (not including rolling papers or filters).



2002



First complaint about talking posters as technology provides new opportunities for advertisers.



Creation of the 'one-stop shop' for ad complaints as we take over responsibility for regulating broadcast advertising, under contract from Ofcom.

2003

2004



In October, the alcohol rules are strengthened. KFC ad featuring call centre workers speaking with their mouths full attracts 1,671 complaints – the most ever.

2005

2006

2007



New rules regulating gambling and the advertising of foods and soft drinks to children are introduced.

2008



The Christian Party's 'There definitely is a God. So join the Christian Party and enjoy your life' became the most complained-about non-broadcast ad, attracting 1,204 complaints.

2009



Our co-regulatory relationship with Ofcom extended to cover video-on-demand.



CAP celebrates its 50th anniversary.



ASA celebrates 50 years of legal, decent, honest and truthful.



2010

2011

2012

2012



Online remit extended to include companies' own marketing communications on their own websites and in other non-paid-for space under their own control.

Gordon's Gin and ASA's 1975 ad campaign images courtesy of the History of Advertising Trust Archive

# Our top ten most complained about ads of all time



**At the ASA we deal with complaints. Lots of them. In fact, in 50 years of keeping advertising legal, decent, honest and truthful we've received 431,100 complaints, give or take a few.**

Given that we each come across around 1,000 commercial communications per day,\* the number of complaints we receive and the number we uphold are testament to the high level of compliance with the rules by advertisers, agencies and media owners.

The ASA does not play a numbers game when judging whether an ad should be banned. Just because an ad has received a high number of complaints does not mean that it breaches the rules, but the number of complaints certainly gives us a general sense of public opinion and the kinds of themes and images that might not be to everyone's liking.

Here we reveal the most complained about ads of all time.

\*Source: Accenture Media Management analysis for the IPA, 2010



1 Yum! Restaurants (UK) Ltd (KFC) (2005)

1,671 complaints – not upheld  
This TV ad showed call centre workers singing with their mouths full. Many objected it could encourage bad manners amongst children. Although not to everyone's taste, we thought it was unlikely to change children's behaviour or undermine parental authority.



2 Auction World Ltd (2004)

1,360 complaints – licence revoked  
Shopping channel Auctionworld's consistently poor customer service, misleading guide prices and delays in delivery of goods resulted in a flurry of complaints, which we passed to Ofcom who issued a fine and revoked their licence to broadcast.



3 Paddy Power plc (2010)

1,313 complaints – not upheld  
Viewers complained that the image of a cat being kicked across a pitch by a blind football player was offensive to blind people and could encourage animal cruelty. We judged the ad was unlikely to encourage or condone cruelty to animals or cause serious or widespread offence.



4 The Christian Party (2009)

1,204 complaints – not upheld  
Complainants objected that the strap line 'There definitely is a God. So join the Christian Party and enjoy your life' was offensive to atheists and couldn't be substantiated. Political party ads are out of our remit, but even if it had been in remit we wouldn't have banned it because it was clearly a statement of opinion, rather than fact.



5 British Safety Council (1995)

1,192 complaints – upheld  
This leaflet featured the Pope wearing a hard hat with the strap line 'The Eleventh Commandment: Thou shalt always wear a condom'. Although intended to raise awareness for National Condom Week and promote safer sex, we agreed with complainants that it was offensive to Roman Catholics.



6 Marie Stopes International (2010)

**1,088 complaints – not upheld**  
A TV ad offering sexual and reproductive healthcare advice, information and services attracted complaints for various reasons, including that it promoted abortion. We felt it was clearly promoting an advice service and wasn't advocating one course of action over another, nor trivialising unplanned pregnancy.



7 Volkswagen Group Ltd (2009)

**1,070 complaints – upheld in part**  
The ASA upheld, in part, against this ad campaign that depicted an engineer fighting multiple versions of himself. We ruled that the level of violence in two of the ads meant they should only be shown after 9 pm.



8 Yves St Laurent Beaute Ltd (2000)

**948 complaints – upheld**  
We agreed with public complaints that a poster ad for Opium perfume featuring a naked Sophie Dahl was sexually suggestive and, in an untargeted medium, likely to cause serious or widespread offence. But we didn't uphold a small number of complaints about the same ad in women's magazines, a textbook example of the importance of targeting when it comes to matters of offence.



9 Department of Energy and Climate Change (2010)

**939 complaints – upheld in part**  
We received objections that this TV and press campaign about climate change was misleading and scaremongering. We didn't agree with the majority of the objections, but did uphold complaints about claims in some of the press ads for exaggerating the likelihood and impact of extreme weather conditions.



10 Barnardo's (2008)

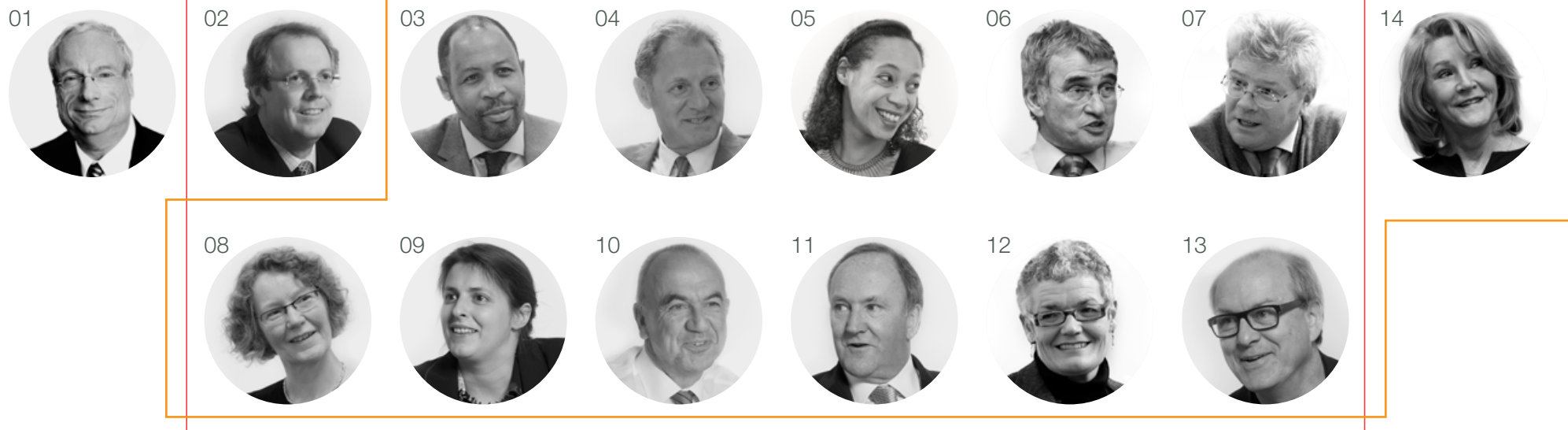
**840 complaints – not upheld**  
Designed to raise awareness of domestic child abuse, this TV campaign featured repeated scenes of violence and drug-taking, which many viewers found upsetting and not suitable for broadcast at times when children were likely to be watching. We did not doubt the distress or offence described by many of the complainants. However, we considered the ads were scheduled appropriately and their aim justified the use of strong imagery.

# ASA Council

The ASA Council is the jury that decides whether ads have breached the Advertising Codes. Independently chaired by Lord Smith, 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 industry 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.

In 2011, we said goodbye to six valued Council members: James Best, Alison Goodman, Colin Philpott, Nigel Walmsley, Neil Watts and Diana Whitworth who had all completed their maximum terms of service. In response to a recommendation in our Process Review, we took the opportunity to reduce the total number of Council members from 15 to 13, so warmly welcomed four new members: Rachel Childs, Ray Gallagher, Martin Narey and Hamish Pringle.



— Broadcast Council  
 — Non-broadcast Council

Council members are appointed for a maximum of two three-year terms and receive an honorarium of £15,000 p.a. A Register of Members' Interests may be requested from the Company Secretary.

**01 Rt Hon Lord Smith of Finsbury**

ASA Chairman  
Chairman of the Environment Agency.  
Non-executive Board Member of  
Phonographic Performance Ltd.  
Honorary Fellow of Pembroke College Cambridge.

**02 Ray Gallagher**

Broadcast Council,  
Advertising member  
Communications & Public Affairs/Public  
Policy Consultant.  
Specialist Adviser, House of Commons.  
Culture, Media and Sport Select Committee.

**03 Anthony Earle Wilkes**

Non-broadcast and Broadcast Council,  
Lay member  
Managing Director, Crystal Education  
and Training Consultants Ltd.  
Fellow & Council Member of the Institute  
for Learning.  
Chair of UKIED.

**04 Sir Andrew Motion**

Non-broadcast and Broadcast Council,  
Lay member  
Professor of Creative Writing, Royal Holloway  
College, University of London.

**05 Louisa Bolch**

Non-broadcast and Broadcast Council,  
Lay member  
Writer and Broadcaster.  
Head of Education and New Media,  
CTVC/Rank Foundation.

**06 David Harker CBE**

Non-broadcast and Broadcast Council,  
Lay member  
Non-executive Director, Gas and  
Electricity Markets Authority.  
Member of the Financial Services  
Consumer Panel.

**07 Gareth Jones**

Non-broadcast and Broadcast Council,  
Lay member  
Dean of Studies & Professorial Fellow in  
Philosophy and Literature, St John's College,  
University of Hong Kong.

**08 Ruth Sawtell**

Non-broadcast and Broadcast Council,  
Lay member  
Non-executive Director, Hertfordshire  
Partnership NHS Foundation Trust.  
Non-executive Director, Metropolitan  
Housing Partnership.  
Lay member, Nursing and Midwifery Council.

**09 Rachel Childs**

Non-broadcast and Broadcast Council,  
Lay member  
Volunteer with the Whitchurch Family Network.  
Chairman of 0-5s playgroup.  
EdExcel examiner.  
Company Secretary, Plan B Project Solutions.  
Approved Subject Expert, OfQual.

**10 Martin Narey**

Non-broadcast and Broadcast Council,  
Lay member  
Government Advisor on Adoption.  
Director, Martin Narey Ltd  
Consultant and Writer.  
Non Executive Director, Fabrick  
Housing Association.  
Adviser on penal issues to G4S plc.  
Visiting Professor at the Universities of Durham  
and Sheffield Hallam.  
Visiting Scholar at the University of Cambridge  
Institute of Criminology.

**11 John Mayhead CBE**

Non-broadcast and Broadcast Council,  
Advertising member  
Non-executive member, Aviation Directorate  
at Department for Transport.  
Former Marketing Director and Chairman of  
the Marketing Society.

**12 Elizabeth Fagan**

Non-broadcast and Broadcast Council,  
Advertising member  
Executive Marketing Director, Boots UK.

**13 Hamish Pringle FIPA**

Non-broadcast and Broadcast Council,  
Advertising member  
Strategic Advisor, 23red.  
Partner, Pringle and Pringle LLP.

**14 Sally Cartwright OBE**

Non-broadcast Council,  
Advertising member  
Chairman, Audit Bureau of Circulation.

[Roll mouse over member's name for image](#)

# Committees of Advertising Practice



CAP and BCAP are responsible for writing and updating the UK Advertising Codes. Chaired by James Best, the committees are made up of representatives of advertisers, agencies, media owners and other industry groups, all of which are committed to upholding the highest standards in non-broadcast and broadcast advertising.

## Committee of Advertising Practice

CAP writes the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing and helps enforce ASA rulings.

Established in 1961, the Committee and the Code marked their 50th anniversary in 2011.

### CAP Members

Advertising Association  
Cinema Advertising Association  
Data Publishers 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  
Newspaper Publishers Association  
Newspaper Society  
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

BCAP writes the UK Code for Broadcast Advertising

### BCAP Members

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  
Teletext Limited

Clearcast  
Radio Advertising Clearance Centre  
S4C

# Industry Panels

The advertising industry is central to the success of the self-regulatory system and in addition to the bodies which make up CAP and BCAP, the system receives invaluable support through three industry panels – the General Media Panel, the Sales Promotion and Direct Response Panel, and the Online Publications Media Panel.

The Panels bring together advertisers, creatives, media planners and publishers who volunteer their time to give peer advice on marketing communications and also provide a forum for information exchange between the industry and the ASA and CAP Executive.

## General Media Panel

Advises both CAP and BCAP on non-broadcast and broadcast matters.

Farah Ramzan Golant (Chair)  
Tess Alps  
Dominic Allon  
Sara Bennison  
Helen Buck  
Shahriar Coupal (Secretary)  
Tim Evans  
Peter Gatward  
Steve Goodman  
Gareth Jones (ASA Council, until October 2011)  
Louisa Bolch (ASA Council, from November 2011)  
John Laidlaw  
Andrew Melsom  
Mike Moran  
Sue Oake  
Steve O'Meara  
Mike Parker  
Simon Rhodes  
Claire Serle (Assistant Secretary)  
Charlie Snow  
Karen Stacey  
Brendan Tansey  
Andrew Walmsley  
Gillian Wilmot

## Sales Promotion and Direct Response Panel

Advises CAP on sales promotions and direct marketing matters.

Philip Circus (Chair)  
Peter Batchelor  
Mark Challinor  
Shahriar Coupal (Secretary)  
Daphne DeSouza  
Mark Dugdale  
Michael Halstead  
Caroline Roberts  
Bruno Sheldon (Assistant Secretary)  
Nigel Walmsley (ASA Council, until February 2011)  
Sally Cartwright (ASA Council, from March 2011)  
Paul Whiteing

## Online Publications Media Panel

Advises CAP on the proper distinction between editorial and advertising in online publications.

Sir Christopher Powell, Chairman, Asbof  
Lord Black of Brentwood, Chairman, Pressbof



# 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 Committees of Advertising Practice.

This year we welcomed Lynsay Taffe to the team.

**01 Guy Parker**  
Chief Executive

**02 Shahriar Coupal**  
Director of Advertising Policy and Practice and CAP Secretary

**03 Trevor Ellis**  
Director of Corporate Services

**04 Miles Lockwood**  
Director of Complaints and Investigations

**05 Lynsay Taffe**  
Director of Communications, Marketing and Public Affairs



# Our top ten most complained about ads of 2011



The number of complaints we receive is not the deciding factor on whether or not we investigate or uphold complaints. Just one complaint about an ad can lead to it being withdrawn if it is found to be in breach of the Advertising Codes. However, some ads clearly provoke a strong reaction and can generate high numbers of objections, even if they do not necessarily break the rules.

Here we reveal the most complained about ads of 2011.



Phones 4 U Ltd

**659 complaints – not upheld**

A series of TV and video-on-demand ads featuring a ghost-like little girl prompted complaints that they were offensive, irresponsible, unduly distressing and inappropriately scheduled at a time when children might see them. Although we recognised the ads might cause some unease, we considered a post-7.30 pm restriction was appropriate.



Shop Direct Home Shopping Ltd (Littlewoods)

**585 complaints – not upheld**

This online and broadcast ad generated a range of complaints including that it implied Father Christmas didn't exist and was sexist because it suggested mum bought all the presents. After careful consideration, we judged that there was nothing in the ad that broke the rules.



CSL

**260 complaints – not upheld**

This TV ad for sofas depicted three female models posing and dancing in lingerie. We appreciated that some viewers might have found the images distasteful and gratuitous, but we considered the ad not to be problematic.



Unilever UK Ltd

**214 complaints – not upheld**

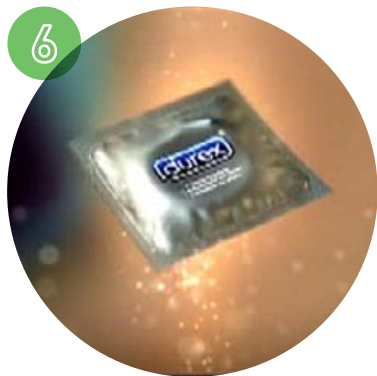
In a TV ad parody of the story of Noah's Ark, a man attracted a hoard of women to his boat by spraying himself with deodorant. Viewers complained that the 'end of the world' theme upset children, mocked the Christian faith and was demeaning to women. We accepted the ad didn't appeal to everyone, but it contained nothing explicit that would cause harm or serious or widespread offence.



Travel Palestine

**149 complaints – upheld in part**

Complainants challenged whether a magazine ad promoting tourist sites in Palestine was misleading because it suggested Palestine was a recognised country and suggested areas, including Jerusalem, were in Palestinian-administered territory. We told the advertiser not to suggest that it was universally accepted that locations were part of Palestine when that was not the case.



SSL International plc

**126 complaints – not upheld**

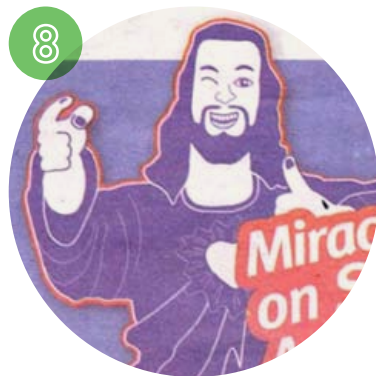
This TV ad for condoms sparked 126 complaints that it was inappropriate to appear before the watershed and was unsuitable to be seen by children. Because the ad was scheduled away from when young children might be watching and did not contain any graphic images or content, the ad did not breach the Code.



Unilever UK Ltd

**115 complaints – upheld in part**

A poster featured a woman under an outdoor shower wearing bikini bottoms and clasping an undone bikini top against her breasts. We considered that, alongside the strap line 'the cleaner you are the dirtier you get', the ad was likely to cause offence and was unsuitable to be seen by children.



Phones 4 U Ltd

**98 complaints – upheld**

A national press ad for 'miraculous deals' on mobile phones featured a cartoon illustration of Jesus Christ grinning broadly and winking. Because the ad was published during Easter, we considered it was disrespectful to the Christian faith and likely to cause serious offence.



The Money Advice Service

**80 complaints – not upheld**

Complainants objected that a TV ad and website for financial products and services were misleading. We concluded that the advertiser's claims about its advice service and that it was 'set up by Government' had been substantiated.



Phones 4 U Ltd

**79 complaints – not upheld**

Viewers considered a TV ad featuring a man being chased through the woods by a zombie to be offensive and unsuitable to be seen by children. We thought the post-7.30 pm restriction was sufficient to ensure it was unlikely to be seen by young children watching television alone.

# Complaints and cases

In 2011, we received a 25% increase in complaints, and a 71% increase in cases.

**2011:**  
31,458 complaints

**2011:**  
22,397 cases

Anyone can contact us if they think they have seen an ad that breaches the advertising rules. We can act on just one complaint. And with any complaint we receive our focus is to provide a fair and thorough process for all involved.

2011 was a record-breaking year, mainly because of the extension of our remit to advertisers' own claims on their own websites and other social spaces.

- In 2011 we received a record **31,458** complaints about **22,397** ads.
- Our action led to **4,591** ad campaigns being changed or withdrawn.
- Complaints from the public represented **94%** of the complaints received.

### Complaints and cases received

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

	Complaints	Cases
2009	28,978	13,956
2010	25,214	13,074
2011	31,458	22,397

**2010:**  
25,214 complaints

**2010:**  
13,074 cases

## Action we can take

### No investigation

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

### Informal resolution

We prefer to work by persuasion and consensus, therefore where it is appropriate we will resolve issues informally. An example of this is where a minor or clear-cut breach of the Advertising Codes has been made and the advertiser agrees to change or withdraw their ad straightaway. Informally resolved cases are not put before the ASA Council and no adjudication is published, so it means we can resolve problems far more quickly than through formal investigation.

### Formal investigation

If the ad raises concerns under the Advertising Codes and an informal resolution is not appropriate, we can conduct a thorough investigation in which all sides are given the opportunity to comment. Advertisers will be asked to provide their rationale or relevant evidence to support their advertising approach and the claims they have made. Final adjudications (rulings) are made by the ASA Council and are published on our website in full each week.

## Complaints and cases resolved by outcome

	Non-broadcast Complaints	Non-broadcast Cases	Broadcast Complaints	Broadcast Cases	Overall total Complaints	Overall total Cases
No investigation	3,255	3,059	2,434	1,875	5,609	4,862
No investigation (after preliminary work)	9,427	8,744	5,764	3,649	14,960	12,185
No investigation (after Council decision)	635	205	1,737	174	2,334	355
<b>Total not investigated</b>	<b>13,317</b>	<b>12,008</b>	<b>9,935</b>	<b>5,698</b>	<b>22,903</b>	<b>17,402</b>
Informal resolution	3,645	3,295	231	167	3,853	3,446
Formal investigation	1,638	842	1,450	169	3,032	971
Of which:						
Upheld	1,337	636	739	101	2,035	710
Not upheld	173	111	688	61	846	159
Other	128	95	23	7	151	102
<b>Total investigated</b>	<b>5,283</b>	<b>4,137</b>	<b>1,681</b>	<b>336</b>	<b>6,885</b>	<b>4,417</b>
<b>Totals</b>	<b>18,600</b>	<b>16,145</b>	<b>11,616</b>	<b>6,034</b>	<b>29,788</b>	<b>21,819</b>

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

**Turnaround performance**

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

	Non-broadcast 2010 (%)	Non-broadcast 2011 (%)	Broadcast 2010 (%)	Broadcast 2011 (%)
No investigation in 5 days	87	87	88	91
No investigation after preliminary work in 10 days	81	79	88	88
No investigation after Council decision in 25 days	92	86	93	94
Informal investigation in 35 days	91	93	98	96
Standard investigation in 85 days	96	93	98	93
Complex investigation in 140 days	90	84	95	77

**Complaints and cases resolved by issue**

(2010 in brackets)

	Non-broadcast Complaints	Non-broadcast Cases	Broadcast Complaints	Broadcast Cases
Misleading	14,833 (7,047)	13,502 (5,987)	4,677 (5,130)	3,321 (2,466)
Offensive	2,249 (2,694)	1,215 (991)	5,587 (8,032)	1,901 (1,576)
Harm	984 (413)	723 (267)	2,154 (1,090)	785 (410)

**Complaints and cases resolved by sector**

Leisure was the most complained about sector of 2011, as it was in 2010. This grouping contains all entertainment services such as movies, DVDs, computer games and gambling. Although there was a decrease in the number of complaints about this sector, there was an increase in the number of ads complained about, mainly because of the extension to our online remit.

**Top 5 complained about sectors:**



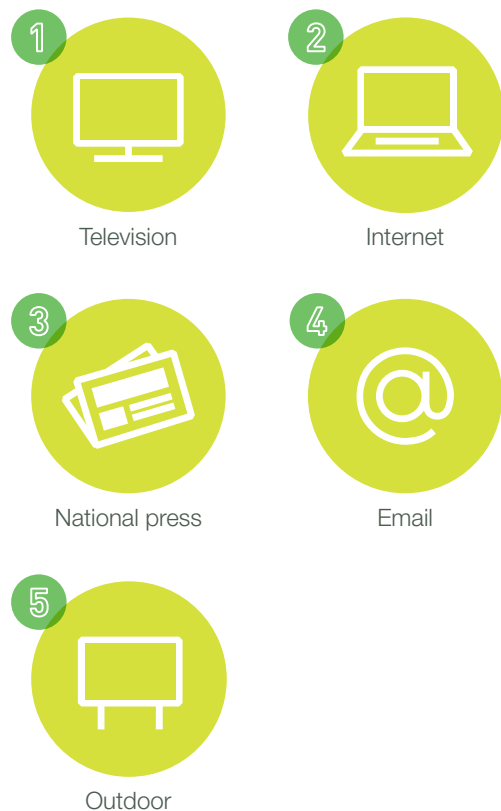
	Complaints 2010	Complaints 2011	% change	Cases 2010	Cases 2011	% change
Leisure	5,287	4,941	-6.5	2,551	3,906	53.1
Retail	2,349	4,641	97.6	1,370	2,902	111.8
Health and beauty	2,080	3,880	86.5	1,233	2,665	116.1
Computers and telecommunications	1,565	2,658	69.8	1,184	1,573	32.9
Financial	1,519	2,279	50.0	940	1,787	90.1
Holidays and travel	1,057	2,106	99.2	825	1,555	88.5
Business	951	2,028	113.2	621	1,875	201.9
Food and drink	2,512	1,753	-30.2	816	1,060	29.9
Non-commercial	4,124	1,281	-68.9	840	868	3.3
Household	1,172	960	-18.1	558	825	47.8
Motoring	1,037	837	-19.3	608	593	-2.5
Publishing	660	675	2.3	559	587	5.0
Property	242	404	66.9	217	392	80.6
Alcohol	203	336	65.5	148	179	20.9
Utilities	283	278	-1.8	185	226	22.2
Education	87	270	210.3	76	257	238.2
Employment	120	257	114.2	103	227	120.4
Clothing	211	166	-21.3	123	137	11.4
Unknown	40	78	95.0	35	76	117.1
Industrial and engineering	20	68	240.0	18	64	255.6
Agricultural	19	61	221.1	19	57	200.0
Electrical appliances	1	4	300.0	1	4	300.0
Tobacco	8	4	-50.0	8	3	-62.5



**Complaints and cases resolved by media**

As with last year, television continued to be the medium attracting the most complaints about the highest number of ads, but it is now closely followed by the internet. Of course, the high increase in internet complaints and cases was driven by the extension to our online remit.

**Top 5 complained about media:**



	Complaints 2010	Complaints 2011	% change	Cases 2010	Cases 2011	% change
Television	14,112	11,245	-20.3	4,577	5,556	21.4
Internet	2,648	10,123	282.3	2,327	9,295	299.4
National press	1,488	1,233	-17.8	1,210	1,019	-15.8
Email	739	1,096	48.3	616	1,034	67.9
Outdoor	1,856	1,088	-41.4	660	614	-7.0
Regional press	726	973	34.0	644	765	18.8
Magazine	878	897	2.2	779	636	-18.4
Direct mail	932	740	-20.6	676	649	-4.0
Radio	625	709	13.4	412	522	26.7
Point of sale	342	602	76.0	303	546	80.2
Leaflet	356	466	30.9	334	427	27.8
Text message	145	455	213.8	143	450	214.7
Circular	266	324	21.8	230	257	11.7
Brochure	232	315	35.8	231	299	29.4
Other	320	308	-3.8	307	277	-9.8
Transport	179	254	41.9	129	147	14.0
Press general	101	236	133.7	98	199	103.1
Catalogue	137	191	39.4	130	168	29.2
Cinema	194	131	-32.5	78	72	-7.7
VOD	69	119	72.5	53	69	30.2
Packaging	86	113	31.4	85	108	27.1
Insert	147	99	-32.7	118	82	-30.5
Directory	58	68	17.2	57	67	-17.5
Mailing	82	49	-40.2	78	46	-41.0

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	Complaints 2010	Complaints 2011	% change	Cases 2010	Cases 2011	% change
Ambient	9	24	166.7	8	23	187.5
Mobile	10	11	10.0	10	11	10.0
In-game advertising	1	8	700.0	1	7	600.0
Facsimile	5	1	-80.0	5	1	-80.0
Voicemail	1	1	0.0	1	1	0.0

# Independent Reviewer's report



**During 2011 I received 60 requests for review of adjudications of the ASA Council. This is almost double the number of the previous year, and almost 30% higher than the caseload in 2009. Much of the increase reflects the increased workload of the ASA following the extension of its remit to website advertising.**

I received 47 requests in relation to complaints about non-broadcast advertising (including website advertising). Six of these were ineligible so I reviewed 41 cases. In 11 of these I concluded that the request had raised issues which justified my asking the ASA Council to think again. Of the five cases in progress at the time of writing, one is being referred to the Council; in two the Council has decided, on my recommendation, that the ASA Executive should re-open the investigation; and my conclusion on two others has yet to be determined.

I received only 13 requests for review in relation to complaints about broadcast advertising. Three were ineligible so I reviewed ten cases, only one of which, at the time of writing, had been referred to the Council.

Overall 36 cases were not referred to the Council and for these reviews the average turnaround time was 36 calendar days. In one sense this is a disappointing increase over the 28 days achieved last year but it does reflect a much increased caseload and a few cases of considerable complexity, and some requiring legal advice.

Cases which are referred to the Council inevitably take much longer, partly because of the need to consult both parties to the complaint during the process of referral. Cases which prove ineligible or get withdrawn can also take much more time than their categorisation might imply. There were 12 of these last year, and one case took 34 days until it was withdrawn. Some requests ruled ineligible take time to decide because they concern whether or not new evidence is admissible. The Advertising Codes require that such evidence must have been available at the time or shortly after an ad appeared, and an advertiser or a complainant has to persuade me that there were good reasons why it could not be submitted during the original investigation. This can lead to considerable debate.

As I said last year the enormous variety of the content and the form of ads subject to review requests makes the task of the Independent Reviewer continuously interesting. ●



Sir Hayden Phillips GCB DL  
Independent Reviewer  
of ASA adjudications

**Review Cases 2010 - 2011**

<b>Non-broadcast</b>	<b>2010</b>	<b>2011</b>
<b>Total cases received of which:</b>	<b>23</b>	<b>47</b>
Ineligible/withdrawn	2	6
In progress	0	1
Not referred to Council	13	29
Referred to Council	8	11
<b>of which:</b>		
Unchanged	1	0
Decision reversed	1	5
Wording changed	3	4
Re-opened investigation	0	2
In progress	3	0

<b>Broadcast</b>	<b>2010</b>	<b>2011</b>
<b>Total cases received of which:</b>	<b>10</b>	<b>13</b>
Ineligible/withdrawn	1	3
In progress	0	2
Not referred to Council	8	7
Referred to Council	1	1
<b>of which:</b>		
Unchanged	0	0
Decision reversed	0	0
Wording changed	1	1
Re-opened investigation	0	0
In progress	0	0

# Advertising Advisory Committee report

**The Advertising Advisory Committee (AAC) is charged with providing independent advice to BCAP on the provisions of the UK Code of Broadcast Advertising, its detailed drafting and the development of associated guidance. The Chair and members of the AAC are all independent of the advertising industry and its members reflect the diverse interests of citizens and consumers.**

The AAC met five times in 2011, advising BCAP on a wide range of advertising issues. With the completion of the combined UK Code of Broadcast Advertising in 2010, the emphasis for 2011 switched to adapting and developing specific provisions of the Code in response to changes in the market, in public policy and consumer protection. Research findings and concerns arising from the ASA's casework have also played an important part in our agenda.

A major theme in 2011 has been the advertising claims made by broadband providers. BCAP instigated a review about the headline speeds offered by broadband suppliers and claims that broadband usage was 'unlimited' where some limits clearly applied. Following two parallel consultation exercises completed in February, the AAC devoted most of its May meeting to analysing the responses. We concluded that there was a need to tighten requirements. Following our advice BCAP issued two 'Help Notes' in September. We will continue to monitor this area as the market changes. The AAC also looks forward to considering the mobile broadband market, where there are some parallel but distinctive issues relating to broadband speeds.

The Committee also considered the use of pre- and post-production techniques in cosmetic advertisements, a major issue identified by the ASA's casework. This followed complaints about the use of eyelash inserts, hair extensions and photographic retouching, which can mislead the public by exaggerating the effects of a product. We made suggestions to improve the guidelines for the advertising industry, which were published in April.

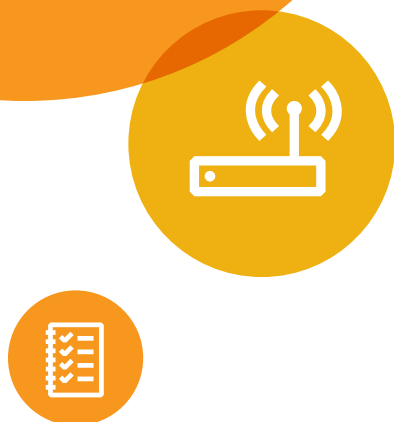
We also reviewed implications for the Code of changes in legislation and government policy, such as the Distance Selling Directive, the energy labelling rules and guidance on alcoholic drinks promotion in Scotland, following new legislation passed by the Scottish Parliament.

Our approach has been to make full use of evidence where it is available. This allowed us to review, in detail, the consultation responses on Post Conception Advisory Services and subsequently to support BCAP's new rules.

This was my seventh and final year as Chair of the AAC. I would like to give my warmest thanks to my colleagues and to the Secretariat for their excellent work. I was delighted that Stephen Locke was appointed as the new Chair and send him my best wishes for this fascinating and useful role. ●



Elizabeth Filkin, AAC Chair



## The Advertising Advisory Committee

Elizabeth Filkin (Chair)

John Bradford

Colin Cameron

Dr Michaela Jordan

Stephen Locke

Angela McNab

Dr Michael Wilks

# 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 on some direct mail 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 and premium industry advice services.

## Year to 31 December 2011

Audited income and expenditure figures for the combined non-broadcast and broadcast activity in 2011 (see table on the next page) 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 27 April 2012.

## Income

Compared with 2010, total income received from Asbof and Basbof increased by £971,425 (13%) to £7,664,500. The increase was largely due to the additional costs related to the online remit. Similarly, interest received also increased by £1,793 (20%) due to additional funds invested. Additional income increased considerably by £41,272 or 39%.



### Expenditure

The budget initially proposed was £7,796,599 net of interest receivable. At the year-end, audited expenditure on a profit and loss basis was £7,542,385, an under spend of £254,215 (3.3%) against the budget.

### Profit/Loss

The combined profit before tax of both non-broadcast and broadcast activity was £66,281 (£115,839 loss in 2010). After tax the combined profit was £41,632 (£124,335 loss in 2010).

The Report and Financial Statements for ASA and ASA broadcast reflect a split of costs, determined by Asbof/ Basbof, to reflect the workload between non-broadcast and broadcast activities, of 66% and 34% 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 2011

	2010 £	2011 £
<b>Income</b>		
Cash received from the Advertising Standards Board of Finance Ltd	£4,213,075	£5,079,500
Cash received from the Broadcast Advertising Standards Board of Finance Ltd	£2,480,000	£2,585,000
<b>Total</b>	<b>£6,693,075</b>	<b>£7,664,500</b>
<b>Expenditure</b>		
Salaries and direct staff costs	£4,343,811	£4,877,518
Other staff costs	£269,380	£222,998
Rent and accommodation costs	£1,020,306	£1,093,642
Travel, subsistence and entertaining	£22,405	£30,666
Consultancy and professional feeds	£371,528	£444,253
CRM project costs	£25,307	£34,287
Depreciation	£190,635	£185,901
Telephone, postage, printing, stationery and other general expenses	£408,563	£403,633
Advertising and promotion	£221,574	£418,981
<b>Total</b>	<b>£6,873,509</b>	<b>£7,711,879</b>
<b>Operating Profit/(Loss)</b>	<b>(£180,434)</b>	<b>(£47,379)</b>
Interest receivable	£7,343	£9,136
Pension finance	(£7,000)	(£1,000)
Other income (i.e. seminars)	£64,252	£105,524
<b>Profit/(Loss) on ordinary activities before tax</b>	<b>(£115,839)</b>	<b>£66,281</b>

# Standards of service



**Accessibility:** Being accessible to members of the public and the ad industry.

Our commitment	Measurement	Performance Jan – Dec 2011 (Jan – Dec 2010)
Publishing our contact details on all our literature	Twice yearly Customer Satisfaction survey: 'Is accessible to the public'	82% (82%)
Ensuring our switchboard is open during normal office hours (9.00 am – 5.30 pm)	Customer Satisfaction Survey	As above
Ensuring our website is available at all times	Customer Satisfaction Survey	As above
Accepting complaints online, by email, SMS, letter, fax or telephone	Customer Satisfaction Survey	As above
Ensuring members of the public know of us and our role, and recognise our name and logo	Spontaneous name awareness and logo recognition measured by a biennial Attitude and Awareness survey	Name: 16% in 2011 (19% in 2009) Logo: 17% in 2011 (19% in 2009)

Continued on next page



**Responsiveness:** Resolving complaints promptly. Complaints that require investigation can take longer than average.

Our commitment	Measurement	Performance Jan – Dec 2011 (Jan – Dec 2010)
Acknowledging complaints within five working days. Replying to all other correspondence within ten working days. Keeping complainants advised of progress	Twice yearly Customer Satisfaction survey: 'Time taken to acknowledge complaint' and 'Keeping you informed throughout the complaint process'	Time taken: 79% (83%) Keeping informed: 62% (64%)
Turning around complaints, on average, within 12 working days, with at least 80% being within a target. Where a formal investigation is required, resolving them within 60 working days, recognising that complaints by commercial competitors can be protracted	Achieve 80% of target or better in quarterly turnaround statistics published on our website	Overall turnaround: 14 days (13 days) Within target: 72% (76%) Investigation average: 36 days (44 days) Within target: 82% (75%)
For complaints outside of our remit, we will advise our complainants within ten working days and suggest other organisations that may be able to help	Customer Satisfaction survey results for 'outside remit' complaints	45% (45%)
Responding to email enquiries within 48 hours during the working week	80% of sample replied to within 48 hours	70% (69%)

**Effectiveness:** Meeting the needs of our customers, whether members of the public or industry.

Achieve the highest possible scores in our Customer Satisfaction surveys, whilst recognising that we operate in circumstances where around 80% of complaints result in a 'not upheld' decision	At least 50% overall satisfaction from complainants	54% (54%)
Achieve the highest possible satisfaction scores from the advertisers with whom we deal in resolving complaints	At least 60% overall satisfaction from advertisers	78% (73%)

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**Quality:** Delivering a high quality and professional service.

Our commitment	Measurement	Performance Jan – Dec 2011 (Jan – Dec 2010)
The Chief Executive will respond within ten working days to correspondence from complainants or advertisers who are concerned that we are not meeting our standards of service when dealing with complaints	80% of sample replied to within ten working days	75% (75%)
We will offer an Independent Review process for advertisers or complainants who can establish that a substantial flaw of process is apparent in an ASA Council adjudication	Reports from the Independent Reviewer in the Annual Report and Annual Statement	See page 44 of this report and our Annual Statement 2011.

**Transparency:** Being open about our procedure and our decision making, and accountable for our performance.

We publish our adjudications each week on our website	Publication every Wednesday	Met
Our website will provide full information on who we are, how we operate and our consumer research	Customer Satisfaction survey: 'Usefulness of information on website'	73% (72%)
Publishing our performance statistics on our website on a quarterly basis	Publication in April, July, September and January	Met
Publishing an Annual Report in April/May each year reviewing the activities of the previous year	Publication by the end of May	Met
Publishing an Annual Statement in October each year updating our performance reporting (January – June) and setting out our objectives for the coming year	Publication in October	Met

**Advertising Standards Authority**

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