

Use of experts by the ASA and CAP

Advertising Guidance (non-broadcast)

Foreword

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

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

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

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

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

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

Background

These guidelines, drawn up by the Copy Advice team, are intended to help marketers, agencies and the media understand the procedures the ASA and CAP follow when seeking expert advice. They are guidance only.

The ASA's and CAP's review of evidence

The ASA or CAP are sometimes asked to examine evidence sent by marketers in support of claims. On receipt of evidence, these steps will normally be followed:

Have the ASA or CAP seen evidence before? If so, they are likely to come to the same decision or offer the same advice as before (other things being equal);

Is the data relevant? If not, it is likely to be dismissed;

Is the data obviously flawed? If so, it is likely to be dismissed;

Does data supporting “new” or “breakthrough” health, beauty or slimming claims include a study (or studies) that has been published in a relevant, reputable, peer-reviewed journal or has been objectively and competently reviewed by a suitably qualified expert? If not, it is likely to be dismissed; and

Are authoritative reports (e.g. in the food area, those issued by: COMA; the Food Advisory Committee; CODEX; and the Scientific Committee for Foods), readily available guidelines or other published sources (those that represent or reflect general scientific opinion) available to shed light on the acceptability of the evidence? If so, these are likely to be consulted and followed.

If the acceptability of the evidence is still in doubt, the ASA or CAP are likely to seek advice from an expert consultant.

The Expert's review of evidence

The ASA and CAP aim to obtain experts' reviews that are:

Appropriate

The experts should be sufficiently qualified to offer an impartial, competent and considered review of the evidence. They should, where possible, reflect generally accepted expert opinion;

Thorough

Reviews should ideally follow this framework:

- summary - this should outline the review's conclusion;

- introduction - this should set out clearly the questions asked of the expert, including any relevant past history on the subject;
- method - where appropriate, definitions and terminologies should be explained and their level of acceptance identified. The methodology of the marketers' studies should be examined;
- evaluation - this should outline the relative merits and flaws of the marketers' substantiation;
- conclusion - this should encapsulate the expert's considered position on the questions posed in the introduction; and,
- If recommendation - where an effect is not considered supported, experts are encouraged both to suggest any other effect that might be apparent and to explain what other data might be required to render adequate the evidence submitted.

Prompt

The ASA and CAP encourage their experts to provide reviews within 2 to 3 weeks of their receipt of the evidence. This is an approximate figure; variables such as the amount or complexity of evidence and the availability of experts make it impossible to predict accurately how long it will be before the ASA or CAP can respond to marketers with an expert's review; and,

Transparent

The name of the expert and the review itself will be given to the marketers. The name of the expert will also be given to the complainants, on request.

Countering an expert's review

If marketers disagree with the ASA's or CAP's expert's review, they should:

Respond in writing in a concise and constructive way, where appropriate with their comments endorsed by a suitably qualified expert of their own;

Engage, if necessary, in an exchange of correspondence, comprising of objective discussion of the points of contention; and

As a last resort, and if the ASA or CAP agrees that a genuine disagreement between experts, in terms of their competent but subjective interpretation of the data, exists, a meeting or dialogue between them may be arranged

Advice on specific marketing communications is available from the Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404, or you can log a specific written enquiry via our online request form <http://www.copyadvice.org.uk/Ad-Advice/Bespoke-Copy-Advice.aspx>. The Copy Advice website at www.copyadvice.org.uk contains a full list of Help Notes as well as access to the

AdviceOnline database, which has links through to relevant Code rules and ASA adjudications.

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Legal, decent, honest and truthful

