

THE
ADVERTISING
STANDARDS
AUTHORITY

Fifth Report

1 APRIL 1967—31 MARCH 1968

CONTENTS

	Page
List of Members of the Authority	2
Secretary and address of the Authority	2
Complaints	2
I Chairman's Report	3
II Activities of the Authority	15
A. Changes in the British Code of Advertising Practice	15
B. Investigation of Advertisements	17
C. Enquiry and Action relating to alleged infringements of the Code	18
D. The Authority and the Public	23
Appendix A: Details of Members of the Authority	24
Appendix B: Advertising Control System	26
Appendix C: Chairman's Report—Appendix	27
Appendix D: Press Statements issued by the Authority	29

The Fifth Report of THE ADVERTISING STANDARDS AUTHORITY

1 APRIL 1967-31 MARCH 1968

I

CHAIRMAN'S REPORT

1 In the Chairman's report last year I expressed the view that the primary task of the Authority was "the supervision of the working of the voluntary control system and of the content and interpretation of the Code of Advertising Practice and its adjustment to meet changing circumstances".

The Code of Advertising Practice

2 In this report I shall, as usual, deal with the Authority's role in supervising the working of the system. (The organisation of the control system is shown in the chart printed on page 26.) First, however, I would refer to the revision of the Code itself, which was accomplished in the course of the year. The purpose of the revision was to clarify it and to bring in the rulings which have been made since it was last issued in March 1964. The revision was completed in August and distributed, not only through the seventeen sponsoring organisations to their members, but also to many media and advertising agencies which are not members of the organisations, with the object of ensuring that those whose business it is to place or publish advertisements are familiar with the Code. Thus, the only significant gap in the circulation of the Code to advertisers is among those suppliers of goods and services who confine their advertising to direct mail or to the shop window. It is also these sectors to which the voluntary system cannot apply the normal sanctions. It is fair to add, however, that in most cases where complaints are received about advertising in these sectors which infringe the Code, advertisers are willing to conform with its provisions when they are made aware of them.

Statutory Control

3 That part of our task which relates to adjustment to changing legal circumstances is occupying, and will for some time to come continue to occupy, much more of the Authority's time and energy than hitherto. At the time of writing there is before Parliament a Bill (originally called the

Consumer Protection Bill and later the Trade Descriptions Bill), which sets the pattern of statutory control over the content of advertising for the future. The main purpose of the Bill as it affects advertising is to make it a criminal offence not only to describe goods or services falsely, but to give *by any means* any indication about their characteristics which would be likely to mislead. The Bill also empowers the Board of Trade by order to attach definite meanings to expressions used in relation to goods; to require that goods should be marked with or accompanied by specific information or instructions; and to require that advertisements of a kind specified in an order should contain or refer to specified information about particular goods. While the Bill leaves it open to anyone to prosecute for an offence under it (except in Scotland), the duty of enforcing its provisions is laid upon the local Weights and Measures Authorities within their areas. These enforcement authorities, however, are required by the Bill in all cases to give the Board of Trade twenty-eight days' notice of intention to prosecute. Government departments, of course, may also prosecute.

The role of the voluntary system

4 There is little in the Bill that was not recommended by the Molony Committee on Consumer Protection which reported in 1962. In one respect it goes further than that Committee recommended—namely, in regard to services. It does not attempt to take powers over all aspects of advertising; for example, the areas of decency and taste, of disparagement, of plagiarism, of advertisements presented in the style of editorial, of appeals to fear and superstition, and of switch-selling and inertia selling linked with advertising—all these are left to the voluntary system. So, too, for the present, at any rate, is the advertising of guarantees, premium offers and competitions, except insofar as a false or misleading trade description is applied to any goods.

5 This is not to say that the voluntary system is henceforward absolved from the duty of ensuring that false or misleading claims about goods or services are not made in advertisements. Quite the contrary. The Code lays down that all advertising should not only be clean, honest and truthful, but also legal. The voluntary system has sought to secure compliance with the law, as well as with its own Code, and will continue to do so.

Misleading Advertising

6 The Bill, however, does pose a difficult question. Insofar as it prohibits false claims, there is no problem, apart from that of establishing the facts by physical testing. But there is also a very large subjective element

in the Bill. An offence is committed not only if an advertiser gives an indication which is false, but also if he says or writes or portrays anything "likely to be taken" as an indication which would be false to a material degree. The courts will have to consider both how material is the falsehood and how likely it is that what is said or written or portrayed will be taken as such an indication. This is a matter in each case of individual judgment—in the first place for the enforcement officer who has to decide whether to bring the action; in the second for the Board of Trade to whom the intention to prosecute has to be referred; and in the third for the court.

7 Under the voluntary system it is, and will continue to be, for the media in the first place to decide whether to carry a particular advertisement. In case of doubt or difficulty the media refer cases to the Copy Committee of their society or association, and the Committee in turn may refer it to the CAP Committee, which in turn can consult the Authority. At any point the matter can be referred to the Advertising Investigation Department for guidance or examination. Complaints can come to any one of the four levels, and in cases of doubt or difficulty will reach the highest level. In other words the voluntary system is highly unified and strives to reach consistent decisions on all matters, whether of fact or of subjective judgment.

8 Advertisers have expressed two grounds of concern with the enforcement system proposed in the Bill. Firstly, they say that different Weights & Measures Authorities may take very different views as to what is likely to mislead, some taking a more practical, others a more literal view; and the attitudes of magistrates all over the country will also differ widely. Secondly, they fear that, since W. & M. Authorities are accustomed to act in cases which raise questions of fact alone, there may be a spate of prosecutions in this indeterminate subjective area during the initial period while W. & M. Authorities are "testing the water" in the courts and establishing guide-lines for enforcement.

9 For my part I think there is more in the first fear than in the second. Taking the second first, W. & M. Authorities have been conspicuously careful and considerate in implementing Acts of Parliament in their early stages. Their duty is to secure compliance with the law, not necessarily nor mainly through prosecution. They have shown great patience in their own areas in explaining the provisions of the Acts and have abstained from prosecuting except where they had reason to believe that there had been either a deliberate intention to defraud or deceive, or persistent carelessness or wilfulness. At the same time it seems that their attitude has stemmed

from the personal contact that they have maintained with traders whom it was their duty to visit. With the widening of the responsibilities of these authorities, it is clearly important that their personal contacts should be widened to cover all those whose advertising claims they will have to consider. It is significant that under the Bill as it now stands the intention of a person advertising goods is irrelevant in proceedings in court where an advertisement is alleged to be misleading. One would hope, however, that it would in practice be very relevant to the enforcement officer in deciding whether or not to take proceedings. If advertisers or advertising agencies are convicted of offences which they did not intend to commit and feel they took due care to avoid committing, they will undoubtedly feel that they have been unfairly treated. But if, as I believe they will, the enforcement authorities proceed with the same firm forbearance that they have shown in administering earlier Acts, this should rarely, if ever, occur.

10 As to the first fear, what would appear to be needed is a central clearing-house for complaints. The objective should be, not to deprive the enforcement authorities of full responsibility for enforcement within their areas, but to achieve a common attitude which will result in the greatest possible compliance with the law with the minimum of prosecutions. Certainly the effectiveness of a law is to be judged not by the number of prosecutions brought under it but by the infrequency of wilful or careless contraventions. This is the challenge of this piece of legislation.

11 This Authority is anxious to place its services at the disposal of all, including the enforcement authorities, and it hopes that the fullest use will be made of them. Whether any formal arrangements will be required has yet to be explored. The Authority believes that government departments, in particular the Board of Trade, will find that they need a body or bodies to consult who are closely in touch with both advertising and consumers' needs. The Authority pledges its wholehearted co-operation to fill such a need.

12 It is not the function of the Authority to represent the advertising industry in its dealings with government departments or enforcement authorities. The Advertising Association does that. The Authority's task is to supervise the working of the voluntary system, including its compliance with the law. It will, therefore, be the duty of the Authority to follow very closely the enforcement of the Bill in the field of advertising and to keep the advertising industry informed of what the law requires of it. While the Authority does not doubt that there was good reason for the then government to appoint a Committee to consider measures "for the further protection of the consuming public" eight years ago, it considers

that what has since been accomplished, not least by the Consumer Council appointed in 1962, has altered the emphasis from consumer protection as such to co-operation between suppliers, customers and regulatory authorities to ensure fair trading and good service. It believes that the provisions of the law should be used to promote proper relationships between these three elements of society rather than to penalise one of them in the supposed interests of another. In short it believes that the statutory authorities should consider the interests of the community as a whole and not regard themselves as the protectors of one element against another. To ensure that advertising is honest and truthful is as important for the prosperity and prestige of the trading element as it is for the well-being of the consuming public. The Authority would like to see trade associations, to a greater extent than they do now, laying down their own guide-lines for trade practices in co-operation with representatives of the public, subject to official approval. Whether official approval should be given by the Restrictive Practices Court, the Board of Trade, N.E.D.C., or some other body, and how representation of the public should be arranged—these are among matters for discussion and determination in the future. The point of principle is that clear guide-lines appropriate to the various industries should be laid down on a self-disciplinary basis subject to a minimum of official supervision, and that the guide-lines should be appropriate for each industry and service, rather than that further attempts should be made to legislate indiscriminately for all trade and business. The Authority believes that the principles on which the new Bill are founded are sound and can provide an adequate back-stop and support for self-disciplinary arrangements. Whether the administrative provisions of the Bill, especially where matters of subjective judgment are concerned, prove divisive and disruptive, as some fear, or conducive to co-operation and higher morale, as the Authority hopes, will depend on the spirit in which they are implemented.

Medicines Bill

13 There is also before Parliament a major bill, the purpose of which is to “make new provision with respect to medicinal products”, including those administered to animals. Very broadly, the measure would establish by stages a system of licensing, and it would be an offence for the licence holder to issue or cause to be issued a false or misleading advertisement relating to the product; that is, one which falsely described the product or was likely to mislead as to its nature or quality. In general, claims made in advertisements would be false if they were inconsistent with the terms of the licence. In the Bill “advertisement” includes notices,

catalogues, price lists, letters or other documents. The retailing of human medicines would be restricted to pharmacists, except for those which the Health Ministers publish in a General List.

14 The Ministers would be given power to prohibit by regulations the issue of advertisements relating to medicinal products of a specified description or class and the use of specified words or phrases in such advertisements. Before making such regulations the Ministers would have to consult such organisations as appeared to them to be representative of interests substantially affected, and the regulations themselves could be annulled by either House of Parliament. At the time of writing the Bill is in Committee of the House of Commons.

Labelling & Advertising

15 At present at least three government departments are either legislating or thinking about labelling and advertising. Unfortunately they are not all three thinking on the same lines. So far only the Board of Trade fully understands that labelling and advertising each have their own distinctive functions. What is appropriate to the one is by no means necessarily appropriate to all forms of the other. The essential distinction is that labels come into play at the point of sale or in the house, whereas advertisements serve to introduce the reader, viewer or listener to the goods, or to remind him of them, at an earlier stage in the selling process. Where the reader is not being invited there and then to place an order for the goods, it is reasonable to permit the introducer to describe his goods in whatever way he thinks best—from the fullest possible way that space permits to the most summary—provided always his description is neither false nor misleading. Where, on the other hand, a person is actually shopping, whether on foot or in an armchair, he should be given the opportunity of reading a description of the goods, especially if they are not visible at the time. Accordingly the functions of the label or catalogue are first to identify the goods, and second to describe them; that is, to indicate their composition, method of use and so on.

16 So, while it may be right in appropriate circumstances to *require* that certain information appropriate to the goods should be given on tins, bottles or packages, it by no means follows that it is right to require the same information to be given about the same goods in all kinds of advertisements. Indeed, for some kinds of advertisement, e.g. slogan or reminder advertisements, the Authority regards it as quite inappropriate to *require* any such information about *any* goods in *some* kinds of advertisements, or in the case of *most* goods, in *any* kind of advertisement.

17 The Authority is taking every available opportunity to draw these distinctions to the attention of the government departments concerned, so that they may be duly reflected in legislation.

Advertising to children

18 Complaints are sometimes received from parents or others who have children in their care about the way in which advertisements are directed at or addressed to children. Children have money to spend, and it is clearly right that they should learn by experience how to lay out their own money. Children are consumers, and it is entirely proper that advertisers should seek to interest them in goods, subject, of course, to the qualifications mentioned below.

19 The purpose of some advertisements is apparently to interest children in things which they are unlikely to be able to afford to buy for themselves. Parents often resent such advertising, particularly when it comes in the form of a letter addressed to a child by post. They are especially apt to resent the inclusion of their child's name on a mailing list purchased by the advertiser.

20 There are indeed circumstances in which such letters are objectionable; for example, it can be objectionable if lists of children at boarding schools are used in this way, since the correspondence received by children at boarding schools is not necessarily subject to the same supervision as it is when they are at home. This is particularly so when the obligation which the child is invited to assume is a continuing one, i.e. involving more than one payment. Instances of transactions which have given rise to complaint relate to stamp collection, cosmetics and the supply of periodicals or a series of volumes.

21 The Authority considers that it is most undesirable for children to be invited by post to engage in any transaction which involves a continuing commitment, except with the written consent of their parents or guardians. Quite apart from the fact that such transactions are unlikely to be enforceable at law (since necessities of life are rarely involved), they are liable to give rise to considerable trouble and anxiety. In particular the Authority strongly recommends advertisers not to hold out the bait of an initial free offer unless a parent or guardian is required to sign the request for the offer.

22 Paragraph 21 of the Code dealing with Inertia Selling reads:
"Advertisements should not be accepted from advertisers who send the goods advertised, or additional goods, without authority from the recipient."

Where the goods, or additional goods, are to be addressed to a child, the authority required is plainly that of the parent or guardian. Accordingly, the Authority expects this item in the Code to be interpreted to mean that where an advertisement of this character includes a coupon, that coupon should clearly indicate that the signature of the parent or guardian is required.

23 There is, of course, a risk that the coupon may be filled up by a child or by a practical joker; but in such a case the obligation incurred by the recipient of the goods is legally unenforceable, and this is a risk of which any trader using inertia selling methods is well aware. At worst it can occasion nothing more than some inconvenience or annoyance to the recipient, but no loss.

Advertisements which annoy

24 This is not to say that the Authority regards justifiable annoyance or anger caused through advertisements as of no consequence, whether it is caused to consumers or competitors. While we do not consider that it should be a criminal offence for traders to cause annoyance by petty ruses and deceptions, we strongly deprecate such practices and where practicable intervene to stop them. Of course it is not always practicable. A single example may suffice. It is not uncommon for traders to advertise in the classified columns as if they were private individuals wanting to dispose of particular items of household goods or jewellery. It is no doubt sometimes very annoying for those who respond to the advertisement to find that they have to do with a dealer; but they suffer no loss apart perhaps from the time and cost of the response. Most newspapers refuse to accept such advertisements if they are recognised (for example, by being inserted regularly); but otherwise it is virtually impossible to curb what is undoubtedly an abuse. Incidentally some such advertisements may be designed to avoid paying the dearer rates applicable to traders. Customers should also note that under the new legislation a person will be liable to prosecution if he has misdescribed goods in such an advertisement and inserted it in the course of a trade or business.

25 Competitors also, no less than consumers, may feel justifiably annoyed with an advertisement, whether it breaks the law or not. For example traders may resent price comparisons made by a competitor, in which the price at which goods are offered is set against a much higher one stated to be the "usual" price. If the price at which the goods are offered is in fact the usual price and the higher comparative price is fictitious, in one sense the customer suffers no loss; he gets the goods at the normal price;

it is the trader's competitors who suffer. It may well be, however, that a court would consider the false price comparison as tantamount to a misrepresentation of the quality of the goods and therefore illegal. Even if such deceptive pricing could not be held to be illegal, it would offend against the Code. In one particular form of advertising, that of itinerant traders who go from place to place holding one, two or three day sales in hired premises, deceptive price comparisons of this kind became so common that the Authority ruled last August that price comparisons in advertisements should not be accepted except from established traders (those who own the premises which they occupy or hold them on a regular tenancy). Had action not been taken, the confidence of established traders in the voluntary control system would have been undermined and deceptive pricing might have become much more common.

26 Under the Trade Descriptions Bill it is an offence for a trader to make false or misleading statements about the price at which he is offering goods, whether he makes them at the point of sale, in advertising, or otherwise. This provision seems especially likely to bite in cases where goods are offered for hire, and cases where a false impression is given that the whole charge to be made by the supplier is covered by the price quoted when it is not. It may also come into play at the time of the change-over to decimal currency. The Bill also makes it an offence to mislead about price reductions. But, at the time of writing, the Bill does not deal with cases where in an advertisement a trader compares the price at which he is offering an article with the price at which he wrongly asserts it is usually or normally sold elsewhere, or is sold by a particular competitor or competitors. The reason for this is no doubt mainly because it is often far from easy for a prosecution to establish in a court of law what is the normal or usual price, or that the articles compared are in fact comparable; whereas the voluntary system requires the advertiser, if challenged, to substantiate the truth of his comparison. He must substantiate also that the goods he is offering are comparable with those with which he is comparing them. The Authority envisages that in future advertisers will be called on more frequently than in the past to supply this substantiation.

27 Another source of annoyance could also lead to a rapid deterioration of standards if not checked; namely what is loosely called "knocking copy". There is no law of libel or defamation to protect products or services against unfair attack. It seems clear, however, that under the new legislation it will be an offence to apply a false trade description to a competitor's goods no less than to one's own. Under the Code the rule that what is contained in advertisements must be capable of substantiation

already applies to what an advertiser says or implies about his competitor's products or services as well as to what he says or implies about his own. But the Code goes further. It forbids both imitation and disparagement of a competitor's advertising as well as deliberate discrediting of his products or services. It means that any comparisons that are made between the products or services advertised and those of competitors must be fair and the basis of comparison must be made clear in the advertisement; and that if the comparison is limited to a particular aspect or aspects, not only must the comparison not be otherwise misleading but it must also be made plain that the comparison is selective, and the advertiser must be able to prove the superiority of his product in the respects claimed over the other products named or identifiable in the advertisements. Nor should references to another product or the way in which it is marketed or advertised be in any way misleading. For example, the Authority has held it to be not merely disparaging but misleading to refer to coupons or trading stamps as "bits of paper", as if they were only bits of paper without any realisable value in money or money's worth. To the advertiser and his advisers this may have seemed to be merely a witty and pithy expression of a fact. By their competitors, however, and not by them alone, it was taken as an unfair comparison and unjustified reflection on this fulfilment of their undertakings. Such are the pitfalls of knocking copy.

28 The rules are designed to stimulate creative competition, while at the same time ensuring that where comparisons are made, they should be factual and fair. The Code does recognise that sometimes the case for a product can best be made by a specific comparison with other products, but it insists both that the detail should be correct and that the general impression is in keeping with the truth.

29 Advertisers and their technical advisers would do well to recognise that because of their very natural bias in favour of their own products they may well offend against the Code quite inadvertently. It is always open to them to seek the impartial opinion of the Advertising Investigation Department before deciding on their copy. So far as commercial television is concerned, they are obliged to submit their film and sound tracks to the Independent Television Companies Association for approval. In fact most of them consider it prudent to submit their scripts also to the I.T.C.A. before filming, in case they may not prove acceptable in the completed film. In that way they may save money. Most press advertisements, on the other hand, can at short notice be altered without much difficulty to comply with the Code. But the rapid increase of colour advertising creates new

problems. Advertisements in colour are generally prepared well in advance of publication, and alterations cannot be made without considerable expense and delay. In such cases it is all the more desirable, therefore, for advertisers, advertising agencies and media, even if they themselves believe that an advertisement complies with the Code, to consult their appropriate committee or else the Advertising Investigation Department. The Authority hopes that colour advertisements, particularly those involving comparisons, direct or indirect, with other products, will be referred for advice, and so avoid any need for more formal procedures.

30 The Authority and the CAP Committee are at one in believing that good advertising should be positive and constructive, rather than negative and destructive. They regard it as of the utmost importance that the advertiser should be free to present his own case in his own way, untrammelled by rules or regulations other than those strictly necessary to ensure that the advertisements are not in any way misleading or objectionable. But any attack contained in an advertisement on other classes or brands of goods is likely to lead to a riposte on the part of those who market them and to some extent at least to affect their right to present their cases in their own way. It may even force them to spend more on advertising than they would otherwise have done, and to spend it less effectively. It is difficult to see how consumers could gain from mutually destructive advertising of that kind. Such brawling in public would, in the Authority's view, tend to lower advertising standards and could only be described as wholly unedifying. It would tend to bring not only advertising but our whole competitive system into disrepute.

31 It would be wrong to infer that experience in the past year has given cause for concern about compliance with the rules or with the decisions of the Authority or the Code of Advertising Practice Committee in this or any other field. Technical development and ever-changing trends in advertising and marketing are bound to give rise to new problems, but morale and the general standard of advertising have been well maintained in a year of exceptional economic difficulty. Where decisions have gone against advertisers, they have been accepted and implemented, though not always quite as promptly as the Authority would have liked. In one or two cases, however, the issue could have been avoided had there been prior consultation. It is, of course, a matter of judgment for the advertising agencies or media concerned whether to refer to the A.I.D. or not. Simply put, however, it costs nothing to do so, and it may save a lot of time, trouble and expense.

Retrospect

32 I am glad to be able to report that the various elements in the voluntary system of control are working together harmoniously and efficiently. No system works perfectly, and errors are bound to occur occasionally. For example, a local paper accepted from an itinerant trader, who had recently been twice convicted of offences committed under the Merchandise Marks Acts in places not very far away, an advertisement in which claims clearly at variance with the Code were made. Having got that paper to accept the advertisement, the trader took a pull of the advertisement to another paper as purported evidence that such advertisements were now acceptable, and got the second paper also to accept it. Advertisement departments have always to be on their guard against this sort of thing, and a high state of training and constant vigilance is needed to avoid blunders. What is remarkable, however, is not that such blunders do occur, but how rarely they occur.

Staff

33 The staff of the Authority is being increased to cope with the new circumstances. It has had a very testing year, and on behalf of the Authority I would like to acknowledge the tireless and devoted efforts of Mr. John C. Braun and his team. I would like once again to thank Mr. Allan E. Hickman and his staff in the Advertising Investigation Department for the prodigious amount of work they do, and to express the Authority's admiration of the quality of their work and congratulations on its success. I would also express to the Advertising Association and in particular to its Director General, Mr. J. S. Williams, the Authority's sincere appreciation of its moral and financial support. The Association set up the Authority to do a job in the interest of the advertising industry and of the public. It does not interfere with the work of the Authority in any way, but the encouragement that it has consistently given to its members to co-operate with the Authority, as well as to the Authority itself, has been invaluable.

Looking Ahead

34 The Authority expresses its gratitude to all who have co-operated with it in making the voluntary system work. The corner-stone of the system has undoubtedly been the harmony in which the CAP Committee, representing the industry, and the independent Authority have worked together. The present rapid growth in the area of statutory control, so far from reducing the work of the Authority will extend and intensify it. The Authority confidently hopes for even wider co-operation in the future than it has had in the past.

II

ACTIVITIES OF THE AUTHORITY

1 APRIL 1967—31 MARCH 1968

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

A note on the members of the Authority is given in Appendix A. There has been no change in the membership during the year.

The activities of the Authority are reviewed under the following headings:

	<i>Page</i>
A. Changes in the British Code of Advertising Practice	15
B. Investigation of advertisements	17
C. Enquiry and action relating to alleged infringements of the Code	18
D. The Authority and the Public	23

A. CHANGES IN THE BRITISH CODE OF ADVERTISING PRACTICE

35 Third Edition of the Code

As mentioned in paragraph 2 of the Chairman's Report, the Third Edition of the Code was published in August 1967, replacing the Second Edition of 1964. In its international A4 format with consecutively numbered paragraphs and sub-paragraphs, the new edition is easier to read and follow. The introductory section now contains a brief outline of the advertising control system, and the approach to section B, referring to medicines, treatments and appliances has been changed so as to facilitate use.

The phraseology of the Code as a whole has been made more precise and some ambiguities have been removed. Details of interpretation and additional rules not forming part of the Code itself have been set out in a Consolidated CAP Bulletin, entitled New Series No. 1.

A loose-leaf binder has been made available, so that the Code and bulletins and other explanatory material can be kept together. Binders, including the Code and Bulletins (Price 8/6) and single copies of the Code (2/-) may be obtained post free from the Secretary.

36 Misuse of the words "wholesale" and "wholesaler" in advertisements

As part of its duty to watch over general standards of advertising, the Authority attaches importance to the proper use of particular words. In July 1967 a ruling was issued on the interpretation of the words "wholesale" and "wholesaler" in advertisements (see Appendix D). This ruling aims to stop the misuse of the words in advertisements to the public in which goods are offered at "wholesale" prices, although the prices for retail sale are in fact greater than genuine wholesale prices.

Since the ruling was made public, few infringements have occurred.

37 "Sales" advertisements

A problem over the years has been the exaggerated and often misleading advertising indulged in by itinerant traders, usually relating to one-day sales. During the year the position became accentuated by the appearance of at least one large-scale advertiser who held, in various parts of the country, sales lasting several days at a time. His publicity contained many of the doubtful features of the huckster-style advertisement and occupied large spaces in the local press. Action was clearly called for.

At the same time a number of "salerooms" were advertising "sales" and charging a commission on each item. References to these were inconspicuously tucked away in large-space advertisements, so that often customers would not know about them until the additional charges were made.

In order to deal with all these abuses, the Authority issued a comprehensive ruling which is reproduced in full in Appendix D.

38 Advertisements offering TV and Radio Sets on rental

The rules referred to in the Fourth Report of the Authority gave rise to difficulties in interpretation, especially when methods of trading changed as a result of the requirements of the Control of Hiring orders. The CAP Committee therefore deemed it wise to change the rules to bring them more into line with current trade practice. The new rules were issued in a CAP Bulletin in March 1968.

39 Samples through letterboxes

Although sample distribution by hand is not strictly a matter of advertising practice, it is sufficiently allied to prompt the voluntary control system to point out the need for care. In an early bulletin the CAP Committee drew attention to possible dangers, instancing razor blade samples which, although packed, might be picked up by children and unwrapped. CAP Bulletin New Series No. 2 contained a reminder of the danger to children and a warning that samples should not be left on doorsteps.

40 Premium Offers and Competitions

The last report of the Authority contained warnings as to the proper conduct of premium offers and competitions. The Incorporated Society of British Advertisers was invited by the CAP Committee to study premium offers, and a legal advisory panel of barristers and solicitors was formed under the chairmanship of the Secretary to study the operation of competitions.

The results of these studies are shortly to be published in a guidance leaflet designed to help advertisers and their agencies in the promotion of products by means of mail-in schemes and competitions. These advisory notes are not intended to be a part of the Code itself, but they should help those responsible for promotions of this kind to avoid the pitfalls which result in dissatisfaction and complaints from the public.

The legal advisory panel made a thorough investigation of the field of competitions. Although asked for its views on the legality or otherwise of certain types of schemes, it came to the conclusion that the law on this subject is so uncertain, and in some ways unsatisfactory, that it would be unwise to lay down any guide-lines. Legal opinion is widely contradictory and can vary from scheme to scheme. There is, indeed, a good case for law revision here.

41 Breath testing devices

When breath testing devices appeared on sale to the public, the Authority considered it to be its duty to make a searching study of the conditions upon which such devices might be advertised. A Working Party was set up by the Advertising Investigation Department and the views of the Home Office and the Ministry of Transport were sought.

It was decided that there could be no objection to the advertising of these devices provided that their function was made clear and that any claims made in advertisements were carefully screened. A public statement on the rules for advertising breath testing devices was published in March 1968, and is reproduced in Appendix D.

The Authority expresses its thanks to the members of the Working Party for their valuable assistance in this matter.

B. INVESTIGATION OF ADVERTISEMENTS

42 Investigation

The Authority is grateful to the Advertising Investigation Department (AID), under its Director, Mr. Allan E. Hickman, for its unremitting work in the investigation of complaints. While some cases can be dealt with in twenty-four hours, others require a great deal of detailed and

painstaking research and cross-checking. It is not uncommon for a difficult case to require weeks of correspondence, telephone calls and personal interviews. Substantiation of claims and the verification of arguments rebutting complaints of misdescription need the most careful handling, and the Authority is well satisfied with the service it is given in this respect.

43 Monitoring

The AID monitoring system has continued to develop and is now established as an important arm of the control system.

Daily scrutiny of the morning and Sunday nationals has continued, and the random checking of the provincial, general magazine, trade and technical press has widened in scope. Closer attention is also being paid to those publications which are not in membership of any of the CAP sponsoring bodies. During the year a total of 7,500 publications have been examined, compared with 5,000 last year.

C. ENQUIRY AND ACTION RELATING TO ALLEGED INFRINGEMENTS OF THE CODE

44 It has been the practice of the Authority to give statistics of the cases passing through its hands based on the period from 1st April in one year to 31st March in the succeeding year. This method has necessarily set an arbitrary cut-off point to investigations in progress when the report goes to press in April. In order to give a more complete picture, it has been decided to change the period to the calendar year so that the results of a year's activities can be shown in their entirety. This means that there will be a break in comparative figures for this year. Thus the 1966-67 figure of 205 represents a twelve-month period, whereas the figures set out in the tables which follow represent only the nine months from 1st April to 31st December 1967. It will be seen that on the basis of the total of 244 in the nine months there would have been in a full year an increase of the order of 100 over the figures shown in the last report.

The Authority is gratified that the increasing interest shown in its work by the public is echoed by a greater sense of confidence on the part of those bodies who have passed on cases for action. The criticism which is voiced from time to time by those same bodies concerning the functioning of the Authority is accepted in the spirit in which it is made, and every effort is made to remedy such shortcomings as may be accepted as valid.

The cases sent forward from outside bodies represent just one quarter of the total number dealt with by the Authority. There is regular and fruitful liaison with the Board of Trade, Weights & Measures Authorities,

the Consumer Council, the National Citizens' Advice Bureaux Council, the Retail Trading-Standards Association, Consumers' Association, the Press Council, Chambers of Commerce and many other bodies. The greatest number of complaints received from other bodies comes from the Retail Trading-Standards Association, whose forthright defence of its members' interests usually coincides with the unmasking of dubious trade practices.

The 244 complaints addressed to the Authority during the period 1st April to 31st December 1967 were dealt with as follows:

45 Cases during period 1st April to 31st December, 1967

Advertisements amended or withdrawn	62
Advertisements suspended	10
Complainant satisfied by delivery of goods or refund of money	70
Advertiser no longer trading	9*
Advertiser warned	9
Mistake by advertiser admitted and promise for future care	14†
Satisfactory explanation given by advertiser	5
Complaints not substantiated	41
Complaints withdrawn	8
Outside the purview of the Authority	7
Still under investigation	9
	<u>244</u>

* 3 relate to one advertiser

† 4 relate to one case

Misleading claims, offers or descriptions	110
Mail Order	36
Premium offers	35—
Misleading price comparisons	19
Guarantee unsatisfactory or not honoured	9
Sales commission inadequately shown	5
Betting or football tipsters	5
Advertisements in style of editorial	4
Competitions	4*
Disparagement	4
Matters of taste	3
Misuse of wholesale prices	3
Non-delivery of free offer, voucher or prize	2
Homework schemes	2
Inertia selling	1
Advertisements addressed to children	2
	<u>244</u>

* All one case

Examples of some of these cases are given in the following paragraphs.

46 Misleading claims, offers or descriptions—Paragraph 4 of Part A of the Code

As would be expected, complaints under this general heading are again at the top of the list. They cover misleading descriptions, claims or illustrations and range from the significant to the trivial. Thirty complaints were considered not to have been substantiated. Of the rest, four related to advertisements which were suspended, and the remaining seventy-six to those which were amended or withdrawn.

The product field which has given most cause for dissatisfaction is that of carpets and floor coverings, which are way out in front of radio and television hiring, holiday bookings and central heating.

There have been a few cases in which complainants have relied on particular colours in illustrations in brochures and have been disappointed when the goods have not exactly matched the illustration. This is a problem over which advertisers cannot have complete control owing to differences in inks and processing through the press. It would seem advisable for those advertisers who rely on their catalogues as a means of sale to print a brief note of warning, either that the colours shown therein may differ slightly from those of the goods, or that the colour is a general guide only and should not be taken as corresponding exactly with that of the actual goods.

In its last report, the Authority drew attention to the fact that interpretations put upon particular advertisements by the public and by outside observers have sometimes been quite different from those intended by the creators of the advertisement. That is still so, but it is equally true to say that some complainants, while not deceived themselves, are convinced that others will be. This kind of display of mental superiority does not impress the Authority, which takes the view that common sense is the appropriate yardstick for judging the subjective element in advertisements.

47 Mail Order Advertising—Paragraph 18 of Part A of the Code

A particular sector of the mail order business which is causing concern to the Authority is the discount "club" or company which claims to be able to provide standard goods at a special or lower price than may be obtainable elsewhere. Apart from the fact that these so-called lower prices are not always particularly advantageous, there have been complaints of slow despatch, non-delivery, failure to return money to dissatisfied customers, and inferior quality. The disturbing element has been the number of these companies which have ceased trading, leaving some customers unsatisfied or out of pocket. Among the causes of failure appear to have been indiscriminate purchasing policies, over-trading, bad management and failure

to understand the market. Poor administration seems to have been more to blame than deliberate intent to deceive customers.

The Authority was therefore pleased to note the application of more stringent requirements by the press media bodies, who introduced a fresh form of undertaking for signature both by mail order companies wishing to advertise and by advertising agencies acting on their behalf.

48 Premium Offers

Reference has already been made in paragraph 40 to the steps which have been taken to guide advertisers as to their responsibilities when undertaking mail-in promotion schemes. The need for such guidance seemed to be indicated by the sharp rise in the number of complaints from four last year to 35 (see table on page 19 of this report).

The main causes for complaint have been: delay in sending the goods offered as a premium; failure to explain non-delivery when requested; delay or failure in returning money upon the request of dissatisfied applicants; poor quality or imperfect goods; and inaccurate comparative prices of goods, resulting in a misleading reference to money-saving. Despite these shortcomings, the Authority is satisfied that the complaints amount to an exceedingly small proportion of the many thousands of articles sent out in the course of several hundred promotions undertaken during the year. It is also the case that every request on the Authority's behalf for supply, replacement, or return of money was met.

49 Misleading Price Comparisons—Paragraph 11 of Part A of the Code

The problem of misleading price comparisons is a complex one, as has been emphasised by the difficulty of the government in drafting a suitable all-embracing clause in the Trade Descriptions Bill.

In so far as the control of advertising system is concerned, there is no difficulty in securing the withdrawal of a price comparison in an advertisement once it has been shown to the satisfaction of the Authority to be false or misleading; but there are many practical difficulties when it comes to pre-examination and pre-testing of such comparisons, not the least of which is the time factor between the time when the advertisement is received by the medium and its due publication date.

It would, of course, be a simple matter to rule that advertisements should not contain any price or value comparisons at all, other than those between the present and a previous price in the same establishment, and possibly those with a genuine, current "recommended" price. That, however, was found not to be acceptable to the trade. In the case of itinerant traders this embargo was obviously necessary, because neither

the publisher nor the purchaser would have time to verify the price comparisons (see para. 37 above): but it would not be in the interest of consumers that this ruling should be extended to cover the advertisements of established traders, as were it to be so extended it would deprive the consumer of necessary information where genuine sales bargains were on offer.

It is perhaps inevitable that some comparisons should be published which are subsequently found to have been misleading, but advertisers who persist in false or misleading price comparisons risk having all their advertising suspended by media, as has happened more than once in the past few years.

The Authority is keeping the matter under close observation. It remains to be seen how this matter of comparative pricing will be dealt with under the law.

50 Guarantees—Paragraph 13 of Part A of the Code

Of the nine complaints brought under this heading one resulted in the suspension of an advertisement, one in the advertisement being amended, and one in the advertiser being warned as to the ineffectualness of the form of guarantee in use. In the remaining cases, four complainants were satisfied by action taken to have the guarantees honoured, a satisfactory explanation of how the guarantee worked was given in another instance, and one complaint was not substantiated.

51 Other Cases

Most of the other categories set out in the tables of cases have been dealt with earlier in this report. Of those remaining, there is little upon which to comment. There have been four cases of advertisements presented in the style of news or editorial. Two were clear cases of product advertisements and were changed; one related to an article in a controlled circulation paper which was considered to be outside the purview of the Authority; and one related to a supplement in a national newspaper which was part advertisement and part editorial, but was held not to be in breach of the rule.

Some betting tipsters for both racing and football continue to cause trouble with their advertisements despite the rules which were introduced in November 1966. We are persevering in our efforts to eradicate these nuisances but are of the opinion that in this specialised field the maxim is very much 'caveat punter'.

There were only three complaints of doubtful taste. These matters must always be largely subjective. They are referred to the Council of the Authority, the CAP Committee or one of its sub-committees and judged

on a consensus basis. In the permissive society of today the area of acceptability is rather wider than in former days, and it would be unrealistic to apply much higher standards to advertising than are generally accepted in editorial and other fields. The Committee on Consumer Protection (the "Molony Committee") had this to say:

"What strikes one person as a gross offence against good taste will seem to another unexceptionable, and to yet another as merely laughable . . . Advertising is no more than a single and perhaps superficial factor in any decline of public morality and taste. If there be such a decline, the root causes must be sought and the remedies applied much more deeply than by a mere tinkering with the form of advertisements."

Nevertheless, a line has to be drawn, and of the three cases brought before the Authority one was held to be justified. This was a brochure for men's suits, which was illustrated by a near nude woman. The brochure was discontinued. The other two cases were not considered to be in breach of good taste.

D. THE AUTHORITY AND THE PUBLIC

The Chairman and members of the Authority have welcomed invitations to speak to audiences at conferences and functions of all kinds. The Secretary has spoken at several consumer education meetings during the year and also sits on the Consultative Committee on Consumer Complaints which meets under the auspices of the Consumer Council.

On behalf of the Advertising Standards Authority
DRUMALBYN
Chairman

APPENDIX A

THE MEMBERS OF THE AUTHORITY

- THE RT. HON.
THE LORD DRUMALBYN P.C. Formerly M.P. for Dumfriesshire (1945-1963. Member of General Advising Council of B.B.C. (1952-55). Chairman, Commonwealth Producers Organisation (1952-55). Joint Under-Secretary of State, Scottish Office (1955-60) Parliamentary Secretary, Board of Trade (1960-62). Minister of Pensions & National Insurance (1962-63). Minister of State, Board of Trade (1963-64). Appointed Chairman of the Authority July 1965.
- A. CHARLES BUCK Director, Reckitt & Sons Ltd. Former President of Incorporated Society of British Advertisers. Past President of International Union of Advertisers Association. President of the International Foundation for Research in Advertising. July 1962.*
- R. CRAIG-WOOD Management Consultant. Chairman of Craig-Wood Consultants Ltd., Dunkley & Friedlander (Product Development) Ltd., Computeraid Ltd., Director of Joseph Dawson (Holdings) Ltd. Formerly Managing Director A.E.I.-Hotpoint Ltd. (1955-1963), Thomas Hedley & Co. Ltd. (1947-1954). Fellow of British Institute of Management. July 1962.*
- VICTOR FEATHER, C.B.E. Assistant General Secretary of Trades Union Congress since 1960. Member of General Advisory Council of B.B.C. July 1962.*

- MRS. JEAN FORT Head Mistress of Roedean School since 1961. September 1965.*
- SIR JOHN HAWTON, K.C.B. Chairman, British Waterways Board. Permanent Secretary, Ministry of Health 1951-1960. July 1962.*
- A. EVERETT JONES Chairman, Everetts Advertising Limited. Chairman of British National Committee on Advertising (International Chamber of Commerce). Chairman of Mass Observation Ltd. Fellow of Institute of Practitioners in Advertising. March 1966.*
- T.G. MOORE Director, Portsmouth & Sunderland Newspapers Ltd. and Envoy Journals Ltd. Council Member of Newspaper Society since 1944 (President 1953/54). Chairman of Newspaper Society Advertising Committee. March 1966.*
- MRS. G. L. S. PIKE, C.B.E., J.P. Formerly Chairman of National Federation of Women's Institutes. Member of the Food Standards Committee of the Ministry of Agriculture, Fisheries and Food. Member of Independent Television Authority's Advertising Advisory Committee. September 1965.*
- HOWARD THOMAS, C.B.E. Managing Director, A.B.C. Television Ltd. since 1955. Managing Director, Thames Television Ltd. Former Chairman of Independent Television Companies Association. Director, Associated British Picture Corporation Ltd. July 1962.*
- THE HON. C. M. WOODHOUSE, D.S.O., O.B.E. Director of Education and Training, Confederation of British Industry. Director-General, Royal Institute of International Affairs (1955-59). Visiting Fellow, Nuffield College (1956-64). M.P. for Oxford (1959-66). Parliamentary Secretary, Ministry of Aviation (1961-62). Joint Parliamentary Under-Secretary of State, Home Office (1962-64). March 1967*

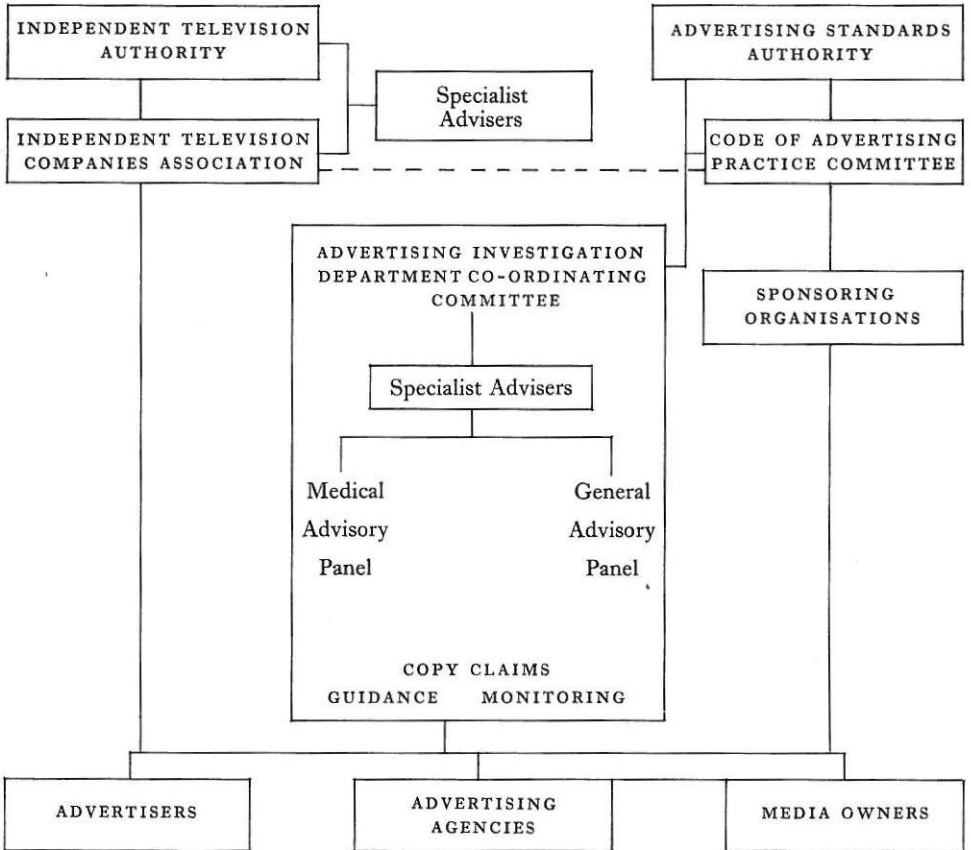
*Date of appointment as member of the Authority.

APPENDIX B

ADVERTISING CONTROL SYSTEM

Television Commercials
(Statutory Control)

Other Advertising
(Non-statutory Control)



APPENDIX C

CHAIRMAN'S REPORT—APPENDIX

VISIT TO THE U.S.A. AND CANADA

Last October I visited Washington D.C. and New York and had an opportunity of calling on the Federal Trade Commission and meeting its Chairman, the Hon. Paul Rand Dixon, and some of his colleagues. I was also privileged to meet the President's Personal Adviser on Consumer Affairs, Miss Betty Furness, as well as some of the leaders in advertising and in the Better Business Bureau movement. I would like to express my gratitude for the unfailing courtesy and kindness with which I was received, for the generous hospitality and for the readiness to exchange information about our two very different systems.

Much of the difference between the two systems stems from the difference in the constitutions. Each of the United States has its own legislation. To provide uniform rules for inter-state trading and to prevent individual and state rights from being eroded by national monopolies, the Federal Trade Commission was set up in 1909 with the object of maintaining fair competition and preventing deceptive trade practices in inter-state trade. The Commission is headed by five distinguished lawyers, with power to issue complaints, hold hearings and make "Cease and Desist" Orders, against which there is a right of appeal to the federal courts. According to their 1966 Report, they have a staff of 1,145, including a field force of 155 attorneys located throughout the United States, and a budget of £5½m. They have come to regard their function, especially in the area of deceptive practices, more and more as one of guidance as well as enforcement. They issue guide-lines for various commodities and services after formal hearings at full conferences with those concerned, including consumers. They prefer, where possible, to persuade those whose practices appear to be deceptive to agree to abandon them. Where agreement is obtained, they issue what are called Consent Orders. Both types of orders, however, have the effect of injunctions, contravention of which can lead to proceedings in the federal courts and fines of \$5,000 on each charge.

The important difference between enforcement in the two countries is that in America the F.T.C. operates through the civil law, whereas we use the criminal law. Where the object is to protect consumers and traders against practices which are adjudged unfair, there is a great deal to be said for preferring civil procedures, since it is naturally felt to be unjust to convict a person of a criminal offence if he had no intention of deceiving

and took reasonable care not to do so, although he should nevertheless be required to desist. The second advantage of the American system is that of consistency, because there is only one enforcement authority, whereas under our new legislation there will be some 260.

The F.T.C. has, in fact, more in common with the British voluntary system than with our legal system. In America it is the voluntary system that is organised on a local basis through their Better Business Bureaus, while their legal enforcement is centralised; whereas in Britain the exact opposite applies.

The advantages, however, are by no means entirely on the American side. Flexible as the F.T.C. system is, it is necessarily more formal and less sensitive to public opinion than the British voluntary system. Even its "consent" procedures normally take longer, and where it proceeds by formal hearings and "cease and desist" orders (which become effective sixty days after issue unless appealed), it takes very much longer to halt an abuse than does the British voluntary system. Perhaps, however, we would regard as the greatest advantage of our system the sense of individual and collective responsibility which results from the continual process of discussion and decision among and within the representative and administering bodies that is the feature of a self-disciplinary system.

Nevertheless, I came away from the U.S.A. with a profound respect for the American system and a feeling that we have much to learn from it, particularly in the method of legal enforcement by consent, and of negotiation of clear guide-lines between enforcement authorities and the public.

In the course of a visit to Canada as a member of a delegation of the British Branch of the Commonwealth Parliamentary Association I had the honour of being received by the Hon. John N. Turner, M.P., the Minister in charge of the new Ministry of Consumer Affairs, and also by the President and the Executive Vice-President of the Canadian Advertising Advisory Board, Mr. Allan B. Yeates and Mr. Robert E. Oliver.

At the time of my visit the Canadian government was considering the new legislation covering claims made in advertising which is now before the Canadian legislature. I would like to express my gratitude for the courtesies shown to me.

APPENDIX D

PRESS STATEMENTS ISSUED BY THE AUTHORITY

MISUSE OF THE WORDS "WHOLESALE" AND "WHOLESALE" IN ADVERTISEMENTS

The Advertising Standards Authority has ruled on the use of the words "Wholesale" and "Wholesaler" in advertisements. The ruling, which is being incorporated as an interpretation in the British Code of Advertising Practice, is as follows:

"No advertisement should state or imply that goods offered for retail sale are being offered at wholesale price unless the advertiser can prove that the prices in question are not higher than those at which goods are currently sold to the retail trade. A wholesaler is defined as a merchant who purchases stocks for supply to retailers and other classes of trade buyers."

The ruling is aimed to stop the misuse of the words in advertisements to the public in which goods are offered at "wholesale" prices, whereas the prices shown are greater than the wholesale price.

Notes

It is greatly to the advantage of the public that genuine bargains should be advertised, but advertisers should not make out that bargains are better than they really are, by:

- (a) exaggerating the price at which the goods are "normally" sold.
- (b) falsely implying that everything they are offering is being sold by order of Court or of the Official Receiver or Liquidator; or has been bought by them at such a sale or on the disposal of "salvage" stock following a fire, shipwreck, etc.
- (c) quoting prices of individual items and at the same time inserting in an obscure position an ambiguous or misleading statement to the effect that there is added onto the price of each purchase a sales charge or commission.

While the great majority of established traders have been complying with our ruling on comparative prices, complaints have been received against traders who go from place to place holding sales lasting a day or more. In some cases such traders give no indication in their advertisements of their names and permanent addresses. Their advertisements are often submitted for publication at too short notice to permit newspapers to check up on this or to call for substantiation of alleged bargains.

The recommendations contain four ways of dealing with these abuses. They are:

- (i) to require that the name and permanent address of the advertiser be included in an advertisement;
- (ii) not to accept price comparisons in advertisements except from established traders;
- (iii) not to accept claims in advertisements that would imply that the goods offered come from bankruptcies, "damaged" or "salvage" stock, and the like, without evidence of the Order or incident in question;
- (iv) to insist that where prices quoted are subject to the addition of sales charges or commissions, that fact and its effect on the prices should be accurately and prominently set out in the advertisement.

15th August 1967

"SALES" ADVERTISEMENTS

Advertisements of "sales" of general consumer goods conducted by certain types of trader have given rise to complaint. The main grounds have been misdescriptions of the character of the sales and of the goods, anonymity of the promoters, and unsubstantiated price comparisons. Some of the advertisers impose an additional sales charge at the time of the sale, and the advertisements have not made either the existence of the effect of the charge sufficiently apparent.

Advertisements for sales are, of course, subject to the Code of Advertising Practice. The following recommendations are issued by way of guidance in interpreting the Code.

1 Name and Address

The name and permanent address of the advertiser should be included in the advertisement.

- (a) If the advertiser claims to be a limited company, ask for the registered address.
- (b) If the advertiser is trading in a name other than his own, ask for registration number under the Registration of Business Names Act 1916.
- (c) If the advertiser is not a limited company or registered firm, he must advertise in his own name and provide a verifiable permanent address.

2 Comparative Prices

Unless the advertiser is an established trader i.e. one who has carried on business continuously for a period of at least six months at the place where the "sale" is being held, his advertisements should NOT contain any price comparisons.

Price comparisons by established traders must conform to the requirements of CAP Bulletin No. 8 item 49.

3 Description of "Sales" and Goods

Claims or implications in an advertisement that the goods are "bankrupt", "liquidated", "damaged" or "salvaged" stock, or of similar description, should not be accepted without adequate verification.

Such expressions should not be used to describe any "sale" unless they may properly be applied to all the goods advertised.

(a) If the sale is claimed to be "By Order"—whose order it it? Expressions such as "By Order—Must Be Sold" are not acceptable unless an Order has been made by the Court, Official Receiver or Liquidator.

(b) If "Liquidator's Prices" are mentioned, the name and address of the liquidator should be provided.

Expressions such as "3 Day Liquidation Sale" or "Liquidator's Prices" are not acceptable where there is no liquidation in the legal sense to support the claim.

(c) If expressions such as "Bankrupt Stock", "Bankrupt Sale", "Bankrupt Prices" are used, evidence of the bankruptcy should be provided. In the absence of such evidence the advertisement should not be accepted.

(d) If expressions such as "Damaged by Fire", "Damaged by Water", "Salvaged Stock" are used, confirmatory evidence should be required to show the date and place of the occurrence, and that the actual goods to which the expressions are applied were involved.

(Some traders, having once acquired salvage stock, have thereafter continued indefinitely to represent that all their goods came from that same single source.)

(e) The description "Clearance Sale" or similar expression is NOT acceptable in advertisements except for established traders.

4 Sales Charges or Commissions

Where sales charges or commissions are imposed, the details must be accurately and prominently displayed.

(a) Accuracy

- (i) The statement must make it clear that the charge is additional to the prices mentioned in the advertisement.
- (ii) It must also state whether the charge applies to each separate item or to the total purchase made.
- (iii) The amount of the charge must be clearly expressed. An example of inaccurate and therefore unacceptable copy would be:

“Added to purchases will be a 5% sales commission: 3d up to 5/-; 6d up to 10/-; 9d up to 15/-; 1-/- up to £1.”
In this example, 3d on 1/- represents 25%!

(b) Prominence

The statement of charges must stand out and in particular must be:

- (i) In a panel or box, and
- (ii) At the head of the advertisement, and
- (iii) Headed “Sales Charge” or “Sales Commission”, and
- (iv) The heading must be in a type size not less than 12-point bold caps.

8th August 1967

ADVERTISING OF BREATH TESTING DEVICES

Guidance regarding advertisements for breath testing devices, now on sale to the public, has been issued by the Advertising Standards Authority.

There is nothing in law to stop the sale or advertisement of breath testing devices. Great care has to be exercised, however, to ensure that advertisements for them do not convey an impression that they give results more accurately than in fact they do. People should be given to understand that such a device does not show them infallibly whether or not they are fit to drive and can give no assurance that if they are invited by the police to submit to a test a short time afterwards the results will be the same.

In order to protect the motoring public from being misled, rules are being circulated by the Code of Advertising Practice Committee to members of the organisations belonging to it. The rules stress that the packaging and labelling of these devices should include a warning on the dangers of

driving after drinking, and draw attention to the fact that these devices provide no more than a guide and give no positive assurance of safety.

The Advertising Standards Authority has also ruled that no advertisement should be accepted for products which purport to mask the effect of alcohol in tests on drivers.

RULES FOR THE ADVERTISING OF BREATH TESTING DEVICES

- 1 Advertisements for breath testing devices should not be accepted:
 - (a) unless there is included with the device a warning on the dangers of driving after drinking and a clear indication is given on or with the device to the effect that
 - (i) the device provides no more than an approximate indication of the alcohol/blood level;
 - (ii) a person's alcohol/blood level may continue to rise for some time after the last drink is taken;
 - (iii) a person may be an increased accident risk even if his alcohol/blood level is well below the legal level.
 - (b) if any claim is made or implied that the device indicates a "safe" level of consumption of alcohol.
 - (c) if any claim is made or implied that a breath testing device will indicate when the alcohol concentration in the blood has reached or has exceeded the legal limit, unless the claim is substantiated by an independent laboratory test report.

Notes

- (i) Because of the special nature and purpose of the product, it is important that before accepting an advertisement media should inspect the device itself and any accompanying literature to ensure that the above rules are complied with.
 - (ii) In cases of doubt, agencies and media should check with the Advertising Investigation Department before offering or accepting advertisements for publication.
- 2 No advertisements should be accepted for products which purport to mask the effect of alcohol in tests on drivers.

5th March 1968

PRICE THREE SHILLINGS

Printed in Abingdon at The Three Birds Press Limited