

Virals

Advertising Guidance (non-broadcast)

Legal, decent, honest and truthful



Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Advertising (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast marketing communications.

Advertising Guidance is intended to guide advertisers, agencies and media owners how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or you can log a written enquiry via our [online request form](#).

For advice on specific radio advertisements, consult the [Radio Centre](#), and for TV advertisements, [Clearcast](#).

For the full list of Advertising Guidance, please [visit our website](#).

Overview

Advertising virals are e-mail, text or other non-broadcast marketing messages that are designed to stimulate significant circulation by recipients to generate commercial or reputational benefit to the advertiser from the consequential publicity. They are usually put into circulation (“seeded”) by the advertiser with a request, either explicit or implicit, for the message to be forwarded to others. Sometimes they include a video clip or a link to website material or are part of a sales promotion campaign. Many advertising viral campaigns are entirely acceptable. But some include messages that are offensive, misleading, unfair or irresponsible or might otherwise bring advertising into disrepute.

Such marketing activity ordinarily falls within the spirit and letter of the CAP Code. The Introduction of to the Code (I) makes clear that the Code applies to “advertisements in.....emails, text transmissions (including SMS and MMS).....follow-up literature and other electronic or printed material”. CAP recognises the limitations on the application of the Code as set out in The Introduction (I and II), including those in respect of all editorial content and private correspondence and much commercial information on websites. But advertising virals are not excepted from the Code merely by having originated on a website or by being forwarded on by consumers.

The ASA, will as usual, judge each complaint it receives on merit. If it is unsure whether a viral is a marketing communication that is subject to the Code, the ASA might refer the matter to the General Media Panel for its advice and recommendation. The ASA Council remains the final arbiter on interpretation of the Code.

CAP reminds advertisers of the general laws that can apply to viral marketing communications, including the Electronic Commerce (EC Directive) Regulations 2002, the Privacy and Electronic Communications (EC Directive) Regulations 2003, the Communications Act 2003 and the Video Recordings Act 2010.

Committee of Advertising Practice

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