

***Advertising
Standards
Authority***

First Report

SEPTEMBER 1962 – DECEMBER 1963

Published January 1964

The Advertising Standards Authority Ltd

Chairman

SIR ARNOLD PLANT

Members

R. A. BEVAN, C.B.E.

A. CHARLES BUCK

VICTOR FEATHER

H. W. F. FRANKLIN

SIR JOHN HAWTON, K.C.B.

MRS. JULIA HOOD

DAME ALIX MEYNELL, D.B.E.

(Retired 31st August, 1963)

HOWARD THOMAS

C. W. V. TRUEFITT

R. CRAIG WOOD

MRS. PAMELA MATTHEWS

appointed to replace

DAME ALIX MEYNELL, D.B.E.

January, 1964

All members serve as individuals and in no sense represent any
industry or trade or professional association

Secretary and Registered Office:

ARTHUR CLARKSON

1 Bell Yard, London, W.C.2

The First Report of The Advertising Standards Authority

SEPTEMBER 1962—31 DECEMBER 1963

1 The inaugural meeting of the Advertising Standards Authority was held on 24 September 1962. The Council of the Authority has decided to issue Annual Reports covering its activities in each calendar year. Accordingly this First Report relates to the period from its inception in September 1962 to 31 December 1963.

2 The Report is arranged as follows:—	<i>Page</i>
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I Establishment and Constitution of the Authority

3 The decision to establish an Advertising Standards Authority under an independent Chairman stems from a resolution adopted by the Advertising Association Conference at Brighton in 1961. The Council of the Advertising Association thereupon made plans to bring the Authority into being. It resolved that the first essential steps were to formulate an accepted code for advertising generally and to establish machinery within advertising to implement that code. These conditions were satisfied by the promulgation of the British Code of Advertising Practice and the establishment of the Code of Advertising Practice (CAP) Committee.

4 The next step was to choose, provisionally, an independent Chairman for the proposed Advertising Standards Authority, in consultation with whom its terms of reference, structure and composition were worked out. The Advertising Association undertook to guarantee to finance the Authority for a period of at least three years, paying over lump sums to

the Authority from time to time, not exceeding a stated figure in any one year, to use as it might think fit in the furtherance of its object. Its financial independence was thereby assured. The Independent Chairman then accepted appointment by the Advertising Association for a period of three years.

These developments were reported to the next Annual Conference of the Advertising Association held at Eastbourne in May 1962.

5 The Advertising Standards Authority Limited was incorporated under the Companies Act, 1948, on 22nd August 1962 as a non-profit making company, limited by guarantee and without share capital. Membership of the company is confined to members of the Authority. The Chairman is appointed by the Advertising Association, the members by the Chairman on his personal invitation. They serve as individuals, and not as representatives of any particular interest or organisation. The Articles of Association provide that there shall be as many Independent members, who, in addition to the Chairman, shall not be engaged in the business of advertising, as there are Advertising members, who shall be experienced in the business of advertising, and shall include not less than three who together have experience as advertisers, media owners and advertising agents. The members are appointed for three years, with the proviso that two independent and two advertising members to be chosen by lot shall retire at the end of two years, but shall be eligible for re-appointment.

6 The Authority consists of eleven members, including the Chairman. They are:

(a) Appointed by the Advertising Association:

Independent Chairman – Professor Sir Arnold Plant.

(b) Appointed by the Chairman:

Five Independent Members:

Victor Feather.

H. W. F. Franklin.

Sir John Hawton, K.C.B.

Mrs. Julia Hood.

Dame Alix Meynell, D.B.E. (Retired on 31st August 1963)
(Mrs. Pamela Matthews appointed to fill vacancy, January 1964)

Five Advertising Members:

R. A. Bevan, C.B.E.

A. Charles Buck.

Howard Thomas.

C. W. V. Truefitt.

R. Craig Wood.

The Secretary is Arthur Clarkson.

II The Authority's Procedure and Activities

7 The object for which the Authority is established is:

"The promotion and enforcement throughout the United Kingdom of the highest standards of advertising in all media so as to ensure in co-operation with all concerned that no advertising contravenes or offends against these standards, having regard *inter alia* to the British Code of Advertising Practice and the British Code of Standards Relating to the Advertising of Medicines and Treatments".

8 The eleven members of the Authority meet as its Council of Management for the conduct of business, and to receive reports of action taken by the Chairman and Secretary between meetings, which are normally held monthly. In the period under review the Council has met eleven times. The balance of attendance, as between independent and advertising members, has been well maintained at every meeting. The advertising members have insisted from the outset on declaring any direct or indirect business interest that any one of them might have in a particular item of business and have declined to participate in the discussion, except when explicitly called upon by their colleagues to contribute essentially factual information.

9 The activities of the Authority flow in two main streams: the consideration of specific matters as they are referred to it or raised by its own members and the continuing discussion of general issues. The two streams flow side by side and contribute to one another. Some general issues emerge from the investigation of individual representations: the identification of general patterns has assisted the Authority in dealing more readily with particular matters.

10 The number of specific matters which have been put to the Authority so far is about one hundred. In broad terms, approximately one-third came from the general buying public, either direct or, in one or two cases, through a Member of Parliament. Nearly as many were submitted by various private organisations, such as concern themselves with consumer problems or particular trading interests, or with watching for advertising malpractices. About the same number were referred by government bodies and organisations financed, sponsored or specifically encouraged by the government. These included the Board of Trade, the consumers' section of the British Standards Institution, the Consumer Council recently appointed by the President of the Board of Trade, and the National Savings Movement. The remainder, relatively small in number if not in significance, consisted of cases raised by

members of the Authority itself or received from outside sources not so easily classified but including advertising interests and research workers.

11 These specific cases naturally varied widely in importance and concreteness. A number were so vague that it was not possible to investigate them unless the correspondent was able to supply further detail to enable them to be identified. Others had to do with merchandise rather than advertising; selling prices for example were alleged to be too high or qualities too low. Others complained about the channels of distribution of particular goods and not of the way they were advertised. Cases of this kind which clearly did not fall within the scope of the Authority or which did not raise issues for discussion were dealt with by the Chairman and the Secretary and the action taken reported to the next meeting of the Council.

12 Nevertheless, when those queries and complaints which were not the business of the Authority had been eliminated or directed elsewhere, there remained a large number which clearly called throughout the period for investigation and discussion. It was interesting to find that neither in content nor in balance did the pattern of issues raised prove to be what had been expected, even by the advertising members of the Authority whose long experience has made them familiar with the various contentious issues that normally arise in advertising. Surprisingly few representations came to the Authority from persons and organisations with a first-hand knowledge of the advertising business. For this the main reason is undoubtedly to be found in the effectiveness of the existing system of self-discipline and voluntary controls inaugurated by the advertising world itself, many decades ago, revised constantly to meet the new needs of changing circumstances, and steadily developed in range of coverage and efficiency of administration. Most of the organisations representing the many specialised branches of advertising have their own codes, and committees to administer them, while all accept and require their members to conform also with the more comprehensive minimum requirements of the British Code of Advertising Practice. These bodies are recognised throughout the advertising industry as the normal instruments to deal with such matters as the revision of code requirements and their interpretation. Complainants outside the advertising industry may also know that the Advertising Investigation Committee of the Advertising Association exists, *inter alia*, to investigate and seek to resolve complaints, in collaboration with the appropriate code committees, and may be accustomed to address their problems to that body. This is not the place for a comprehensive account of all the ramifications of this

elaborate system of interlocking controls; it has however been thought useful to provide a bibliographical list of them in the Appendix to this report. The Authority has neither the intention nor the wish to divert to itself any of this activity. The more problems that can be resolved through these established channels, the better for all concerned.

13 It follows that the Authority itself was relieved of many communications relating to questions which the existing voluntary controls were known to be able to handle. The publicity given to the establishment of the Authority no doubt also helps to explain the high proportion coming from the general public, many of whom would not know of the scope of the machinery already existing. The representations received from the private organisations mentioned in paragraph 10 above were in general better informed, and the specific cases cited were often alleged to infringe particular sections of particular codes or to prove their inadequacy. It appeared to the Authority when these cases were investigated that many of them came by way of appeal against rulings previously given by one or other of the code committees. They were of course all welcomed by the Authority.

14 The method of investigation adopted by the Authority has been to make full use of the existing machinery. As the various organisations, including the Independent Television Companies Association, are now conveniently brought together in the CAP Committee, the normal procedure has been to refer cases which were sufficiently documented to that body for investigation, report and comment, sometimes with a statement of the Authority's preliminary reaction. The reports and comments were then considered at the next meeting of the Council. Frequently a case was referred back for further investigation, and the Authority may have indicated a provisional opinion or tentative ruling on which it wished to receive special comment. In due course the Authority would reach its final decision and communicate it to the initiator of the case and also to the CAP Committee for any action required to implement its ruling. All rulings handed down by the Authority have been unanimous, and in every case they have been accepted and promptly acted upon by the constituent organisations and to the best of our information by their members concerned. Of all the cases which it was possible to investigate, the matter at issue has been resolved to the satisfaction of the complainant in well over half. In the remainder, in which it was decided that an allegation was not well-founded, the decision was received sometimes with good grace, sometimes not so good, but never with the complaint that the investigation had not been thorough or impartial.

15 In the bulk of the cases in which the full requirements of a code had not been observed, the party responsible for the lapse fully admitted the error, often attributed it to inadvertence, and offered prompt and acceptable redress to the complainant. On occasion a complaint revealed a defect in the standing arrangements for preventing inadvertent mistakes and has led to the adoption of better systems of control. Again, on occasion they have served to start off a longer-term enquiry into the scope or wording of a section of a code. The Authority has noted that no major or general advertising issues have been specifically referred to it from outside the advertising world. It has, however, itself been prompted to undertake a number of far reaching general enquiries by observing the emergence of a recurring pattern from a number of apparently unconnected special cases. Equally important, the Authority has noted from informal discussions that advertising people themselves have welcomed the Authority as providing a new opportunity to raise important questions of a general character about current practices which they felt could now be ventilated with greater confidence and perhaps less embarrassment than through other channels. (The precise definition of 'Disparagement' is perhaps an appropriate example.) The Authority has consequently found it advisable to devote more than half the time available at each of its eleven meetings to the discussion of major general questions. On some of these matters the Authority has reached conclusions and taken at least interim action during the period under review. On others the work is still continuing.

16 In the following paragraphs we give some illustrations of our work which have been chosen because of their general interest.

17 Advertising for Slimming

In anticipation of our first meeting a medical expert submitted to the Authority in August 1962 a memorandum criticising many aspects of the advertising of slimming products. After preliminary examination these criticisms were referred to the Advertising Investigation Department of the Advertising Association and the CAP Committee for thorough investigation and advice. As a result the Authority was advised early in 1963 that a leaflet was required "to guide advertisers, copywriters and publishers in the claims that may reasonably be made in advertising products offered for slimming", and the A.I.D. was instructed to proceed with its preparation. The Authority asked that the final draft be submitted for comment before issue to the medical expert who initiated the investigation, in order that he should be given an opportunity to advise the Authority of any disagreement with its

content. His approval having been obtained, the guidance leaflet "Advertising for Slimming" was issued by the Advertising Association in October 1963.

18 Self-Medication

The advertising of medicines and treatments has long been subject to special statutory restrictions as well as to the stringent and detailed voluntary controls embodied in the British Code of Standards relating to the Advertising of Medicines and Treatments, and in the Code of Standards of Advertising Practice of the Proprietary Association of Great Britain (representing manufacturers of proprietary medicines) which was first issued in 1937. Because of the advances made by medical science these Codes are particularly subject to frequent review. It is obvious that harm can result from self diagnosis and self treatment by those members of the general public who pay little attention to the full warnings contained in cartons, and fail to appreciate that limitations of space may preclude the inclusion of similarly full warnings in small advertisements. Not all the publishers of periodicals are members of the Periodical Proprietors Association, and not all non-members necessarily conform with the Codes. The Authority has on occasion drawn the attention of the publishers of certain periodicals to the Codes, and has received satisfactory assurances from them of their firm intention to comply with their terms and aspirations. The Authority anticipates that this whole field will continue to call for careful watching.

19 The Authority is likewise maintaining a constant watch on the advertising of fluoride toothpaste and the progress of controlled trials to test their efficacy. It has also concerned itself with the advertising of products and treatments to counteract baldness, and has encouraged and welcomed the action taken by the CAP Committee which led to the revision in 1963 of the relevant Clause 21 of the British Code for Medicines and Treatments.

This clause now reads:

(21) Products offered for Baldness

- (a) No advertisement should offer diagnosis by post or telephone or imply that the product or treatment advertised will do more than arrest loss of hair.
- (b) Advertisements for establishments administering treatments for the hair and scalp should be subject to the provisions of (a) above and not include more than the name, address, telephone number and hours of attendance. The types of treatment offered, e.g. massage, etc., may be mentioned provided that there is no reference to conditions for which such treatment is intended.

20 Advance Instalment Payments

Early in 1963 developments appeared in the advertising of new applications of instalment selling, involving the payment of deposits in advance of the receipt of the proffered services or goods. The Authority studied the publicity literature which members of the public were invited to apply for, in order to ascertain whether adequate safeguards were provided for the protection of customers who paid over money in advance. With the collaboration of the CAP Committee, investigations were initiated by various bodies in order to ensure that where money was lodged in special deposit accounts the depositors were adequately protected.

21 Announcements of Price Reductions

From time to time the Authority has received complaints that advertisements of reduced prices are misleading in certain respects. Problems of presentation arise where a manufacturer, who recommends to his distributors maximum retail prices which are cut by many of them, wishes to inform the public of reductions in final selling prices which should result from reductions in his prices to the trade. They also arise where an advertiser attempts to convince customers of the bargain prices of his goods by quoting either actual or estimated prices of comparable goods or some other estimate of the "true value" of his goods. The Authority has secured the amendment or withdrawal of offending advertisements, but the general problem continues to require a close watch.

22 Advertising of 'X' Films

During 1963 the Authority considered press advertisements of two 'X' or 'Horror' feature films which in its view fell in the first case below the minimum standards of decency and in the second case exposed children to frightening influences. The particular cases were settled promptly by the withdrawal of the offending advertisements, and the Authority is pleased to acknowledge the full and ready co-operation of the advertising interests concerned. Consideration of the general problem led the CAP Committee to arrange with the Kinematograph Renters' Society for the introduction of improvements in the standing arrangements for the surveillance and screening before issue of all such advertisements, both in poster form and in press announcements.

23 Current investigations into the possible need for special codes of practice or guidance notes.

Representations made to the Authority have led it from time to time to ask the CAP Committee and the A.I.D. of the Advertising Association to

consider and report on the need for additional guidance notes in respect of advertising in particular fields. Several studies are in progress, among them being:

- (i) The formulation of standards defining the information to be included in couponed advertisements and follow-up literature issued by gramophone record and film clubs;
- (ii) a survey of the advertising of pet foods and conditioners;
- (iii) the need for guidance notes to supplement the rules of the Society of Motor Manufacturers and Traders governing press advertising of competition successes by the makers of winning cars.

24 The foregoing examples illustrate the way in which the consideration of submissions relating to specific complaints has helped to focus the attention of the Authority on general areas where standards of advertising are capable of improvement. Other influences have also led the Authority to tackle general problems.

25 Advertisements Presented in the Style of Editorial and News Matter

The Final Report of the Molony Committee contained a discussion of this problem which concluded with the following words (para. 778):

“We emphasise the need for unmistakably marking all material designed to serve the purpose of advertisers as an ‘Advertiser’s Announcement’ or ‘Supplement’ and we strongly deprecate editorial references (‘puffs’) to particular goods or services or their advertisers in return for substantial outlay on advertising.”

As soon as the Authority began its work it was clear to all its members that this was an important matter which called for priority of treatment. A reader has the right to know whether he is reading independent editorial opinion, or a news item, or advertising matter. For advertisements to appear as either editorial or news matter is clearly misleading. When it became known in the advertising world that the new Authority was giving urgent consideration to this problem, it was at once intimated to it that its ruling would be widely welcomed by media owners, by advertisers and by agencies. The Authority quickly resolved the problem of what was needed; first, an early press statement to publicise its ruling and secure immediate compliance with it, and secondly, the collaboration of the CAP Committee and the relevant constituent bodies in the technical work of formulating precise and detailed rules for its day-to-day implementation.

26 The following press statement was issued by the Authority on 31 December 1962.

**"ADVERTISEMENTS PRESENTED IN THE STYLE OF
EDITORIAL AND NEWS**

The Advertising Standards Authority has been asked to consider criticisms made of certain advertisements which masquerade as editorial or news items in newspapers. In doing so it has considered particularly advertisements of consumers' goods and services.

The Authority has agreed that in some cases these advertisements can mislead the readers into believing that they are reading the editorial or news columns. In particular the Authority views with concern the following practices:

- 1 Omission of any such statements as 'Advertiser's Announcement' in a sufficiently prominent form, or of any differentiating frame, which would make it clear beyond doubt that an advertisement, or every part of an advertisement appearing in separated sections, was not part of the editorial or news contents.
- 2 Presentation of paid advertisements in the form of articles with 'by-lines' (i.e. either signed or attributed to a correspondent), to give the appearance of independent editorial endorsement of a product or service.
- 3 Imitation, in the form and lay-out of an advertisement, of the typographical and display style used in the editorial and news columns of the particular newspaper in which the advertisement appears.

The Authority has therefore decided to issue this public statement that the discontinuance of these and similar practices which allow advertisements to masquerade as editorial or news matter is necessary to prevent readers from being misled. It has invited the Code of Advertising Practice Committee and the responsible organisations which support the British Code of Advertising Practice to formulate rules and make whatever other arrangements are necessary to bring these practices to an end, and in the meantime it calls upon them to exhort their members to exercise particular vigilance to prevent advertisements which would offend in these ways from appearing."

27 A gratifying response was immediately noticeable in the main journals throughout the country, and this continued while the formulation of precise rules was in progress. The CAP Committee, in collaboration with its supporting organisations, completed this work in time for presentation to the Authority for consideration at a meeting held on 10 May 1963, when the draft was accepted as meeting its requirements. The CAP media organisations concerned were ready to implement the

rules immediately. They were worded as follows:

"RULES TO GOVERN ADVERTISERS' ANNOUNCEMENTS

ADVERTISERS' ANNOUNCEMENTS

At the request of the Advertising Standards Authority, the CAP Committee has formulated the following rules which are designed to ensure that advertisements are so presented that they can readily be distinguished from editorial opinion.

1 Newspapers

Advertisements (other than company meeting reports) characterised by an editorial style or technique should:

- (i) Incorporate at the head, the word 'advertisement' in heavy face sans serif type caps. of not less than the following sizes:

<i>size of advertisement</i>	<i>size of type</i>
whole page, half page or five columns and over	18 point
three and four columns	14 point
double column	12 point
single column	8 point

- (ii) be completely boxed
(both the foregoing to be regarded as part of the advertisement);
- (iii) not contain any 'by-line'.

2 Periodicals

Advertisements (other than company meeting reports) characterised by an editorial style or technique should:

- (i) incorporate at the head the word 'ADVERTISEMENT' in such size and weight of type as to be clearly legible;
- (ii) be headed '(Name of paper) ADVERTISEMENT FEATURE' where there are one or more pages of advertisements of such a nature;
- (iii) not use 'by-lines' in paid space unless the copy is headed 'ADVERTISEMENT' in such size and weight of type as clearly to distinguish the advertisement from editorial matter."

28 It will be noted that whereas the Authority's press statement related to newspapers, the CAP Committee was able to draft rules applicable both to newspapers and to periodicals. The Authority has interpreted the rules covering periodicals as referring particularly to those of interest to the public in general, and has reserved for future consideration any special problems which may arise in connection with trade periodicals and those which cater for special interests.

29 Direct Sale Advertising

By direct sale advertising the Authority means advertising placed by the advertiser with the intention that the articles or services advertised, or

some other article ("switch selling"), shall be sold or provided at the home of the person responding to the advertisement. When the Authority first assembled, the minds of the independent members had already been prepared, by their study of the Final Report of the Molony Committee (especially paragraphs 741-748 and 787), to realise the widespread public interest in this field of advertising and sales practice. To the advertising members it was of course familiar ground. From the outset the Authority received several complaints that the advertising and sales methods employed by some of the manufacturers and distributors of a range of products sold from door to door contravened the spirit and the letter of Section 5 (d) of the British Code of Standards. For example, it was frequently alleged that some salesmen of domestic equipment responding to an invitation to call, for the purposes of demonstrating domestic equipment which had been advertised, failed to produce and demonstrate the goods which were the main subject of the advertisement. It was clear that the whole topic called for the most careful and detailed examination.

30 The practice of "switch selling" is not confined to salesmen at the door of the potential customer. It is a widespread technique of sales assistants in many stores into which shoppers are attracted by advertisements and window displays. Shoppers learn to expect it, and are not deterred. Their minds are concentrated on shopping. Sometimes they resist, sometimes they give way, to their subsequent regret, sometimes they succumb with lasting gratitude for the valuable guidance they have received. In her home the housewife may be caught unprepared, her mind occupied with matters quite remote from shopping, when the salesman appears at the door. She may therefore be at a disadvantage: the most discerning shopper may be caught off-guard. It is this kind of consideration which lies behind the inclusion in the British Code of Advertising Practice of a clause devoted specifically to direct sales.

31 Thinking on these lines led the members of the Authority to examine more critically the references to direct sales advertising and to "switch selling" in both the Molony Report and Section 5 (d) of the British Code. The Authority finally concluded that advertisements should not make claims about, and feature the prices and terms of sale of articles which the advertiser or his representatives had little intention of supplying or even of demonstrating. On the other hand, the Authority saw no reason for denying the potential customer the opportunity to inspect alternative articles, or denying the direct seller the right to exhibit and demonstrate them, provided that the customer is always given a real

opportunity to have demonstrated to him and to acquire, if he so decides, the articles advertised.

32 The Authority accordingly propounded broad proposals on these lines for the revision of Section 5 (d) and invited the CAP Committee to comment upon them. After discussion, it then asked the CAP Committee to work out and submit to the Authority a revised form of wording. Eventually, a reformulated Section 5 (d) was agreed by all the constituent organisations of the CAP Committee and approved by the Authority. The change was announced by the Authority in the following press statement issued on 18 October, 1963:—

“The Advertising Standards Authority has for some time had under consideration the advertising of articles to be sold at the homes of persons responding to the advertisements. Complainants drew its attention to instances of advertising and direct selling which appeared to contravene Section 5 (d) of the British Code of Advertising Practice relating to direct sale advertising.

The Authority came to the conclusion that reasonable grounds for complaint might have arisen from ambiguities in this section of the Code itself, ambiguities which seemed capable of elimination. It therefore propounded broad proposals for revision of the Code, with the threefold object of giving clearer guidance to all sections of the advertising business which had to operate within it, formulating more precise rules for the controlling authorities responsible for administering and interpreting the Code, and, last but not least, providing additional safeguards for the consumer. The Authority invited the Code of Advertising Practice Committee, established by the sponsoring organisations and on which they are all represented, to formulate suitable revisions to the wording of the Code. There ensued a fruitful interchange of ideas on the various aspects of the problem which needed resolution, in which interchange all the organisations concerned have willingly and fully collaborated, with the result that a revised section of the Code was unanimously agreed for submission to the Advertising Standards Authority. The Authority has now approved the revision and is grateful to the CAP Committee and all the sponsoring organisations for their ready assistance in giving full effect and appropriate form to its request. The revised Section 5 (d) of the British Code of Advertising Practice reads as follows:—

Direct Sale Advertising – i.e. advertising placed by the advertiser with the intention that the article or service advertised or some other article or service shall be sold or provided at the home of the person responding to the advertisement. Where it is the intention of the advertiser to send a representative to call on persons responding to the advertisement, such fact must be apparent from the advertisement or from the particulars subsequently supplied and the respondent must be

whether the Code as a whole is sound and sufficiently comprehensive, or contains latent weaknesses. A great deal will depend in any event on the manner in which its provisions are interpreted and applied". After explaining the proposed functions of the two new bodies to be set up – the CAP Committee and the Advertising Standards Authority – the Molony Committee observed "The papers before us do not expressly invest either of these new bodies with the right to initiate proposals for amendment of the Code, which we would regard as an important function".

37 Any doubts about this matter were in fact resolved by the formulation of the object of the Authority as quoted in paragraph 7 above, and by the terms of reference of the CAP Committee. The object of the Authority is the promotion and enforcement of the highest standards of advertising in all media, a duty which requires it to take all relevant considerations into account, including the question whether the British Codes are soundly conceived, sufficiently comprehensive, and appropriately worded. Whenever in performing its function the Authority finds the Codes are inadequate in coverage or defective in wording for the most effective attainment of its object, it is bound in promulgating its findings and issuing its directives to take the initiative in calling for any appropriate amendments that it may deem necessary in the Codes. In the case of the CAP Committee, it is sufficient to quote two sentences from its terms of reference, viz.:

"In particular the Committee shall:

- (a) Keep the terms of the Code under review and initiate proposals for amendments as deemed necessary.
- (d) Keep the Advertising Standards Authority informed of its activities, offering advice to the Authority and taking appropriate action on the Authority's decisions."

38 Thus both bodies sprang into being fully armed with the power to initiate amendments to the Codes. Two things only were necessary. First, to establish close enough contact between them to ensure that each was continuously and promptly advised of the activities and intentions of the other. Secondly, for the Authority to see to it when initiating amendments that the expert services of the CAP Committee and its constituent bodies were available for the technical task of giving full expression to its decisions in the most effective code language. The Authority recognises that the Codes themselves are the responsibility of the bodies subscribing to them, and as they have to administer them their wholehearted agreement with the precise form of words used in them is all-important. Both arrangements were quickly organised.

39 Part of the object of the Authority is to ensure that no advertising contravenes or offends against the highest standards, having regard *inter alia* to the two British Codes. These British Codes, however, represent the minimum standards to be observed by all advertising in all media. Particular media organisations and certain associations of advertising manufacturers which are supporters of the British Codes have found it both practicable and necessary to devise and administer codes of their own which in some respects incorporate more stringent controls. One example is independent television. The Independent Television Authority has the duty and power under the terms of the 1954 Act to secure compliance with its own Principles for Television Advertising and directives based on the recommendations of its Advertising Advisory Committee. Under the Television Act of 1963 the same duties and powers will apply to the ITA's new Independent Television Code of Advertising Standards and Practice. The day-to-day appraisal of proposed advertisements is in the main entrusted to the programme companies, whose Independent Television Companies Association subscribes to the British Codes and is represented on the CAP Committee. The Independent Television Companies Association has an Advertisement Copy Committee which requires that all scripts and story-boards be submitted to it in sufficient time for any amendment to be made which the Committee might wish to require before filming; and the film produced from the approved material must also be submitted in sufficient time for amendment to be made to it if necessary before it appears on the television screen. A parallel example is afforded by another organisation supporting the British Code and represented on the CAP Committee, the Proprietary Association of Great Britain. The association of manufacturers of proprietary medicines has its own Code of Standards Committee, and requires its members to supply copies of all new advertisements for approval before they are released. It requires also that before issuing any new product, members must submit details of formula, claims, packaging, leaflets and copies of proposed advertisements in order to ensure that they do not conflict with the requirements and conditions of the association. Before any material alterations are made to such items, the association's approval is required.

40 The references to the British Codes in the statement of the Authority's object might be interpreted as implying that it would consider itself concerned mainly with the minimum standards to which all advertisements in all media should be made to conform. That is not the interpretation which the Authority places on its rôle. The British Code requirements form only part of the considerations to which it has

regard: its main purpose is the maintenance and enforcement of the highest standards of advertising.

If the Authority announces its objections to any particular advertisement, knowing that the various organisations of the advertising business have agreed to accept its rulings as final, it assumes that all media owners will refuse acceptance of that advertisement; but the fact that the Authority might see no objection to the publication of a particular advertisement does not in any way prejudice the right of any medium owner, or association of media owners, to reject it.

An organisation representing the owners of a particular type of medium or the advertisers of a particular type of product, may adopt and enforce on its members an exceptionally high and stringent code of requirements. The Authority may come to the conclusion, after full consultation and consideration, that, having regard to the public advantage, it is both desirable and practical to require a still higher and more stringent special Code to be substituted and enforced. It has taken the view that unless it did so in appropriate cases it would be failing in its full duty.

41 The Authority is alive to the desirability of its developing a consistent general attitude on which to base its activities, so that advertisers and media-owners may be presented with unequivocal standards. It seeks therefore to evolve its own guiding principles, but its interpretation of its rôle must always be provisional and subject to development and revision. It maintains a constant regard to the public interest. This does not imply any desire to give the consumer complete protection from the consequences of his own actions. In considering particular cases of advertising practice, the Authority is prepared to give special consideration, on their merits, to some particular classes of consumer, and some particular sets of circumstances; but in general it assumes that the general body of consumers must be left to act rationally, or irrationally if they choose, in the everyday business of buying.

The Authority is quite clear that it is no part of its business to concern itself with the level of prices and the quality of particular consumer goods, nor with allegations of monopoly charging or of the existence of restrictive trade arrangements; it confines itself to advertising matters.

The Authority also rejects the view that it carries a responsibility for judging adult public tastes or for attempting to mould them through its influence on the advertising business. These are matters of personal opinion, and many different personal opinions make up so-called public opinion, including no doubt the "opinion" of the Authority. On this general question the Authority finds itself, so far as advertising is con-

cerned, in agreement with the conclusions of the Molony Report on Consumer Protection (paragraphs 777-781 - Emotional Appeals). It does however recognise the peculiar susceptibilities of the young, and it does demand if need be that advertisements conform to generally accepted standards of decency.

IV Relations with other Bodies and the Public

42 The Authority's relations with other advertising organisations had, with commendable foresight, been planned before the Council of Management's first meeting. More valuable still, arrangements for close collaboration were early strengthened by personal contacts. In particular, the Chairman greatly appreciated the prompt steps taken by the CAP Committee and its sponsoring organisations to welcome the Authority; and independent members are grateful to their advertising colleagues and to the Authority's very knowledgeable Secretary for their invaluable help in this connection.

The Chairman and Secretary of the Authority were quickly invited by the Chairman of the CAP Committee to attend one of its regular meetings and to raise questions for consideration. It was, from the standpoint of the Authority, a fruitful meeting. Arrangements were at once made for the two bodies to keep each other continually and regularly informed of their activities. The Chairman of the Authority enquired whether there were insuperable difficulties in the way of amalgamating the British Code of Advertising Practice and the British Code of Standards relating to the Advertising of Medicines and Treatments, and bringing the Committees administering the two codes into closer association. This has since been arranged. Again, the Chairman expressed his initial disappointment on learning that the list of media organisations sponsoring the CAP Committee did not include the two Scottish newspaper organisations. That also has been rectified. Many of the sponsoring organisations and other associations which comply with the Code were also very prompt in inviting the Chairman of the Authority to meet their Councils and attend meetings of their members to give them an account of the current thinking and activities of the Authority. These were particularly valuable opportunities when he left time for frank group discussion and individual contacts. In May 1963 he accepted an invitation from the Chairman of the Advertising Association conference to address the large assembly in Brighton on his own purely personal assessment of the future rôle of the Authority; and in the same month he accepted an invitation to conduct a sessional discussion on advertising controls at the Stockholm Conference organised

by the International Advertising Association. He was also pleased to be able to accept some of the many invitations he received to attend meetings of advertising discussion clubs. The Chairman has not been alone in undertaking speaking engagements. Some of the advertising members have used opportunities to address advertising conferences both overseas and in this country on the work of the Authority.

43 Before ending this account of the work done to establish smooth relations inside the world of advertising, a special reference must be made to the Independent Television Authority. As a public authority, it is subject to statutory control by H.M. Postmaster-General, and under the terms of the Television Acts of 1954 and 1963 the Postmaster-General is concerned with classes and descriptions of advertisements which must not be broadcast, and the methods of advertising which must not be employed. Under the former Act the Independent Television Authority published its Principles for Television Advertising based on the recommendations of its Advertising Advisory Committee, laying down the rules with which all television advertising must comply. The day-to-day appraisal of proposed advertisements is in the main the concern of the programme companies, whose association is represented on the CAP Committee and is served by its own Advertisement Copy Committee. This Committee of the programme companies took an early opportunity to invite the Chairman of the Advertising Standards Authority to attend one of its weekly sessions, in order that he might observe at first hand its methods of working. The Director General of the Independent Television Authority shortly afterwards inaugurated an arrangement under which contact is maintained between him, the Chairman of the Television Advertising Advisory Committee and his expert staff member on the one hand, and the Chairman of the Advertising Standards Authority on the other, so that their activities shall be kept as closely in line as may be both desirable and possible. It will be appreciated that television, because of its greater intimacy within the home, gives rise to advertising problems which do not necessarily occur in other media. The Chairman of the CAP Committee has now also participated in these arrangements for continuing contacts with the organisation of the Independent Television Authority. The arrangements have been particularly beneficial in recent months while the new Independent Television Code of Advertising Standards and Practice, required under the terms of the Act of 1963, has been in process of draft to replace the former Principles, because of the opportunity it has provided to maintain unimpaired the minimum standards required by the British Code of Advertising Practice. The Advertising Standards

Authority is most appreciative of the initiative which the I.T.A. has taken in this matter.

44 In the first half of 1963 the President of the Board of Trade announced the establishment of the Consumer Council as a grant-aided body, accepting in the main the recommendations of the Molony Report, and later in the year he appointed its twelve members. The Chairman of the Authority and the Director of the Consumer Council got together to discuss the standing working arrangements which would be necessary whenever advertising matters came before the Council. It has been agreed that the two bodies shall exchange information regularly on advertising developments likely to be of interest to the Consumer Council, and on matters affecting advertising controls under consideration by that body which it would be desirable that the Authority should know about. In the closing days of the period under review the Director of the Council has referred five advertising matters to the Authority for consideration and report.

45 The Authority has also established working relations with the Board of Trade which have proved useful to both sides. Some of the complaints received by the Authority have related to "passing off," and the Board of Trade has advised on the question whether legal action under the Merchandise Marks Acts would be likely to succeed. In the reverse direction, communications received by the Board of Trade demanding governmental action concerning alleged malpractices have on occasion involved matters which fell outside the statutory powers of the Board, and whenever it has been thought that they might be a proper concern of the Authority the Department has referred them as cases for investigation.

46 Finally, a word should be said of the Authority's policy on publicity. So far, the issue of press statements has been confined to occasions when wide publicity was urgently necessary to serve a specific purpose. An example is the announcement of the Authority's ruling concerning press advertisements presented in the style of editorials and news. The decision to publicise that particular ruling was taken to secure wide and effective compliance without waiting until detailed rules could be set out in the form of technical instructions. The response was immediate. The decision to publicise was of assistance to, and welcomed by, the various interests concerned.

47 The Authority is happy to report that it has not been necessary during this period to resort to publicity as a disciplinary measure to pillory, as it were, a chronic and persistent offender against the mini-

mum standards required by the advertising codes. As the Chairman explained at the Advertising Association Conference in May 1963 "The Authority will always wish to wield this instrument with deliberation, with due regard to the needs and circumstances of the particular case. We have no intention of brandishing publicity as a fetish, or as a tomahawk, notching up scores of success. We are not scalp-hunting. In investigating complaints the Authority's first aim is to see that inadvertent lapses are fully adjusted, that improved checks against recurrence are instituted, and that complete satisfaction is obtained. No doubt the public statement will be used as occasion seems to require. But in general the Authority will be content to rely in the main on its Annual Reports for an account of its operations."

V The Power and Influence of the Authority

48 In Section I of this Report – Establishment and Constitution of the Authority – we have already quoted some of the words of approval with which the Molony Committee on Consumer Protection welcomed the decision of the advertising industry to strengthen its voluntary system of self-discipline by promulgating its new scheme with the Authority as its pinnacle. It applauded the decision that members of the Authority would be selected and appointed in an individual capacity, rather than as the representatives of particular organisations. Incidentally it does not appear to have been generally appreciated that the considerations which lay behind this decision apply equally, and with equal force, both to the independent and the advertising members. We have also quoted from the address given to the Brighton Conference of the Advertising Association in 1962 by the Parliamentary Secretary to the Board of Trade, conveying the congratulations of H.M. Government on the creating of the Authority. Her Majesty's advisers, he said, "consider that the best form of discipline is self-discipline".

49 How widely does the writ of the Authority run? The various organisations of the advertising business have agreed to accept the ruling of the Authority as final. It was established by the Advertising Association, and it is supported, and its authority recognised, by all the associations, firms and individuals comprising the membership of the Association. The same naturally applies to all the code-sponsoring organisations and their members represented on the CAP Committee. These agents, media and ancillary advertising services undoubtedly constitute a very substantial majority of all advertising business. In

addition many powerful associations which do not happen to be members of the Advertising Association, but whose members have important advertising interests, have publicly supported and welcomed the Authority and undertaken to abide by its decisions. An example is the British Electrical and Allied Manufacturers Association. Should there be any large firms which do not wish to accept the minimum standards of conduct prescribed by the relevant codes of practice, they are unlikely to have an appreciable effect in lowering standards. In the course of planning, preparing, printing and publishing or otherwise distributing their advertisements it is virtually certain that they will need to have recourse to the collaboration of one or more specialist enterprises in the advertising field which are pledged to insist upon minimum standards and to accept the ruling of the Authority. There remains the category of small businesses, numerically large, although comprising a relatively insignificant proportion of the aggregate advertising turnover, which perforce make all their own advertising arrangements for themselves, using jobbing printers and stencilling firms to produce, for instance, the circulars which are dropped into domestic letter-boxes. Among them one must expect that a number will, whether from ignorance or by design, offend against minimum standards. There will always be the problem of finding them; the organisations which maintain the various codes, and the Authority itself must depend in the main upon the sensitive eyes and voices of the competitors of these small firms and of the general public, aided by such bodies as the Citizens' Advice Bureaux and the various vigilance organisations operating at the regional and national level, to inform against them, so that their attention can be called to the errors of their ways. Persistent offenders must also reckon with the publicity of the Authority.

50 Reviewing their experience over the period covered by this First Report, the members of the Authority are able to say that the complete confidence which they felt when they accepted appointment, that the powers with which it was endowed would prove adequate for its purposes, has been amply confirmed in practice. On no occasion has any ruling or request that the Authority has passed down to the advertising bodies, or to any advertising interest, failed to be accepted and acted upon in full compliance with the Authority's wishes.

On behalf of the Advertising Standards Authority,

ARNOLD PLANT,

Chairman.

Appendix

THE SYSTEM OF VOLUNTARY CONTROLS IN ADVERTISING

A PUBLICATIONS

1 Codes

British Code of Advertising Practice.

British Code of Standards relating to the Advertising of Medicines and Treatments.

Principles for Television Advertising.

Code of Standards for Advertising – Proprietary Association of Great Britain.

Policy on Acceptance of Advertisements – British Transport Advertising.

Policy on Acceptance of Advertisements – London Transport Advertising.

Code of Practice – Producer House Members of the British Direct Mail Advertisers' Association.

Code of Marketing Practice for Medical Specialities – Association of British Pharmaceutical Industry.

Code of Standards – Display Producers and Screen Printers Association.

Guidance Rules for Hearing Aid Advertising – Society of Hearing Aid Audiologists.

Code of Standards for Advertising on Business Premises.

Code of Standards for Advertising on Business Premises in Scotland.

Regulations of the Farming and Poultry Advertisement Control Board.

Code of Advertising Competition Successes – Society of Motor Manufacturers and Traders.

Code of Standards of Screen Advertising Practice.

2 General

Guidance booklets and leaflets published from time to time by the Advertising Association for general release.

How Advertising Disciplines Itself – published by the Advertising Association.

Notes of Guidance on Television Advertising – I.T.C.A.

B GENERAL ADVERTISING POLICY CONTROL COMMITTEES

British Code of Advertising Practice Committee.

Advertising Advisory Committee of the Independent Television Authority.

C COPY COMMITTEES, ETC.

Advertisement Investigation Committee – Advertising Association.

Newspaper Proprietors Association } *Joint Copy Committee.*
Newspaper Society

Periodical Proprietors Association.

Independent Television Companies Association.

British Poster Advertising Association – Censorship Committee.

Kinematograph Renters' Society.

Screen Advertising Association.

Institute of Practitioners in Advertising (Panel of Referees).

Incorporated Society of British Advertisers (Copy Claims Committee).

For further information relating to any of the above, apply to the
Advertising Association, 1 Bell Yard, London, W.C.2

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