

# The Advertising Standards Authority

Eleventh Report 1 April 1973-31 March 1974

# Contents

|   |   |
|---|---|
| List of members of the Authority<br>with biographical details | 4 |
|---|---|

## **REPORT**

|                              |    |
|------------------------------|----|
| Introduction by the Chairman | 5  |
| Report of the Council        | 10 |
| Complaints resolved in 1973  | 18 |

## **COMPLAINTS**

*Any member of the public may complain to the Authority about any particular advertisement.*

*There are no forms to be completed and no set rules of procedure. All that is required is a letter of explanation, together with a copy of the advertisement to which exception is taken.*

*Complaints by telephone will not be acted upon unless they are subsequently confirmed in writing.*

*Anonymous letters are ignored.*

*Complaints should be sent to  
1 Bell Yard, London, WC2A 2JX.*

# The Advertising Standards Authority

## Chairman

† The Rt. Hon. Lord Tweedsmuir,  
CBE, CD, LLD

† The Rt. Hon. the Lord Drumalbyn,  
PC, KBE, succeeded Lord Tweedsmuir  
on 1st April, 1974

## Members

A. Campbell-Johnson, CIE, OBE

R. Craig-Wood

Mrs. J. Fort, MA

Miss Patricia Mann, M.CAM, FIPA

C. J. M. Hardie, B.Phil., MA, ACA

The Rt. Hon. Lord Peddie, MBE

The Baroness Phillips of Fulham, JP

Mrs. G. L. S. Pike, CBE, JP

A. A. Ross

A. R. M. Sedgwick

R. M. Shields

The Hon. C. M. Woodhouse,  
DSO, OBE, MP

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

## Director & Secretary and Registered Office

Peter Thomson

1 Bell Yard, London, WC2A 2JX  
Telephone: 01-242 4111

## The Rt. Hon. Lord Tweedsmuir, CBE, CD, LLD

Chairman, Council on Tribunals. Rector,  
Aberdeen University (1948-51). Chairman, Joint  
East and Central African Board (1950-52).  
President, Commonwealth and British Empire  
Chambers of Commerce (1954-57). Member of  
the Board, BOAC, (1955-64). President of  
Institute of Export (1964-67). *March 1971\**

## A. Campbell-Johnson, CIE, OBE

Chairman of Campbell-Johnson Limited, Public  
Relations Consultants; Fellow and Past President  
of the Institute of Public Relations; Press Attache  
to the Viceroy and Governor General of India  
(Lord Mountbatten) 1947-48. *December 1973\**

## R. Craig-Wood

Chairman of Craig-Wood Consultants Ltd, and of  
Lodge-Glen Holdings Ltd. Director of Joseph  
Dawson (Holdings) Ltd. Formerly Managing  
Director of AEI-Hotpoint Ltd (1955-63), Thomas  
Hedley & Co Ltd (1947-54). *July 1962\**

## Mrs. Jean Fort

Formerly Head Mistress of Roedean School.  
*September 1965\**

## Miss Patricia Mann, M.CAM, FIPA

Associate Director and Creative Planner,  
J. Walter Thompson. Governor of the CAM  
Education Foundation. Council Member of the  
Institute of Practitioners in Advertising since  
1966. *June 1973\**

## C. J. M. Hardie, B.Phil., MA, ACA

Fellow and Tutor in Economics, Keble College  
since 1968, Joint Fellow, Oxford Centre for  
Management Studies, since 1970. *May 1973\**

## The Rt. Hon. Lord Peddie, MBE

Chairman, Post Office Users National Council  
since 1970. Former member of the Prices and  
Incomes Board and Chairman from 1970-71.  
Member of the Consumer Council (1963-68).  
Vice-Chairman of the Reith Commission on  
Advertising (1965). Chairman of the Co-operative  
Party from 1958-65. Director of Co-operative  
Wholesale Society from 1945 to 1965. *October 1972\**

## The Baroness Phillips of Fulham, JP

General Secretary of the National Association of  
Women's Clubs. Formerly a Baroness-in-Waiting  
and Government Whip in House of Lords.  
Broadcaster, J.P., former teacher. Founder of  
Housewife's Trust; past-chairman and member of  
Women's Advisory Committee of the B.S.I.  
Member of Consumer Affairs Sub-Committee of  
Metrication Board. *March 1974\**

## Mrs. G. L. S. Pike, CBE, JP

Chairman of the Women's Group on Public  
Welfare. Formerly Chairman of National  
Federation of Women's Institutes. Member of  
the Food Standards Committee of the Ministry of  
Agriculture, Fisheries and Food. *September 1965\**

## A. A. Ross

Chairman, Ogilvy, Benson & Mather Ltd, and  
Advertising Agency Poster Bureau Ltd. President  
of the Institute of Practitioners in Advertising.  
*June 1972\**

## A. R. M. Sedgwick

Director of Gillette Industries Ltd. European  
Director of Corporate Public Affairs for the  
Gillette Company since 1968. Council member of  
the Advertising Association and the Incorporated  
Society of British Advertisers. *June 1972\**

## R. M. Shields

Managing Director, Associated Newspapers  
Group Ltd. Director of Southern Television Ltd.  
Managing Director, Associated Investments  
Harmsworth Ltd. and of Associated  
Developments Harmsworth Ltd. Chairman,  
National Opinion Polls Ltd. of N.O.P. Market  
Research Ltd. Council member of the Advertising  
Association. *April 1969\**

## The Hon. C. M. Woodhouse, DSO, OBE, MP

MP for Oxford 1959-66 and since 1970.  
Director of Education and Training,  
Confederation of British Industry (1966-70).  
Director-General, Royal Institute of International  
Affairs (1955-59). Parliamentary Secretary,  
Ministry of Aviation (1961-62). Joint  
Parliamentary Under-Secretary of State Home  
Office (1962-64). *March 1967\**

\*Date of appointment as member of the Authority

# Introduction: by Lord Tweedsmuir

## **The Year in Review**

The latter part of the period covered by this report was a time of considerable economic stringency. At such times, firms tend to cut down their advertising, which may seem strange when they are trying to sell more, and the pressure on the finances of the media might make them somewhat less discriminating in what they accept as a consequence. It is a great credit to them that there has been no sign of this.

This past year has seen several important developments.

The growth of government interest in consumer affairs and the appointment of an Office of Fair Trading. Britain's first year of membership of the EEC. And legislation calculated to prevent abuses in the sphere of taste and decency. The Cinematograph and Indecent Displays Bill was lost in the dissolution but it is very much to be hoped, despite the Government's apparent present intention, that it, or a similar measure, which lacks some of the more controversial elements will be introduced in this Parliament. This sphere of taste and decency is quickly responsive to the current public mood. And clear judgment is not made easier by what have been wisely called "those two tepid twins, on the one hand and on the other, who between them let every

moral principle go by default". At the same time, during this period, the ASA considerably extended its influence. As a direct result of the adoption of the policy of naming the names of those who persistently flout the Code, and publishing details of complaints received and the manner in which they were resolved, we received more than twice as many complaints as in any previous year. Their number continues to rise.

Let us consider these happenings one by one.

## **The Government's Role in Consumer Affairs**

The government can enter the field of consumer affairs in one of two ways. Either by setting up a governmental organisation to deal with most complaints, such as the consumer Ombudsman of Sweden or Norway, or by relying on the operation of law and its further extension into this field.

The Swedish Consumer Ombudsman was set up in January 1971. He received 3,000 complaints in the course of the first year, of which no less than one third were still unresolved at the year's end. He is now interlocked with eight government departments. Sweden has called the 1970's the "decade of the consumer". As far as they are

concerned it most certainly is. They have had fourteen royal commissions in ten years on consumer policy.

In the U.S.A. where the operation of a self-regulatory system on the same lines as in Great Britain is precluded by anti-trust rulings, the Federal Trade Commission rules through an enormous bureaucracy. But a welcome attempt at some kind of self-regulation has now arisen in the form of the National Advertising Review Board, whose decisions on individual cases have pointed, in several cases, to the limitations of the Federal Trade Commission. Our EEC partners have inherited the long legalistic tradition of continental Europe so that their world of advertising is enmeshed in a web of law. Belief in rule by government intervention, whether by Government regimentation or by a plethora of laws, tends to be an obsession, leaving little room for the sharing of the field with any other form of control. In this country, both the Minister of Trade and Consumer Affairs and the Director-General of Fair Trading have taken every opportunity to acknowledge the continuing need for a voluntary system in Britain.

And yet, while accepting the useful work that such bodies have done and looking forward to the useful work that

we believe that they can do in future, we must realise that they cannot by their nature be effective beyond a certain point. The law deals best with the clear cut. You can push its frontiers as far forward as you wish, but there will always be beyond those frontiers a no-mans-land where men will do the most that the law allows and the least that it demands. Legal precision is powerless against the offender in this area. Just as it is impossible to frame laws to punish envy, hatred and malice, even though these things are utterly antisocial, capable of exact description, and their precise nature is known to every one of us. In the concept of voluntary self-control is implicit the recognition of the statutory control to which it is complementary. The overwhelming amount of work of the ASA and the CAP Committee is carried on in the half light where the eye of law can see only dimly. And considerations go beyond the field of law into the field of ethics. Speaking of Law and Ethics, an American Chief Justice has said "Each is indispensable to civilisation. Without law, we should be at the mercy of the least scrupulous; without ethics law could not exist."

Of course, self-regulatory systems have always to be on the watch against complacency and inertia. For an idea

can create an institution and that institution can so often stifle the idea that created it. That is why after 11 years in action our Code of Practice has been completely revised five times. The voluntary system is sufficiently flexible to allow the making of rules to meet the challenge of ever-changing conditions a continuous process.

### **Going into Europe**

We have now been part of the EEC for over a year. The problems that face us there can now be seen in clearer outline. In March 1972 the Council of Europe adopted a resolution of the Working Party on Misleading Advertising calling attention to the need for appropriate and adequate legislation in this field, and called upon the member states to encourage amongst other things the adoption by the appropriate professional organisations, of codes of fair advertising practice, such as that of the International Chamber of Commerce, and the setting up of self-disciplinary bodies, or such other methods of self-discipline, as might be appropriate. The International Chamber of Commerce Code, which was laid down in 1937, in its 1973 edition embodies much of the experience of our own Code of Advertising Practice. But the difficulties of setting up a voluntary

system such as we have in this country are illustrated by the case of France. In Britain we have the Newspaper Publishers Association, the Newspaper Society and the Periodical Publishers Association. You thus have newspaper media grouped within three associations. In France there are 26 organisations within one Federation, and some ten independent bodies beyond that. It is a tribute to the energy of the Bureau de Verification de Publicite that they have achieved so much with such divided media support though they do have a powerfully persuasive case to make in terms of the legal consequences which may flow from continued flouting of their advice.

It is impossible to blend systems which are too widely divergent. For instance, those countries in Europe where the Code Napoleon prevails can never be averaged out with our own common law tradition. What we can do is to ensure that countries match each other with an equally effective approach that is appropriate to the country concerned. An example is the law of unfair competition that every country in the EEC has, except ourselves. It developed at the turn of the century to protect small traders from larger ones. In our own different approach to unfair competition, we cover the subject with a

blend of some elements of our civil law, together with sections of the British Code of Advertising Practice.

John Braun OBE who was for 8 years our Secretary now occupies an important position in the EEC at Brussels, and acts as a very useful interpreter to us of Continental trends.

### Consumerism

What has come to be called consumerism is to be found, in varying degrees, in all modern industrial countries. As a result of its pressures over the last few years, the advertising industry in a great many different countries has gone on to the defensive. In the United States, the denunciation of the FTC can do so much damage to a firm, quite regardless whether it is justly accused or not, that the advertising industry tends to recoil from the limelight by any means open to them. The same is broadly true in this country, with prosecutions under the Trade Descriptions Act, where a great majority of the firms accused of infringement plead guilty in a Magistrates Court in order to escape damaging publicity. In fact, what consumerist bodies are often attacking is the quality of goods rather than the way they are advertised. The advertising industry suffers, and will continue to

suffer, from those in its ranks who do not have sufficient faith to stand up for what they are doing. But there is a right and wrong way of reacting. Two years ago, the European advertising industry published a statement on their social responsibilities which was widely read as an apology. The ranks of the critics of advertising, in all its forms took it as a thoroughly self-doubting document. In fact, a classic case of "qui s'excuse s'accuse".

There are those who will always see the consumer as a victim floundering in shark infested waters. Certainly the customer, to give him his proper name, can be argued to have found himself at a serious disadvantage in the last few years. But he now has an army of vociferous well-wishers who could render him far better assistance if they denied themselves the pleasure of quarrelling with each other. It is probably inevitable that quarrels should erupt when several St. Georges find that they have arrived to rescue the same damsel, from the same dragon, at the same time. Against the background of law and the voluntary system, advisers in the High Street like CAB, and the testing of products by the Consumers' Association, there exists a pretty strong defence against the public being seriously misled, or misled for

long. Consumerists organisations come in many forms. This is not surprising. For consumerism is a cocktail with many ingredients. It varies from those who are genuinely out to help the customer get value for his money, to those who are simply "anti"-advertising in all its forms. A document which came through my letter box recently sums up this latter outlook.

*"It is for the consumer not the planners to decide what is wanted.*

*Unfortunately, much of this theoretical freedom of choice is removed by the advertisers, and in practice the customer is persuaded to want those things which are most profitable to the supplier. The advertisers are backed up by powerful lobbyists who in their turn persuade the government to encourage activities, especially profitable to the lobbyist backers. So much for freedom of choice in a free society".* What an insulting view of the intelligence of the average consumer, to suppose that he can be so easily persuaded. How ill-informed to assume that advertising is possessed of magical powers of persuasion, or that advertisers do not—in their own interest—prefer to identify a want and then set about satisfying it, rather than to manufacture a product and then wonder to whom they can sell it. This is



"the ante-diluvian view" of which The Rt. Hon. John Davies, M.P. when Secretary of State for Trade & Industry. spoke last year. He was speaking of those who regard the interest of buyer and seller as being unalterably opposed. Then there is the authoritarian mind which wants control based on what it thinks that people ought to want, rather than what they actually want. What is less well recognised is that consumers are not just consumers of products, but consumers of media as well, and their criticism is often simply against intrusion of advertisements into the media. It is not surprising that this consumerist cocktail has given rise to the current witticism that the consumer to a manufacturer is a customer, to a politician is a vote, and to a consumerist is a meal ticket.

In few areas is a cooler and more objective view required than in this sphere, where art meets commerce and buyer meets seller. The measure of exchange value is a purchaser's desire to possess. He needs not merely protection in these days of mass media and mass marketing, but also, but more importantly, advice and assistance.

### **The ASA**

The decision to publish the names of those who persistently flout the code,

happily very few in number, together with publication of the names of those involved in complaints under investigation, has enormously extended the sphere of our operations. The number of cases investigated has more than doubled, and continues to grow. Not that the value of the work done can be measured in the number of complaints received. In an ideal world we should receive none at all. But it is an indication that the services that we offer are used by a widening public. Clearly the best football matches are not those where the whistle blows incessantly, and the maximum number of players are sent off the field. Rather they are those matches where the whistle is seldom heard and no-one is sent off, because of the presence of a referee who knows his job and is prepared to book anyone who breaks the rules, and both sides know it. The A.S.A. was set up by a motion, passed at the AA conference at Brighton in 1961. The wording of the motion gave it "the right to publish its findings". But several years had to pass before cooperation with the advertisers, agencies, and media, was strong enough for this step to be taken. The result has been a most important break-through in our relations with the public. In addition, we publish periodic releases on matters of concern to

various sections of the public, three such, published recently, covered "instant antiques", hearing aids, and the practice of unnecessarily quoting prices exclusive of VAT.

Of the countries who apply the self-regulatory system, Canada is by far the closest to our own *modus operandi*. With a far smaller population, they handle many times the number of complaints we do ourselves, owing to the enormous help that they get from the media. The media, whether in the press or on the air, carry the Canadian Advertising Advisory Board's advertisements free. If the Board had to pay for this service, it would cost them between \$3-4 million a year. For a time they gave up this publicity and the public response that they received fell suddenly and steeply. When they resumed advertising it rose by 400%.

Like all umpires, our independence has to be beyond question. Those few who do question it, do so on the score that the industry, through the Advertising Association, supplies our funds. Surely it would have been foolish of the Industry to have set up an organisation that could be seen to be dependent on them. Which is why the unchallengeable independence of the Council members and the Chairman is of such importance.

But there is one further step that would make it crystal clear that the A.S.A. enjoys complete independence. The independent Chairman chooses the Council members on his own, with reference to nobody. He could enjoy no real independence if he had to refer to anybody. The name of a new Chairman is submitted to the Department of Trade and Industry for their approval. After 3 years' experience as Chairman, I would venture the suggestion that if the new Chairman's name was also submitted to the Council for their approval, complete independence would be apparent.

We are sometimes asked why we do not add substantially to our Council further names of those widely known in the field of consumer affairs. That would be an excellent suggestion if our Council was a Senate which met at widely spaced intervals to approve policy and lay out guidelines. But it is not. It is a Committee of decision, which must meet regularly to be fair to those whose cases come before it. We could never **countenance** a list of long-unresolved cases as we believe a bureaucratic machine would make unavoidable. If we are to do our job at all well, we must not only be completely fair to buyer and seller, but we must also see that our cases are disposed of as promptly as

possible. If we must expand our Council of twelve, it would soon become unwieldy. Like all umpires we occasionally get booed by the spectators. We have been called a "toothless watchdog". In fact, watchdogs have very little need for their teeth. What is important is that their presence should be known to burglars. For this they need their bark, and we have to give constant attention to see that our bark is kept in working order. But when it comes to teeth, we have the most powerful teeth of any non-statutory body in the country by recommending non-publication to the media.

### **Acknowledgements**

My three years period as Chairman of A.S.A. is now at its end, I take this opportunity to express my deepest thanks to the members of the Council who have been the most agreeable and helpful colleagues. And further, I owe a debt of gratitude to Peter Thomson, who now fills the post of Director and Secretary, and to our staff at Bell Yard. They have carried a heavy burden this year as the number of complaints to be examined has increased so markedly. They have shouldered the demands put upon them efficiently and cheerfully. To my successor, Lord Drumalbyn, I extend my best wishes for his term of office.



# Report of the Council

## Meetings

The Council of Management of the Authority has met nine times during the year.

## Membership

During the year the Council was strengthened by the addition to its ranks of Mr. Jeremy Hardie, Miss Patricia Mann, Mr. Alan Campbell-Johnson and Baroness Phillips.

## SELF-REGULATION — NOW AND IN THE FUTURE

### Introduction

In last year's Annual Report, we took the Authority's tenth anniversary as an opportunity to reflect on some of the major issues of those ten years; and we set out something of our philosophy. This year we look forward. In the new and unpredictable climate that has been produced by the recent Election, we consider some of our present problems and try to chart something of the future course of self-regulation in advertising.

### The political response to consumer pressure

One of the great strengths of the Authority is that it stands wholly outside the world of party politics. Our actions and indeed the whole idea of

self-regulation are of course criticised from time to time by politicians. Nor does that criticism come only from one end of the political spectrum.

Like our support it comes from partisans of every political view and of none. The support we do receive comes because we are uniquely experienced in the possibilities—and the problems—offered by self-regulation as a way of ensuring that the consumer can rely on advertisements being legal, decent, honest and truthful.

In the past year there has been an upsurge of Parliamentary activity on the consumer front. Not only has the Office of Fair Trading—an interesting attempt to adopt something of continental and American forms of consumer protection while avoiding their defects—been established but also more other legislation of direct relevance to the consumer than has been enacted in a single year since the Authority was set up.

Fluctuation in the level of government intervention seems inevitable. That is one reason why we contend that, however sophisticated legal controls may become, in the foreseeable future there will remain a need for self-regulation. This is, of course, generally recognised, and the Director General of Fair Trading has a mandate

to encourage the adoption of Codes of Practice by business and the professions.

And yet, during the past year, we have had cause to wonder how fully the system of advertising control for which the Authority is responsible is comprehended by those in government.

There have been occasions when politicians have seemed to believe that the continued existence of ASA was dependent upon the toleration of government. Fortunately it is not. And some have seemed to be unaware of what self-regulation has already done and continues to do in areas where government either has not acted until very lately, or is still not disposed to move.

Our continuing concern with the improvement and refinement of the system has been demonstrated this year, not only by the preparation of a fifth, much-expanded and wholly-revised edition of the British Code of Advertising Practice but also by the introduction of an entirely new Code governing Sales Promotion Practice. We know the difficulties of using a sanction on advertisements as a way of controlling marketing practices, but we are ready to make the attempt in the absence of any coherent initiatives from other directions.

## **Law and self-regulation**

However successful self-regulation may be, of course it has its limitations, and we have always recognised the need for legal as well as voluntary sanctions on advertising.

Despite its shortcomings, we welcomed the Trade Descriptions Act 1968. Representing, as it did, a major change in the approach to marketing of goods and services, it was acknowledged to be in some respects experimental and the review of its operation is overdue. It is now to be undertaken by the Office of Fair Trading. We hope that particular attention will be paid to the possibility of effective use of the powers in the Act to make definition and information orders. These have been little used, perhaps because the legal control of advertisement content can present practical difficulties, however attractive it is in theory. But much controversy over advertising claims could have been—and still can be—avoided by the use of these powers so as to define terms, such as “central heating”, which can mean very different things to different people, and to require the provision of information about such matters as the terms on which good will be supplied. In the wider field of marketing, we are also concerned that the law should progressively curb unfair practices. We

are glad that the Fair Trading Act also encourages trade and professional associations to adopt Codes of Practice. Both are indispensable if the Code of Advertising Practice is to be fully effective.

The Code, for most of its life, has prohibited reference in advertisements to “guarantees” which take away rights which would otherwise be enjoyed by consumers. We were therefore pleased that the first legislative step towards making such “guarantees” worthless to the “guarantor” has now been taken in the Supply of Goods (Implied Terms) Act 1973, and we welcomed the Director General of Fair Trading’s proposals of February 1974 for an extension of the principles of this new Act. (The substance of his proposals has already been incorporated within the 5th edition of the Code.)

## **Helping consumers to protect themselves**

But we are far from believing that our endeavours should always result in the introduction of new statutory controls, even in cases where the need for some form of regulation has been demonstrated. Our position—and it is fortified by our experience of the way the Trade Descriptions Act 1968 has worked in practice—remains that the prime need is not for any addition to the

large number of legal controls, particularly those which use the criminal law as a means of regulating commercial transactions. This may be administratively convenient, but it does nothing for genuine consumer freedom.

What we believe the consumer needs, far more urgently, are weapons simple, flexible and cheap enough for him to use himself and the education to enable him to use them effectively. This hope is widely shared, not least by the ordinary members of the public whom it is an important part of our task to protect, and we therefore welcome unreservedly the recent changes in county court procedures and in the provision of legal aid which should go some way to meeting this demand. There is also the recent decision to strengthen the Citizens Advice Bureaux. Perhaps soon we will see small claims courts established. Naturally, we believe that the Authority too has a leading role.

But it is one which we can only play if what we do, and what we believe in, is better known. Perhaps in the past we have been too modest about our achievements. Not only must we take every opportunity to ensure that they are known, but we must convince our critics of the sheer impracticality of controlling advertising in some of the ways which are popular among those

who do not have to shoulder any responsibility for putting their proposals into practice.

### **The realities of advertising**

Standing on the sidelines, it is easy to oversimplify the problems confronting the Authority. The result is often that ideas of staggering superficiality are paraded as though they offer a key to a world in which advertisements have the logical consistency of Kant, the comprehensive capacity to inform of the Encyclopaedia Britannica, the prose style of Hazlitt and the elegance and tasteful presentation of some amalgam of Raphael and Emily Post. Alas, advertisements exist in a more humdrum world. Their job is to tell ordinary people about ordinary goods and to persuade them to buy. This they can only do by using arguments and offering satisfactions that will appeal to ordinary people.

A prominent consumer journalist devoted a recent column to "weasel-words". These she said, allowed the advertiser to wriggle away from the direct statement, hoping (and how right he'll be) that people won't notice the "helps to" or "aids" and will be left with the impression of the direct statement . . . "virtually trouble free", "feels like real" the advertiser wants

you to get the impression of a positive statement. Fox him by concentrating on the Weasel Word. The journalist goes on to say that this "plan of attack" has been revealed by "the enemy"—a young advertising copywriter—and claims that, with the inside knowledge he supplies, the consumer is well equipped to defend himself.

This piece is interesting on several counts, not least in its assumption that "people" (not, needless to say, the writer or her intended readers) are so easily misled. But what relation does her thesis bear to reality? Is it sensible to suggest that each time the word "help" is used to qualify a verb an advertiser is trying to mislead somebody—or that somebody is being misled? Is it, for instance, wrong for "Which" magazine to advertise that it "helps you choose"? Must all claims be absolute? How else does the advertiser explain the role of things that don't work by themselves? If the common experience of owners of a car is that it gives them very little trouble, is it really "weaseling" for the advertiser to say that it is "virtually" trouble-free? Of course, there will be the individual whose car isn't trouble-free at all. Does his, possibly isolated, experience invalidate a general claim? The interesting question, surely, is—how

often does that individual experience have to be repeated to invalidate a general claim? And that is a problem which talk about "weasel words" is no help at all in resolving.

In many cases, the interests of consumers are best served (and indeed the individual problem most effectively resolved) not by pretending that all general advertisement claims must be held to apply in any situation, no matter how extreme. Rather it is the improvement of such matters as quality control by the manufacturer and the effectiveness of servicing by his agents that is important.

Again, why should an advertiser not say, for example, "feels like real leather" if indeed his product does? How else is he to convey a quality which may be of considerable importance to the consumer?

"Weasel words" are not unknown in advertising—indeed they are not unknown in pronouncements of all kinds—words which are deliberately designed to obscure or distort the truth. But the self-regulatory system of advertising is ever ready to distinguish between what is likely to mislead and what is not, and to take appropriate action (with the full support of the advertising industry).

### **Misleading to whom?**

There are endless examples in advertising (but not only in advertising) of qualified claims, of statements which describe one thing in terms of another. Surely it is rather silly to suppose that in each and every case the person who makes such a statement is attempting to mislead the person to whom the statement is made? The continued unthinking credence which is given to such unlikely ideas is one of the major deterrents to progress and detracts attention from genuine problems in advertisement content. Similarly, loose talk about “enemies” and “plans of attack” encourages the innocent to suppose that they are the victims of some concerted attempt to foist upon them mis-described goods they do not want. That proposition is no more than an up-to-date “consumerized” version of the conspiracy theory, and, as the Chairman points out in his report, it is inherently unlikely that such an inefficient way of relating sales to manufacture would appeal to the modern businessman. Unfortunately it so conditions the thinking of those who believe and promote it, that the same journalist, a paragraph or two later in the weasel words story, found it “astonishing” that most British businessmen believed, just as strongly

as she did, that they should be able to substantiate the claims they made in their advertisements and that they should be accountable at law for misleading statements. Astonishing? Six years after the Trade Descriptions Act, and twelve years after the introduction of the Code?

### **Emotional appeals and unpopular opinions in advertising**

Another common illusion is to suppose that advertisements can (or should) eschew emotions entirely or that the values they express should be universally acceptable. Advertisements that are all emotion and no facts, of course, are silly (so silly that they are almost unknown), and value judgements may mislead or offend (it depends on how they are presented), but it is both unrealistic and unreasonable to suppose a Code of Practice can be constructed, let alone a law, which will stop advertisers saying things that some people—very often their colleagues in the advertising business—find silly or irritating, or that include value judgements which are open to dispute. In a country which prides itself on affording the very maximum degree of freedom of speech, those who wish to place greater limits on the advertiser’s freedom than their

own must explain much more convincingly than they have to date just why this is desirable.

### **The Authority in the future**

The challenge before the Authority is plainly not merely for it to continue as an effective organisation but increasingly that it should be acknowledged as effective. So effective that its duplication by statutory controls will be clearly seen to be unnecessary squandering of scarce public resources.

An organisation of the form and with the functions of the Authority is essential to any effective self-regulatory system of advertising control. It is essential for public credibility that the operation of the industry side of the system (the CAP Committee) is seen to be subject to an independent check with substantial powers. But it is essential as well for whole-hearted industry support. The advertising business must have some guarantee that the sacrifice of profit and of freedom of action which obedience to the Code entails is not in vain, and that there exists an effective and independent means of ensuring conformity to the Code’s standards from that minority which is not prepared to conform of its own free will. An independent “top tier” body can

also provide a court of appeal from the judgement of their peers that is undoubtedly welcome to those within the business.

Over the past year the Authority has taken substantial steps to ensure that the public is aware of its existence and has confidence in what it is doing. While the number of complaints received by the Authority remained small, it was possible, with some show of plausibility, to claim not only that the Authority failed to reflect the full extent of the public's concerns about advertising, but that its failure was due to a lack of confidence, even among those who knew of its existence, to credit it with the capacity for effective action.

The Authority continues to reject the numerical approach to an assessment of efficacy. The satisfying of individual complaints is, of course, a major part of the Authority's job, but many complaints add little or nothing to the Authority's knowledge of a given problem or its ability to seek long-term initiatives which can remove its source. If they absorb too much of the energies of the staff they may even detract from the Authority's equally important role as a generator of change upon its own initiative. This is not to say that the help we have been able to give this year to so

many more consumers is not a matter for lively satisfaction. It is. But it is only part of what the Authority must be engaged in.

We are very conscious also that the Authority must be seen to have positive and vigorous direction as well as a more effective way of working. We examined in last year's report the delicate balance which needs to be maintained between a fair representation on the Authority's Council of all shades of opinion, and a size which enables quick and firm decision taking. We believe that the changes in membership which took place within the Council during the year did succeed in maintaining this balance, while enabling a wider spread of interests to be represented. They left it slightly larger (with twelve instead of ten members) but with a lower average age and a higher proportion of women.

## **THE YEAR IN REVIEW**

### **The New Codes**

The main achievement of 1973/4 was without doubt the comprehensive revision of the British Code of Advertising Practice, resulting in the 5th edition, published in May 1974, and the preparation of the entirely new British Code of Sales Promotion Practice.

### **The British Code of Sales Promotion Practice**

The Authority was closely involved at all stages with the preparation of both Codes. The Sales Promotion code, indeed, though it was drawn up by a sub-committee of the CAP Committee, was very largely based upon the pioneering work done by the Authority in its earlier guidance papers on competitions and other forms of consumer promotions. The principles laid down in those guidance papers have been extended in the new Code, particularly in the light of the work done on this subject by the International Chamber of Commerce and expressed in their Code. Increasingly, competitions, free offers and other forms of sales promotion have become of growing importance to both manufacturers and distributors, as well as sources of profit and pleasure to the consumer. The new Sales Promotion Code will ensure that those whose job it is to mount promotions will know exactly what is permissible and what is not. We believe also that the Code will prove acceptable to consumers themselves. It was discussed in draft with several leading consumer organisations, as well as with the Office of Fair Trading, and so far as possible the comments and criticisms made by



these organisations were taken into account in the published version.

It is to be hoped that now this new Code, and the very detailed guidance from the Sales Promotion Executive Association, are both available that there will be a further reduction in the numbers of sales promotions that, for one reason or another, offend the consumer, and thereby fail to serve the purpose for which they are initiated by the promoter.

#### **The British Code of Advertising Practice, 5th edition**

The Code of Advertising Practice had, of course, already been revised three times. The fourth edition was published in 1970. The new fifth edition, which was launched in May 1974, however, embodied a Code which had been wholly reconsidered and which for the first time broke away from the original format of a brief Code supplemented by explanatory material in self-contained Bulletins and guidance leaflets.

Now, as the Chairman of the Code of Advertising Practice Committee said when it was launched at the Advertising Association Conference at Brighton on 2nd May, 1974, "This new Code . . . brings together for the first time all the rules and all the guidance on how they should be interpreted. In the past this

material was scattered over nearly two dozen separate bulletins, leaflets and guidance papers. Some of it had never been set on paper at all; now it is available between one set of covers." In his introductory remarks, Mr. Fisher went on to point out some of the other ways in which the new Code differed from its predecessors.

"It tightens up the existing rules in some difficult areas such as mail order and the advertising of hair and scalp products.

New rules have been introduced to deal with new problems. The substantial amount of material in the new Code that deals with financial advertising illustrates this. And there are new rules on package tours, property and alcohol.

Lastly, the Code has been brought more closely into line, in its drafting and its organization, with the International Code of Advertising Practice."

Much of the work of revision on this occasion was performed by specialist sub-committees, including members from outside organisations who were able to supplement the experience of members of the CAP Committee. Each piece of existing material was carefully reconsidered and, where necessary,

re-written. New material was brought in wherever there was a gap to be filled, and every effort was made to condense existing rules and guidance where this could be done without loss of clarity. Copies of the new Code have been widely distributed to Trading Standards Authorities, reference libraries, Citizens' Advice Bureaux, other local consumer advice centres and to many other organizations and individuals with an interest, professional or otherwise, in advertising. The aim of both the Committee and the Authority is to stimulate a growing awareness of the rules which the advertising business has voluntarily accepted, and to ensure that the self-regulatory system of advertisement control is known and used by the public.

Among the new material incorporated for the first time in the fifth edition, two points in particular relate to investigations undertaken by the Authority during the past year.

#### **"Instant Antiques"**

The Authority became concerned, in the summer of 1973, at the sudden spate of advertisements of commemorative items, such as medallions, offered prominently as "limited editions" and with advertising



copy that stressed the investment value of the items as heirlooms of the future. The Authority undertook detailed consultations with dealers and collectors and it became clear that there were justified grounds for concern. In many instances, even that of articles made of gold or other precious metals, the intrinsic value of the articles was either negligible or much smaller than the price sought for them might have suggested. The advertisers argued that this differential was accounted for by the artistic content of the articles and their scarcity value. Critics, however, argued that the artistic value of much that was appearing in limited editions was itself negligible and that artificial scarcity could not make desirable an object that had nothing else to commend it. The Authority concluded that there did exist a risk that some advertisements might be leading members of the public to buy, not for the pleasure that the articles could offer in themselves, but in the belief that the chances of an increase in value were greater than was likely to prove the case.

The Authority decided that it would be desirable to extend to all advertising, in which claims were made for the investment value of the articles on offer, the caveat that was often required in financial advertisements, namely that

values might fall as well as rise.

The concept of the "limited edition" also seemed to require regulation. Many of the offers which had been drawn to the Authority's attention used the phrase "limited edition" in a novel sense. In these cases the limitation was of the period of availability of the offer rather than that of the number of articles produced. All applicants, within a given period, were entitled to the goods on offer after which the means of producing further copies was destroyed by defacing the plate or die or by breaking the mould. It seemed clear to the Authority that in such cases an "edition" might number as many as, or more than, would normally be produced for an unlimited edition of comparable articles. Because of this, they concluded that advertisements should distinguish between "limited editions" in the traditional sense and "editions limited by time" of the new kind, and that, in the case of offers of the latter kind, advertisers should undertake to inform purchasers, at the end of the subscription period, of the number of items eventually sold. Lastly, the Authority concluded that where articles advertised were of precious metal, advertising material should state the content and fineness of the metal employed, so that an intending

purchaser could calculate the intrinsic worth of the article in relation to its price.

### **Hearing Aid Exhibitions**

The other provision in the new Code, which arises directly from the Authority's work during the past year, is that which makes certain requirements of advertising for hearing aid exhibitions. The Authority was concerned at the evidence produced by Mr. Laurie Pavitt, MP, about the trading methods of certain retailers of hearing aids, and they agreed with him that it would be desirable if, in future, publishers were advised only to accept advertisements for the one or two day "exhibitions" which were mounted, on an itinerant basis, by retailers of hearing aids, if the organisers were prepared to give satisfactory undertakings as to the following matters—(1) the availability of trained advisers throughout the period during which the exhibition was open (2) the comprehensiveness of the range of models displayed, and (3) the effectiveness of the testing machinery made available. Such advertisers should also be required to state their permanent address and to leave no doubt in their advertising as to the commercially promoted nature of the event.

### **VAT exclusive prices**

Another matter which concerned the Authority towards the end of the year, and which was not resolved within the period with which this report deals, was the extent to which, many months after the introduction of VAT, prices were still quoted in some advertisements on a VAT-exclusive basis.

There were instances in which the adoption of this practice seemed likely to the Authority to have the effect of misleading consumers, at least temporarily, as to the price at which goods were on offer. This might occur either because the purchaser's liability to VAT was omitted from the advertisements—this in all probability constitutes an offence under the Trade Descriptions Act—or because the qualifying claim was not given sufficient prominence.

The Authority's first inclination was to propose that it should become a requirement for the future that all prices were quoted on a VAT inclusive basis. But it was pointed out that, where trade customers were involved, a separation between the two elements of the price was advantageous. While hoping, therefore, that in all cases where it is at all possible advertisers will adopt the VAT inclusive system, the

Authority accepts that there will be instances in which it is reasonable for prices to be quoted in the form of "£10.00 plus £1.00 VAT". What the Authority can see no excuse for is any continuation of the practice of listing a number of prices and covering all of them with a single statement to the effect that VAT is to be added.

### **Discount Warehouse Advertising**

The Authority was also concerned during the year with the problem of discount warehouse advertising. This relatively new method of selling, which in effect gives ordinary consumers access to a wholesale warehouse and enables them to buy at prices much lower than those prevailing in normal retail stores, has been accompanied by the appearance of a totally new kind of advertisement. This consists of the stock list of the advertiser and is therefore more to be compared with the annual or periodical catalogue produced by a retailer or manufacturer than with the normal advertisement of a retail store. However, it became clear that it was with the latter that consumers were comparing the advertisements of discount warehouses, and in consequence they were aggrieved at discovering goods not

to be available which had been advertised only days before their visit. From the advertiser's point of view, however, while every effort would be made to reflect the current stock position, his advertisement was more in the nature of a statement of the price at which he was prepared to sell the goods listed and did not necessarily contain an implied promise that each of those goods would necessarily be available for immediate delivery or collection.

The Authority was of the opinion that this conflict in the way advertisements by discount warehouses were interpreted could best be met by their including a plain statement to the effect that immediate availability of all goods could not be guaranteed, and that intending purchasers would be well advised to check by telephone before setting out if they had their eye on any particular individual items.

This suggestion was accepted by each of the major advertisers in the field. From their point of view one of its advantages was that it made quite clear what had, indeed, so far as the Authority was aware, always been the case, namely that they had no intention of engaging in the unacceptable practice of switch selling, of which they had been accused by some of those who had complained to the Authority.

# Details of complaints considered by the Authority during the period 1st January-31st December 1973

The Authority issued reports on the cases resolved from March 1973 onwards and these have been reproduced in this section of the Annual Report. Prior to the adoption of the policy of "naming names" the following complaints were dealt with by the Authority:

| Complaint  | How resolved  |
|--|---|
| Money sent to tipster not returned as per guarantee  | Not substantiated   |
| Magazine badgered complainant to advertise with them.  | Apology sent.   |
| "Free" offer not honoured.   | Book received.  |
| Advertisement for "Clearance Sale" of goods from warehouse. Delivery took seven weeks.   | Wrong block used. Will not be used for future advertising.  |
| Shrubs (with a nine month guarantee) failed to grow. At the time of the first complaint, the guarantee was still valid.                  | Replacement supplied.   |
| Price comparison between guineas and decimal pounds and pence caused confusion.  | Advertiser agreed to drop use of the word "guinea" in future copy.  |
| Phrase "Crafted in England" implied that the product had been made by hand by a craftsman rather than produced by machine.               | Not substantiated.  |
| Unsatisfactory enlargement received, which was returned. Money back undertaking not honoured.  | Refund received.  |
| Statement "No danger of running out of fuel" in British Gas advertisement was false in view of the likelihood of the gasworkers' strike. | Gas Corporation took immediate action to cancel advertisements in January when unofficial industrial dispute began in S.E. London. Cancellation was not possible in every case. |

**Complaint**

Advertising created “fictitious” ailment “cold in the bones” and claimed that product confers health upon the recipient.

Free cook book offered if £1 spent on meat in the butchery dept. Complainant spent over £1 on lamb and bacon but was informed that bacon was not meat.

Misleading use of word “free” in offer.

Misleading price claim.

Received unsolicited book and objected to postal charge incurred if he returned it.

Irrelevant emphasis on sex.

Misleading description of storage units (described as fibre board) which were corrugated cardboard.

Claim “the cleaner that thinks for itself” is misleading.

Advertisement misleading as car illustrated “at no extra cost” is only available on payment of sizeable surcharge.

(2 complaints)

Advertisements for night driving glasses were misleading in that copy and illustration exaggerated their efficacy.

It was suggested that an advertisement for Shandy which appeared in trade press with headline “It lets the kids drink like their dads” would, if repeated in consumer publication, contravene para. 9 of the Code.

**How resolved**

Not substantiated.

Apology received from advertiser. This was a mistake on the part of the counter-assistant. Free cook book despatched to complainant.

Not substantiated.

Advertisement amended.

Complaint unsubstantiated as he had joined their privileged customer scheme.

Advertisement would not appear in future.

Not substantiated. Complaint previously pursued when British Standards Institution and Fibre Building Board Development Federation said “Fibreboard” is appropriate designation for material.

Not substantiated as the phrase is a legitimate metaphor.

Advertisement to be clarified.

Advertisements amended.

Advertiser agreed it was unsuitable for use in consumer publications and gave assurance it was not their intention to repeat.

| <b>Complaint</b>  | <b>How resolved</b>  |
|---|--|
| Circular did not give sufficient time for recipient to refuse a call.                                   | Alternative wording suggested to advertiser.   |
| False and misleading statements about service available on vintage cars.                                | Not substantiated.   |
| (2 complaints)<br>Exaggerated claims for swimming aids.   | Advertisements amended.  |
| Advertisement did not make it clear that the strap of watch on offer was not included in the guarantee. | Advertisement no longer being used.  |
| (4 complaints)<br>Misleading statements in advertisement for contraceptives.                            | Not substantiated.   |
| Misleading claims for "vaginal" deodorants.   | Not substantiated.   |
| Misleading claims in margarine advertisement.   | Not substantiated. Advertisement conformed with CAP Bulletin advice on polyunsaturated fats. |

56 mail order complaints were dealt with as follows:

|   |       |
|---|-------|
| Money refunded or goods despatched to complainant | 39    |
| Complainant referred to liquidator or police      | 15    |
| Unable to trace, warning to media                 | 2     |
|   | <hr/> |
|   | 56    |
|   | <hr/> |

# Report of cases resolved in March-April 1973

| Company, product or service<br>(Agency)<br>[Medium]                                 | Complainant          | Subject of complaint   | Resolution of complaint  |
|---|----------------------|--|--|
| Independent Discount<br>Warehouses<br>(Burnham Lloyd & Partners<br>Ltd.)<br>[Press] | Trade<br>Association | Claim "up to 50% off retail<br>prices".  | Agency agreed to wording<br>"50% off recommended<br>retail prices".  |
| West End Marketing Co.<br>[direct mail offer]                                       | Member of<br>public  | Complainant informed he<br>had won a free Xmas turkey<br>"without conditions" from<br>deep freeze concern. Sub-<br>jected to sales call. Turkey<br>not received. | Impossible to trace adver-<br>tiser. Media advised.  |
| J.L.S. Enterprises<br>[periodical]  | Member of<br>public  | Receipt not acknowledged of<br>watch sent by post in response<br>to advertisement by watch<br>repair agency.   | Watch not received by ad-<br>vertiser. Complainant ad-<br>vised to pursue with Post<br>Office.                                       |
| UDT (Commercial) Ltd.<br>(Hobson Bates & Ptns. Ltd.)                                | Local<br>Authority   | Advertisements might suggest<br>that tax relief was automatic<br>on all loans.   | Copy had already been<br>amended by advertiser in<br>order to clarify.   |
| Comet Warehouses Ltd.<br>[magazine]   | Member of<br>public  | Complainant felt he should<br>have been reimbursed for<br>expenditure incurred by re-<br>turning mail order goods he<br>found unsatisfactory.                    | Complainant informed that<br>the cost of returning un-<br>wanted goods obtained by<br>mail order lies on the<br>intending purchaser. |



| Company, product or service<br>(Agency)<br>[Medium] | Complainant                          | Subject of complaint  | Resolution of complaint   |
|---|--------------------------------------|---|---|
| Hygena—System 70<br>[magazine]                      | Member of public                     | Non-availability for immediate delivery of advertised goods.  | Not substantiated. Advertisement did not suggest that goods (fitted kitchen furniture) were available for immediate delivery.   |
| Executex Clothes<br>[brochure]                      | Members of public (three complaints) | Brochure for suits, based upon film "The Godfather" depicting scenes of violence and sexual activity.                         | Authority viewed the brochure's contents as repellent and unnecessary and contrary to the letter and spirit of the Code. Advertiser so informed.  |
| Home Garden Estates<br>[press]                      | Member of public                     | Advertisement for nurseryman offered common, cheap plants under invented names at higher than average prices.                 | Not substantiated. Prices were not greatly different from those ruling elsewhere, and the nature of the plants was accurately indicated. Advertiser will in future add botanical names as service to purchaser. |
| Wentworth Co. (Luggage Division)<br>[press]         | Member of public                     | Use of "February readers offer" to describe goods had been available earlier.   | Not substantiated. Advertisement did not imply that there was any novelty in the offer.   |
| M. Monty<br>[circular]                              | Member of public                     | Circular letter promised money back plus £25 if football system did not win, but on request by complainant no money refunded. | Earlier correspondence from complainant not received by M. Monty. Refund of £15 (own stake money) plus £25 of Mr. Monty's money sent to complainant.  |

| <b>Company, product or service</b><br>(Agency)<br>[Medium]           | <b>Complainant</b>                 | <b>Subject of complaint</b>  | <b>Resolution of complaint</b>  |
|--|------------------------------------|--|---|
| <b>Modern Music Library/<br/>Bemaplee Ltd.</b><br>[press]            | Member of public                   | Complainant sent £230 + £10 membership fee for records (60) and stereo equipment. Equipment faulty—replaced by more faulty goods. Also only a few of the records received. | Company is being wound-up by order of High Court and its business has been discontinued. Complainant advised to enter claim as creditor.  |
| <b>Sonic Sound Audio Ltd.</b><br>[periodical]                        | Member of public                   | Advertisement for hi-fi system quoted a lower price than that charged in the shop.   | Not substantiated. Advertisement made clear that prices changed from time to time and that no responsibility was taken for errors. Complainant advised to pursue matter under Trade Descriptions Act if dissatisfied. |
| <b>Classic Cinema, Victoria</b><br>[poster]                          | Members of public (two complaints) | Poster for film "Female Sexuality" (half length nude with "it lays bare their deep emotional secrets").  | Not upheld.   |
| <b>Ultratone Ltd.</b><br>[direct mail]                               | Member of public                   | A representative called on respondent to advertisement without allowing "an adequate opportunity of refusing . . . a call". Contrary to para. 16 of Code.                  | Advertiser will review procedure for mailing and will ensure compliance with Code.  |
| <b>WMG Marketing</b><br>[direct mail]                                | Member of public                   | Receipt of unsolicited advertising material through the post.  | Outside remit of Authority. Advertising material itself inoffensive.  |
| <b>Jaffa Grapefruit</b><br>(Saatchi & Saatchi & Co.)<br>[periodical] | Consumer Body                      | Advertisement claim "The more you eat the slimmer you get".  | A breach of CAP Bulletin No. 10. Advertisement will not appear again.   |

| Company, product or service<br>(Agency)<br>[Medium]                              | Complainant       | Subject of complaint   | Resolution of complaint  |
|--|-------------------|--|--|
| Magnum<br>[direct mail]  | Member of public  | Complainant received allegedly offensive unsolicited material on sexual matters by post. | Material received not available for scrutiny. Complainant advised to inform the police and local postmaster with a view to considering whether the Post Office Act or the Unsolicited Goods & Services Act had been contravened. |
| Tonik-Dormeuil<br>(W. J. Southcombe Advertising)<br>[National press supplements] | Members of public | Advertisement for cloth claimed "cruelty is beautiful".                                  | Agency advised that advertisement was distasteful and unnecessary in Authority's view.<br>Advertisement amended.   |

#### Mail Order/Premium Offer Goods Complaints

- (a) goods or refund received
- (b) company in liquidation
- (c) warning to media
- (d) company no longer trading
- (e) unable to trace advertiser
- (f) not substantiated
- (g) resolved prior to investigation

- (a) Greens Sub-Aqua
- (a) Postal Boutique (3)
- (a) Crispi Free Gifts
- (a) All Square Purchasing
- (a) Brentford Nylons
- (c) Kirsch Instrument Company
- (a) NITSU Ltd.
- (e) Domestic & Garden Incinerator

- (e) John's Retail Service
- (f) Heron Books
- (a) Audio Supplies Ltd.
- (a) Atora
- (a) Pettit's Drapers
- (g) Brockatelle Ltd.
- (b) Electroheat Fire Co. Ltd.
- (a) Premium Shopping Ltd.

# Report of cases resolved in May-June 1973

| Company, product or service<br>(Agency)<br>[Medium]        | Complainant                         | Subject of complaint   | Resolution of complaint   |
|--|-------------------------------------|--|---|
| She Magazine<br>(Saatchi and Saatchi)<br>[Daily Telegraph] | Members of public<br>(2 complaints) | Innuendos in advertisement for She magazine were disgusting and should not have appeared in a family newspaper.  | The advertisement will not appear again. Agency had available alternative copy for media who objected to original.              |
| Smiths Crisps/Free Film Offer<br>(Ogilvy, Benson & Mather) | Member of public                    | Misleading free film offer.  | Not substantiated. Complainant had misread the offer.   |
| Laltex & Co. Ltd.  | Member of public                    | Microphone returned for repair under terms of advertiser's guarantee. No acknowledgment of receipt or response to further communications.  | A number of microphones had been returned without names and addresses. Microphone traced, repaired and returned to complainant. |
| Sigrett Mail Order   | Weights & Measures Dept.            | Advertisement for wall-mirror system misleading. Dimensions of assembled system of apparently maximum size appeared in conjunction with price at which only initial kit was available. | Advertiser's mistake; an apology and explanation appeared in media the week following the advertisement.                        |
| Annette Morgan Model Agency<br>[Evening Standard]          | Member of public                    | Advertisement stated "no photographic fees required" but complainant paid £25 for photographs.   | Not substantiated. Photographs in question were taken by freelance photographer.  |

| <b>Company, product or service<br/>(Agency)<br/>[Medium]</b>               | <b>Complainant</b> | <b>Subject of complaint</b>   | <b>Resolution of complaint</b>   |
|--|--------------------|---|--|
| DCS Carpets and Poundwise Ltd.<br>(Davis Carey Vernon)<br>[Liverpool Echo] | Member of public   | Complainant doubted whether the comparative prices quoted in discount advertisement or claim "Up to 75% off" could be substantiated.                      | Substantiation provided.   |
| Kellogg's Frosties<br>(J. Walter Thompson Co. Ltd.)<br>[cereal carton]     | Member of public   | Complainant did not believe that the prize offered in Kellogg's "Family Afloat" competition was worth over £180.  | Not substantiated. Value of prizes amounted to £183.   |
| Woolworth Cover-Plus Paint<br>(Donald Macpherson & Co.)<br>[Tit-Bits]      | Member of public   | Advertisement for paint showed an infra-red lamp on a chair and a table lamp and television on a vanitory unit, contrary to Code requirement on safety.   | Advertisement amended.   |
| Scientific & Technical<br>[Short Wave Magazine]                            | Member of public   | Advertisements allegedly incited purchasers of radio equipment to breach the Wireless Telegraphy Act 1949.  | Future advertising already cancelled. (Advertising had also appeared elsewhere.) Advertiser and other media reminded of existing advice in CAP Bulletin No. 9, item 57.  |
| Camberly Stamp Centre<br>[Stamp Magazine]                                  | Member of public   | Silver Wedding Stamps (mint) were advertised at one price but complainant had to wait several months before delivery and was invoiced for a higher price. | Not a contravention of the Code. Due to over-subscription for issue, Crown Agents reduced supplies to wholesalers, which led to shortages; wholesalers increased their prices. All applicants had been offered refunds if they were not prepared to pay higher prices. |

| Company, product or service<br>(Agency)<br>[Medium]                               | Complainant                  | Subject of complaint   | Resolution of complaint   |
|---|------------------------------|--|---|
| St. Ivel Unigate<br>[Cash & Carry News and<br>Cash & Carry Caterer]               | Member of<br>public          | Advertisement for offer of a<br>serving platter did not make<br>it clear that there was a<br>charge.   | Editorial comment, not an<br>advertisement. Outside<br>Authority's terms of refer-<br>ence. (St. Ivel sent a letter<br>of apology and publications<br>published amendments in<br>next issues.)  |
| Oertling Precision Balances<br>(Sid Robertson Studios)<br>[Chemistry in Industry] | Member of<br>public          | Complainant's photograph<br>appeared in advertisement in<br>publication without her<br>knowledge.  | Model Release Form,<br>which allowed use of<br>photograph, had been<br>signed 3½ years ago but it<br>had been destroyed. Agen-<br>cy advised that they should<br>use photographs for which<br>they have the necessary<br>release forms in future. |
| Automobile Association<br>[Direct mail]   | Member of<br>public          | Leaflet for free film service<br>denigrated the quality of the<br>professional's work.   | Leaflet had already been<br>amended.  |
| John Pinches (Medallists) Ltd.<br>(Allardyce-Hampshire)<br>[direct mail leaflet]  | Member of<br>public          | Complainant felt postage<br>refund was not adequate.   | Company made additional<br>ex gratia payment to com-<br>plainant in view of trouble<br>taken to collect product.  |
| House of Holland<br>[New Trend]   | British<br>Safety<br>Council | Advertisement in contraven-<br>tion of the Code requirement<br>on safety by showing occu-<br>pants in dinghy at sea without<br>life jackets. | Advertisement amended.  |
| Saxin<br>(Dorland Advertising)<br>[Daily Mail]                                    | British Sugar<br>Bureau      | Misleading advertisement for<br>artificial sweetener which<br>denigrated sugar by stating<br>that it can make you tired and<br>depressed.    | Advertisement amended.  |



| <b>Company, product or service<br/>(Agency)<br/>[Medium]</b> | <b>Complainant</b>         | <b>Subject of complaint</b>  | <b>Resolution of complaint</b>   |
|--|----------------------------|--|--|
| Datsun UK Limited<br>(Manscope Ltd.)<br>[Daily Telegraph]    | Member of the<br>Authority | Headline with reference to the<br>AA (Automobile Association)<br>gave impression that AA had<br>agreed to use of their name<br>in advertisement for car.   | Agency claimed it had not<br>been their intention to<br>offend either the AA or the<br>public. Advertisement<br>amended.   |
| Pedigree Petfoods  | Member of<br>public        | Allegation of misleading com-<br>petition.   | Not substantiated.   |
| Hotpoint<br>(Young & Rubicam)<br>[TV Times]                  | Member of<br>public        | Poor service for Iced Dia-<br>mond freezer and fridge<br>which is advertised as having<br>"a good After Sales Service<br>built in too".  | The machine had in fact<br>been serviced by the time<br>the complaint was lodged<br>by ASA; a further check<br>after receipt of the com-<br>plaint confirmed it to be<br>working satisfactorily. |
| Cold Seal Double Glazing                                     | Member of<br>public        | Claim in leaflet stated that<br>"double glazing saves bet-<br>ween 20 and 30% of fuel<br>costs".   | Leaflet to be amended to<br>read "Double glazing can<br>save up to 30% in fuel<br>costs".  |
| Hilton Hotel<br>(Euro Advertising Ltd.)<br>[The Guardian]    | Member of<br>public        | Advertisement about two new<br>Hilton hotels stated "The first<br>one is in Stratford-upon-<br>Avon, set in the Cotswold<br>Countryside close to the Mid-<br>lands". It was suggested that<br>this was misleading. | Advertisement amended to<br>read, "The first one is in<br>Stratford-upon-Avon, near<br>the Cotswolds close to the<br>Midlands".  |

## Mail Order/Premium Offer Goods Complaints

- (a) goods or refund received
- (b) company in liquidation
- (c) warning to media
- (d) company no longer trading
- (e) unable to trace advertiser
- (f) not substantiated
- (g) case resolved prior to investigation

- (a) Plumbs (3 complaints)
- (a) Mellors
- (a) Southern Gas—teaset offer
- (a) Selfridges
- (a) TV Times Bargain Club
- (a) Global Audio Discount Warehouses Ltd.
- (a) Shopertunities Ltd. (2 complaints)
- (f) Virramoor Developments
- (a) Alexandra Overalls Ltd.
- (a) Orbis Publishing Ltd.
- (a) Edenlite Ltd.
- (a) Hope Laboratories Ltd. (2 complaints)
- (a) Family Circle—teapot offer
- (a) M. Quinn Products
- (d) Nadler & Tyler (9 complaints)

- (a) W. Woodhouse & Sons
- (a) Main Marketing (2 complaints)
- (a) All Square Purchasing
- (a) Asterisk
- (g) Headline of London
- (a) MFI Warehouses Ltd.
- (a) Scientific & Technical
- (a) Bishopsgate Typewriter Co. Ltd.
- (a) Clalaur (2 complaints)
- (a) G. W. Smith & Co. (Radio) Ltd.
- (a) Rothschild Marketing
- (b) Electroheat Fire Co. Ltd.
- (d) B.P.M. Ltd.
- (b) Premium Shopping Ltd. (27 complaints)

# Report of cases resolved in July-August-September 1973

| Company, product or service<br>(Agency)<br>[Medium]    | Complainant         | Complaint as made<br>to the Authority  | Resolution of complaint   |
|--|---------------------|--|---|
| Hilton Hotel<br>(Euro-Advertising Ltd.)<br>[The Times] | Member of<br>Public | Misleading statement that "With a new Hilton in London . . . we're now in an even better position to look after you". However, Kensington Hilton was not due to open until end of July or beginning of August, after the advertisement appeared. | Agency advised that it was considered that this advertisement was misleading. It was not scheduled to appear again until August, when the hotel would be open.  |
| Dateline   | Member of<br>Public | Advertisement misleading in that Dateline did not use all information provided, dates were not available, lists were not kept up-to-date and in certain areas there were too few clients to ensure system was workable.                          | Not substantiated.  |
| Leeds Leader   | Member of<br>Public | (a) Advertisements in editorial style, (b) advertisement from another newspaper re-used without prior permission.  | "Leeds Leader" is a free distribution advertising sheet and therefore there is no editorial space, but "Advertising feature" to be used where any risks of confusion may exist in future. Medium also gave assurance that advertisements from other publications are not carried without knowledge and consent of advertiser. |

| <b>Company, product or service</b><br>(Agency)<br>[Medium]        | <b>Complainant</b>                             | <b>Complaint as made<br/>to the Authority</b>   | <b>Resolution of complaint</b>   |
|---|--|---|--|
| The British Goat Society<br>[Leaflet]                             | Chief Public<br>Health<br>Inspector            | Exaggerated claims for the<br>curative properties of goats'<br>milk.  | Leaflet will not be reprint-<br>ed in present form.  |
| Renault Ltd.<br>(C. Vernon & Sons Ltd.)<br><br>[Christien Sell]   | Member of<br>Public<br><br>Member of<br>Public | Misleading statements as to<br>performance of Renault 4.<br><br>Contrary to claims in leaflets<br>and advertisements that all<br>goods are supplied direct<br>from the factory within 28<br>days, complainant endured<br>long delays and discovered<br>that sub-contractors were<br>used. | Complaint not substanti-<br>ated.<br><br>Sub-contractors had been<br>used for brief period, owing<br>to pressure of orders but<br>were unable to produce<br>goods of the quality and<br>quantity required. It had<br>been necessary to open<br>another factory and this<br>had caused considerable<br>delay in delivery of some<br>orders. |
| Kellogg's<br>(J. Walter Thompson Co. Ltd.)<br>[Good Housekeeping] | Member of<br>Public                            | Misleading statement in ad-<br>vertisement for cornflakes as<br>a nutritional benefit.  | Not substantiated. Adver-<br>tisement plainly based on<br>use of cornflakes in context<br>of whole meal, in respect of<br>which nutritional claims<br>were accurate.   |
| Covent Garden Laboratories  | Member of<br>Public                            | Misleading statements regar-<br>ding quality of work in free<br>film offer.   | Not substantiated, but<br>company regretted that<br>work was not acceptable to<br>complainant and refunded<br>his money.   |
| Film Corporation of America                                       | Member of<br>Public                            | Misleading statements regar-<br>ding quality of work in free<br>film offer.   | Not substantiated, but<br>company regretted that<br>work was not acceptable to<br>complainant and refunded<br>his money.   |

| Company, product or service<br>(Agency)<br>[Medium]                                   | Complainant               | Complaint as made<br>to the Authority   | Resolution of complaint   |
|---|---------------------------|---|---|
| Celaton CH3 Tri-Plus/<br>Biopreparations (GB) Ltd.<br>[Acton Gazette and Post]        | British Safety<br>Council | Exaggerated claims to pre-<br>serve youth, virility and<br>vitality.  | Non-acceptance of this<br>advertising had been re-<br>commended in 1971. News-<br>paper apologised for error,<br>which was not noticed un-<br>til after the paper had been<br>printed. Staff reminded of<br>CAP recommendation.   |
| Davenport Vernon<br>(Rodway Smith Advertising Ltd)<br>[Bucks Free Press]              | Member of<br>Public       | Car dealer's advertisement<br>cast a slur on the integrity of<br>private vendors of used cars.  | It had not been the adver-<br>tiser's intention that the<br>advertisement should give<br>this impression. The text in<br>question would not be used<br>again.   |
| Rowntree Mackintosh<br>[Poster]   | Member of<br>Public       | Complainant suggested that<br>advertisements which encour-<br>aged children to keep fruit<br>gums in their mouths as long<br>as possible were in contraven-<br>tion of para. 9 of Code of ex-<br>ploitation of children as he<br>considered that continual<br>sucking of sweets had a very<br>bad effect on children's teeth. | Not substantiated. Adver-<br>tiser however recognises the<br>sensitivity of the rela-<br>tionship between the con-<br>sumption of confectionery<br>and other sweet based<br>products and dental health<br>as viewed by some parts of<br>the dental profession, and<br>while fruit gums contain<br>only 0.68 grms. of sugar<br>and are rich in minerals<br>and calcium, great care<br>will be taken with future<br>advertisements. |
| Ford Consul 2500<br>(Collett, Dickenson Pearce &<br>Partners Limited)<br>[Daily Mail] | Member of<br>Public       | Two drawings in a compara-<br>tive advertisement, which<br>showed a Ford Consul 2500<br>and Jaguar XJ6, were not to<br>the same scale.  | Illustration amended so as<br>to show the drawings to<br>the same scale.  |

| <b>Company, product or service<br/>(agency)<br/>[Medium]</b>                  | <b>Complainant</b>                 | <b>Complaint as made<br/>to the Authority</b>  | <b>Resolution of complaint</b>   |
|---|------------------------------------|--|--|
| National Pure Water Association (Manchester Area Branch)<br>[Market Place]    | Dental Health Education Trust      | Advertisement included denigratory and unsubstantiated statements about fluoridation.                                    | The claims made for the effect of fluoridation by both sides were entirely irreconcilable, but advertiser undertook to amend the expression of his opinions for the future.  |
| Cow & Gate Babymilk (Lintas Ltd.)   | Member of Public<br>(3 complaints) | Phrase "You can't do better for your baby" gave the false impression that bottle feeding is best for infants.            | Not substantiated. Advertisement claimed only that bottle feeding was an acceptable substitute for breast feeding, not that it was superior.   |
| Tonik-Dormeuil (W. J. Southcombe Advertising)<br>[National Press Supplements] | Member of Public                   | Advertisement was offensive in its claim that "cruelty is beautiful".  | This advertisement had been previously considered by the Council and the agency had already been advised that the advertisement was distasteful and unnecessary.   |
| Whites Recruitment Limited<br>[Financial Times]                               | Member of Public                   | An advertisement stated "in complete confidence", but the agency who had advertised sent details direct to their client. | The agency normally asks applicants to inform them of any company to whom applications should not be forwarded. The advertiser apologised for the inadvertent omission of the phrase in the advertisement in question. |



| Company, product or service<br>(Agency)<br>[Medium]                           | Complainant                        | Complaint as made<br>to the Authority  | Resolution of complaint  |
|---|------------------------------------|--|--|
| Evoke Limited<br>[Homemaker Magazine]   | Member of<br>Public                | Advertisement for Evo-Stik Supaproof gave the impression that it was available in DIY stores and Builders' Merchants; whereas complainant had travelled long distances in search of the product but was unable to obtain it.   | Not substantiated. Advertiser showed that Supaproof was available in DIY stores and Builders' Merchants in the complainant's area.   |
| Featherstones Department<br>Stores<br>(Curtis Advertising)                    | Member of<br>Public                | Advertising leaflet modelled on a telegram was alleged to be illegal, and in poor taste.   | Advertiser had taken care to ensure that this advertisement could be distinguished from a genuine telegram. This method however will not be used again.  |
| Mazda Car Imports (GB) Ltd.<br>(French Gold Abbott Ltd.)<br>[Daily Telegraph] | Weights &<br>Measures<br>Inspector | Advertisement offering test drives on a Sunday allegedly contravened the Shops Act 1950. Also, it was alleged that facilities offered for car parking and space for children were not available to the standard anticipated in at least one of the garages involved. | Advertiser withdrew advertisement immediately it was realised that there might be an offence under the Shops Act. Parking space was available (on the forecourt) at all garages and offices could be used for children. Advertiser informed that the Authority felt that the advertisement copy overstated the facilities offered. |

| <b>Company, product or service</b><br>(Agency)<br>[Medium]                                  | <b>Complainant</b>   | <b>Complaint as made<br/>to the Authority</b>  | <b>Resolution of complaint</b>  |
|---|--|--|---|
| Volkswagen (GB) Ltd.<br>(Doyle Dane & Bernbach)<br>[Observer Colour Supplement]             | Scottish<br>Recreational<br>Land Association                             | Advertisement for Continental Van stated "Pitch it wherever your fancy takes you". SRLA felt this and illustration might encourage campers to seek to use private land without permission. | It was not the advertiser's intention to give the impression that vehicles could be parked without references to the land owner's wishes. Care will be taken in future advertisements to ensure that statements cannot be considered misleading in any way. |
| Consulate<br>(Freeman Mathes & Milne Ltd)<br>[Colour Supplements,<br>magazines and posters] | ASH—Action on<br>Smoking and<br>Health Ltd. and a<br>Member of<br>Public | Phrases such as "gives you a breath of the country wherever you are" are inaccurate in relation to inhalation of cigarette smoke.  | Advertisements replaced by new advertising campaign.  |
| Birmingham Co-operative<br>Society Limited<br>[Birmingham Evening Mail]                     | Member of<br>Public  | Past employee of the Co-op had not given consent for photograph to be used in an advertisement or for testimonial appearing under her name.  | The advertisement had only appeared once and would not be repeated. Undertaking from advertiser that in future testimonials will conform to the Code of Advertising Practice.   |
| Plumbs<br>(Royds Manchester Ltd)<br>[Radio Times]   | Member of<br>Public  | Claim that prices were lower than usual contradicted by reference to "initial launch period" in same advertisement which suggested that goods had not been on offer before.                | Goods had been offered to purchasers only at the company's shop but they had not been advertised before. To avoid confusion the wording had been amended.   |

| <b>Company, product or service</b><br>(Agency)<br>[Medium]   | <b>Complainant</b>     | <b>Complaint as made to the Authority</b>   | <b>Resolution of complaint</b>  |
|--|------------------------|---|---|
| Surinvest Fund Managers Ltd.<br>(Anthony Gibbs (Personal Financial Planning) Limited)<br>[National Press]        | Member of Public       | Misleading statements on performance of unit trust fund.  | Not substantiated.  |
| Vauxhall<br>(Wasey Campbell-Ewald Ltd)<br>[Daily Telegraph]  | Member of Public       | Graph used in advertisement misleading in its omission of vertical scale.   | Advertisement no longer appearing. If a similar advertisement is prepared in future the agency will indicate the vertical scale.                            |
| MFI Golf Club Set<br>(Brunning Advertising & Marketing Limited)<br>[Sunday Times Colour Supplement & The People] | Member of Public       | The same goods were offered at different prices in two newspapers of the same date.   | There had been a change in the price of goods but it was not possible to amend the Sunday Times Colour Supplement as it had gone to press.                  |
| National Discount Stores Ltd.<br>(Brockie Haslam & Allan Ltd)<br>[Kentish Times & Evening Standard]              | Member of Public       | Misleading claim to offer "free delivery within 5 mile area"; complainant discovered the diameter rather than the radius of the circle was 5 miles. | Advertiser advised that the Authority considered the phrase "free delivery within a 5 mile area" implied an area of a 5 mile radius. Advertisement amended. |
| Roney Clinic<br>(Reid Walker)<br>[Guardian]  | Consumers' Association | Illustrations in advertisement for hair clinic in contravention of para. 37.3 of the Code and claims in contravention of para 37.2 of the Code.     | Advertisement amended.  |
| The Independent Open School  | Member of Public       | Misleading advertisement for home tuition.  | Not substantiated.  |

| Company, product or service<br>(Agency)<br>[Medium]   | Complainant | Complaint as made<br>to the Authority                             | Resolution of complaint                                     |
|---|-------------|---|---|
| Black & Decker Manufacturers Ltd.<br>(Ogilvy Benson & Mather Ltd.)<br>[Practical Householder] | D.T.I.      | Ambiguity of claim "accurate to 40,000 of an inch" could mislead. | Unclear statement will be amended in future advertisements. |

#### Mail Order/Premium Offer Goods Complaints\*

- (a) goods or refund received\*
- (b) company in liquidation
- (c) warning to media
- (d) company no longer trading
- (e) unable to trace advertiser
- (f) not substantiated
- (g) case resolved prior to investigation

\*The inclusion on this list of cases marked (a) goods or refund received, is not necessarily to be taken as an admission on the advertiser's part that he was at fault.

- (a) Nelson Timber Company
- (d) Select Products Limited (2 complaints)
- (a) Mail Order TV's
- (e) Fibremould (Nottingham) Ltd.
- (a) Kent Country Nurseries Ltd.
- (a) Bowman Marketing Group (3 complaints)
- (a) Kesman Fashions Ltd. (2 complaints)
- (a) Rival (2 complaints)
- (a) Halwins (3 complaints)
- (b) Lucien Favraud
- (a) Bison Laboratories
- (a) Corsano Company

- (a) Samsara
- (a) Fernbank Nurseries
- (a) Suejac Ltd.
- (a) New Dimension
- (a) Shelvit
- (a) Henry Radio Ltd.
- (f) Telstar Continental Importers
- (a) Scientific & Technical
- (b) United General Services (3 complaints)
- (b) Southern Home Supplies (3 complaints)
- (b) Home Garden Estates
- (b) SHS Rapid Learning Systems
- (b) Cabot Sloane
- (b) Premium Shopping (9 complaints)
- (b) Electroheat Fire Company Ltd.
- (b) Nadler & Tyler (2 complaints)
- (a) Bishopsgate Typewriter Co. Ltd.
- (b) Safeburn
- (e) International Bullion Co.
- (a) Brooke Vale Ltd.—Kodak Camera Offer
- (a) Mail-A-Disc
- (a) Antique Appreciation Club
- (a) MS Book Club
- (a) Bennett & Co. Ltd.
- (a) Shopertunities

# Report of cases resolved in October-November-December 1973 and January 1974

| Company, product or service<br>(Agency)<br>[Medium]                     | Complainant                | Complaint as made<br>to the Authority  | Resolution of complaint  |
|---|----------------------------|--|--|
| Everards Brewery/Tiger Ale<br>(Holland Advertising Ltd)<br>[Poster]     | Member of<br>Public        | Display advertisement for ale showed several beer handles; complainant stated that the company's public houses did not serve beer by the method suggested. | Advertiser informed that there was a possibility that the advertisement could be misleading. The advertisement was not scheduled to be used again.                               |
| Reban<br>(Cavendish Advertising)<br>[Woman's Own]                       | Member of<br>Public        | Claims for shampoo for greasy hair not substantiated in complainant's experience.  | No substantiation provided. Campaign terminated. No similar campaign envisaged.  |
| Ladbroke's "Spot Ball"<br>(John Chesney & Associates Ltd.)<br>[The Sun] | Member of<br>Public        | Misleading statement regarding the prize of £10,000 in Spot Ball advertisement.  | Advertisement amended.   |
| New PhisoHex/Winthrop<br>Pharmaceuticals                                | Member of<br>Public        | Claims for novelty of product imply greater efficacy, whereas effective ingredient reduced in quantity.  | Not substantiated.   |
| The Tower Hotel   | Local Authority<br>Officer | Mail shot (containing a copy of The Times) which arrived in an unmarked envelope of bulky dimensions was undesirable in view of bomb scares.               | Since the bomb scares, it was the general practice of The Times who sent out these mailing shots to use wrappers or envelopes which state clearly that they were from The Times. |

| Company, product or service<br>(Agency)<br>[Medium]                                   | Complainant         | Complaint as made<br>to the Authority   | Resolution of complaint   |
|---|---------------------|---|---|
| Bacardi Rum<br>(J. Walter Thompson Co. Ltd.)<br>[Evening Standard]                    | Member of<br>Public | Advertisement alleged to<br>contain matter likely to<br>arouse sadistic anxieties.  | Not substantiated.  |
| Charley Varrick<br>(Lonsdale Crowther Osborne<br>Ltd.)<br>[Evening Standard & Poster] | Member of<br>Public | In view of the concern felt by<br>the public, police and press<br>over increasing violence,<br>"muggings" and bombings<br>it was felt that it was irrespon-<br>sible to publish an advertise-<br>ment with the word "Kill" in<br>large letters. | Not substantiated.  |
| Canadian Club/Hiram Walker<br>International Company                                   | Member of<br>Public | It was suggested that playing<br>off the young against the old<br>in an advertisement for<br>Canadian Club was in poor<br>taste.  | Not substantiated.  |
| Rothmans Kingsize/Carreras<br>Rothmans Ltd.<br>(Lintas)<br>[Daily Mail]               | Member of<br>Public | Advertisement for cigarettes<br>misleadingly suggested Royal<br>Naval approval.   | Not substantiated.  |
| Hart Advertising<br>[Leicester Mercury]   | Member of<br>Public | The words "Advertiser's An-<br>nouncement" were not dis-<br>played prominently enough in<br>an editorial style advertise-<br>ment to make it clear that the<br>whole page was advertising<br>space.   | It had not been the adver-<br>tiser's intention to contra-<br>vene the Code. Any similar<br>advertisements will be<br>marked clearly in future. |

| Company, product or service<br>(Agency)<br>[Medium]  | Complainant                 | Complaint as made<br>to the Authority   | Resolution of complaint  |
|--|-----------------------------|---|--|
| Scientific & Technical<br>(Robertson Advertising)<br>[Daily Mail]                                    | Member of<br>Public         | Advertisement for a radio<br>gave the impression that<br>batteries were supplied<br>whereas they were not and<br>stated that the set could be<br>mains operated, but the plug<br>was unsuitable for use in this<br>country. | Not substantiated.   |
| Vanda Beauty Counselor<br>[Tom and Jerry]  | Member of<br>Public         | A coupon to be filled in by a<br>child included a request for a<br>saleswoman to call on the<br>child's mother.   | The coupon required the<br>parent's signature which<br>the company considered<br>confirmed that the family<br>was prepared to receive a<br>visit from a local counselor. |
| Tampax   | Member of<br>Public         | It was alleged that an adver-<br>tisement encouraged children<br>to challenge parental<br>authority.  | Not upheld.  |
| McCain International Ltd.<br>(Fusion Partnership)<br>["Catering Times" & "Caterer<br>& Hotelkeeper"] | Member of<br>Public         | Copy, linked with an illustra-<br>tion of a nun, in an advertise-<br>ment for chips felt to be in<br>poor taste.  | Complaint upheld, adver-<br>tisement just on wrong side<br>of line. Advertisement<br>replaced.   |
| Pilkington Glass<br>[Squash Player]  | Agent for<br>squash players | Advertisement for Pilkington<br>Armour-plate glass for<br>squash courts included illus-<br>trations showing well known<br>players without their permis-<br>sion.  | Advertisement will not be<br>used in future.   |
| My Fair Lady<br>[Liverpool Echo]   | Member of<br>Public         | Unnecessary use of nudes in<br>slimming advertisements in<br>family newspaper.  | Not substantiated.   |



| Company, product or service<br>(Agency)<br>[Medium]                                     | Complainant  | Complaint as made<br>to the Authority  | Resolution of complaint   |
|---|--|--|---|
| Passport Scotch Whisky<br>(Offord Youlton and<br>Associates Ltd.)<br>[Evening Standard] | Member of<br>Authority and<br>Member of Public<br>(2 complaints) | It was suggested that the<br>combination of the illustration<br>and the copy went<br>beyond the limits of good<br>taste and decency.   | Substantiated. It was<br>agreed with the Agency<br>that the same photograph<br>with a different headline or<br>a different photograph<br>with the same headline<br>could be used. |
| Bayer UK Limited<br>(W S Crawford Ltd.)<br>[The Observer]                               | Member of<br>Public  | A nude photograph of a<br>young girl in the Bayer series<br>of advertisements — "Seven<br>ages of Man" — was demeaning,<br>degrading and insulting.  | Not substantiated.  |
| Dean of Dorset Bournemouth<br>(David Pike Design Group)<br>[Evening Echo, Bournemouth]  | Member of<br>Public  | Advertisement was misleading<br>as the advertiser did not<br>disclose any source for a<br>m.p.g. claim for a Datsun<br>Cherry car; the same source<br>as quoted for a Mini Clubman<br>quoted a much lower<br>figure for the Datsun Cherry<br>than appeared in the advertisement. | Complaint upheld. Advertiser<br>had already withdrawn<br>advertisement.   |
| Templeton & Rawlings<br>(Allardyce Hampshire Ltd.)<br>[Country Life]                    | Member of<br>Public  | Misleading statement "Only<br>75 collectors in Britain can<br>acquire these signed limited<br>edition original lithographs".   | Not substantiated.  |
| John Courage Ltd.<br>(Boase Massimi Pollit<br>Partnership)<br>[Poster]                  | CAMRA  | Misleading illustration and<br>copy for beer, suggesting only<br>illustrated ingredients were<br>included in beer.   | Not substantiated.  |

| Company, product or service<br>(Agency)<br>[Medium]                   | Complainant   | Complaint as made<br>to the Authority   | Resolution of complaint   |
|---|---|---|---|
| Whitbread & Co. Ltd.<br>(Collett Dickenson Pearce<br>& Partners)      | CAMRA   | Misleading illustration with<br>the caption "Whitbread<br>Trophy, the best draught".<br>Beer was dispensed by means<br>of gas pressure, not through<br>mechanical means.  | Not substantiated. Caption<br>was incorrectly quoted; it<br>said "Whitbread Trophy,<br>the best bitter". The cam-<br>paign ended two years ago<br>—the poster was one of a<br>very limited number posted<br>as an interim measure on<br>Whitbreads private sites. |
| Gateway Projects Ltd.<br>(Cunningham Hurst Ltd.)                      | Member of<br>Public   | Advertisement for reproduc-<br>tion coins contained an illus-<br>tration misleading as to size,<br>and copy misleading as to<br>prospects of future increase in<br>value. | Complaint upheld. Future<br>advertising to bear ASA<br>comments in mind.  |
| Oxfam<br>(Collett Dickenson Pearce<br>& Partners)<br>[National Press] | Member of<br>Public   | Misleading advertisement<br>headed "Live and let live"<br>mentions chicks "that will<br>become valuable protein"<br>and "providing the materials<br>for a fishing boat".  | Not substantiated. Objec-<br>tion not based upon factual<br>inaccuracies, but upon<br>subjective reaction of<br>vegetarian to references to<br>provision of animal protein<br>to the starving.  |
| Lifeline<br>(George J. Smith & Co.)                                   | Member of<br>Public   | Advertisement for Lifeline<br>organisation offering alter-<br>natives to abortion considered<br>to be in poor taste.  | Advertisement already<br>withdrawn.   |
| Benson & Hedges<br>(Collett, Dickenson, Pearce<br>& Partners Ltd.)    | ASH—Action on<br>Smoking & Health<br>Ltd., Scottish<br>Branch | Objection to illustration of<br>Benson & Hedges cigarettes<br>and a Monopoly board on the<br>grounds that it linked smok-<br>ing with a children's activity.              | Not upheld.   |

| Company, product or service<br>(Agency)<br>[Medium]                | Complainant                            | Complaint as made<br>to the Authority  | Resolution of complaint   |
|--|--|--|---|
| The Guardian   | Member of<br>Public                    | Advertisement features were<br>unclearly marked, so they did<br>not conform to the Code<br>ruling on advertisements in<br>editorial style.           | Guardian apologised for<br>error and gave an assur-<br>ance that more care would<br>be taken in future. |
| H. J. Heinz & Co. Ltd.<br>(Young & Rubicam)<br>[Good Housekeeping] | Member of<br>Public                    | Complaint that use of phrase<br>"sheer poetry" was mislead-<br>ing and brought advertising<br>into disrepute. (Context was<br>of humorous doggerel). | Not substantiated.  |
| Natrodale/J. I. Rodale & Co.,<br>Ltd.<br>[Leaflet]                 | Member of<br>Public                    | Advertisement for Vitamins<br>and Vitamin products in<br>contravention of the Code.  | Leaflet to be amended.  |
| Volvo<br>(Gear Dubois Nadler &<br>Larimer)                         | Members of<br>Public<br>(2 complaints) | Presentation of information<br>in Volvo Fact Sheets confus-<br>ing.  | Advertiser amended scale<br>in Life Expectancy Fact<br>Sheet.   |
| Nigel Tizzard & Co.<br>[Daily Mirror]                              | Member of<br>Public                    | Advertisement for "potential"<br>building land on which it was<br>not possible to get permission<br>to build at present was<br>tendentious.          | Advertiser advised to<br>clarify nature of such offers<br>in the future.                                |

## Mail Order/Premium Offer Goods Complaints\*

- (a) goods or refund received\*
- (b) company in liquidation
- (c) warning to media
- (d) company no longer trading
- (e) unable to trace advertiser
- (f) not substantiated
- (g) case resolved prior to investigation

\*The inclusion on this list of cases marked (a) goods or refund received, is not necessarily to be taken as an admission on the advertiser's part that he was at fault.

- (d) Select Products Limited
- (e) A Walker & Company
- (a) Southern Discount Stores
- (a) Professional Discount Mail Order/Roy Newton Ltd.
- (a) J. Davey
- (a) All Square Purchasing (2 complaints)
- (a) Solair Electric
- (a) Steda (UK) Ltd.
- (a) Wentworth & Co.
- (a) Wheel International Enterprises (2 complaints)
- (a) Heinz (Baby Club)
- (a) Rothschild Marketing
- (e) The Centre
- (a) RCS Audio Supplies
- (d) Record Delivery
- (a) Simon McCoy Enterprises
- (a) Concord Electronics Ltd.
- (d) Garrard Marketing Co.
- (b) Electroheat Fire Co. Ltd.
- (b) Emka Electronics (UK) Ltd. (3 complaints)
- (d) Paul Kinch
- (a) Selfridges
- (a) Sujo Jeans
- (a) TV Times Offer—Quilt & Covers
- (a) Nitsu Ltd. (2 complaints)
- (a) Pride & Clarke Limited
- (a) Christien Sell
- (a) Visio Limited
- (a) C. J. Organisation
- (a) Auto-Sound
- (a) Halwins Ltd.
- (d) Almost Grown
- (a) P. R. Supplies
- (a) Damart Thermawear
- (a) MFI Ltd.
- (a) Dynotrainer/Amberley Mail Order Ltd.
- (a) ILP Electronics Ltd.
- (c) Biggles Boots
- (a) Kesman Fashions Ltd.
- (a) Miss Candy Observer Offer
- (a) St. Ivel Yoghurt/Free Wig Offer
- (a) News International
- (a) Farrington Warehouse
- (a) Golden Hands Monthly
- (a) Renaissance
- (a) Facemaker Associates
- (b) Premium Shopping (5 complaints)
- (a) Dick's Place
- (b) Rival
- (a) Femme Bureau/Pancombine
- (a) C.S.P. (3 complaints)
- (a) Cash'n'carry
- (a) Hopes Laboratories Limited (2 complaints)
- (a) New Dimension
- (a) Home Paraphernalia Ltd. (5 complaints)
- (a) Plan Figura
- (a) Peta Clothes Line
- (a) Deanes of Maidenhead
- (e) K. Allan
- (a) Eve—Serpent Ring Offer/Spotlight publications (2 complaints)
- (a) Mail Sale—IPC Magazines Ltd. (4 complaints)
- (a) H.A.G.A.
- (a) Wakefield Aqua Products
- (a) ASA Swiss Watch Offer
- (a) Westby Products
- (a) Geff Ltd.
- (a) Scientific & Technical
- (b) Henry Stave
- (a) Film Corporation of America
- (a) Milk Marketing Board/English Country Cheese Tea Towel Offer
- (a) Shopertunities (3 complaints)
- (a) Postal Boutiques Ltd. (3 complaints)
- (a) Pettits Drps.
- (a) Sabra Leatherwear