

Making ads responsible:

How we enforce the advertising rules



**NATIONAL
TRADING
STANDARDS**

Protecting Consumers
Safeguarding Businesses

Buckinghamshire&Surrey
trading standards

ASA ✓

CAP ✓

This is a short guide to how the Advertising Standards Authority (ASA) and Trading Standards work together to enforce the advertising rules.

National Trading Standards has contracted the Buckinghamshire and Surrey Trading Standards team to provide the legal backstop for the ASA.

The ASA can and will refer cases to Trading Standards when:




A marketer is unwilling or unable to follow our rules



Further sanctions have not brought a marketer into line

Trading Standards will consider referrals to determine if there are breaches of the law.



The ASA's preferred approach is to work with you to get your marketing right. Our legal backstop is our last resort.

The highest sanctions available to Trading Standards include:

1. Criminal prosecution: following an investigation a case can be taken to either the Crown or Magistrates' Court.

Penalties include:



Fines: fines can be unlimited



Imprisonment: prison sentences are usually up to two years

Prosecution can mean you will have a criminal conviction, a fact we can and will share with the media as a deterrent to bad practice.

2. Confiscation of financial assets.



After conviction, the courts can consider and confiscate the financial benefits from the crime



Your home and financial security is at risk if you continue to offend. Any income you or your business make could be taken from you



Failure to pay the money to the state will automatically mean a prison sentence and the amount owing will still be due

Trading Standards also has a range of further sanctions available to them, including:



Informal warnings: a repeat breach will mean more serious sanctions are likely to follow



On the spot fines: these can be for several thousand pounds



Refusal, revocation or suspension of licences



Court orders banning certain activity from continuing: a breach of an order will be contempt of court and punishable by imprisonment



Simple cautions: these are held on file as a criminal caution and can be referred to by the court if another breach occurs



Seizure of goods, computers and documents: this can damage your business financially as well as preventing trading in the short term

Trading Standards will act in a fair and proportionate way when making their decisions and in choosing which sanction would be appropriate to apply. Ultimately, however, it is down to you as the marketer to become compliant or the above-mentioned sanctions could be imposed.

Marketers are encouraged to engage with our Compliance team. You can also seek free, confidential advice on how to stick to the rules at www.cap.org.uk/advice.



A quick guide to who's who:

Advertising Standards Authority

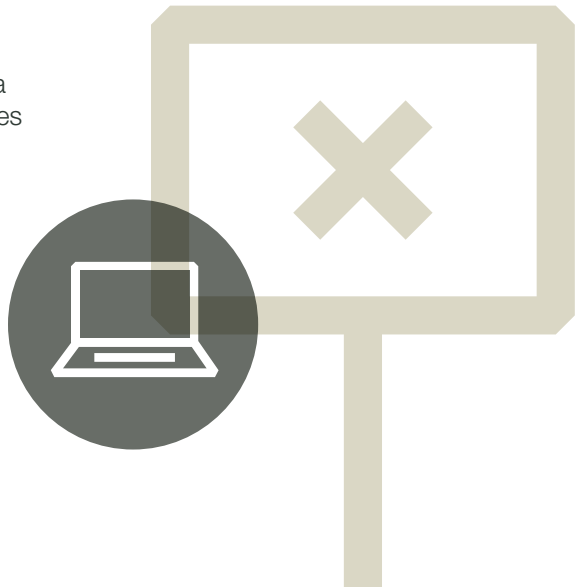
The ASA is the UK advertising regulator. Its role is to ensure UK ads stick to the Advertising Codes which require that ads are legal, decent, honest and truthful. It responds to concerns from consumers and business as well as proactively monitoring ads, taking action to ban ads that are misleading, harmful, offensive or irresponsible.

Committee of Advertising Practice

CAP is responsible for writing and maintaining the UK Advertising Codes. The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing applies across all non-broadcast channels including online and on companies' own websites, outdoor, print media, cinema and direct marketing. CAP also provides training and advice to help businesses and marketers stick to the rules.

Trading Standards

Trading Standards act on behalf of consumers and business. They advise on and enforce laws that govern the way we buy, sell, rent and hire goods and services. Trading Standards Officers investigate complaints about commercial organisations and, if all else fails, prosecute traders who break the law. The Buckinghamshire and Surrey Trading Standards team has been appointed by the National Trading Standards with funding from the Department for Business, Energy and Industrial Strategy to enforce advertising rules nationally.





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