

The Advertising Standards Authority

Tenth Report
1 April 1972
31 March 1973

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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 Ltd

Chairman

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

Members

R. Craig-Wood

Mrs. J. Fort

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

The Rt. Hon. Lord Peddie, MBE

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.

Secretary and Registered Office

Peter Thomson

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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**

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**

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.

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**

**Date of appointment as member of the Authority*

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

R. M. Shields

Managing Director, Association 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, and of Market & Operation Research International, 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**

Introduction: by Lord Tweedsmuir

The first ten years

The ASA has completed its tenth year. Now, as at the beginning, it exists with the single aim of ensuring that advertising standards are such as to merit public confidence in the advertising industry. Since its inception in 1962 a growing number of countries have shown their interest in this particularly British way of doing things – authority vested in an independent and impartial arbiter which does not cost the taxpayer a penny.

This last year has been a particularly interesting one, with the spread of the consumer movement and the direct entry of government into consumer affairs in this country, our entry into Europe, and Lord Longford's spotlight on one aspect of taste and decency. The effects and importance of these matters are examined under separate headings. In the changing climate of the advertising world, the Council has decided to put into effect various new policies, to meet new conditions. Our direct communication with the public at large in the past has been almost entirely through the pages of our annual report. Now, we are taking steps to make ourselves better known. These initiatives are dealt with in detail later. But at this time there is a need not merely for a general rehearsal of the year's events, but for a broader

survey of the Authority's past and of its future.

Earlier days

Those who remember the years between the wars, or earlier, will remember the extremely decorous advertisements which seemed to change so seldom. Those unbelievably durable jokes, those extraordinary claims, those excruciating puns, those harmless slogans which never seemed to stale in the minds of the public. There was no TV, although sound radio advertising existed in a small way. Otherwise the advertiser approached no closer than through your newspaper, your letter box, or the hoarding.

After the Second World War austerity remained for several years and was succeeded by plenty, and with it a growing flood of proprietary brands and advertisements in a totally new form. The advertiser stepped, unbidden, from the TV box into the Englishman's living-room. There are those who think that advertising should merely inform rather than seek to persuade the customer as well. That is really to sigh for those simpler days that have passed. Although there is evidence that the word 'advertise' once meant to 'inform', and only that. Shakespeare in Henry VI puts these

words into the mouth of King Edward:

'We are advertised by our loving friends that they do hold their course towards Tewkesbury.'

One famous food firm has produced products, which are household words, for over a century. It has conducted a sustained advertising campaign since 1893. Of that advertising campaign it has written 'The 20's and 30's were the golden age of humour in advertising. Motivational research had not reared its admonitory head and advertisers adopted a lighthearted approach designed to win friends with a smile. But the message behind the picture or slogan was for (the product) always a serious one, informing the young and reminding the old of the product's proven virtues.' This company had a senior official whose sole task was to travel the year round by rail to inspect the firm's signs on little country railway stations. The advertisements were rarely changed and the Inspector merely needed to see that they were still in place, and in reasonable condition. He held the splendid title in the firm of 'The Iron Sign Inspector'.

Actually, in those earlier days, though advertising was simpler, much less intrusive than the sophisticated presentation of today, it was also often

crude, and certainly often more misleading.

Many foresee a growing demand from the consumer for more product information. Several lobbies are demanding it now. Until the ownership of cars and radios became fairly widespread in the 1920's, few in their private lives needed to master machinery much more technical than the workings of a mousetrap or a push bicycle. It is easy to generalise, in this field, but more important to consider what the actual buyer is now likely to want. He will certainly need all the information he can get about most things mechanical – a great deal about cars and motor mowers, though somewhat less about radio sets and typewriters. He is unlikely to be interested in detailed information about the ingredients that have been blended, let us say, to make a perfume, or the nature of the paper on which a book is printed.

The consumer has relatively recently been christened. The 'consumerist' was born even more recently. Until a few years ago consumers were called customers and were said to be persons possessing fabulous powers, in that they were always right. The old legal concept of 'Caveat Emptor' has been replaced by 'Caveat Vendor'. For now

in a number of countries there are vigorous consumerist crusades. The consumerist *raison d'etre* is to see that the consumer, as he is now called, gets fair play. A very worthy object.

This tends to be obscured in the heat and dust of vendettas against industry, and sometimes against other consumerist bodies. Consumerism is probably an inevitable by-product of a sustained period of affluence, in which industry and the media seem to become bigger and bigger and the customer feels that his old power is slipping away. With the worker he regrets the passing of the old 'face-to-face' days. If you worked for Henry Ford in the 20's and 30's or William Morris (later Lord Nuffield) you probably saw them three times a week. Now you may not know even for whom you are working.

The most powerful ingredients in this consumerist cocktail have only a random connection with the customer at the counter. There is environmentalism, which becomes with many not a clear concept but an abstraction. Another is anti-materialism, which has a very large, and not ignoble, following among the young. Last of all, is a wish to attack anything big. These are powerful medicines, as you can see when they

get into the wrong bottles. But even more so when they get into the same one. Business has traditionally been exalted in the USA above all other callings. It is now the nation's whipping boy, and what they see to remind them of business, at all times and in all places, is advertising. It is the tip of the iceberg which is always visible. Here is something at whose door you can lay the pollution of Lake Erie and all the lack of idealism about which you may feel strongly. Thus, Mr. Ralph Nader stepped for a time into the limelight. His campaigns were limited mostly to the performance of American products and were much less concerned with their advertising. He has some followers in this country. The Federal Trade Commission in the USA is vigilant and ready at a moment's notice to denounce any business practice that it questions. Few things show more clearly the difference in outlook between the Americans and ourselves in accepting standards of guilt. To us 'guilt by denunciation' is no more tolerable than was the late Senator McCarthy's campaign, which was based on 'guilt by association'.

Canada has an extremely effective body, the Canadian Advertising Advisory Board, with whom we maintain close links, as well as a Government Ministry of Consumer

and Corporate Affairs. In Europe the Scandinavian outlook affords an interesting comparison. Some would make the recommended 'best buy' mandatory on the customer. There are others who regard the nineteenth century capitalist, dragooning the workers in his factory, as being replaced today by the employer in the supermarket, whose customers have been far too effectively brainwashed to make their own choice. It is all very reminiscent of a gentleman in Whitehall 'who really does know best'.

Can anyone really define another man's needs, let alone his wants? In Britain the customer, many seem to forget, has a greater interest than just acquiring the 'best buy'. He hangs on tenaciously to his freedom, with which he will not part willingly, and that is his consumer's choice, one of the most cherished of all citizens' rights in a free country – the right to make up his own mind, whether to change his own government, or buy his family a dog, or their dinner.

Unlike his American counterpart, the British shopper is little interested in putting people in the pillory, and would probably yawn if he saw a corrective advertisement on TV such as appears in the USA, when the advertiser is believed to have gone too far. As David Williams has written,

'Examine a £1 note and you will observe the legend "I promise to pay the bearer on demand the sum of £1" – a meaningless phrase as a promise if ever there was one and, some might say, calculated to mislead since we came off the gold standard in 1931. That the promise is made by the Bank of England might make you wonder if you can trust anybody! . . . and all you will get for your pains is an identical piece of paper, or handful of what is misleadingly referred to as "silver".' To the pillory with the Governor? The British people know when to apply their own pinch of salt.

The entry of government into consumer affairs

It was inevitable that consumer affairs should become involved in party politics in Britain. They have done so in almost every other country, where there is a free economy. We have always believed in law and the voluntary system working side by side, and the Fair Trading Bill will add to the rather more than sixty statutes that already affect advertising. Some matters are more appropriate to one than the other. The Takeover Panel has decided that 'insider' share dealings had better be dealt with by the law. The British Insurance Association, which has its own code

of behaviour, has decided that it is better for the DTI to carry out the policing of unsound insurance companies, while they look after the rest.

All three political parties now have their hats in the ring. The Labour party's green paper was the first, designed to effect controls over advertising and, by taxation, to reduce the amount of it. A leading Labour Member writing in 'Socialist Commentary' said rather doubtfully that there might still be room for the Advertising Standards Authority to continue. It is worth pointing out that as the ASA was not set up by any government, it will not be put down by one.

The Fair Trading Bill accepts that the matter of assistance to the customer, who is now confronted with 25 million advertisements a year, is no passing problem. It is implicit in its framing that the Trade Descriptions Act failed to deal with a number of problems of great concern to buyers of goods and services, and unfortunately so few cases under the Act are ever taken to a higher court, that many aspects of it, on which interpretation would be immensely valuable, have not yet been the subject of adequate consideration by lawyers. One reason for this is that

some firms who are charged in the Magistrates Courts prefer to enter a plea of guilty to avoid further publicity. This is a very short-sighted approach which has not helped the advertising industry.

Consumer protection is sometimes seen solely in terms of benefits conferred upon a passive public by government. But as the Director of the Consumers' Association himself has said 'The battles that are truly won are not the battles that are won for us, but the battles we win for ourselves'. And so it is that increasing emphasis falls on consumer education. No government can make a wise man of a fool, but it can ensure that the ordinary man is helped to use his common sense by ensuring that he has a proper appreciation of the many sources of factual information that exist.

The involvement of consumer matters in party politics is bringing the subject before the public, as never before! Therefore, it is important that consumer assistance should be understood by those who wish to extend it, and that they should first understand some of the complexities of advertising.

There are three ways in which the public can be misled. First, by those

who mislead without any intention to do so. That is why most firms whom we are asked to investigate withdraw, or amend, their advertisements when they are approached, because they had had no idea that what they were putting out might convey a misleading impression until their attention was drawn to it. Secondly, there are those who do mislead the public intentionally, but nearly always stop short of breaking the law or even crossing the commonly accepted borders of dishonesty. Last of all, the public are capable of misleading themselves, in spite of all the laws and all the efforts to assist them with advice.

Many think a misleading advertisement is as simple as the breach of a speed limit, and can be dealt with as easily, and that the offender can be booked, as a policeman books a speeding motorist. Maintaining advertising standards is not a matter of dealing with clear-cut cases. It is nearly all in the area of half-light. Further, there is no absolute truth in advertising, no yardstick beside which you can compare every case. If that may seem shocking to some, it is well to consider that there is none in law either, otherwise there would be need for judges but very few advocates. And last of all, when you are weighing

the contents of an advertisement, there comes a point beyond which you cannot chop logic any finer. Otherwise you can find yourself in a state of thought where, if you were asked the question, 'How is your wife?' you might reply, 'Compared with what?'

What is needed to help the consumer is a fast-working flexible machine with plenty of common sense.

Last of all, no reasonable person can believe that it is in the interest of any advertiser to mislead. Some do, and always will do, to make a quick sale. But trade depends on satisfying a customer, selling to him and satisfying him, so that you can go on selling to him again, and again, and again.

Going into Europe

For several years past the Authority has kept in closest touch with developments in the advertising controls on the Continent. We believe that we can harmonise our voluntary system, which Continental countries have increasingly sent observers over to study, with their very different systems. We have watched the pattern of the laws of the countries of the European Economic Community, and those outside it, change from a general

law of unfair competition to a broadened concept of fair trading. We see difficulties in trying to align a collection of criminal laws, such as we have in this country, with a system of civil law such as is practised in most European countries. It is for this reason that the procedures outlined in the Fair Trading Bill seem to be a reasonable way of bridging the gap. To this we would add the contribution that can be made by the self-regulatory bodies within the Nine countries.

Although we have no law of Unfair Competition in the United Kingdom, various strands of tort, industrial property and sections of the British Code of Advertising Practice together cover the same ground. We believe that the goal of harmonisation can best be achieved by countries being allowed to work out the most effective methods for their own people, provided that those methods are consistent and result in the best deal for the consumer combined with a levelling down of barriers against international trade. Our expertise in these matters is one of the contributions this country can make to the EEC.

The evolution of self-regulation can be measured by the growing maturity of the International Chamber of

Commerce Code of Advertising Practice. Since the publication of the first edition in 1937, it has been expanded, become more practical, and used increasingly as a Code in its own right and as a point of reference in the Courts, particularly in Continental Europe. Much of the experience of the British Code of Advertising Practice has gone into the International Code, the 1973 edition of which is confidently expected to help still further in the object of fair dealing both for consumers and competitors.

Taste and decency

As I said in my last year's report, the role of the Authority is not that of a censor. But we get a great many complaints, and calls for action, under this heading. To quote from that report 'where a form of advertising copy or illustration can bring the whole advertising industry into disrepute, it clearly becomes a matter of concern to the Authority'.

We co-operated with the Longford Committee which has since published its findings. It became clear during the time before the Committee reported, and for quite a long time after it, that offenders against standards of tastes and decency were temporarily more circumspect. The existence of Lord

Longford's Committee, and the sympathy that it engendered very widely, showed many previously unthinking people that there are two sides to the question of permissiveness. Relatively few people seem to realise that relaxation in moral standards is not necessarily the brave new world that they think it. They may believe it to be brave, but cannot claim that it is new. It has happened more than once in Britain's history and the history of other European countries. In Britain it has been always succeeded by an era of grinding puritanism, and in several Continental countries by dictatorship. Dean Inge once said that 'history does not repeat itself, but it frequently resembles itself'. It may well do so again. But do we have to wait for that moment?

Until the Courts are prepared to convict under the present laws, or Parliament replaces them by others more workable, we shall have to wait for time to bring its own reaction. But a good deal can be done before that happens. Film advertising is the source of many representations to us and we were greatly heartened by the Home Secretary's announcement that he was going to amend and tighten up the laws in this area, as well as in the area of pornography in general.

Advertising does not influence the taste of a nation. But it is a very true mirror of it. And when susceptibilities are offended, the advertiser should be quick to respond. Such a case occurred when one of Britain's best known manufacturing companies produced a full page advertisement which quoted, and inevitably parodied, a passage from the Bible. On our drawing the Chairman's attention to the complaints that we had received about it, he replied that he now realised that this advertisement could give offence, and could be regarded as a serious breach of taste, and he would withdraw it. Which he straightaway did.

Acknowledgements

On behalf of the Council I should like to congratulate Mr. John Braun most

warmly on his being honoured by the award of the OBE and on his appointment to an important Continental post in the EEC. He was with the ASA from 1965, and our debt to him, for his wisdom and foresight, and powers of sustained hard work, during the last 8 years, was a heavy one. We wish him all good fortune and take great confidence in the fact that there will be somebody high in the Councils of the EEC who thoroughly understands the voluntary system in Britain.

After a long history of valuable service to the advertising industry, the Advertising Investigation Department was wound up on the retirement of its Director, Mr. A. E. Hickman. In recent years it worked as much as an

arm of the Advertising Control System as a department of the Advertising Association, and it seemed logical that the functions of investigation, pre-publication advice and monitoring should be assumed by the CAP Secretariat. While this assimilation was being achieved over the past year, the CAP Committee itself has been improving communications and its sponsoring bodies have each been looking at ways and means of broadening the concept and deepening the impact of the self-regulatory process.

Finally, I should like to thank Peter Thomson and all our staff who have carried a very heavy burden of work during the year with skill and cheerfulness.

Report of the Council

Meetings

The Council of Management, comprising all members of the Authority, has met nine times during the year.

Membership

Sir John Hawton and Mr. Howard Thomas retired from the Authority at the end of the year 1972-73. The Council wishes to express to them its warm appreciation of their services. Both had served the Authority since the beginning and the Council has gained greatly over the years from their advice and from the practical assistance which they both gave unstintingly. Mr. C. J. M. Hardie was appointed to fill one of the vacancies thus occurring; the other remains unfilled at the time of writing.

Mr. Lionel Murray tendered his resignation during the year. His place on the Council was taken by the Rt. Hon. Lord Peddie.

THE ASA AFTER TEN YEARS

This year, as the Chairman has remarked in his Introduction, the Authority looks forward to a future which will differ in important ways from its past. There seems good reason, therefore, for our Report this year to contain some general comment on questions which are often raised

with us as to the Authority's activities and attitudes, but which either have not received attention in past reports, or have not been treated in detail for some years.

The establishment of ASA

The Authority was established in 1962, the year of the Molony Committee Report (which gave it a cautious blessing, saying that it should be given a chance to prove itself). The advertising industry had already successfully established an internal system of self-regulation headed today by the Code of Advertising Practice Committee (CAP). But it was plain that public confidence could not be expected in a system that had no place for an independent check. So the industry, of its own initiative, imposed on itself a body with overriding authority and a majority of outside members.

Its independence

An arbiter can carry conviction, only if his judgment is seen to be without bias. The independence of ASA is complete. The Chairman, who is himself independent, selects the remaining members of his Council, half of whom are from outside the world of the advertisers, the agencies, or the media. ASA does not cost the

taxpayer a penny. Its funds come from the Advertising Association, and the Chairman is chosen by them, after consultation with the Department of Trade and Industry. For this reason it has been suggested that our independence is not as real as it sounds. It would be as untrue to say that a university teacher, whose fees and facilities were derived from benefactions by rich men of business, must be a mouthpiece for the opinions of such benefactors and could have no real independence.

The Council

The function of the Council of ASA is executive not advisory. Unity of purpose is therefore the overriding requirement of its members. The representation of every shade of opinion upon the Council would imply an increase in its membership to an uneconomic size. It would be cumbersome and, therefore, more slow-moving. Most importantly, the unity which makes for effective action would inevitably be lacking. We believe that the fairness, the lack of any sectional bias, which the ASA boasts, is best assessed by studying what we do and not who we are.

Relationship with the CAP committee

The Authority and the CAP Committee

have quite different tasks. In their early years there were obvious advantages for the effectiveness of both in the close co-operation which the sharing of a secretariat allowed. An excellent relationship between the two bodies has long been established. The Authority and the Committee will continue to develop their separate though mutually consistent policies. But we recognise the importance for the future of allowing the two bodies to be more clearly seen as being distinct.

Our decision to introduce greater openness in our dealings will point up the distinction between the Authority and the CAP Committee. ASA may be termed the public conscience of the advertising business. Increasingly this requires the Authority to operate within the public domain; its decisions must be the subject of public announcement and its manner of working must be open to public scrutiny. The CAP Committee's effectiveness depends on privacy and confidentiality. It is a body whose main task is to see that those who have voluntarily agreed to uphold the principles of its Code do so in practice. Some advertisers do not wish, or do not choose, to endorse these principles. The Committee cannot be held responsible for their

misdeemeanors. But the Authority must keep all advertising under review.

Relationship with the law

It is sometimes suggested that the self-regulatory system seeks to set itself up as a substitute for the law, and that the law would make a better job of controlling advertising than can be done by the system which ASA supervises. Neither proposition is correct.

The truth is that no self-regulatory system can exist except against a background of law. But the law, of its nature, can only impose minimum standards, and its operation is slow, rigid and costly. The purpose of our system is precisely to promote and enforce higher standards than the law can. Even when the law is able to deal with some particular abuse in advertising, the swiftest and most effective corrective action is often that offered through the self-regulatory system. Self-regulation can also give a greater flexibility of response to new problems. There is no need for the inevitably long and widespread consultation and debate which must precede legislation. Most important of all, self-regulation can act in the 'grey areas' which the law finds hard to compass. Good laws draw sharp distinctions between legal

and illegal conduct. But the clearer the line between them, the closer can conduct approach to that which is proscribed without legal consequences. Because the emphasis of the Code is upon the spirit as much as upon the letter, any attempt to sail too close to the wind in this way, is more easily checked.

The policy of the Authority towards publicity for its work

The Authority is clear that only by a policy of greater openness can it meet, as it should, the growing demand in all spheres for greater public accountability. From the Authority's point of view, its recent decision to 'publish and be damned' has other aspects than the sanction which it provides by the possibility of naming those who flout the Code, or outrage public sensibility. We also propose to publish our routine enquiries in an abridged form. Then the public will be able not only to see that the self-regulatory system works, but how it works. On page 22 we have set out, for the first time, written details of each of the complaints considered during 1972.

The system must have a voice that can be heard. And to what might be called the negative business, of dealing with complaints, must be added the

more positive role of leadership. Our first three years were spent laying the foundations on which the Authority could work. It involved building up a working co-operation with the CAP Committee, which had been founded only a few months before ourselves. The next five years were spent in consolidation. To foster the spirit of co-operation and to avoid anything being taken out of context, or out of proportion, the names of those against whom complaints were proved were not published. Clearly this must change. We are also taking steps to make ourselves better known. When we started, we circulated the Code of Advertising Practice through such bodies as the Institute of Weights and Measures Administration (as it then was), the Federation of Women's Institutes, Citizens' Advice Bureaux, Trades Councils, and others. Although we are widely enough known by general repute, we clearly need to increase our efforts to see that more people know of our existence. Too many letters in our postbag start by the writer saying he would have written earlier, but that it took him some time to discover our whereabouts.

Complaints

Complaints arising from within the advertising industry – advertiser against

advertiser, agency against agency – are dealt with by the CAP Committee, or by one of its member organisations. ASA deals with complaints stemming from the public and from outside bodies. Matters affecting advertising are regularly referred to the Authority by the Department of Trade and Industry, and by Weights and Measures Authorities. It often happens that the Trade Descriptions Act is not, as the complainant had hoped, apt to deal with his circumstances. An analysis of complaints shows that they come from all parts of Britain (and occasionally abroad) and from all kinds of people. The simple procedure for making a complaint is set out on page 3.

How does ASA work, and how effective is it?

The Authority's decisions are implemented through the CAP Committee and its member organisations. ASA has no members of its own beyond its Council. It believes that the essence of the self-regulatory system must lie in the active regard at all levels within media, agencies and advertisers, for the principles enshrined in the Code. It is the Authority's function to ensure that the system does not become too inward-looking, unaware

of outside opinion, or unheeding of other than its own immediate interests. It does not believe that such control is best exercised through intervention in minutiae. Its existence, and the fact that complaints can come direct to it from the public, both act as powerful constraints upon those who would flout the Code. But the Authority, through the CAP Committee, also has direct physical sanctions at its disposal. With the co-operation of media, it can prevent the appearance or re-appearance of an offending advertisement, and through the withdrawal of recognition can make life very difficult for an offending agency. Members of each of the bodies represented on the CAP Committee may also be subjected to the internal disciplines of their own associations. But ASA is seldom called upon to wield a big stick. The knowledge of the existence of these sanctions, backed by respect for the Authority and the system, is most often effective in obtaining compliance with the Authority's wishes without any need for disciplinary action.

But a very small minority of advertisers, agencies and media, remain outside our effective control, and here adverse publicity can be a useful deterrent, in an area which provokes more trouble for advertising,

because of the difficulty of control, than is justified by the importance of the advertisers, the scale on which they advertise, or the issues involved. It can give the Authority a sanction against those advertisers who at present may feel able to disregard its recommendations – those, for instance, using fringe media which are not susceptible to the normal sanctions – such as point-of-sale material, fly-posting and the like. And advertisers who, though they use orthodox media, select from those few not in membership of one of the CAP Committee's sponsoring organisations.

Monitoring

It needs to be re-emphasized that the Authority does not wait for complaints before it acts. Most of its work, and possibly the more important part, it undertakes on its own initiative. In a typical year, the ASA/CAP Secretariat will be responsible for changes in several thousand advertisements. Of course, they do not achieve this result in every case by pursuing the individual malefactor, which is why it is not possible to give precise figures. Very often (typically where the breach is trivial but nonetheless has occurred too often) the best result may be attained by additional publicity, or by

further pressure applied elsewhere in the system. The Secretariat monitors advertising continuously, primarily with the object of keeping itself in touch with trends, and to identify areas where control might be improved, perhaps through a substantiation campaign. This process is also helpful in gauging the extent to which recent rulings are being obeyed, particularly in those areas where breaches of the Code are such as to be apparent on the face of the advertisements. But the detection rate of *prima facie* breaches is a poor measure of the overall effectiveness of the system. Most often such breaches are trivial, and where this is so, individual action as we have said is usually inappropriate. Even so, it seems to us no small achievement that the number of *prima facie* breaches is as small as it is.

One of the strengths of the system is that the Code requires advertisers to provide substantiation for their advertisement claims without delay when called upon to do so by ASA or the CAP Committee. It is sometimes suggested that the Code requirement permits the mounting of substantiation campaigns by outside groups. This is not the case. It would plainly be unreasonable to ask an advertiser to repeat his case to any casual enquirer of whose objectives and *bona fides* he

would have no knowledge. We recognise, however, that many advertisers are happy to provide further details of their goods or services to those genuinely interested.

Staffing

The Authority would claim that the system achieves effective control with a remarkably small central staff (currently eight in number). It would be contrary to the whole idea of self-regulation if it became necessary to create a large staff of investigators and monitors. Each of the sponsoring organisations of the CAP Committee and in turn each of their members, accepts direct practical responsibility for obedience to the Code. The most important role of ASA and the CAP Committee is one of co-ordination, of ensuring that the Code and its philosophy are properly interpreted, and effectively implemented down the line.

Yet there remains a belief that a significant improvement in advertising standards could be attained if vastly more money were spent on increasing the control apparatus. Whether this money were spent by the State, in establishing a legal system, or by the industry, in inflating the existing structure, it seems to us highly

unlikely that the results would be in any sense commensurate with the additional expenditure. The ultimate stage would be the establishment of a complete pre-publication vetting system. Such a system works well in television where some 8,000 new commercials are shown during a year.

The operation of this system requires the services of a full time central staff of approximately 26. Simple arithmetic will demonstrate the size of staff that would be necessary to cope with the more than 25 million different advertisements that appear in press media, alone, during a single year. And there would be the further millions of advertisements appearing on posters, or leaflets, on brochures or on packs. The task of establishing common standards over such an enormous staff would itself be formidable, and at the end of the day, what would be gained? Would the number of misleading or indecent advertisements prevented in any way repay the cost of prevention? We doubt it. Our experience is that only a tiny proportion of all advertising is open to objection. Of this proportion the majority is dealt with swiftly and effectively through the control system as it exists. The residue, the dregs, are a minute problem, which does not warrant the imposition of a top-heavy

bureaucracy. We do not subscribe to the opinion that a legal system of post-publication scrutiny – a statutory equivalent of the system as it exists – would offer any significant advantage. In the vast majority of cases which are formally drawn to our attention, what is at issue is ultimately a matter of opinion, and the law is not best adapted to the resolution of questions of that kind. It is instructive to consider how very few cases under the Trade Descriptions Act relate to statements in advertisements, and of that number, incidentally, how few relate to statements that could have been adequately prevented by pre-publication scrutiny.

It is also interesting to consider the total number of prosecutions brought under that Act to date (February 73). Including prosecutions in the pipe-line, the result of over four years work by a well-informed, well-trained staff of some thirteen hundred Weights and Measures Officials scarcely exceeds six thousand. Many more than six thousand advertisements are changed through the self regulatory system every year. The reason for the contrast is simply that a legal system, particularly with criminal sanctions, cannot have the same freedom of action, even though it is endowed with greater powers, as is enjoyed by the

self regulatory system. Incidentally the cost to the rate payer of operating the Trade Descriptions Act at local level, and discounting expenditure in the Department of Trade and Industry, is of the order of £3,000,000 per annum.

What limits does ASA place upon its work?

‘Advertising’ is a word which can have very different connotations for different people. The standards which the Authority seeks to enforce are these affecting the content of paid-for advertisements, in media. (The Authority, of course, has no responsibility for advertisements under the control of the Independent Broadcasting Authority). It follows that there are promotional methods, loosely describable as advertising, which fall outside the Authority’s remit.

Trading practices

Over the years, the Authority has provided standards and guidelines in a number of areas where advertisements, as such, are involved only peripherally. Competitions, Premium offers, pregnancy testing and franchising as well as the honouring of advertiser guarantees

are all obvious examples. But it cannot be the responsibility of an *advertising* standards authority to control trading practices in general. For this reason the Authority welcomes the Government's Fair Trading Bill which will do what the Authority cannot, and should not do, look beyond the innocent advertisement to study the course of misconduct which may lie behind it.

There are, of course, trading practices directly related to advertising in which we would feel that control or restriction is inappropriate. An example, which sometimes provokes complaint, is the advertisement for goods which prove to be unavailable in the shops. In most cases the non-availability of the goods is due to circumstances beyond the advertiser's control. Just as the vast majority of advertisers recognise that deliberately to mislead the consumer is a self-defeating tactic, so they appreciate, more strongly than most, the fatuity of spending money to advertise goods they are in no position to supply. There is, very rarely, some evidence that the advertiser has been conducting a 'dry run'. That is to say, he has advertised goods he does not possess so as to ascertain whether he should go about stocking them. We unreservedly condemn this practice.

Political and similar advertisements

The Authority's true sphere of responsibility lies in supervising the control of the content of an advertisement. But, even here, the Authority accepts self-imposed limitations. One of the most important is its refusal to interfere in the content of political and other advertisements, which seek not to sell goods or services but to influence readers towards a point of view. There are good practical and theoretical reasons why the Authority should not intervene in such matters. Provided that an advertisement is not likely to be confused with editorial matter, and provided also that its source is made clear, the Authority sees no reason for attempting to interfere in the expression of opinion, however extreme.

That it may disagree with a particular opinion is irrelevant. If it is to maintain its independence and to function properly as an umpire it cannot be seen, any more than the Courts can be seen, as leaning more to one point of view than another. In this matter, and in the crucial matters of taste and decency, the question of what to print is principally the responsibility not of a body concerned with advertising, but with the publisher of the medium in which the

advertisement appears. One does not need to reflect long to realise how dangerous it would be if the Authority sought to prevent the advertising of certain books or periodicals, films or broadcasts. All we have the right to demand is that the advertisements themselves should conform to the Code, not in addition, that what is advertised should be acceptable to us, to majority opinion, or indeed, to anyone other than the advertiser himself.

Freedom and control

We recognise, of course, the necessity in some special areas for statutory controls requiring particular information in advertisements and for the placing of legal restraints upon those who might seek to exploit such areas. The difference between us and some of the more vocal organisations seeking to represent the consumer's interest lies in the emphasis which we would place on the respective parts played by freedom and control. It is the Authority's view that the very greatest degree of freedom that is compatible with legality, decency, honesty and truthfulness should be allowed to the advertiser. Advertisers have as much right as their critics to freedom of speech.

We welcome the growth of rational,

informative advertising, and we believe it is welcomed by an increasingly well-educated and sophisticated body of consumers. But we think it is wholly unreasonable for any group or individual to seek to censor advertisements for no better reason than that they seem to *them* to be trivial, or because they offer goods or services *they* find worthless or nasty.

We take the view that the ordinary consumer recognises that advertisements are aimed at persuading him to buy. The prudent consumer – and we believe the overwhelming bulk of consumers prove their prudence day-by-day – will bear in mind that what he is told in an advertisement is inevitably only one side of a fuller story. He must consider what the other side of the story may be in terms of what rival firms are offering and what independent opinions on the advertised product itself may be available. It is here that consumer assistance and education have such an important part to play. A major role exists for organisations which perform the valuable function of tabulating conveniently for their members a mass of information about a wide range of products and services. Such bodies, however, sometimes give the impression that their view of the desirability, or

worthwhileness, of a particular product or service is the only one which a reasonable man could hold. We feel that anything, however well intentioned, which usurps the freedom of individual decision is to be opposed, particularly where the premises on which such judgments are made, are so often assumed rather than justified.

But the argument does not stop here. Not only should advertisers, it is said, be obliged to incorporate that which their critics consider ‘informative’ and to avoid that which they consider ‘misleading’, but provision should also be made – at the advertiser’s expense – for the critics publicly to controvert advertisement claims. ‘Commerce’, one such critic has written, ‘has a complete monopoly over information on goods in advertising time. This is quite wrong.’ We can see no logical justification for this odd assertion. On the contrary it is self-evident that the advertiser, having paid for the message, has every right to propagate his own views. These must, of course, conform not only to the Code, but to the law in all its complexity. Nor should one forget, in this connection, the great and increasing volume of editorial comment on advertised goods and services. Any analogy with the corrective or balancing role of reader comment on editorial material, as

expressed through ‘letters to the editor’, is totally misconceived. Perhaps it is also worth mentioning that there is nothing in the Code to prevent critics from themselves purchasing advertising space to make their views more widely known. Advertisers are allowed to criticise each other’s products in public, but this is not a privilege which is restricted to them; it can be enjoyed by anyone who is himself prepared to conform to the Code in the way he makes his case.

Corrective advertising

Some critics look towards the United States and the concept of ‘corrective advertising’. It needs to be said that ‘corrective advertising’ is more a symbol of an attitude than a useful tool of control. It has been used seldom, and the impact of the corrective advertisements themselves, in the view of many experienced observers, is minimal. What attracts publicity is the Federal Trade Commission’s decision itself.

We do not oppose ‘corrective’ advertisements in principle – self-correction, where price or date or name or time appears inaccurately, is long established – but, in practice, we feel that they offer no significant advantage.

The Authority is now making public the results of its investigations into complaints. It sees no reason to suppose that 'corrective' advertisements would add anything to the force of such announcements. In this country, the voluntary control system clearly provides a well tried and effective way of ensuring that the overwhelming mass of advertisers conform to high standards of truthfulness.

THE YEAR IN REVIEW

Worth and value claims

After a prolonged study, it has become apparent both to the Authority and to the CAP Committee that the practice of comparing in an advertisement a price with a so-called worth or value, which would require substantiation to make it relevant, is something which a self-regulatory system cannot control effectively in the absence of powers of seizure of documents and the like, which, where they exist, must be subject to judicial review. The technique is usually employed by traders who are not members of any association; and it is beyond the powers of media to check in detail the wide range of claims as to worth and value which are made. We have suggested to the Department of Trade and Industry that Section 11 of

the Trade Descriptions Act, 1968, which deals with price comparisons, should be amended, and that worth and value claims should be treated in future as though they were price claims.

Mail order

A continuing study of the mail order business makes it clear that still greater care needs to be taken in the administration of some bargain space and direct response offers. Surveys by consumer bodies in recent years have shown that, by and large, customers are satisfied with the goods they buy through the post. The tone of mail order advertisements is often shrill and their style somewhat florid, but factual descriptions are, for the most part, accurate. There are, however, areas where misleading description occurs more often than it should, and these receive attention under the Code, or if more serious, by prosecution.

We have been more concerned at the continuing flow of complaints on grounds of non-delivery of goods or non-return of money. These are aspects of trading practice and strictly speaking outside our terms of reference, but, *faute de mieux*, we have felt obliged to deal with them and have done so with considerable success. Traders in this field must,

however, take greater care in their purchasing and administrative arrangements. They must guard against over-trading and must ensure that their customers receive promptly, and in full, their proper entitlement, whether in goods or cash. We have watched the growth of direct response trading, whereby single items are advertised usually in large spaces and sometimes in co-operation with media. In this field, media have a particular responsibility to see that their readers are not disappointed. Availability of goods, accuracy of description, fairness of price comparisons (see also paragraph on worth and value) and prompt return of cash upon demand are all points which must be carefully watched.

Money-back undertakings

We support the efforts of the CAP Committee to disentangle the misunderstandings concerning money-back undertakings and guarantees. Although it may not be apparent to all, there is a difference between the undertakings required by the British Code of Advertising Practice (to refund money on demand to customers by mail order who wish to return the goods for any reason whatsoever), and action under a manufacturer's guarantee, whereby

goods may be exchanged or money returned. The former requirement is an essential part of a mail order trader's agreement with media, and is a code rule, irrespective of the quality or performance of the goods. It usually has a time span of fourteen days. A guarantee, on the other hand, is voluntarily given by a manufacturer as a badge of quality, by which he takes it upon himself to make good any defect, or the goods themselves, up to a period of time which may stretch to a term of years. The difference between these two commitments has confused purchasers and we hope that the guidance given by the CAP Committee will now prove effective.

Sales promotions

Some of the practices to which the Authority has drawn attention, in its leaflet 'Premium Offers and related consumer promotions', have greatly diminished. Limitations and closing dates are now seldom printed on the backs of labels, free offers are more accurately described and qualifying requirements are usually made much more clear. Nonetheless, there is still some way to go in ensuring that complaints are swiftly dealt with and, particularly, that there are adequate stocks to fulfil likely demand. Nor is it yet sufficiently accepted that the

advertiser must make clear any intention on his part to provide an alternative premium.

At the turn of the year we investigated a series of cases at the instance of the Minister for Consumer Affairs, in all of which demand had far outstripped the availability of the items offered. The results of our investigation showed that different companies had reacted in different ways, some giving adequate explanations, others that were less than adequate. It became apparent that a change was required in our guidance, particularly as to the quantity of items expressed to be available and we are pursuing this in consultation with the CAP Committee. The Committee has, as part of its own internal reorganisation, set up a sub-committee with the express task of studying how sales promotion activities can be effectively policed through advertising control.

Competitions and related promotions

Allied to Sales Promotions is the field of competitions and games. The law on this subject has long been unclear, particularly in relation to lotteries on the one hand and competitions requiring skill on the other. We published a guidance leaflet on the subject at the beginning of the year under review. This was well received

and thousands of copies have been distributed.

Some of the uncertainty caused by the 'Spot the Ball' cases has been removed by the House of Lords decision, in the *News of the World* case, that such competitions are not illegal under S.47 of the Betting Gaming and Lotteries Act 1963. Nonetheless we are looking forward to government proposals to tidy up the law in this whole field.

Financial advertising

We are aware that the guidance given in the CAP Bulletin on second mortgage advertising touches only on one small part of the growing area of advertisements for loans and investments. We had hoped that some earlier indication would have been forthcoming of the government's intentions as to implementation of the report of the Crowther Committee on Consumer Credit. At the time of writing little is known beyond the expectation that legislation will not be of the root and branch order recommended in the Report. We see the need both for legislation and for a broad code of practice to be adopted by all those sections of the financial world who are concerned with the provision of consumer credit and investment.

The overriding need is for a simple

formula which will enable the consumer to know what his commitment is in any credit transaction, and what return he may reasonably expect from any particular form of investment. Advertising can go only part of the way in this field. Our concern must be to ensure that this part is accurate and factual. We are aware of considerable shortcomings on these grounds and are seeking ways of improvement.

In the immediate area of second mortgages and similar loan transactions, we welcome the initiative of the Newspaper Publishers Association and the Newspaper Society in requiring their members to conform to a simple code of practice, which nonetheless goes in some respects further than Crowther. Now that the CAP Committee has set up a sub-committee to study the whole question of financial advertising, we hope that swift progress may be made towards the introduction of similarly simple and workable codes of practice in other areas and particularly that of investment advertising.

Privacy

Britain has no law of privacy, and so there is no legal recourse which is necessarily available to one whose name or likeness is reproduced in an

advertisement without his permission. But whatever objection there may be to the introduction of a general law of privacy, and whatever the practical difficulties of drafting such a law, there can be no doubt that the exploitation for commercial purpose of another's good will or reputation is intolerable if undertaken without his prior consent. It is sometimes argued that public men – entertainers, sportsmen, politicians – have in some sense forfeited their right to consideration by their acceptance of a public role; and it is true that such people must accept public criticism as the inevitable counterpart to public acclaim. But to use their fame so as to gain attention for something perhaps otherwise unworthy of notice – and with which in any event they may have no sympathy – is not merely unethical, it may also place the person exploited in an awkward personal situation. The implication will be, more often than not, that payment has been made in consideration of his appearing in an advertisement.

The practice of capitalising, without their permission, upon the reputation of others, was expressly identified as being contrary to the Code of CAP Bulletin No. 7, Item 44, though it had long been considered as contrary to the principles set out in the preamble

to the code. A number of recent instances have made it clear that this ruling is not sufficiently well known or understood and that it could, with advantage, be clarified. This is to be done.

Favourable publicity in editorial space

Reference has been made elsewhere to the difficulty which the Authority faces of keeping its work within reasonable bounds. Because of the absence of equivalent organisations in other fields, such as marketing in particular, the Authority and the self-regulatory system in general are continually under pressure to shoulder tasks which, they are aware, are neither what they were brought into being to perform nor within the scope of their powers to perform truly adequately. Even where proper machinery exists in neighbouring areas problems may be met with issues which overlap the line of demarcation. There is, in most cases, no problem about what falls to be decided by the Authority and what by the Press Council, and traditionally, therefore, the Authority has refused any role in the control of that part of the editorial content of the media in which there appears, often thinly enough disguised, matter lauding advertised products or services and based upon press releases prepared

(sometimes by public relations consultancies) on behalf of the manufacturer. There are, however, cases in which such practices may undermine the effect of code rulings, as where an otherwise acceptable advertisement appears in immediate proximity to editorial material which contains statements that would not under the code be allowable in the advertisement. The deliberate arrangement of such a conjunction would not be sought by any reputable public relations consultant, but a case that arose during the year under review made it clear that it might happen accidentally, and talks have been initiated with the Public Relations Consultants Association and the Press Council to see whether joint action could prevent such incidents.

Slimming

One aspect of the self-regulatory system of advertising control, to which the Authority has often drawn attention, is its ability to cope quickly with changing circumstances. Advertising from time to time is affected by sudden public enthusiasms which lead to equally sudden increases in particular categories of advertising. As business booms, so does the temptation grow for the less than wholly scrupulous to take advantage of uncritical public

enthusiasm. Our system is confronted at such times with a flush of advertisements which are unacceptable for one reason or another, but which are not explicitly proscribed by the Code. The speed with which the system can respond to this kind of challenge is a measure of its effectiveness as compared with controls imposed from outside.

The introduction of CAP Bulletin No. 10 on 'Slimming' in August 1972, is a case in point. As pill, gadget and treatment followed each other onto the British market, it became clear that several slimming products were being advertised in terms which could not be substantiated and which, in some cases indeed, had led to their being banned from sale in other countries.

It was clear that there was a need for comprehensive advice on the whole subject and this was provided in CAP Bulletin No. 10. Since its introduction, the number of unacceptable advertisements has fallen dramatically. In particular, it has been possible to restrict the anticipated proliferation of new products of doubtful worth by casting the Bulletin advice in a form which has pre-empted many of the claims which might have been made for such products. This was made possible, in part, by the ready co-operation which was given to the

CAP Committee by self-regulatory bodies and official organisations in other countries. In return, the British system has been paid the compliment of having its slimming guidance adopted, substantially as it stands, by its opposite numbers in Australia and South Africa.

Relationship with government

In addition to the contracts with government noted elsewhere in this report, the Authority made an oral submission to a sub-committee of the Lane Committee on the working of the Abortion Act 1967.

It also made known its views on the Home Secretary's proposals for amending the law relating to, *inter alia*, cinema advertising. The Authority did not comment on the Department of Trade & Industry's proposals for the control of pyramid selling organisations. Pyramid selling is a practice which flourishes quite independently of advertising and the only contact which the system has had with it are the occasional allegations that practitioners of pyramid selling are misusing the Appointments Vacant columns of the local press. Swift action has been taken to prevent any repetition of the abuse in each such case of misleading advertising drawn to the Authority's attention.

Details of complaints considered by the Authority during the period 1st January–31st December 1972

The cases considered by the Authority as a result of complaint, fall into two broad categories, those arising out of mail order transactions, and all others. So that the public may have a clearer idea of the range of matters considered by the Authority, we have this year indicated the nature of the complaints raised in each of the non-mail order cases and have given reasons for our adjudication. As mail order complaints are substantially similar to one another, these have merely been tabulated.

In total the Authority received 200 complaints in 1972. Of these 130 were upheld either in whole or in part and appropriate action was taken. In 59 cases the complaint was not upheld. 11 cases were disposed of in other ways.

CATEGORY I MAIL ORDER COMPLAINTS

95 complaints were received during the period under review. They were disposed of as follows:

Money refunded or goods despatched to complainant	62
<i>Ex-gratia</i> payment by publishers	2
Complainant referred to liquidator or police (of cases referred to the liquidator, 8 arose from one and 6 from another bankruptcy)	22
No refund justifiable (goods used or damaged by complainant)	2
Complaint not substantiated	3
Dealt with in other ways	2
Not pursued by complainant	2
	<hr/>
	95
	<hr/>

CATEGORY II COMPLAINTS NOT INVOLVING MAIL ORDER TRANSACTIONS

GROUP I – ADVERTISEMENTS CLAIMED TO BE MISLEADING – 63 cases

Complaint

- 1 Misleading claims about water heating capacity of electric system.
- 2 Inaccurate description in brochure of length of cruise '5 days'.
- 3 Description 'vaginal' deodorant misleading and potentially harmful.
- 4 Form of guarantee stated that sprinkler was of British manufacture, but on installing it in greenhouse the complainant found it was marked 'Made in Japan'.

How resolved

- Not substantiated. Claims were more restricted than alleged by complainant.
- Not substantiated. Full itinerary quoted with precise timings.
- Not substantiated. On grounds of practicability, most unlikely product would be taken to be for internal use.
- Substantiated. Advertising had already been changed to take account of new sources of parts.

Complaint

- 5 Misleading claim that a lip salve 'can cure cold sores'.
- 6 Misleading claim as to airline servicing procedures.
- 7 Misleading price claims in advertisements for optical equipment.
- 8 Slogan 'Never knowingly under-sold' was misleading.
- 9 Misleading price comparisons in furrier's advertising.
- 10 Misleading claims for double glazing (as to insulation capacity).
- 11 Breach of Code on discounts quoted as 'up to X%' in advertisement by furniture warehouse.
- 12 Misleading claim as to limited production of motor vehicles.
- 13 Claims for air freshener scientifically unacceptable.
- 14 Advertisement misleading as to number of introductions provided by computer dating service.
- 15 Advertisements for flats in Spain stated anticipated completion dates which had not been adhered to in the past.
- 16 Objection to graph used in 'cost of living' advertisement.
- 17 Misleading promotion. Mis-use of the word 'free'.
- 18 Misleading price of goods advertised in magazine.
- 19 Flights not available at the prices quoted in advertisement.

How resolved

- Substantiated. Advertisements amended.
- Substantiated. Advertisement amended to clarify meaning.
- Substantiated. Advertiser instructed to amend advertisements; media advised of situation.
- Not substantiated. Complaint arose from incident of service, not price.
- Not substantiated, but media advised to institute stricter checks.
- Substantiated. Advertisement withdrawn; new claims made in more circumspect terms.
- Not substantiated. Adequate proportion of goods on sale at lowest price.
- Not substantiated, but manufacturer to ensure greater differentiation in future between models.
- Substantiated in part only. Advertisement to be revised to remove exaggeration. Otherwise claims were adequate explanations in lay language.
- Not substantiated. Advertiser had done all that contract obliged.
- Not substantiated. Completion dates in current advertisements were in the future; media advised to exercise caution.
- Substantiated in part. Although it would not have misled the average reader, the graph was inaccurate and was therefore withdrawn. It was felt that the advertisement as a whole was not misleading as the figures upon which the graph was based were accurately quoted.
- Not substantiated. Offer was adequately explained.
- Substantiated. Future advertisements to be amended. Errors due to oversight.
- No reply received from advertiser. Non-acceptance recommended to media.

Complaint

20 False claim regarding dentists' opinions of advantages of automatic toothbrush. Wrong use of the word 'necessity'.

21 Misleading claim that profit margin greater on take-home lines than in-hand lines.

22 Misleading claims for benefits obtainable under hospital insurance plan.

23 Misleading claims for efficacy of medicine.

24 False claim for uniqueness of toilet soap and misleading illustration of lathering properties.

25 Misleading price claims in carpet advertisement. Mis-use of the word 'guarantee'.

26 Since inception of country leisure park in 1970, advertising had been misleading in offering facilities and services which did not exist.

27 Misleading leaflet headed '6 days in New York' – only five days spent in New York.

28 'Free' catalogue advertised but 35p requested on application to company.

29 Ambiguous statement that an aeroplane 'takes off with less than half the annoying jet noise of older jets' – could be misleading.

30 Misleading claims for economic use of fuel in motor car. Complainant's car did not get same number of miles per gallon as advertised.

31 Advertisement addressed to Sales and Works Managers, offering positions, was inserted by a franchise organisation seeking investors.

32 Misleading terms of employment remuneration for coupon collectors employed by pools promoters.

How resolved

Substantiated in part. The word 'necessity' to be dropped in future advertisements. Remainder of complaint not substantiated.

Not substantiated. But advertiser will take opportunity to clarify situation in future advertisements.

Not substantiated. Complainant later satisfied with action taken by advertiser.

Not substantiated. Medical advice that claims were reasonable.

Substantiated in part. Claim to uniqueness to be amended. Complaint regarding illustration not substantiated.

Substantiated in part. Vagueness of advertiser's description of worth caused confusion. 'Guarantee' reference amended.

Substantiated in part. Promises of future performance had been made in good faith but ASA warned advertiser that programme of events should be carried out as fully as possible in future.

Not substantiated. Full itinerary with dates in brochure. ABTA to look into the whole question of description of holiday length.

Substantiated. Out of date copy used without knowledge or permission of advertiser. The complainant should have received a letter explaining the reason for the charge.

Substantiation provided by advertiser passed to complainant. No response.

Not substantiated. Complainant's car a different version from the one advertised.

Substantiated. Advertisements amended.

Not substantiated. Remuneration and terms *better* than alleged by complainant.

Complaint

- 33** Misleading statement in tour leaflet as to the time spent on Iona.
- 34** Misleading illustration, giving false impression of the size of drawer units.
- 35** The statement 'All children love X biscuits' went beyond the bounds of credibility, even allowing for the degree of puffery acceptable in advertisements. Complainant's child did not love X biscuits.
- 36** Misleading statement about life of double life electric light bulbs (based on complainant's experience).
- 37** Misleading impression given concerning price of goods illustrated in advertisement for car battery.
- 38** Poor quality of shrubs from nursery. Advertisement promised 'luscious golden peaches this summer' – but the tree barely survived the season.
- 39** Misleading claims as to security of investments.
- 40** Misleading impression given in advertisement about the quality of carpets.
- 41** False claim for value of chess set offered by furnishing company.
- 42** Recruitment advertisement misleading as it did not make it clear that no women were accepted for training.
- 43** Misleading claims in direct mail advertisement for pharmaceutical product.
- 44** Inappropriate method of advertising direct mail pharmaceutical products.
- 45** Misleading claim concerning the figure spent wholly on research in 1971 by a charity.

How resolved

- Not substantiated. Advertiser's terms of carriage (incorporated in brochure) mentioned and the possibility of stay being altered on the occurrence of various factors outside organisers' control.
- Substantiated. Artwork revised.
- Substantiated. Future advertising to leave out the word 'All'.
- Not substantiated. Complainant's experience untypical.
- Substantiated. Advertisement copy and follow-up literature revised.
- Not substantiated. Offer of partial amends made by nursery, but rejected by complainant. No evidence of general failure of trees, bearing in mind adverse weather.
- Complaint later withdrawn.
- Substantiated. Advertisement amended.
- Substantiated. Value had been assessed by manufacturer, and accepted in good faith by advertiser but appeared exaggerated. Advertisement did not appear again.
- Substantiated. Advertiser to reconsider position of women for future.
- Substantiated in part. Reference to a 'group consultant' in respect of man who was not a consultant physician or surgeon. Future advertisements will clarify.
- Not substantiated.
- Substantiated. Advertisement to be amended. The amount spent on research *and allied expenditure* to appear in future advertisements.

Complaint

- 46 Misleading statement regarding leg room in car.
- 47 Misleading claim that advertiser had obtained 'outstanding' varieties of stamps in the last few years.
- 48 Misleading claims in estate agent's advertisement, concerning facilities available near property.
- 49 Advertisement for German car misleadingly suggested British assembly.
- 50 Misleading claim that advertiser's 3-star petrol took you 'miles further for less'.
- 51 Advertisement stated 3-4 week delivery on space heaters but complainant advised that advertisers were out of stock when he rang to make arrangements about installation.
- 52 Advertisement giving information about effect on people of new roads stated there was a 'guarantee of new homes' claims by the complainant to be inaccurate.
- 53 No clear identification of the advertisers in advertisement placed by third party in take-over battle.
- 54 Claim for superiority of method employed in electric shaver misleading in not making clear method was shared by competitors.
- 55 '21-day delivery pledge' not honoured by furniture firm.
- 56 Several complaints from public that 'fibreboard' furniture as advertised was made of cardboard.
- 57 False claim from a model agency advertising 'no fees' payable. Complainant paid for photographs.
- 58 Double glazing not installed in one day as advertised.

How resolved

- Substantiated. Advertisement amended.
- Not substantiated. What was 'outstanding' depended upon the standpoint of the observer.
- Substantiated. Advertiser warned to take greater care in future. (Advertisement challenged was no longer appearing.)
- Substantiated. Advertisement amended.
- Not substantiated. Advertiser's 3-star was cheaper than the overwhelming bulk of the competition.
- Substantiated in part. Advertisers installed the space heaters and sent a letter of apology to the complainant.
- Not substantiated, but clearer explanation to be given in future of precise provisions for safeguarding those affected by new roads.
- Substantiated. Advertisement not contrary to Code but ASA will, by agreement with Panel on take-overs and mergers, publish guidance.
- Not substantiated.
- Substantiated. Pledge was ambiguous and is to be re-worded.
- Not substantiated. British Standards Institution and Fibre Building Board Development Federation both confirmed 'fibreboard' was appropriate designation for material. Steps will be taken to ensure that advertisement makes clear that relevant British Standard is concerned with packaging not furniture.
- Substantiated. Media advised against acceptance of advertising and complainant to take matter up at law.
- Not substantiated. Advertisement made clear that not all installations could be performed in one day.

Complaint

- 59** Advertisements for electric hair-removing products were misleading in claiming that products were safe and simple to use.
- 60** Claim that hearing aid batteries were 'free with rental plan' misleading in that cost of batteries would be reflected in rental charges.
- 61** Misleading claim that appetite depressant was 'unlike anything else'.
- 62** Misleading claim that slimming product had been 'proved' to help lose weight.
- 63** Misleading to claim for milk drink food supplement that users of it had 'done their best' for ill relatives.

GROUP II – ADVERTISEMENTS CLAIMED TO BE IN BAD TASTE – 26 cases

Complaint

- 64** Offensive direct mail material sent repeatedly despite requests to the contrary.
- 65** Direct mail advertisement in bad taste; simulated threatening letter from Solicitors.
- 66** Unnecessary use of nudity in government department's advertisement.
- 67** Inappropriate use in advertisement for motor car of biblical quotation at Christmas.
- 68** Double-entendre in an advertisement for jeans.
- 69** Poster for film was indecent in use of nude figures.
- 70** Unnecessary use of nudity in advertisement for newspaper fashion service.

How resolved

- Substantiated in part. Complainant informed that CAP Committee had already recommended non-acceptance of advertisements for such products.
- Not substantiated. In context claim most unlikely to be misunderstood as meaning other than 'no extra charge for batteries'.
- Not substantiated. Get-up and formula were both unlike those of rival products.
- Substantiated. CAP had already objected to claim and it was withdrawn.
- Not substantiated. No evidence that advertisement suggested or readers understood it as suggesting that use of the product was only necessary step in case of illness.

How resolved

- Upheld. Advertiser warned. No further complaint.
- Upheld. Apology given by publishers. Will not be repeated.
- Not upheld. Use of a partially nude figure relevant to context. Drawn to advertiser's attention.
- Upheld. Apology received from advertiser. Advertisement not to be repeated.
- Not upheld. Not so plainly offensive as to warrant ASA intervention. Complainant advised to approach medium direct.
- Not upheld. Tasteful use of nudity relevant to contents of film.
- Not upheld. Nudity relevant to theme. Drawn to advertiser's attention.

Complaint

- 71 Advertisement for disposable wipers in poor taste.
- 72 Advertisement for tights had suggestive sexual aspect.
- 73 Unnecessary sexual innuendo in advertisement.
- 74 Naked women illustration and wording distasteful in advertisement for film.
- 75 Unnecessary use of nudity in advertisements for showers.
- 76 Unnecessary use of nudity in advertisements for castings, in trade journal.
- 77 Use of nude figure in leaflet for shower pushed through letter box.
- 78 Use of nude figure and suggestive copy unacceptable in material available to young people.
- 79 Unnecessary sexual element in advertisement for camera.
- 80-89 Ten complaints of irrelevant use of nudity in shower advertisements.

How resolved

- Upheld. Complaint drawn to the attention of the Advertising Manager and Editors of the three journals concerned with a recommendation against re-publication.
- Upheld. Advertiser agreed to withdraw advertisement.
- Not upheld. Drawn to attention of publisher and advertiser.
- Not upheld. Reply sent by Kinematograph Renters Society.
- Not upheld. Nudity reasonable in context. Advertiser and medium informed of complaint.
- Not upheld. Advertisement was in the tradition of 'glamour' photographs acceptable in context. Advertiser and medium informed of complaint.
- Not upheld. Illustration reasonable in context. Drawn to advertiser's attention with suggestion that particular care should be taken with any advertising material delivered directly to the home.
- Upheld. Brochure had already been withdrawn.
- Not upheld. 'Sexual element' was simple glamour shot. Advertisement not to appear again.
- Not upheld. Nudity relevant in context.

GROUP III – ADVERTISEMENTS CLAIMED TO BE IN BREACH OF OTHER SECTIONS OF THE CODE – 16 cases

Complaint

- 90 Derogatory and false statements regarding glass as a packaging material.
- 91 Denigration of flower industry in charity advertisement suggesting donations instead of floral tributes.

How resolved

- Substantiated. Advertisement withdrawn.
- Substantiated. Advertisement withdrawn.

Complaint

- 92** Representative of insurance company called on complainant who had filled in coupon requesting information only.
- 93** Advertisement in editorial style.
- 94** Distribution of aspirin tablets as part of direct mail shot against public interest.
- 95** Receipt of unsolicited credit card.
- 96** Mis-use of the word 'free' in advertisement for record offer.
- 97** Advertiser attempting repeatedly to re-sell business.
- 98** Unsolicited call by representative of insurance company.
- 99** Organisers of competition did not adhere to announced method of judgment.
- 100** Advertiser was operating switch selling.
- 101** Refusal of medium to accept responsibility for bankrupt advertiser.
- 102** Breach of mortgage broker ruling.
- 103** Deposit not refunded when it was discovered that it was not possible to fit a shower unit.
- 104** Advertisement for trade association was contrary to Code.
- 105** Material in editorial columns of freesheet was in reality misleading advertising.

How resolved

- Substantiated. Contrary to company policy, about which reminder sent to all representatives. Apology sent.
- Not substantiated.
- Substantiated. Advertiser apologised: will not use similar technique in future.
- Outside the purview of the Authority.
- Substantiated. Item 12 of the Code brought to attention of Advertisement Manager. Advertisement not to appear again.
- Substantiated. Media warned.
- Substantiated. Not normal practice of advertiser but employee lived in same road as complainant and called to save time. Apologies sent to complainant and reminder to representatives.
- Not substantiated, but rules clarified for future use.
- Not proven, but newspaper involved will keep under scrutiny.
- Outside purview of Authority.
- Substantiated. Media advised not to accept further advertisements without amendment.
- Substantiated. Deposit refunded.
- Not substantiated. Complainant informed that ASA did not interfere in free expression of opinion on political and quasi-political matters.
- Not substantiated. Complainant informed that ASA remit extended only to paid advertising and did not cover favourable editorial publicity.

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