



How far  
can you go?

Annual Report 2000



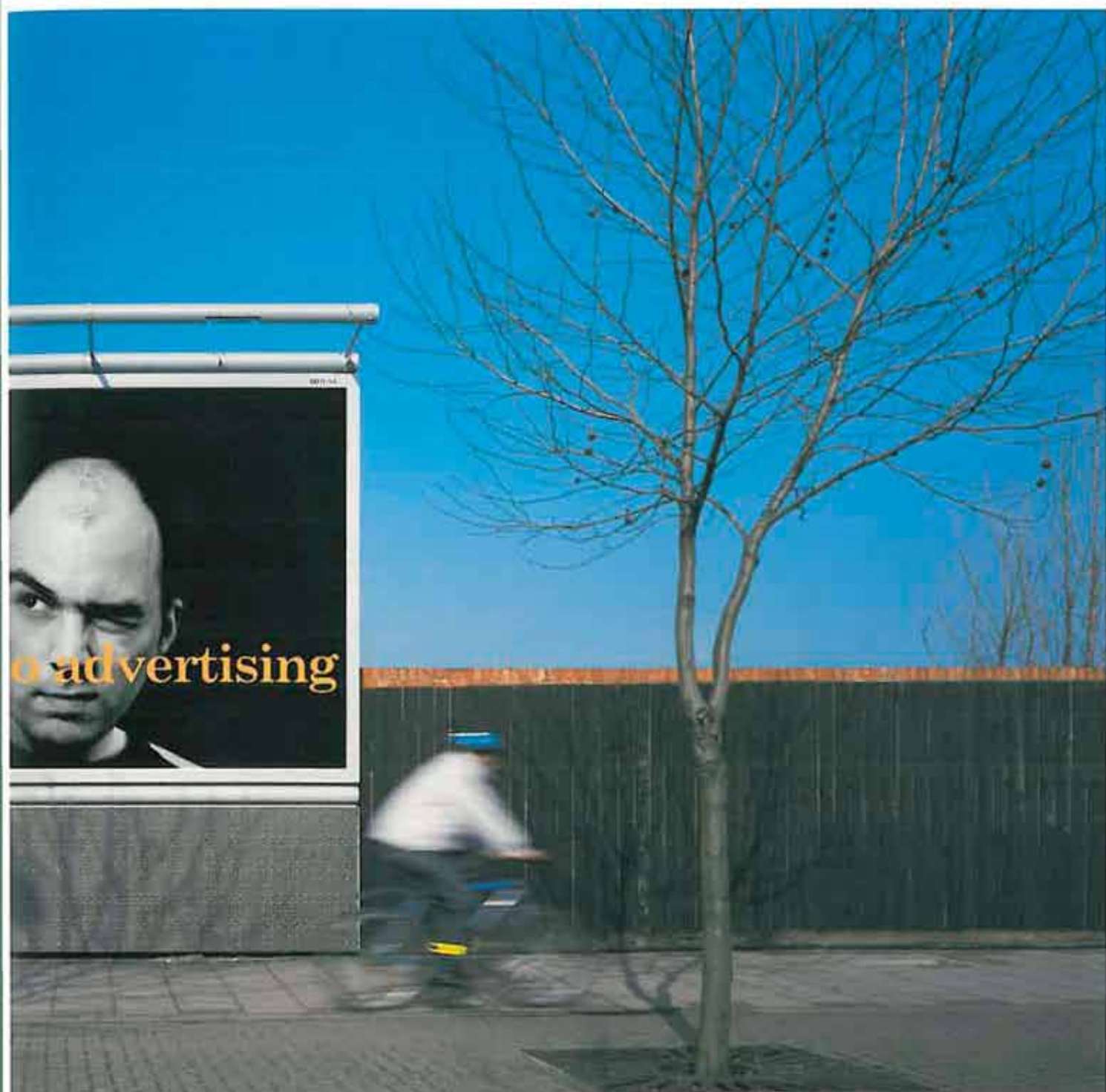
The Advertising Standards Authority  
in all non-broadcast advertisements  
those who commission, prepare, place  
observe the British Codes of Advertising.  
The Codes are written by the industry  
Committee of Advertising Practice,  
should be legal, decent, honest and  
we look at the ASA's work during

ty promotes the highest standards in the UK. It seeks to ensure that all advertisements are fair, honest and published in accordance with the Advertising and Sales Promotion Code. The Code is a self-regulatory system, represented by the Advertising Standards Authority, and state that all advertisements must be truthful. Over the following pages we tell you what we did in the year....

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Advertising provokes strong reactions – that's its job – and sometimes it provokes complaints. People disagree about what's acceptable, and when ads cause controversy the ASA is often at the eye of the storm. Some want a lighter touch, others a firmer hand, but we value our independence very highly and make decisions solely on the content of the advertising, regardless of the product, service or cause. We have to strike a balance – safeguarding commercial freedom of speech while ensuring that consumers aren't misled or offended, or competitors unfairly disadvantaged. The ASA is effective in maintaining high standards – and this report provides the evidence to back our claim.








Working with the industry, the ASA acts to ensure that misleading advertising is amended or removed. How? Publishers, media owners and others in the business will deny space to the small minority of advertisers who break the rules. That is what self-regulation is all about. It works because it's in advertisers' own interest to maintain public confidence in advertising. The advertising industry – in the form of the Committee of Advertising Practice – writes the rules, and agrees to play by them. CAP's copy advice team helps thousands of advertisers to get it right before campaigns are launched. And the scheme to pre-vet posters when advertisers have gone too far shows the industry's commitment to advertising standards – monitored by the independent ASA.



General Merchandise Classifieds

Search The Web For   [Help](#)

**CLICK HERE NOW**  **Free Offer\*** **\* Really?**

[Place Ads](#) [Edit Ads](#) [Cancel Ads](#) [Help](#) [Go to Outlet Center](#)

[Classifieds Home](#) > [Merchandise](#)

**Thousands of ads for great merchandise! [Try Keyword Search](#)**

**Electronics & Gadgets**  
[Home Stereo Equipment](#) (1,097)  
[TV/Video Equipment](#) (1,241)  
[Car Stereo Equipment](#) (1,797)  
[Phones, Pagers, and More](#) (934)

**Books, Music & Movies**  
[Books & Magazines](#) (1,181)  
[CDs, Records, and More](#) (809)  
[Movies & Other Videos](#) (787)

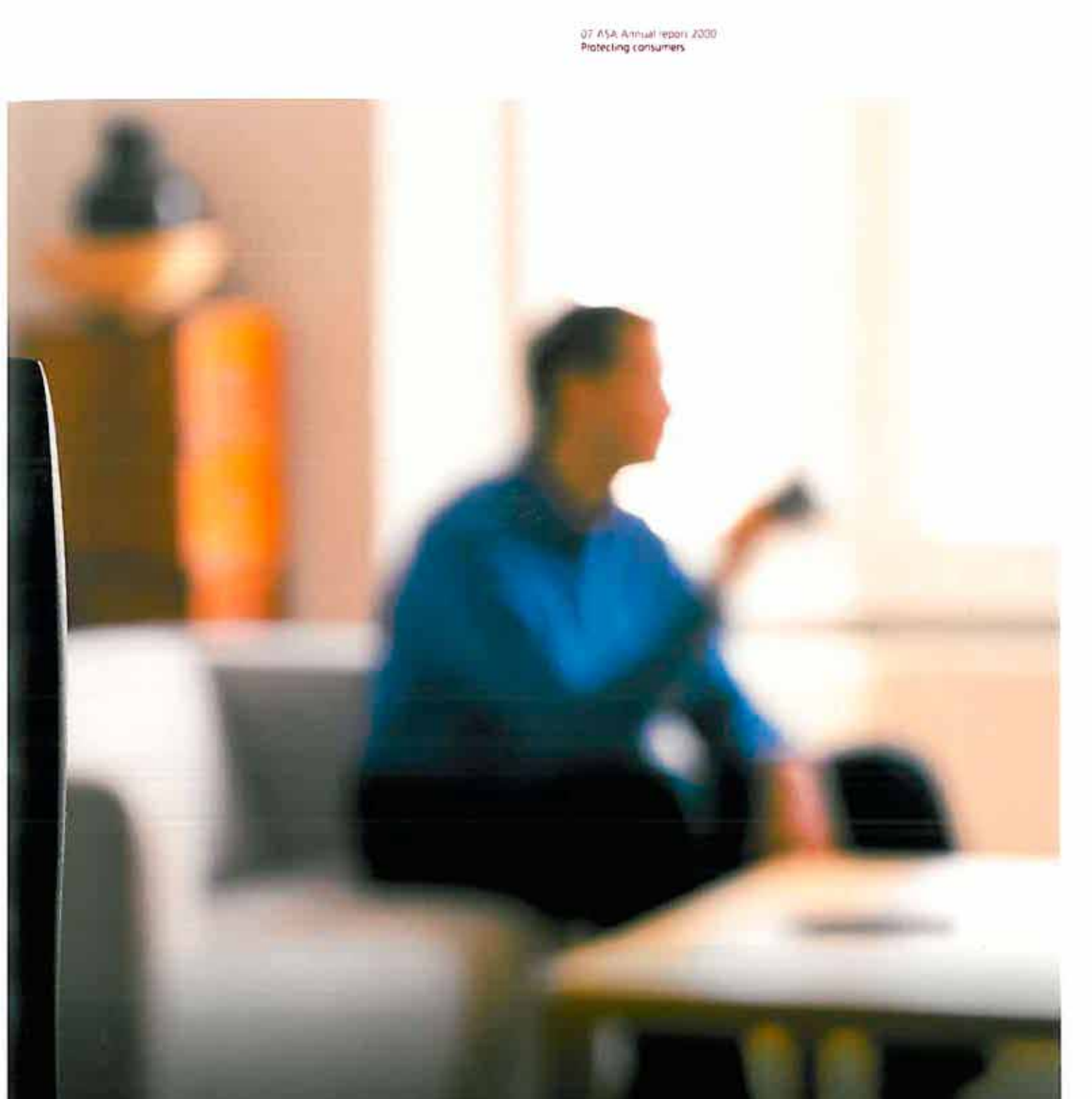
**Clothing & Accessories**  
[Clothing](#) (1,409)

**music**

- [Downloads](#)
- [Radio](#)
- [Video](#)

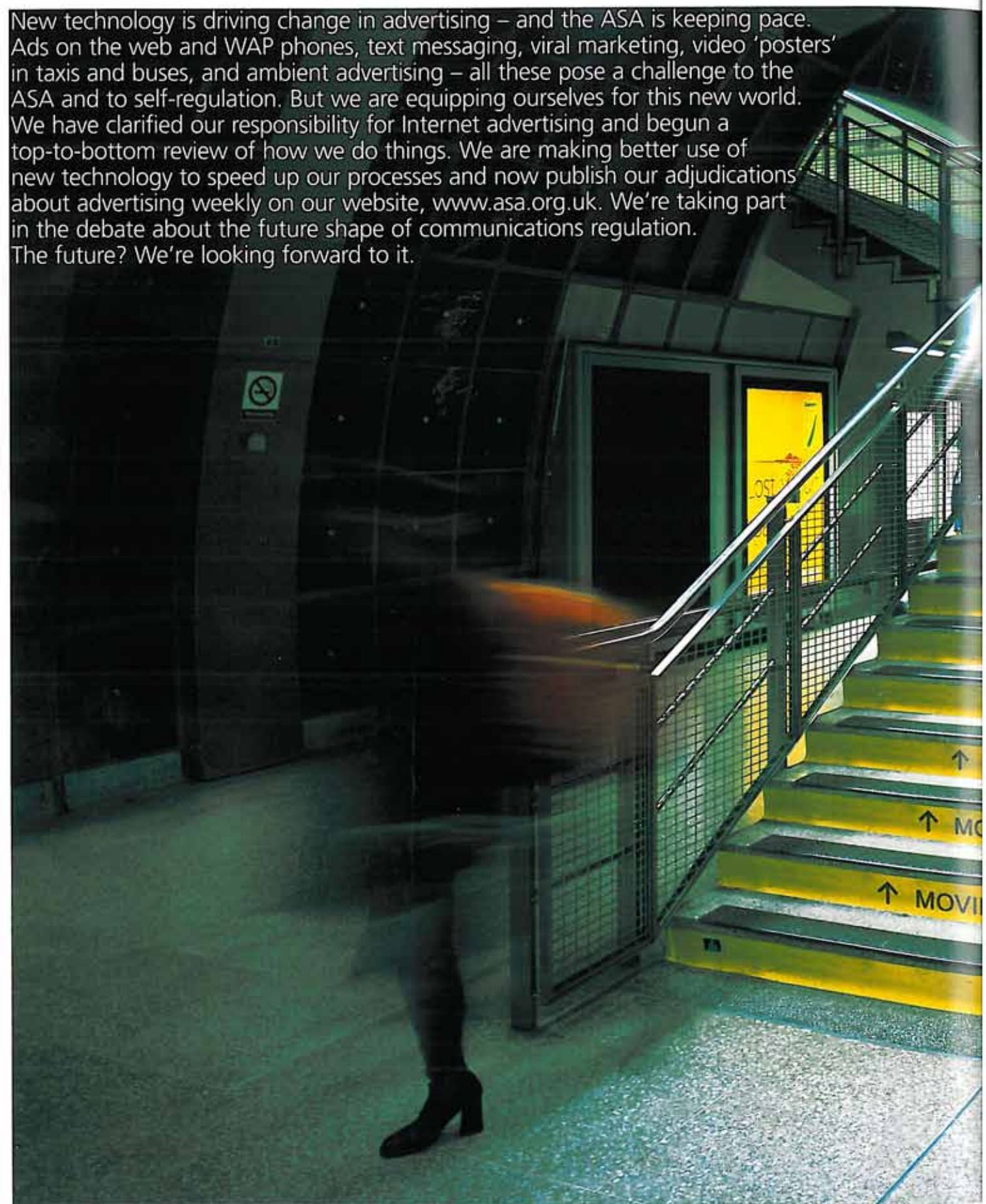
[Power](#)



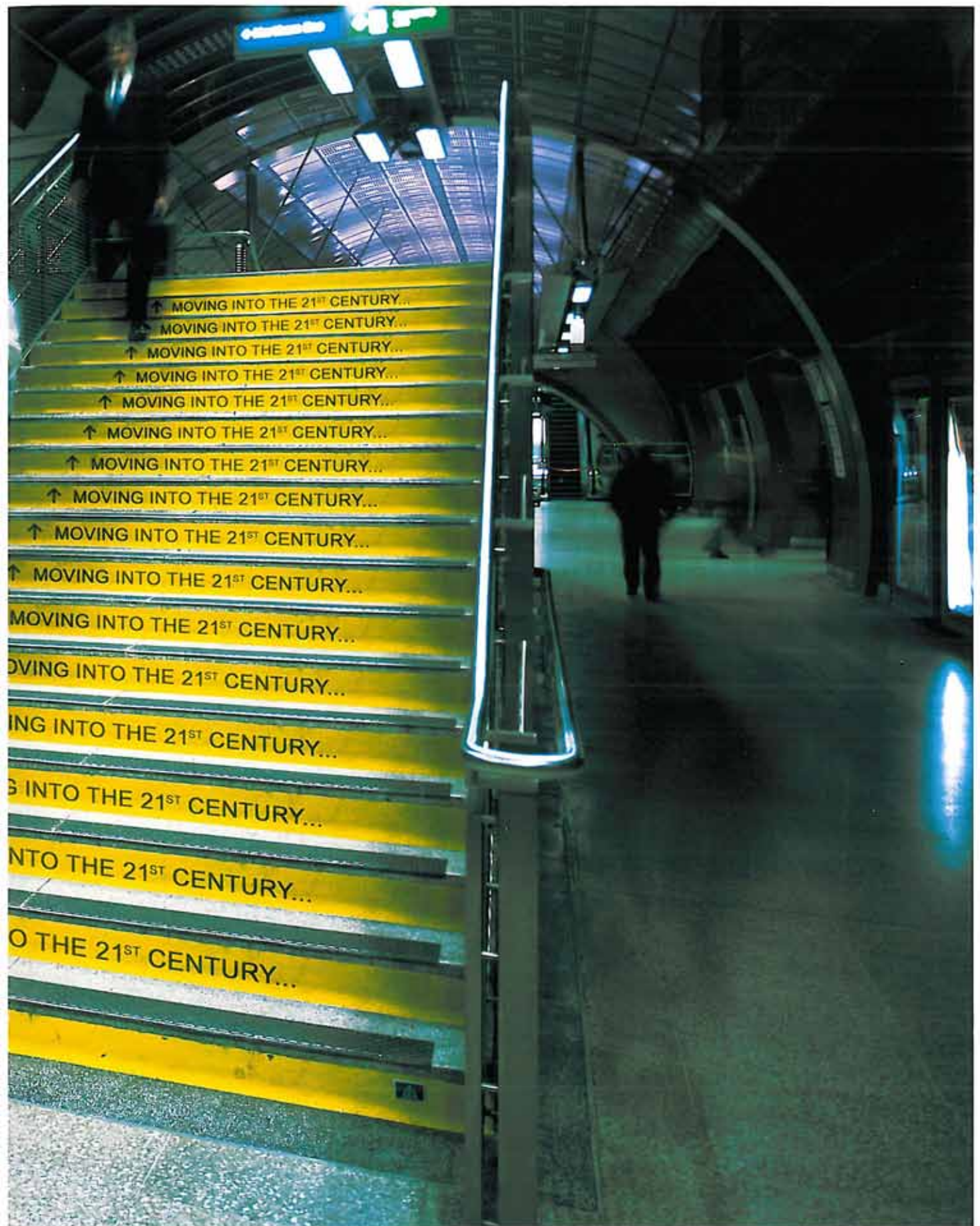


The ASA works hard to protect consumers. In 2000, we handled more than 12,000 complaints and cut the average time it took to get a result. We proactively checked more than 6,000 advertisements a week, spotting problems and securing changes fast. But where self-regulation was not enough, we referred bad advertising to the Office of Fair Trading for legal action. We also showed our willingness to stand up to big commercial interests, telling advertisers to take down posters that broke the rules and successfully defending our decisions from legal challenge. We 'fast tracked' more cases – the ones that caused the most offence or harm – and published our Standards of Service so people know more about how we work.

New technology is driving change in advertising – and the ASA is keeping pace. Ads on the web and WAP phones, text messaging, viral marketing, video ‘posters’ in taxis and buses, and ambient advertising – all these pose a challenge to the ASA and to self-regulation. But we are equipping ourselves for this new world. We have clarified our responsibility for Internet advertising and begun a top-to-bottom review of how we do things. We are making better use of new technology to speed up our processes and now publish our adjudications about advertising weekly on our website, [www.asa.org.uk](http://www.asa.org.uk). We’re taking part in the debate about the future shape of communications regulation. The future? We’re looking forward to it.







## Chairman's report



Looking back at my first Annual Report of six years ago, it is easy to see substance in the old adage that everything changes but everything remains the same.

I said then that statutory control of advertising was much less likely than in the 1970's but we could take nothing for granted, given the volatility of public opinion and Parliament. This is as true today. I emphasised that the advertising industry should respect the British Codes of Advertising and Sales Promotion in both the letter and the spirit. The need remains. And I reminded charities and campaigning bodies that they too must play by the rules because the ASA is not into political correctness.

This thought is behind the response we often make to critics of our adjudications in matters of taste and decency. They believe that the ASA should reverse what they see as the moral decline of the nation when our duty is to reflect as best we can currently acceptable standards. We are not social engineers.

Research can sometimes help us in this sensitive area. It has been useful in defining what is regarded by the public as bad language. We can also continue to test our judgements at our annual Consumer Conferences, an innovation of my first year as Chairman. But on all complaints, it is the wisdom of the Council, advised by the ASA's staff, that matters most.

The Council of the ASA is the best committee I have ever chaired: 12 confident men and women who are prepared to change their minds if the argument is persuasive. Here again I take personal pleasure in my decision that all eight lay members of Council should be appointed as a result of public advertisement. They make up a first-class team.

Decisions are sometimes difficult. There can be a narrow margin between upholding and rejecting a complaint. Council has to interpret the Codes and put itself in the position of the wider public in deciding whether an advertisement offends or misleads. Context is often relevant: whether an advertisement appears on a poster, or in a mail shot, newspaper or specialist magazine. But the ability of a complainant or an advertiser to appeal to the Independent Reviewer is a safeguard against error or misjudgement.

*William Rodgers*

Lord Rodgers of Quarry Bank  
ASA Chairman 1995-2000



The adjudications of the ASA are also subject to judicial review, a process that can bring the Authority into the Courts. During my six years as Chairman, nine applications (out of many thousands of investigated complaints) were made for leave to bring proceedings for a judicial review. None succeeded in overturning our decisions or exposing problems with our procedures. It was particularly satisfactory that the ASA won a high profile case involving a decision of the Council to uphold complaints against the advertising of Ribena Tooth Kind.

When cases go to the Independent Reviewer or to judicial review it is often the work of the staff of the ASA – now called 'The Executive' – that is under closest scrutiny. Of its very nature, their work must be rigorous, with the text of adjudications accurate and precise. For this, I pay particular tribute to Roger Wisbey, Director of Investigations throughout my Chairmanship, and to his managers for the quality of their work and advice.

The success of the ASA owes much to all its staff, at every level. I referred last year to the impending departure of Matti Alderson, Director General for 10 years, to whom the Authority is greatly in debt. Her successor, Christopher Graham, has made an excellent start and, with a career background in the BBC, is well equipped to lead the Authority through the years of technological change and media convergence, much faster moving than even six years ago.

Another senior and long-serving member of staff who left during the year was Caroline Crawford, Director of Communications. Hers was a most effective voice on radio and television and in the wider presentation of the Authority to the industry, press and public.

David McNair joined the Council at the beginning of the year as one of the four members with advertising experience. I was glad to establish a good working relationship with Winston Fletcher, a distinguished veteran of the advertising industry who became the new Chairman of the Advertising Board of Finance (ASBOF). It was ASBOF that appointed my successor, Lord Borrie, and it gives me very special pleasure to hand over the ASA, after this, my sixth and final year as Chairman, to a friend I have known and valued for over 40 years.

In this valedictory report, my thanks and appreciation go to my PA and Secretary, Charlie Marks, who sustained me through most of my six years as Chairman and helped to make it a thoroughly enjoyable although demanding time.

We can be proud of the ASA. It is an outstanding – some might say, rare – example of successful self-regulation, a model for this country and an example to the world. It must be supported by the industry that created it and cherished with care.

Lord Borrie, QC, (below) took over from Lord Rodgers as ASA Chairman on 1 January 2001. Here he pays tribute to his predecessor.

I am honoured to take over as Chairman of the ASA from Lord Rodgers, who has given such distinguished service to the Authority and the self-regulation of non-broadcast advertising over the past six years.

Lord Rodgers introduced many changes to improve the working of the ASA, notably public advertisements for the appointment of new Council members and the establishment of an annual conference to gauge the views of the public towards advertising. These are changes I wholeheartedly endorse.

During his time as Chairman, he presided over a number of high profile and controversial cases, always acting with calm authority and stressing the independence of the ASA – such an important element of the self-regulatory system.

I aim to work as hard as he did to ensure public and industry confidence in a system that is working well, but faces many challenges. I look forward to giving my own report of our progress this time next year.



## Review of the year

### The ASA online

As the Internet has established itself as part of people's everyday lives, concerns have grown about how to regulate such a powerful medium.

The British Codes of Advertising and Sales Promotion have applied to online advertising and sales promotions that originate in the UK since 1995, when the ASA investigated 46 complaints. In 2000, this increased to 500.

While the ASA can act to have advertising amended or removed, it cannot draw on the same range of sanctions online as it can for conventional media. The media owners, the middlemen that form such an important part of the self-regulatory system, do not exist in the same way online, as websites are often the result of self-publishing. Consequently, the sanction of sending out an Ad Alert to ensure that publishers deny space to advertisers is redundant.

In September, after conducting a fact-finding exercise, the ASA decided to apply the Codes only to online advertising in 'paid for' space (e.g. in banner ads or pop-ups), to sales promotions wherever they appeared online and to advertising or sales promotions in commercial e-mails. The Codes would not cover information on an organisation's own website. Such websites are not commercial communications 'pushed' at members of the public in the same way as posters or newspaper ads, but are communications that people 'pull' by clicking on a banner ad or actively seeking out a site.

To try to boost consumer confidence in online advertising, the Committee of Advertising Practice (CAP) has set up admark, a 'safe harbour' credibility scheme (for further details, see page 30).

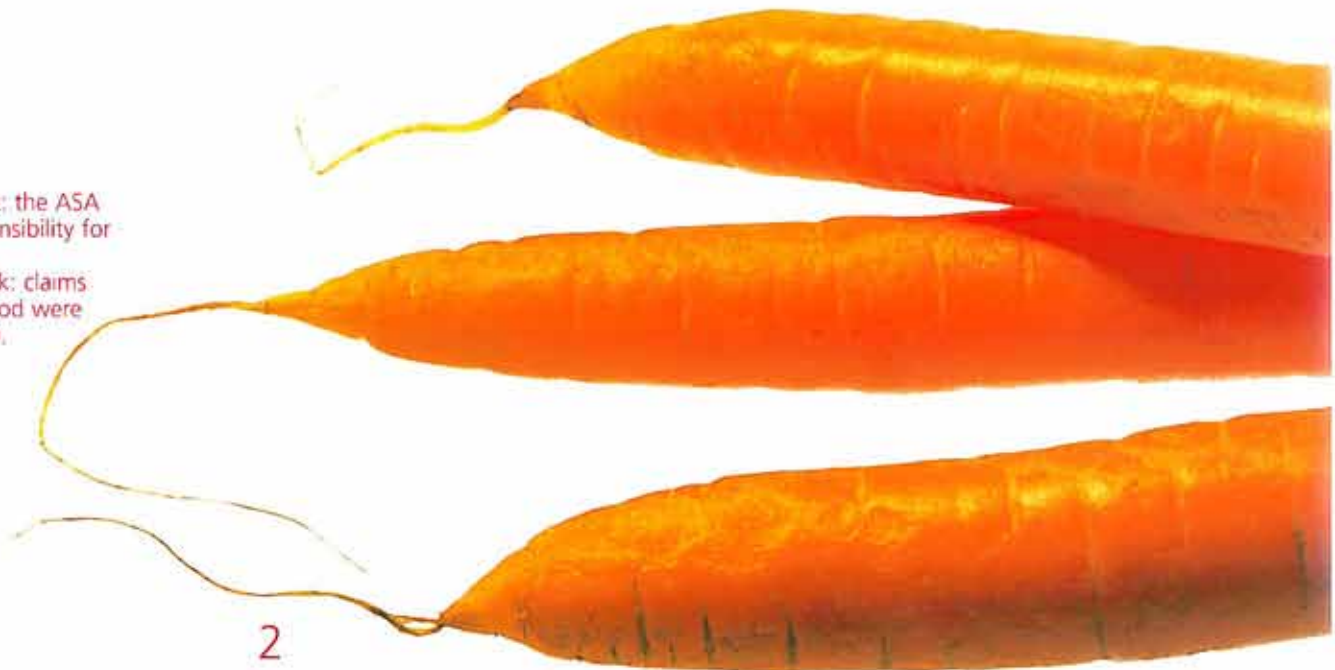
1



1 Surfing the net: the ASA clarified its responsibility for Internet ads.

2 Carrot and stick: claims about organic food were criticised in 2000.

2





### Free to surf?

In recent years the number of Internet Service Providers (ISPs), and the range of access packages available to consumers, have grown rapidly, with the risk of people becoming more and more confused.

At the beginning of the year, the ASA received many complaints from consumers who felt that advertisements offering 'Free Internet Access' were misleading, because in most cases the user was required to pay either a subscription fee or a call charge for the time spent online. Initially the ASA Council and CAP's General Media Panel agreed that 'free' could be used in advertisements so long as one element of the service (e.g. subscription) was free and the body copy of the advertisement stated all other charges.

However, as the year progressed, the ASA continued to receive complaints and decided that further simplification was needed. This took into account the fact that more complex access packages were entering the market and the possibility of completely free services in the future. The ASA Council took the view that advertisers should claim 'free' only if consumers were not expected to pay anything at all, or were required to pay only for another completely separate item, e.g. subscription to a cable television service as part of the deal, in which case that requirement should be clearly stated.

More than 100 ISPs who had advertised a service in the previous year were informed of the ASA's position, as were the relevant trade associations and publishers. By providing comprehensive guidelines on acceptable and unacceptable claims for Internet packages, the ASA helped to ensure a level playing field for advertisers and greater clarity for consumers.

### Can you taste the difference?

As the appeal of organic food increases, it is becoming more widely available as producers and retailers expand their organic ranges. Many consumers choose organic because they expect it to taste better and to be kinder to the environment and to animals.

Advertisers should claim their products are organic only if they come from farmers, processors or importers who follow the minimum standards in EU Regulations, are registered with an approved inspection body and are subject to regular checks. The inspection bodies lay down rules about the conditions under which organic food is produced, rules that must be at least as stringent as the EU regulations. Because the British Codes of Advertising and Sales Promotion require advertisers to hold evidence for all of their claims, the Codes work well to ensure that consumers' expectations about organic products are not unfairly exploited by advertisers.

Throughout the year, complaints to the ASA about the advertising of organic foods showed that advertisers need to be careful not to exaggerate the benefits to consumers or to the environment of buying organic instead of conventional products. We upheld complaints against claims that products were 100% organic and that no chemicals were used in production. Neither advertiser could substantiate those claims.

In response to the growth of this market, the Committee of Advertising Practice is preparing a Help Note to assist advertisers in ensuring that their advertisements for organic products adhere to the Codes.



### In the best possible taste?

During the year, the ASA ruled on a number of high profile advertising campaigns that caused offence. We instructed two advertisers to take down high street posters; the Yves Saint Laurent Opium perfume ad and two posters in Gossard's 'Find your G spot' campaign for lingerie were judged too sexually explicit for the medium.

The Codes state that advertisements should contain nothing that is likely to cause serious or widespread offence. Deciding on the acceptability of advertisements is not, however, a numbers game. While the scale of complaints can be helpful in gauging strength of feeling, a single well articulated complaint is sufficient to trigger an investigation. There is no substitute for a cool assessment of the advertisement, judged in context – a highly relevant factor in deciding on any ad's acceptability. An image that causes widespread offence as a poster may be perfectly acceptable in more targeted media, such as magazines.

The ASA judges the advertisement, not the product, service or cause. The Benetton 'death row' posters provoked strong reactions, but these were often more about attitudes to the death penalty than to the advertising itself. Judging the images purely as advertising, the Authority did not object to the campaign.

In the case of the Barnardo's 'heroin baby' advertisement, which the Committee of Advertising Practice had warned might be unacceptable, the ASA Council found that the image, although disturbing, was justified in the context of advertising for the charity's work.

When reaching judgements of this kind, the ASA is helped by research and consultative events. Discussions at our annual consumer conference, held in Belfast in May, offered a useful perspective on attitudes towards taste and decency and a range of other issues.

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### Self-regulation in court

After a long-running investigation, the ASA upheld complaints about advertising for Ribena Tooth Kind, produced by SmithKline Beecham (now Glaxo SmithKline). Claims that the product 'does not encourage tooth decay' and the implication that it actively benefited oral health were ruled as misleading, and the company was asked to remove them. After an unsuccessful appeal to the Independent Reviewer, the company sought a judicial review of the ASA's decision in the High Court. Following a day's hearing in December 2000, the judge, Mr Justice Hunt, ruled in the ASA's favour early in the New Year. His ruling said that the ASA was not only right, but 'duty bound' to come to the decision it had reached. The judgement was seen as giving a boost to the self-regulation of non-broadcast advertising and to the ASA's procedures.

In December, another advertiser, Matthias Rath, attempted to prevent publication of the ASA's findings against it. The company also sought a judicial review of the decision by the Independent Reviewer not to reconsider the Authority's original decision, which told the company to withdraw a misleading mailing for its range of vitamin-based dietary supplements. Mr Justice Turner refused the applications.

### Joined-up regulation at home and abroad

Throughout 2000, the ASA maintained contact with other regulators and relevant bodies to exchange ideas and share advice.

We took part in a working group set up by the Financial Services Authority to consider the use of historic performance in advertisements selling financial products. We also had discussions with the Food Standards Agency about the way food and drink is promoted to children. This ongoing exchange helps to keep the ASA up to date with issues of concern.

The question of what causes offence in advertising is one that we are constantly grappling with, and in 2000 the ASA joined with the Independent Television Commission, the Broadcasting Standards Commission and the BBC to commission research into public attitudes towards offensive language. The conclusions of the *Delete Expletives?* report showed that opinion about this issue has changed little since a similar study published in 1997, although terms of racial abuse are now thought more offensive than previously. The research found that there was less tolerance of offensive language in advertising than in TV programmes, and that poster advertisements were a particular source of concern.

The ASA keeps in touch with consumer groups, and in 2000 had significant input into the publications prepared by the National Consumer Council on *Models of Self-Regulation* and their draft guidelines for good practice in self-regulation. Throughout the year, individual cases were discussed with the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS) and the Medicines Control Agency.

### Video launch

Consumer Affairs Minister, Dr Kim Howells MP, helped the ASA to launch a new video, *ASA Investigated*, in April. Produced for consumer groups, schools, colleges and members of the public, the 15-minute video explains how the ASA works to protect consumers' interests. Order forms are available from the communications team – 020 7580 5555.



#### 1 What do you think?

Delegates at the ASA's annual consumer conference in Belfast.

2 Fighting decay: claims for a children's soft drink went all the way to the High Court.

3 See for yourself:

Dr Kim Howells, Minister for Consumers and Corporate Affairs, launches the ASA's new video.

## Crossing borders

As a founder member of the European Advertising Standards Alliance (EASA), the ASA maintains links with 26 other self-regulatory organisations. EASA co-ordinates the handling of cross-border complaints between the national self-regulatory bodies, and acts as a focal point for an exchange of information.

At a meeting in Slovenia in October 2000, the members committed funds for EASA's future operation in 2001. While there will be a 13% reduction compared to 2000, it should still ensure that complaints will be swiftly transferred to the authority competent to handle them. During 2000, the ASA passed 161 complaints to other EASA members.

On a broader front, the ASA is keen to promote internationally the advantages of the UK model of advertising self-regulation, and the Deputy Director General spoke about this at a conference on 'Meeting the Challenges of Electronic Business' in Oman in October.

## Working with Government

The UK system of non-broadcast advertising self-regulation works to provide the highest standards of consumer protection. It operates within a framework of legislation, but offers significant advantages over a statutory system, being free to use, quick and adaptable to changing circumstances.

At the end of 2000, the Authority welcomed the support given by the White Paper *A New Future for Communications*, issued jointly by the Department of Trade and Industry and the Department for Culture, Media and Sport. In its submission to the Paper, the ASA indicated that it would be happy to play its part in any proposals that the advertising industry might bring forward to expand the self-regulation of advertising content across all media.

The White Paper gave a strong endorsement of the ASA, speaking of: 'The strength and effectiveness of the Advertising Standards Authority (ASA) system for self-regulation of non-broadcast media, which is well regarded both here and overseas...' The White Paper also endorsed the ASA's remit in regulating advertising in the cinema, on videos and on the Internet.

The ASA/CAP system of self-regulation was held up as an example of good practice by the Government's Better Regulation Task Force. In a report, *Alternatives to State Regulation*, it concluded: 'There is no reason to believe that direct state intervention is always the most appropriate solution.'

Throughout the year the ASA briefed Government officials and politicians on a wide range of issues including speed claims in motoring advertisements, food advertising, particularly to children, and homeworking schemes. We also provided input to Government concerning policy coming out of Brussels, including the EU Injunctions Directive for the protection of consumer interests and the Distance Selling Directive.

The ASA's involvement in this arena helps to ensure the ongoing success of self-regulation by keeping policy makers and other interested parties informed of the Authority's work.

1 Text me: text messaging and other new advertising media are challenging the UK regulatory environment.

2 Authority figure: Matti Alderson, who left the ASA after 10 years as Director General.

3 Second opinion: Sir John Caines, Independent Reviewer of ASA adjudications.





### Matti Alderson

Matti Alderson left the ASA on 31 March after 10 years as Director General. She first joined the Authority in 1974, when it had fewer than 10 employees and some typewriters. As a Case Officer, she quickly displayed the qualities that made her the respected and formidable leader that she became 16 years later.

Her ability to build relationships and pay attention to detail, while keeping abreast of the bigger picture, helped her to develop the Authority in its many areas of activity, including research, monitoring, events, public and Government relations. By the time she left, it was handling more than 12,000 complaints a year in a rapidly evolving advertising environment.

During her time at the ASA, Matti worked with no fewer than six editions of the Codes and, as CAP Secretary, took a major role in the last two Code Reviews. As Director General, she worked with three ASA Chairmen, Lord McGregor of Durris, Sir Timothy Raison and Lord Rodgers of Quarry Bank.

Matti Alderson made a significant contribution to transforming the ASA into a highly effective and well-known regulatory body. She constantly took its message out to the public and the industry, here and overseas. Recognising the importance of the Single Market, she encouraged the adoption of self-regulation on the UK model through the European Advertising Standards Alliance, of which the ASA was a founder member and she was a Vice-Chairman. She was also quick to see the potential of online advertising and encouraged the development of the ASA's Internet role.



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### Independent Reviewer

Any organisation making far-reaching and controversial decisions needs to take measures to ensure that its judgements are fair and its credibility maintained. One such measure is an appeals system. In the past, appeals against the Authority's decisions were handled by the Chairman, but in our last Annual Report, Lord Rodgers reported that Sir John Caines had been appointed in April 1999 to be the first Independent Reviewer of ASA Adjudications. He is fully detached from the day-to-day process by which complaints are investigated and judged and located away from the ASA's offices.

A review procedure was developed and included in the tenth edition of the CAP Codes. Requests from advertisers or complainants for a review of a decision by the ASA will be accepted by the Independent Reviewer only if they meet one of two criteria.

These are: that they provide additional, relevant evidence, which was available at the time the advertisement appeared, or can demonstrate the existence of a substantial flaw in the adjudication.

The precise terms and conditions of the review process can be read in full at section 68.36 of the British Codes of Advertising and Sales Promotion. This can be viewed at the ASA or CAP websites – [www.asa.org.uk](http://www.asa.org.uk), or [www.cap.org.uk](http://www.cap.org.uk)

The Independent Reviewer has the advice of two Assessors, the Chairmen of the Advertising Standards Board of Finance and of the ASA. If he does not consider that a request meets either of the two criteria specified in the Codes, he will dismiss it. If he accepts a request, he will then carry out an investigation. He reports the results of that investigation to the ASA Council, which then reconsiders its original adjudication and decides whether or not to change it in any way. The decision of the Council after such a process is final.

Since he started work in April 1999, the Independent Reviewer has received 107 letters of request. He accepted only 36 of these as meeting the criteria and meriting reference back to the Council. Of those 36, four resulted in the adjudication being overturned, 10 resulted in changes to the wording of the adjudication and five resulted in a decision that the ASA should re-open the case. The remaining 17 resulted in no change to the original adjudication.

3



## Complaints

An important aspect of the ASA's work is dealing with complaints about advertisements from members of the public, consumer groups and competitors. The procedure has stood up to scrutiny in the courts and is designed to balance speed with fairness to all sides. These pages give an overview of the ASA's complaints handling throughout the year.

### Complaints received

During 2000, the Authority's staff received 12,262 complaints relating to 8,457 advertisements. 937 complaints were carried forward from 1999, relating to 677 ads. The number of new complaints received showed an increase of more than 4% compared to 1999 - although these concerned a smaller number of advertisements. There were 810 complaints about 587 ads that were being dealt with as the year ended and these were carried over into 2001.

### Complaints resolved

The table shows that during 2000 the ASA resolved more complaints in comparison with 1999 - but that these were about fewer advertisements. The number of complaints resolved increased by 2% to 12,389, although these complaints related to 8,547 advertisements - a reduction of just under 1% from the 8,617 ads that generated complaints in 1999.

A total of 1,662 advertisements required investigation, with these generating a total of 4,313 complaints. 1,031 of these advertisements were formally investigated and 631 were dealt with informally. In total, 1,329 ads were found to breach the Codes - or 15.5% of all ads dealt with in 2000.

#### 1 Yves Saint Laurent Beaute Ltd.

948 complaints - upheld  
Members of the public complained that the advertisement for Opium perfume was offensive, degrading to women and unsuitable in a public place. The ASA agreed that, as a poster, it was sexually suggestive and likely to cause serious or widespread offence, and ordered that the posters be taken down. However, the Authority ruled that the same image was acceptable in newspapers and magazines.

#### 2 Npower

219 complaints - not justified  
Complainants objected that this national press advertisement was offensive to people with red hair, who, they believed, already suffered abuse and stereotyping. The Authority considered that the light-hearted humour of the ad was unlikely to cause serious or widespread offence.





### Top 10 complaints in 2000

Advertiser(s)	Number of complaints	ASA decision
1 Yves Saint Laurent Beauté Ltd	948	Upheld
2 Npower	219	Not justified
3 Elida Fabergé Ltd	217	Not upheld
4 ntl Group Ltd	175	Upheld
5 Benetton (UK) Ltd	144	Not upheld
6 Marks & Spencer plc	124	Not justified
7 Huntingdon Life Sciences Ltd	93	Not upheld
8 Keep the Clause	88	Not justified
9 Conde Nast Publications Ltd	84	Not upheld
10 Gossard (UK) Ltd	76	Upheld
<b>Total</b>	<b>2,168</b>	

ASA's decision on the 217 complaints against Elida Fabergé Ltd's 'Organics' hair care products was published in the ASA's Annual Report 2000. The ASA found that the advertisement was sexist and offensive. The ASA noted that although the poster might offend in certain locations, it was unlikely to cause serious or widespread offence, accepting that the poster showed a light-hearted, humorous situation.

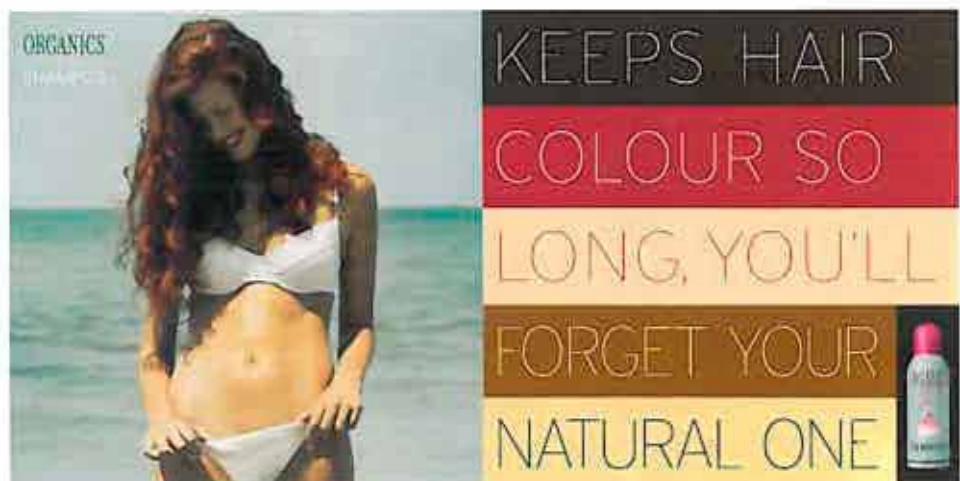
### Complaints figures

	2000		1999	
	Complaints	Advertisements complained about	Complaints	Advertisements complained about
Brought forward	937	677	1,938	78
Received in year	12,262	8,457	11,774	8,340
<b>Total considered</b>	<b>13,199</b>	<b>9,134</b>	<b>13,716</b>	<b>8,418</b>
Upheld	2,439	756	2,015	145
Not upheld	1,113	275	2,106	184
Resolved informally	761	631	1,000	1,110
<b>Total investigated</b>	<b>4,313</b>	<b>1,662</b>	<b>5,121</b>	<b>2,439</b>
No case to answer	2,939	2,934	2,814	2,100
Withdrawn	1,427	1,425	1,307	1,110
Outside remit	1,500	1,495	1,510	1,160
Not justified	1,706	527	1,589	300
<b>Total not investigated</b>	<b>7,572</b>	<b>6,381</b>	<b>7,140</b>	<b>4,770</b>
Mail order	164	164	278	115
Database	340	340	145	115
<b>Total direct marketing</b>	<b>504</b>	<b>504</b>	<b>423</b>	<b>230</b>
<b>Total resolved</b>	<b>12,389</b>	<b>8,547</b>	<b>11,441</b>	<b>4,642</b>
<b>Outstanding at year end</b>	<b>810</b>	<b>587</b>	<b>1,938</b>	<b>4,776</b>

### 3 Elida Fabergé Ltd

217 complaints – not upheld

People objected that this poster advertisement for a shampoo was sexist and offensive. The ASA noted that although the poster might offend in certain locations, it was unlikely to cause serious or widespread offence, accepting that the poster showed a light-hearted, humorous situation.



### Most complained about advertisements

As in previous years, a small number of advertisements accounted for a large number of complaints. The ten most complained about advertisements attracted 17.7% - more than one in six - of all complaints during the year. The advertisement for Yves Saint Laurent's Opium perfume was responsible for 7.7% of all complaints, with 948 complaints by the end of the year, making it the most complained about advertisement in the last five years.

Three of the ten most complained about advertisements broke the Codes - two for causing offence and the other for advertising a service that could not be supplied to all recipients. Of the remaining seven complaints, six were judged not to cause serious or widespread offence, whereas the seventh was ruled not to be misleading, as complainants had claimed.

In three of these advertisements, an investigation was judged as 'not justified', so after consideration the ASA Council decided that the complaints did not breach the Codes. This does not mean that the complainants were not justified in making a complaint. In such cases, when an investigation is not carried out, no adjudication is published. However, summaries of the complaints relating to the cases cited here are available on the ASA's website or on request from the communications team.

### Taste and decency

The proportion of complaints relating to 'taste and decency' - those that cause offence - increased from 25% to 28% in 2000, with the ASA resolving 3,457 complaints about 470 advertisements. A total of 47 advertisements, which attracted 1,211 complaints, were found to breach the Codes' rules on taste and decency, causing 'serious or widespread offence'.

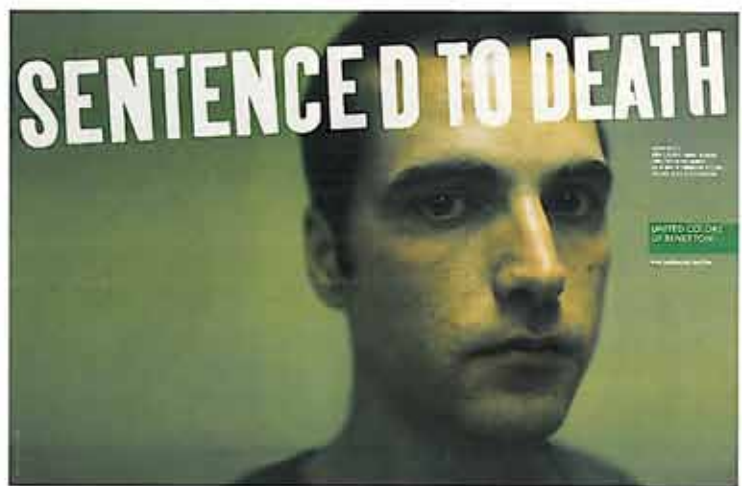
This compares to 3,065 complaints about 475 advertisements resolved in relation to 'taste and decency' in 1999. Of these, 66 ads were found to breach the rules on taste and decency following 702 complaints.

#### 4 ntl Group Ltd

175 complaints - upheld  
Recipients of a direct mail campaign for a free Internet service objected to the fact that they could not receive the service. The ASA upheld the complaints, asking the advertiser not to advertise the service until it could be supplied to all applicants within a reasonable time.

#### 5 Benetton (UK) Ltd

144 complaints - not upheld  
Complainants were offended by a series of national newspaper and poster advertisements on the grounds that they trivialised the death penalty for commercial purposes. While noting the strength of feeling, the Authority considered that the advertisers had not trivialised the death penalty and concluded that they were unlikely to cause serious or widespread offence.





### Competitor complaints

In 2000 the ASA resolved 1,127 complaints made by competitors, relating to 1,080 advertisements. Of these, 326 ads were found to break the Codes.

### Complaints by sector

Advertisements for leisure-related products and services again accounted for the highest number of complaints – closely followed by ads for health and beauty products. However, the big increase in this sector was accounted for by the 948 complaints about the Opium perfume advertisement and 217 complaints for the Organics shampoo ad.

The increase in complaints about computer and telecommunications advertising seems to reflect an intensely competitive market, in which advertisers sometimes pushed their claims too far in order to gain a competitive advantage. However, the increase was partially accounted for by the 175 complaints about the fourth most complained about advertisement of the year.

The number of complaints about advertising by utilities companies also showed a big rise. However, if the 219 complaints on the grounds of offence concerning the second most complained about ad are discounted, this sector showed a net fall in the number of complaints during 2000.

### Complaints resolved by sector

	2000	%
Leisure	2,118	14.3
Health and beauty	2,055	14.0
Computers and telecommunications	1,518	10.2
Publishing	645	4.4
Financial	590	4.1
Clothing	577	4.0
Holidays and travel	577	4.0
Motoring	533	3.7
Household	506	3.5
Non-commercial	482	3.3
Not specified	428	3.0
Employment	385	2.7
Business	379	2.6
Utilities	357	2.5
Food and drink	288	2.0
Retail	272	1.9
Electrical appliances	179	1.2
Alcohol	166	1.1
Property	152	1.0
Education	72	0.5
Industrial and engineering	47	0.3
Tobacco	32	0.2
Agricultural	31	0.2
<b>Total</b>	<b>12,389</b>	<b>84.8</b>



### 6 Marks & Spencer plc

124 complaints – not justified

People objected to this poster advertisement, which introduced 'new sizing for real women'. Most complainants disliked the nudity while others found the use of "hallelujah" blasphemous. The ASA considered that the advertisement was unlikely to cause serious or widespread offence.



### 7 Huntingdon Life Sciences Ltd

93 complaints – not upheld  
Members of the public and animal welfare organisations made a number of objections to a one-off regional press advertisement, arguing that the claims made in it were misleading. After examining the evidence, the Authority was satisfied that the claims could be substantiated and rejected all of the complaints.

## Complaints by media type

### Posters

Once again the highest profile non-broadcast medium, posters, received the most complaints, maintaining an upward trend with 2,696 complaints resolved in 2000. Of these, 1,756 related to the seven poster advertisements in the ten most complained about ads of the year, two of which breached the Codes. The two companies responsible for these ads were made subject to the compulsory pre-vetting procedure by the Committee of Advertising Practice to curb any future problems with poster advertising for these products.

### New media and ambient media

In the year that the ASA clarified its Internet remit, the number of complaints about online advertisements saw a big increase across the year, possibly reflecting greater use of the web and a greater awareness of the ASA's role. Forty three online ads were found to break the Codes in 2000.

Complaints about ambient media, while still a small proportion of the total, increased ten-fold over the year, perhaps indicating that novel ways of conveying marketing messages were becoming more common and attracting more attention.

### Direct marketing

In this medium, 2,059 of the resolved complaints related to 1,856 direct mailings, a reduction from the 2,199 complaints received in 1999. After investigation, 510 mailings were found to have breached the Codes.

The Codes also cover the use of personal data for direct marketing purposes as well as the content of the mailings – 340 complaints about the use of personal data were resolved by the ASA during the year – an increase of almost a third compared to 1999.

There was a fall in the number of cases in which people complained about problems with mail order services, a low profile but important area of consumer protection work carried out by the ASA.

### Making a complaint

Any complaint about a non-broadcast advertisement must be made in writing to the ASA by post, fax or e-mail. Full details of the procedure are available on the Authority's website – [www.asa.org.uk](http://www.asa.org.uk) - or from the communications team.



### 8 Keep the Clause

88 complaints – not justified  
Complainants objected that a series of posters opposing the repeal of Section 28 legislation in Scotland were offensive, especially to homosexuals. The ASA considered that readers were likely to realise that the claims made were the advertisers' opinion on a controversial issue and that the posters were unlikely to cause serious or widespread offence, nor were they unsuitable to be seen by children.

### 9 Conde Nast Publications Ltd

84 Complaints – not upheld  
Members of the public objected to this poster, that appeared on billboards and on the sides of buses, maintaining that it was offensive, especially on a medium that could be seen by children. The ASA considered that the image was unlikely to cause serious or widespread offence, and was not unsuitable to be seen by children.





## Complaints resolved by media type

	2000	1999
Poster	2,696	2,873
National press	2,216	2,196
Direct mail	2,059	2,190
Magazine	1,210	1,353
Regional press	871	838
Media not specified	862	1,053
Leaflet	606	533
Internet	500	528
Brochure	289	496
Press general	252	303
Directory	184	158
Catalogue	168	197
Point of sale	124	181
Circular	95	111
Packaging	93	101
Ambient	61	58
Electronic	58	64
Facsimile	55	59
Transport	53	72
Insert	47	63
Mailing	37	94
Cinema	25	39
Computer games	1	1
Video	0	1

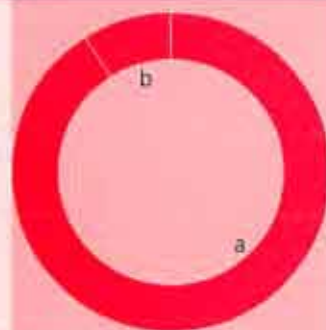
### Notes

1. The above table shows the number of times that key sections of the British Codes of Advertising and Sales Promotion were used to investigate advertisements. Some cases were considered under multiple Code sections, eg substantiation and truthfulness. When this occurred, these advertisements were then counted in more than one section.

## Sources of complaints

a 91% public

b 9% industry



## Areas of complaints investigated by Code section

Legality – 19	
Decency – 465	
Honesty – 189	
Truthfulness – 1648	
Substantiation – 990	
Comparisons – 145	
Denigration – 39	
Exploitation – 17	
Imitation – 2	

The above table shows the number of times that key sections of the British Codes of Advertising and Sales Promotion were used to investigate advertisements. Some cases were considered under multiple Code sections, eg substantiation and truthfulness. When this occurred, these advertisements were then counted in more than one section.

Copies of all adjudications are available on the ASA website – [www.asa.org.uk](http://www.asa.org.uk) – or by contacting the Authority's communications team.

**10 Gossard (UK) Ltd**  
76 Complaints – upheld  
Complainants found a series of three poster advertisements for women's underwear offensive and too sexually explicit for the medium. The ASA agreed that two of the posters were too explicit as posters and were likely to cause serious or widespread offence, and ordered that they be removed.



# Compliance

1 Well read: the Compliance team monitors magazines and other media to ensure ads stick to the rules.

2 Stop now: Compliance ensures that misleading advertising is amended or withdrawn.

## Ensuring compliance with ASA decisions

The Compliance team works to ensure that advertisers and promoters place advertising that conforms with the British Codes of Advertising and Sales Promotion. The team follows up ASA adjudications, regularly monitors various media and takes immediate action to ensure the removal of clearly problematic advertisements. The team is also responsible for communicating ASA adjudications to the relevant industry sectors to ensure a level playing field.

When the ASA upholds complaints against advertisements, the advertisers are expected to provide an immediate assurance that their advertising will be changed in line with the adjudication and that the original ad will not appear again.

The job of enforcing the ASA's decisions rests with the Compliance team, which plays a vital role in ensuring the credibility and reliability of self-regulation. The role of compliance helps to create a level playing field for competitive advertisers, and a fair deal for consumers. In the vast majority of cases, organisations and companies do comply with ASA adjudications.

During 2000 the team followed up with 329 advertisers after complaints against their advertising were upheld. Twenty-one companies refused to provide the requested assurance, and sanctions were applied. The most common first step is an Ad Alert. The Committee of Advertising Practice will advise its members that a particular company has not co-operated with the ASA and ask them to contact the CAP Copy Advice team before publishing or handling advertising for the particular company, effectively denying them space.

Advertisers who persistently break the Codes are monitored and the team ensures that appropriate sanctions are applied against those companies who refuse to co-operate. If all else fails, these companies are referred to the Director General of Fair Trading under the Control of Misleading Advertisements Regulations, the legal backstop to the system of self-regulation.

## Taking immediate action

As part of its role to protect consumers, the Compliance team does not always have to wait until the end of an ASA investigation in order to request a company's assurance that an advertisement will be withdrawn. In cases where an ad clearly presents a serious breach of the Codes, the Compliance team can ask for the advertisement to be withdrawn immediately. These cases are rare, but they can stop companies reaping the rewards of their misleading advertising while an ASA investigation is ongoing.

The team does not just rely on complaints from the public or competitors to detect advertisements that break the Codes. Regular monitoring of a range of advertising often highlights breaches of the Codes. If so, the advertiser concerned must provide an immediate assurance that their advertisement will be changed. In 2000, the Compliance team contacted 218 companies as a result of this proactive monitoring, and in 90% of cases, ensured that the advertising was stopped immediately. Sanctions were applied against the remaining 20 companies.





### The ultimate sanction

When the Compliance team encounters problematic advertising, it usually persuades advertisers that it is in everyone's interest to bring their advertising into line with the Codes. However, two companies refused to co-operate in 2000 and both were referred to the Director General of Fair Trading under the Control of Misleading Advertisements Regulations.

Clockwork Orange Ltd advertised a product called Fuel Cat, which it claimed could enable leaded petrol engines to run on unleaded petrol. However, the company was unable to prove this claim. The ASA asked for an assurance that the claim would not appear again, but the advertisers ignored this request and continued to place misleading advertising. The ASA asked the Office of Fair Trading to take action and the advertisers subsequently gave an undertaking to the OFT that the misleading advertising would stop.

The second company, Magno-Pulse Ltd, also known as Cromhall Farm and Magnetic Healthcare Products, claimed their magnetic devices could provide health benefits but could not prove it. The ASA tried to persuade the company to stop placing misleading advertisements but eventually had no choice but to ask the OFT to act.

Throughout 2000, the ASA has found that the threat of referral to the OFT has been extremely effective in ensuring co-operation from previously intransigent advertisers. During the year, 18 companies were identified as persistent offenders and were asked for assurances that demonstrated their commitment to the self-regulatory system – usually that their advertising would be checked with the CAP Copy Advice team before it appeared. All of these companies, except for Clockwork Orange and Magno-Pulse, realised this was their final chance and improved their record.

### Positive steps

During the year, the Compliance team took action to ensure that advertising in specific sectors or product areas was in line with the Codes. The Team looked at the following:

- 'No call out charge'

The claim 'no call out charge' in advertisements for plumbers, electricians or other tradesmen can be misleading because some tradesmen often make a charge for a diagnosis of the problem. In 2000, the ASA's Compliance team wrote to several advertisers, relevant trade associations and publishers, explaining the ASA's position: if the claim appears in an advertisement, consumers should only pay for any remedial work actually undertaken, not for time travelling to and from the job, or for a diagnosis of the problem.

- Advertising in children's magazines

A survey of advertisements aimed at 3-19 year-olds was carried out in 2000, with an assessment of 180 advertisements from a random sample of 20 magazines. Just one of these was judged to breach the Codes. Most of the advertisements were aimed at teenagers and the majority of those ads surveyed were promoting websites.

- Pest repellents

Throughout the year the ASA continued to monitor advertisements for pest repellents. The team contacted companies in the market to advise them that the ASA had not seen sufficient evidence to show that these devices could safely deter animals within a specific distance. Publishers were advised to contact the CAP Copy Advice team before accepting advertisements for products of this type. By taking these steps, the ASA aims to prevent potential buyers being misled by claims that do not stand up to scrutiny.

- Laser hair removal

Advertisers of Laser and Intense Pulsed Light System (IPLS) hair removal devices would like you to believe they offer permanent and painless removal of hair. The truth is that neither the ASA nor CAP have, as yet, seen sufficient evidence of this. It is acceptable for advertisers to claim that certain specified products permanently reduce hair, but they should not suggest that the hair will disappear completely. Over the last year the Compliance team has contacted 22 advertisers and several publications with this advice. It plans to keep a close eye on this area throughout 2001 as new products and more advanced techniques appear on the market.

- Dentists

One of the roles of the Compliance team is to take proactive measures when an upheld complaint adjudication against a specific advertiser has an effect on an entire sector's advertising. When the ASA decided that two dentists should not advertise themselves as 'Dr', because this implied they were medical practitioners, the team asked dentistry trade bodies to inform their members of the ruling and contacted local directories to ask for their help in enforcing the adjudication.



## ASA Council members

### 01 Rt Hon Lord Rodgers of Quarry Bank

Lord Rodgers was MP for Stockton-on-Tees from 1962-1983. Elected a Labour MP, he became one of the SDP's founding 'Gang of Four' in 1981. Lord Rodgers became a Privy Councillor in 1975 and was made a life peer in 1992. From 1987-1994 he was Director General of the Royal Institute of British Architects. In 1997, Lord Rodgers was elected Leader of the Liberal Democrats in the House of Lords. Appointed ASA Chairman in January 1995.

### 02 Jane Anderson

Jane Anderson is joint Head of the Government/GLA Liaison Unit in the Government Office for London. She worked for the British Council in Venezuela from 1976-1978, joining the BBC on her return to the UK. She left the BBC in 1990 to become a civil servant, initially in the Home Office and then in the Department for Education and Employment and the Lord Chancellor's Department. Appointed to ASA Council in January 1996.

### 03 Hugh Burkitt

Hugh Burkitt is Chairman of Burkitt DDB advertising agency. He is a council member of the Institute of Practitioners in Advertising and the Advertising Association. Appointed to ASA Council in June 1995.

### 04 David Lipsey

David Lipsey is a working Labour peer. He has served on the Jenkins Committee on Electoral Reform; the Royal Commission on the Long Term Care of the Elderly and the Davies Committee on the funding of the BBC. Previously he has been an advisor to Rt Hon Anthony Crosland MP and to Rt Hon (now Lord) Callaghan. He is the author of 'The Secret Treasury' (2001). Appointed to ASA Council in April 1999.

### 05 David McNair

David McNair is Chief Executive of Food From Britain, a marketing consultancy, funded partly by government to assist UK food and drink exporters and to encourage the development of regional speciality food and drink companies within the UK. He has a background of international marketing and sales with companies such as Unilever, Guinness, and Allied Domecq; business consulting with Silvermere Partnership; and retailing with J Sainsbury. Appointed to ASA Council in January 2000.





#### 06 Lizzie Marsden

Lizzie Marsden is the Head of King Alfred School in Hampstead, London, where she teaches English 'A' level, Middle School English and also manages to rotate time as a Class Teacher in the primary section of the school. Her responsibilities include the pastoral welfare of 500 students (aged 4-18), and the development and training of some 90 members of staff. She is also a Head Masters' Conference (HMC) Inspector. Appointed to ASA Council in January 1998.

#### 07 Peter Mitchell

Peter Mitchell is a Director of Capital Radio plc and Chairman of Mountain View Group Ltd., a communications company. He retired from Guinness plc in 1997 where he was Director of Strategic Affairs. Appointed to ASA Council in June 1995.

#### 08 Martyn Percy

Reverend Canon Dr Martyn Percy is Director of the Lincoln Theological Institute at the University of Sheffield. Since his ordination in 1990, Dr Percy has occupied academic posts at Christ's and Sidney Sussex Colleges, Cambridge. He has worked as Academic Advisor on the Spint Zone project in the Millennium Dome and presently sits on the Church of England's Faith and Order Advisory Group as well as on numerous other academic and religious committees. Appointed to ASA Council in September 1999.

#### 09 Harry Rich

Harry Rich is Business Director at the Design Council. His background is as an entrepreneur, principally in industrial electrical distribution and retailing, in the Midlands and London. He trained as a solicitor, has been active in a variety of voluntary organisations and is a Trustee of the Jewish Aids Trust. Appointed to ASA Council in January 1997.

#### 10 Len Sanderson

Len Sanderson is Managing Director of Sales at the Telegraph Group Limited and is a member of its main Board. He is also a Non-Executive Director of Flying Brands plc. Appointed to ASA Council in June 1994.

#### 11 Pauline Thomas

Pauline Thomas is a writer and business consultant specialising in the marketing of professional service firms, and is a Magistrate in Central London. She has worked in management roles for a number of companies, including Grant Thornton, Lovell White Durrant and British Petroleum. She is a Non-executive Director of St. Mary's Hospital, Paddington, and Chairman of the hospital's Equal Opportunities Group. Her first novel was published in 1997. Appointed to Council in June 1998.

#### 12 Norman Tutt

Norman Tutt is Executive Director of Housing and Social Services (London Borough of Ealing). He was Principal Social Work Services Officer at the DHSS until 1979 when he became Professor of Applied Social Studies at the University of Lancaster. From 1988-1992 he was Director of Social Services at Leeds City Council and from 1992-1999 Director of Social Information Systems. Appointed to ASA Council in January 1996.

#### 13 Diane Yeo

Diane Yeo is Chief Executive of Sargent Cancer Care for Children. She began her career in BBC Radio. After working for several children's charities she became the first Director of the Institute of Charity Fundraising Managers and then a Charity Commissioner. Appointed to ASA Council in June 1997.

#### Directors

- 01 Christopher Graham, Director General
- 02 Tony Butler, Deputy Director General and CAP Secretary
- 03 Roger Wisbey, Director of Investigations
- 04 Phil Griffiths, Director of Finance and Support Services
- 05 Guy Parker, Director of Advertising Practice and CAP Assistant Secretary



## CAP Chairman's report



This second year of my Chairmanship, 2000, has seen the Committee of Advertising Practice building upon a number of initiatives started last year. I am pleased to say that non-broadcast advertising self-regulation is well placed at the beginning of the new Millennium.

The 10th Edition of the British Codes of Advertising and Sales Promotion came fully into effect for all advertisements on 31 January 2000. CAP issued an Addendum concerning Comparative Advertisements which took effect on 23 April 2000 to coincide with the publication of the Control of Misleading Advertisements (Amendment Regulations) 2000 (which implemented Directive 97/55/EC on comparative advertising on that day). Nine clauses of the Codes are affected, and from April the coverage of these was to be read in conjunction with the Addendum. The ASA endorsed the Addendum and indicated that they could adjudicate complaints under the new arrangements. The Codes are available on both the CAP and ASA websites ([www.cap.org.uk](http://www.cap.org.uk) and [www.asa.org.uk](http://www.asa.org.uk)).

I reported last year that party political advertisements and any 'advertisement whose principal function is to influence voters in local, regional, national or international elections or referendums' are exempt from the 10th Edition of the Codes (Clause 12.1). I am saddened that the main political parties have been unable to put other arrangements in place, as these advertisements are now without regulatory cover. CAP will monitor political advertisements in the run up to the General Election in order to gauge any effects on the reputation of, or consequences for, the advertising industry.

CAP has made a number of submissions to Government about self-regulation and the regulation of advertising in particular.

Andrew Brown CAP Chairman



As a result of submissions made in 1999, the DETR has published its new Green Claims Code, and followed CAP advice not to extend it to cover advertising since the Green Claims Code was written mainly with packaging and labelling in mind. Discussions have been held with DETR about research into young people's attitudes to car advertising and the extent to which they interpret, and act upon, intimations of speed. From a presentation given by DETR, it was clear that considerable further research was needed before any conclusions could be drawn about the relationship between car and other advertisements and speed, and in particular discerning separate effects from those which could be linked to car chases in films etc.

The board of the Food Standards Agency has suggested that there might be a Code for the promotion of foods to children. CAP participated in discussions held between the food industry and the FSA in an attempt to establish facts which could be relied upon in assessing the need for such a code of practice. Although the major submission about advertising will come to the FSA from the Advertising Association, CAP and ASA will provide details of appropriate Code clauses and of complaints under these.

Perhaps of greatest interest in 2000 was the publication on 13 December of the Communications White Paper 'A New Future for Communications'. Both CAP and ASA had made submissions to DTI/DCMS and paragraph 6.8.3 of the report indicates that: 'The strength and effectiveness of the system for self-regulation of non-broadcast media, which is well regarded both here and overseas, gives us confidence that a more co-regulatory approach than the present could be effective for broadcast advertising.' Paragraph 6.8.5 provides an assurance for the future when it says: 'The [CAP/ASA self-regulatory system currently regulates advertising in the cinema and on videos and on the Internet. While these media overlap with the ambit of the new communications regulator, the existing self-regulatory systems work well in these media where there is a greater degree of user selection and less immediacy. We would expect these self-regulatory systems to remain.'

In order to provide consumer reassurance for advertising and sales promotion on the Internet, CAP launched to the industry a 'safe harbour scheme', admark, on 24 October 2000 (see next page). By the year end, admark had 15 founder members, and arrangements were well advanced for a launch to consumers and consumer bodies in Spring 2001. I am pleased to see the culmination of this work, proposed by the industry some years ago, which is a further demonstration of the industry's commitment both to protect, and provide reassurance to, consumers regardless of the medium and to produce legal, decent, honest and truthful advertisements.

CAP is concerned to ensure that advertisers comply immediately with the adjudications of the ASA. Where advertisers do not, CAP sends 'Ad Alerts' to the newspaper and magazine industry, among others, requesting that copy advice is obtained before further advertising space is provided to those companies. A review of the system will be presented, and any proposed changes implemented, early in 2001. I am grateful for the work undertaken by staff in the Copy Advice team. Much of the excellent advice that is given goes largely unnoticed by the public, since agencies and advertisers will make the suggested changes before publication. Providing copy advice can from time to time be difficult when it is not clear how the ASA may adjudicate, and the two sides took different views over a high-profile advertisement by Barnardo's. The ASA adjudication, the final arbitration under the Codes, provides interesting guidance for advertising by other non-commercial groups.

I am grateful to staff also for their work on CAP Help Notes which give further guidance to the industry on how to prepare acceptable copy for advertisements.

I regret that the press still seems less than fully aware of the role played by the Committee of Advertising Practice in the advertising self-regulatory system, and the Executive will work throughout 2001 to heighten CAP's profile. I am particularly grateful to members of the General Media and the Sales Promotion and Direct Response Panels for their excellent service considering issues and from time to time particular cases during 2000. I welcome changes they are to adopt to their way of working, particularly a flexible timetable for meetings, so that they can provide advice from their great experience much quicker. I anticipate that we shall all have a busy time in the days ahead.

I know CAP will have a continuing involvement with Government, and particularly on the international scene, with all the interest that is being shown by the EC in self-regulatory and co-regulatory systems. Finally, therefore, may I thank the staff in Torrington Place and the members of all CAP committees for their hard work, and I look forward to an effective and productive year ahead.



## CAP activity review

### What is the Committee of Advertising Practice?

The Committee of Advertising Practice comprises 19 trade and professional bodies representing the advertising, direct marketing, media and sales promotion businesses. CAP writes and enforces the British Codes of Advertising and Sales Promotion.

### Copy advice

In 2000 the CAP Copy Advice team continued to provide valuable pre-publication guidance to all those involved in creating, placing and accepting advertisements. The team dealt with more than 4,500 written enquiries and over 7,800 telephone enquiries. The expected ban on tobacco advertising did not materialise in 2000, so the team continued to work closely with agencies from concept to final execution on the compulsory pre-vetting of cigarette advertisements.

Copy advice is a key element of the self-regulatory system, as it aims to prevent problems 'upstream', encouraging advertisers to get it right first time, without the problems that an ASA decision against them might bring later on.

The service is free, fast and confidential from competitors, and enables advertisers and agencies to check the likely acceptability of their advertising before it runs. The team is guided by past ASA decisions and an in-depth knowledge of the Codes. It also draws on the experience of the ASA Executive in attempting to predict what the ASA Council is likely to decide in the event of a complaint.

Following the launch of the CAP website in 1999 ([www.cap.org.uk](http://www.cap.org.uk)), more enquirers chose to contact the team by e-mail – a useful development allowing electronic files of colour visuals to be sent to us along with copy.

With plans to market the service more thoroughly in 2001, this established and knowledgeable team looks forward to offering advice to even more companies in the future and to developing its role in the success of the self-regulatory system.

### admark – a 'safe harbour' online

An initiative to boost the credibility of online advertising was launched by CAP in October.

admark is an opt-in scheme for anyone advertising, hosting or distributing advertisements on the Internet, with members able to display the admark icon on their paid for online ads, enhancing their reputation and consumer confidence. Consumers can click on the logo to verify that the company is a legitimate member, and can access the scheme's website [www.admark.org.uk](http://www.admark.org.uk) for further information.

The scheme, which is supported by the ASA, the Internet Advertising Bureau and all other CAP trade bodies, acts as a 'safe harbour' as all members are pledged to keeping their online ads legal, decent, honest and truthful. It does not involve pre-vetting, but admark members are committed to amending or removing any ads that are found to be in breach of the Codes.

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Following the launch to the trade, 15 companies have so far agreed to become founder members of admark. CAP would like to thank: Royal Mail, 24/7 Europe, Engage, Yellow Pages, the Inspiration Group, Nestlé, Nickelodeon, NatWest, IBM, BT, E-Telegraph, Guardian Unlimited, Associated New Media, Unilever and Sainsbury's for committing themselves early on.

A trade advertising campaign, making use of donated space, should help to boost membership in the coming year, and the scheme will be launched to consumers in Spring 2001.

#### **The Panels**

CAP runs two standing panels to help both the ASA and CAP to interpret the Codes, both in individual cases and on wider issues. The panels are composed of experts from the industry and trade associations, with one ASA Council member. They carry out detailed and very useful scrutiny of a range of issues.

#### **General Media Panel**

In 2000 the General Media Panel considered a variety of topics, including: the ASA's remit in relation to advertisements in foreign editions of UK national newspapers; 'from' prices in cherished number advertisements; 'free' claims in Internet package advertisements; exploitation of the goodwill attached to competitors' advertising campaigns and acceptable claims for herbal supplements purporting to boost sex drive and performance. The Panel also helped to produce the Help Note on Travel Advertisements.

#### **Members**

Chairman: Mark Lund – Delaney Lund Knox Warren  
David Abraham – St Luke's  
Teresa Brookes – Newspaper Publishers Association  
Mike Elms – CIA Medianetwork International Ltd  
Bruce Koster – Cinema Advertising Association  
Andrew Melsom – Agency Insight  
Chris Nadin – UDV Ltd  
Simon Rhodes – Liverpool Victoria Friendly Society  
Lizzie Marsden – ASA Council

#### **Sales Promotion and Direct Response Panel**

The Sales Promotion and Direct Response Panel discussed issues including: recommended retail prices; 'free' Internet access; point of sale promotions for alcoholic drinks and whether advertisers have to provide refunds on books in view of the fact that they can be copied. The Panel also played a major role in producing the CAP Help Note on Promotions with Prizes, which was published in April.

#### **Members**

Chairman: Ellis Watson – Talkcast  
Peter Batchelor – Brann  
Philip Circus – Institute of Sales Promotion  
Mark Dugdale – Dial Home Shopping  
Colin Fricker – Direct Marketing Association (until May 2000)  
Lesley Goodwin – Readers Union  
David Payne – Payne Stracey  
Sue Short – Institute of Sales Promotion  
Mike Slipper – Van den Bergh Foods  
Paul Whiteing – ICSTIS  
Jo Whyte – Direct Marketing Association  
Pauline Thomas – ASA Council

#### **Providing help in different sectors**

From time to time, CAP produces guidance to the industry in areas that seem to be causing confusion or particular problems. Help Notes take into account the nature of complaints from consumers and ASA decisions, and CAP seeks the views of trade bodies and other interested parties before publication. During 2000 two new Help Notes were produced and one was updated.

#### **Far to go?**

Over the past few years, the ASA has upheld a number of complaints against airline company advertisements for flights that specified departure and/or destination cities, but omitted the name of the airport. Some travellers felt misled because, on arrival, they still had a long journey from the airport to their destination.

Because those cities were served by more than one airport, the ASA ruled that the advertisements could indeed mislead. As a result, in May 2000, CAP issued a Help Note on Travel Advertisements, which updated the existing Help Note on the Indication of Flight and Cruise Prices, to provide guidance on this issue. The guidance applies to advertisements for flights purchased directly from airlines.

If the departure and/or destination city is served by more than one airport, advertisements should state the airport name e.g. flights to or from London should be qualified to refer to Heathrow, Gatwick, Stansted, Luton or City. Qualification is not needed if the departure and/or destination cities are served by only one airport and that airport is in or close to the city. It is also unnecessary if the departure and/or destination cities are served by more than one airport but consumers are given a same-price choice between them.

The ASA's rulings and the guidance provided in the Help Note have brought greater clarity in advertisements, which is good news for anyone booking flights in a sector with more cut-price flights to more destinations than ever before.

1 Spelling it out: Copy Advice helps advertisers to get it right first time.

2 Integrity online: the admark scheme commits advertisers to legal, decent, honest and truthful Internet advertising



### *Understanding utilities*

Following consultation with the utilities industry, CAP produced a Help Note on Price Claims in Utilities Advertising in 1998, coinciding with the expansion of competition in the gas and electricity markets. In November 2000, this was updated to reflect ASA decisions since the launch of the original guidance and to offer more comprehensive advice to advertisers. It continues to provide valuable help in a complex area and is contributing to improved compliance with the Codes, increased clarity for consumers and a level playing field for advertisers in the sector's advertising of price statements and comparisons.

### *Have you won a prize?*

A Help Note to complement the Sales Promotion Code was produced by CAP to provide guidance on the presentation of promotions with prizes, particularly those that are promoted in 'sweepstake' prize draw mailings. This was in response to a steady stream of complaints about mailings whose contents or envelopes misled recipients into thinking that they had won a prize when they hadn't.

### **Poster pre-vetting**

Posters had a very high profile towards the end of 2000, with the ASA upholding complaints against two Gossard posters for women's underwear and Yves Saint Laurent's poster for Opium perfume. In both cases, the Committee of Advertising Practice and the poster industry decided to ask the advertisers to have their posters for the products pre-vetted by the CAP Copy Advice team for two years.

Other advertisers required to have posters pre-vetted were United Distillers and Vintners UK (for Smirnoff Ice), Virgin Interactive Entertainment Ltd (for computer games) and Halewood International Marketing Ltd (for the alcoholic energy drink, Red Square).

However, the Commission for Racial Equality, Talk Radio and Sony Computer Entertainment – the first three poster advertisers to be subject to the sanction – all completed their two-year periods without any incident and are now no longer expected to pre-vet their posters. At the year-end, 14 companies were still subject to this sanction, which sends out a clear message that this most public of media cannot be abused without penalty.

### **The overseas prize draw lottery**

During the year, the ASA continued to receive complaints about overseas mailings. The problems usually involved companies promoting lotteries or prize draws and suggesting that recipients had won a prize that could be claimed by sending a 'processing fee'. However, once consumers had parted with their money, the prizes failed to materialise.

It has been difficult for CAP and other agencies to enforce ASA adjudications or to apply sanctions, because the advertisers were based outside the UK. However, we have made a concerted effort to address the issue by joining forces with the Royal Mail, Trading Standards Departments, the OFT and Government bodies. By working together and combining remits and sanctions, we have attempted to cut the number of misleading mailings entering the UK.

New 'fast track' procedures have been developed to deal with problematic mailings. Where the mailing has broken the Codes, CAP has worked with the Royal Mail to put pressure on advertisers to ensure that they are withdrawn or amended.

There is still a long way to go before all these mailings are stopped, but we hope that the groundwork has been laid so that in 2001 the majority of these unscrupulous advertisers will be forced to bring their advertising in line.

### **Get ahead in direct marketing**

As part of its work to promote best practice, CAP launched a new video for graduate entrants to the direct marketing industry at the International Direct Marketing Fair in March.

*How to Get Ahead in Direct Marketing* introduces new agency staff to CAP, the ASA and the Codes, and shows how the industry uses the CAP Copy Advice Team to avoid problems with their mailings. Order forms are available from CAP on 020 7828 4224.

1 Training the industry: the new CAP video promotes the highest standards in direct marketing.





## CAP members

Advertising Association
Broadcast Advertising Clearance Centre
Cinema Advertising Association
Direct Marketing Association
Direct Selling Association
Incorporated Society of British Advertisers
Internet Advertising Bureau (UK & Ireland)
Institute of Practitioners in Advertising
Institute of Sales Promotion
Mail Order Traders' Association
Newspaper Publishers' Association
Newspaper Society
Outdoor Advertising Association
Periodical Publishers' Association
Proprietary Association of Great Britain
Radio Advertising Clearance Centre
Royal Mail
Scottish Daily Newspaper Society
Scottish Newspaper Publishers' Association



How to Get Ahead in  
Direct Marketing  
A video guide to industry self-regulation

Committee of Advertising Practice  
2 Torrington Place  
London WC1E 7HW  
Telephone 020 7828 4224  
Fax 020 7631 3051  
[www.cap.org.uk](http://www.cap.org.uk)

CAP Copy Advice  
Telephone 020 7680 4100  
Fax 020 7540 4072  
[advice@cap.org.uk](mailto:advice@cap.org.uk)

## Financial report

For the year ended 31 December 2000

	2000 £	1999 £
<b>Income</b>		
Cash received from the Advertising Standards Board of Finance Ltd	4,086,207	3,686,949
Interest receivable	66,599	51,599
<b>Total</b>	<b>4,152,806</b>	<b>3,738,548</b>
<b>Expenditure</b>		
Salaries and staff costs	2,256,224	2,042,493
Rent and accommodation costs	214,842	251,934
Travel, subsistence and entertaining	65,266	54,539
Consultancy and professional fees	267,550	163,422
Council honoraria and expenses	121,895	112,390
Depreciation	105,278	126,500
Telephone, postage, printing, stationery and other general expenses	461,036	366,022
Advertising and promotion	307,278	334,782
Direct marketing	265,809	266,010
Admark scheme	63,646	—
<b>Total</b>	<b>4,128,824</b>	<b>3,718,092</b>
Excess/(shortfall) of income over expenditure	23,982	20,456



### **Year to 31 December 1999**

Last year's financial statement predicted an excess of income over expenditure of £20,456 and anticipated a post-tax profit of approximately £250. Audited figures for 1999 confirmed actual income of £3,738,548 and expenditure of £3,718,092; the profit before tax was £20,456, as reported, and the profit after tax was £233. Details of expenditure for 1999 are shown on the facing page.

### **Year to 31 December 2000**

Audited income and expenditure figures for 2000 are given below and on the facing page: these figures are reflected in the finalised accounts that were adopted by the Council of the Authority at its Annual General Meeting on 6 April 2001.

#### **Income**

Compared with 1999, income received from the Advertising Standards Board of Finance Ltd rose by £399,258 (10.83%) to £4,086,207. Interest received rose by £15,000 and produced additional income of £66,599. The total income for 2000 was £4,152,806 – up 11.08% on 1999.

#### **Expenditure**

The budget agreed for 2000 was £4,166m and represented an increase of £448,000 (12%) over the actual costs incurred in 1999. A significant increase in staff costs of £176,500 (8.6%) was budgeted and two major research projects were allowed for: other budgeted items were in line with the costs incurred in 1999. Actual expenditure for the year was £4,128,824.

Legal fees exceeded the budget by £56,000 and this represented an increase of some 77% on the legal costs incurred in 1999. The high legal costs were due largely to a Judicial Review in the last quarter of the year and its outcome not being known at the end of the year. In the event, the Authority won and costs were awarded in its favour: these will be credited to 2001. Staff costs exceeded budget by some £35,000 the majority of which was due to recruitment costs following the loss of a number of key staff in the communications area. However, the loss of key staff in this area meant that a number of projects were cancelled or deferred and the major research tasks were not undertaken. The increased size of the Monthly Report meant that production and postage costs exceeded budget and higher than anticipated staff turnover resulted in increased training costs. Expenditure in other categories was close to that budgeted.

#### **Profit/loss**

The profit before tax was £23,982; the profit after tax refund was £29,727.

## Team managers

The ASA Council and CAP are served by an Executive of 69 people who carry out the day to day running of the office:

### Head of Strategic Affairs

01 Grahame Fowler

### Operations Managers

02 Jenny Graves

03 Britta Griffiths

### Investigations Managers

04 Russell Gordon

05 Joanne Poots

06 Niamh McGuinness

07 Claire Serle

### Compliance Manager

08 Ailsa Chater

### Information Manager

09 Linda Wheeler

### CAP Copy Advice Manager

10 Ayesha Labrom

### Systems Manager

11 Colin Hayward

### Head of Communications

12 Gary Ward

### Office Manager

13 Richard Aubigne





## Standards of service

### Responding quickly to your enquiries

1. We shall aim to answer your telephone call to our switchboard (020 7580 5555) within four rings during business hours.
2. Our aim is to reply to all correspondence within ten working days.
3. We aim to resolve complaints without undue delay, but complaints which require investigation take longer than the average. The assessment of complaints by commercial competitors can be protracted.

### Dealing thoroughly with your complaint

4. If you decide to complain to the ASA about an advertisement, we are committed to acknowledging your first letter within five days of receiving it. If your complaint is not for us, but for another regulatory body, we shall tell you; otherwise we shall tell you how our procedures will be applied.
5. If your complaint falls within the remit of the ASA, we shall consider whether there has been a possible breach of the Codes. We shall keep you informed of progress with the handling of your complaint at intervals of no longer than fifteen working days.
6. From the point at which we decide to take up your complaint, a named executive will be in charge of the case and will act as a continuing point of contact with you.
7. Unless we are already dealing with the complaint you have made (because it has already been made by other complainants), we shall give you an opportunity to comment on our draft recommendation before arriving at an adjudication.
8. If you are dissatisfied with the ASA's decision on your complaint you may be able to request a review by the Independent Reviewer of ASA Adjudications provided you write to him at Bloomsbury House, 74-77 Great Russell Street, London WC1B 3DA within 14 days of receiving our formal adjudication. Details of the Review procedure are set out in Clause 68.36 of the Codes.

### Being accessible to complainants

9. Our website [www.asa.org.uk](http://www.asa.org.uk) gives information about the self-regulatory system and the Codes, explains how the ASA operates, gives details of complaints and adjudications, and profiles members of the ASA's Council.
10. Members of staff will at all times identify themselves by name and endeavour to be as polite and helpful as possible. If you feel that a member of staff is not living up to the high standards we set ourselves, you should write to the Director General, who will look into the matter.
11. The ASA is independent of government and the advertising industry. A majority of our Council are members of the public who are appointed following public advertisement.
12. The ASA costs the taxpayer nothing and those who use the complaints system can do so for the cost of a postage stamp. We shall continue to investigate complaints free of charge.

### Improving our service

13. We shall regularly publish statistics showing the number of complaints received and resolved.
14. We shall publish information on our performance in meeting these standards of service commitments, and the average time taken to deal with complaints. We shall also set out year-on-year improvement targets.

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