



STORM BREWING

Tetley Tea lands in hot water over health claims

05

MESSAGE RECEIVED

Complaints about text messages soar

06

HARD TO SWALLOW

Vodafone's mailer sticks in the throat

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CRACKING THE CODE

New ad industry rules tackle e-mail and SMS

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ADVERTISING STANDARDS AUTHORITY ANNUAL REPORT 2002



The Advertising Standards Authority (ASA) and the Committee of Advertising Practice (CAP) are the twin pillars of advertising self-regulation. CAP is the industry body that writes the rules and enforces them. The ASA is the independent body that investigates breaches and adjudicates on complaints.

SETTING THE STANDARD

The ASA administers the self-regulatory standards regime in non-broadcast advertising – that is to say advertising in newspapers, magazines, posters, direct mail and promotions as well as cinema ads.

Its remit extends to new media such as ads on the Internet and mobile phones – but not on TV or Radio. Broadcast advertising is regulated by the ITC and the Radio Authority, soon to be succeeded by the new communications regulator Ofcom.

The ASA applies the rules devised by the advertising industry – the British Code of Advertising, Sales Promotion and Direct Marketing. As well as being legal, decent, honest and truthful, ads must be prepared with a sense of responsibility towards consumers and society and be produced in accordance with generally accepted business principles. The system is based on a compact agreed between advertisers, agencies and media to act together in support of high standards.

The ASA considers complaints about apparent breaches of the Code from consumers and from competitors. The independent Chairman, Lord Borrie, QC, appoints the 12 members of the ASA Council to adjudicate on complaints. Two thirds of the members are independent of the industry and are appointed following public advertisement. One third are industry professionals who bring their knowledge and experience of advertising to the task of deciding on complaints.

If, following investigation, a complaint is upheld, effective sanctions exist to secure withdrawal of the ad and future compliance with the Code. As well as the unwelcome publicity surrounding the publication of an upheld adjudication, the media are warned not to carry the ad. Media owners are quick to deny

The ASA has been 'successful in securing public confidence in advertising'

Rt Hon Chris Smith MP
Labour Conference Fringe Meeting

space to problem advertisements. Trade discounts such as those for bulk direct marketing can be withdrawn and problem poster advertisers can be required to obtain pre-clearance for future campaigns. Ads that breach the Code cannot be entered for industry awards.

In the background, there is the legal backstop of referral to the Office of Fair Trading under the Control of Misleading Advertisements Regulations. For the most part self-regulation works on its own – it is in the interests of advertisers, their agencies and the media that commercial communications are welcomed and believed.

The system operates without calling on public funds and at no cost to the complainant. It is funded by a levy on all non-broadcast advertisements. The system is adequately resourced and arm's-length funding through the Advertising Standards Board of Finance (Asbof) means that the adjudicatory system remains independent of advertiser interests.

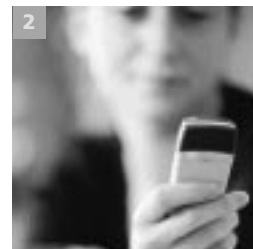
The effectiveness of self-regulation of non-broadcast advertising may be judged by:

- The number of upheld complaints compared with the total number of ads placed
- Compliance rates established in surveys of different media
- Use of the ASA and CAP websites
- Awareness of ASA adjudications
- Customer satisfaction surveys
- Research into public attitudes to advertising.

So how is the ASA doing? Judge for yourself. You can find the information in this Annual Report. We hope you will agree with us – that 'we've got advertising covered'.



Left: Ad designed by Zoë Randall, for the D&AD Student Awards competition 2002



1 MISLEADING MAIL

Three companies targeting UK consumers with misleading mailings had bulk discounts withdrawn by the Royal Mail (page 13).

2 TEXT COMPLAINTS SOAR

Complaints about advertising sent by SMS or text message increased tenfold compared with 2001 (page 10).

3 TAKING ACTION

The ASA got tough with advertisers using images of sexual violence to sell (page 11).

4 COMMUNICATIONS BILL

The publication of the Communications Bill led to calls for a more self-regulatory approach in broadcast advertising (page 7).

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5 NEW MEDIA

First complaint to the ASA about talking posters as technology provides new opportunities for advertisers (page 6).

6 SIGNING UP

The ad industry recommitted to self-regulation at a special industry summit (page 4).

7 ASA FLEXES ITS MUSCLES

The Compliance team took action against misleading ads for sports and muscle supplements (page 13).

8 10 YEARS OF EASA

The European Advertising Standards Alliance marked its first decade (page 15).

9 28% COMPLAIN ONLINE

Over a quarter of all complaints were made via the online complaints form on the ASA website (page 10).

10 40 YEARS OF SELF-REGULATION

A series of special events marked the ASA's 40th anniversary (page 7).

11 POSTER PROBLEM?

Just 1% of posters break the Codes according to Compliance research (page 13).

12 CONSUMER ALERT

The ASA joined forces with the Charity Commission to warn consumers about 'charity' scams (page 15).

EFFECTIVE SELF-REGULATION

Some people say that's a contradiction in terms – that if the advertising industry is left to police itself the result will be self-indulgence rather than self-restraint. But read the story of ASA activities over 12 months and I believe the facts speak for themselves. **Lord Borrie, QC, ASA Chairman.**

During the year, we marked our 40th anniversary. So there is a good track record to examine. The system proved itself effective in the face of a demanding caseload, an economic downturn, a changing media scene and new forms of advertising. The ASA-CAP system really is tried and tested. As a columnist in Campaign magazine put it towards the end of the year: 'Awash with new media platforms... the ASA has proved itself to be worth its weight in gold.'

By any account, it has been a record year, with nearly 14,000 complaints received about over 10,000 advertisements. Throughout this Report there are examples of where the ASA has acted to stop misleading or offensive advertising, even if it has meant standing up to some of the UK's biggest companies. But it would be wrong to deduce from this record number of complaints that non-broadcast advertising in the UK is in a parlous state. In fact, as described on page 13, our Compliance work proves just the opposite – that the advertising industry is overwhelmingly responsible. Just 23 companies needed to have sanctions invoked against them last year. Set this against the millions of advertisements that comply with the Code and do not create headlines.

'Self-regulation is flexible and can adapt quickly to new situations – new media, new advertising formats, new products, new markets...'

Everybody in the advertising and marketing business has an interest in making the system work so there is a strong commitment to it. For advertising to connect, it has to be believed and welcomed. Self-regulation is flexible and can adapt quickly to new situations – new media, new advertising formats, new products, new markets – even the growing Single Market. In fact effective self-regulation may be the only credible means of maintaining standards on the Internet or in cross-border trade.

It is unfortunately the case that merely passing a law does not necessarily achieve the objective the legislators intended. Working with the grain of the industry can be more effective in maintaining standards.

Much Parliamentary time and attention is being devoted to the Government's Communications Bill. The new single regulator for communications, Ofcom, will have a duty to facilitate self-regulatory approaches to its work. It is sobering to think that self-regulation has been having to deal with media that the previous Broadcasting Act did not even recognise less than a decade ago.



Ofcom has called on the broadcasting and advertising industries to propose a regime for self-regulation of broadcast ads on the lines of the ASA-CAP model.

What are the lessons of the ASA-CAP experience? That such a system would be fast, flexible and able to keep up – but certainly no less effective in protecting the interests of consumers.

So, genuine self-regulation. Adaptability in the face of changing situations. But the key ingredient in the success of the ASA-CAP system in non-broadcast advertising is the independence of the ASA. That independence – from Government and from commercial interests – is underpinned by an adequate but arm's-length funding mechanism and, most importantly, by the calibre and character of the ASA Council. Two of the Council, Jane Anderson and Norman Tutt OBE, came to the end of their maximum six years on Council. We have benefited enormously from their wisdom and dedication. I was delighted to be able to appoint Christine Farnish and Donald Treford who bring insight and experience to the task of adjudicating on complaints. My thanks to all members of Council who work so hard to arrive at decisions that are robust but fair.

Occasionally Council gets something wrong and we are not too stubborn or proud to admit it. We are helped to put things right by the Independent Reviewer of ASA Adjudications. My thanks are due to Sir John Caines for his painstaking work in this role and to the Chairman of the Advertising Standards Board of Finance, Winston Fletcher who, with me, advises Sir John as an Assessor for Review requests.

Of course, none of this happens by magic and we are all conscious of the hard work and commitment of the ASA's permanent staff. They too can take pride in the achievements this Report describes.

WHO'S WHO IN AD REGULATION

admark is an opt-in scheme developed by CAP that allows member advertisers and publishers to promote their support for legal, decent, honest and truthful advertising online by displaying the admark icon on their 'paid for' ads and by providing information about the scheme on their websites.

Asbof The self-regulatory system is funded principally by a levy on advertising and direct marketing expenditure collected by the Advertising Standards Board of Finance (Asbof). Asbof's role ensures the ASA's independence from the advertising industry, as the Authority is unaware of how much each advertiser contributes.

The CAP Code The British Code of Advertising, Sales Promotion and Direct Marketing, known as the CAP Code, is the self-regulatory Code for non-broadcast advertising in the UK. Written and enforced by the advertising industry, the Code is administered by the ASA.

Committee of Advertising Practice (CAP) The Committee of Advertising Practice is the self-regulatory body that creates, revises and enforces the Code with which all non-broadcast marketing communications in the UK must comply. CAP's members include organisations that represent the advertising, sales promotion, direct marketing and media businesses.

Communications Bill The Bill will give effect to the Government's proposals for the reform of the regulatory framework for the communications sector, including a new emphasis on effective self-regulation and contracting out some of the regulator's functions.

EASA The European Advertising Standards Alliance (EASA) brings together national advertising self-regulatory organisations and organisations representing the advertising industry in Europe. The Alliance promotes high ethical standards in commercial communications by means of effective self-regulation, while being mindful of national differences of culture, legal and commercial practice.

Ofcom Ofcom will be the new regulatory body for the UK communications sector. It is scheduled to be operational by the end of 2003 after enactment of the Communications Bill.

Ofcom is being designed to be a world class regulator for the UK's converging communications sector. It will merge the functions of five existing regulatory bodies: the Independent Television Commission (ITC), the Broadcasting Standards Commission (BSC), the Office of Telecommunications (OfTel), the Radio Authority (RAU) and the Radiocommunications Agency (RA).

Below: Ad designed by Grant Willis for the D&AD Student Awards competition 2002 sponsored by the ASA. See page 20 for the full story

LEGAL, DECENT, HONEST AND

True.

The ASA is the independent, self-regulatory body for advertising in the UK. We administer the British Codes of Advertising ensuring that you are not misled or offended. It takes only one complaint to start an investigation, so complain to the ASA and we will continue to ensure that ads are legal, decent, honest and truthful.

Advertising Standards Authority, 2 Torrington Place, London WC1E 7HW. Contact us on 020 7580 5555. Or visit our website: www.asa.org.uk



KEEPING IN TOUCH 13 NOVEMBER 2002

How does the ASA keep in touch with what people are thinking about advertising? One way is to ask them at local consumer events and to see whether they reach similar conclusions to the ASA when confronted with some real cases. Over 70 representatives of charities, voluntary organisations and consumer groups gathered to debate advertising standards with ASA staff and Council members at the ASA's eighth annual consumer conference. This year the venue was the Q.Ton Forum in Cambridge. In two workshops, delegates considered a range of ads for misleadingness, offensiveness and social irresponsibility. The debate was lively, with a wide range of views expressed. The event was fully reported on the ASA website. You can try your hand at judging the same ads at www.asa.org.uk.



AD INDUSTRY SIGNS UP 6 MARCH 2002

'Consumers have the right to be protected against deceitful and offensive advertising. Competitors have the right to a level playing field. So every society faces the challenge of reconciling rights and responsibilities in advertising,' declared representatives of the ad industry at a Summit to mark the ASA's 40th anniversary. Consumer Minister Melanie Johnson MP witnessed the signature of a pledge to self-regulation in the years ahead by Asbof, ASA and CAP.

The Minister said: 'By reaffirming in this public way your joint and continued commitment to best practice, you are demonstrating a responsibility which others might do well to emulate. You have a strong record in regulating yourselves and I should like to thank you for your past and future commitment to those high standards.'

REVIEW OF THE YEAR

54%

complainants
very satisfied
or satisfied

KEEPING THE CUSTOMER SATISFIED 2002 RESEARCH

ASA performance improved year-over-year in most areas according to our quarterly customer satisfaction survey. Both complainants and advertisers score the ASA highly for being accessible and independent with overall satisfaction scores of 54% and 61% respectively.

Of complainants, 73% saw the ASA as being accessible to the public and 71% of advertisers agreed that the ASA has consumer interests at heart. Over half of all complainants (57%) and three quarters of advertisers (75%) saw the ASA as independent of the advertising industry.

The most satisfied customers are those whose complaint results in an upheld adjudication following formal investigation. Disappointed customers are, understandably, less satisfied (40% either 'satisfied' or 'very satisfied').

The ASA changed its website and literature to reflect the results of the research.

TWO YEAR SANCTION FOR ALI G ADVERTISER

United International Pictures (UIP) will have their Universal Pictures International film posters pre-vetted by the CAP Copy Advice team until March 2004, after the ASA ordered UIP to withdraw a poster for the Ali G film 'Ali G Indahouse'.

Within a week of the posters appearing more than 100 people wrote to the Authority to complain about the 'Tax da Party' ad, arguing

that it was offensive and unsuitable in a public place where children could see it. The complaints were upheld and the ASA Council's ruling rebuked the advertisers for using such a controversial image in an untargeted medium.

Only one poster contractor had been willing to display the posters on their sites and did so against advice from the Committee of Advertising Practice Copy Advice team.

United International Pictures is currently the only advertiser on CAP's poster pre-vetting list.



KEY PERFORMANCE INDICATORS**13,959**

complaints received

13,784

complaints resolved

27 days

average time taken to deal with complaints

£147.44

cost per complainant

4,371

number of Copy Advice cases

£129.88

cost per Copy Advice case

90%

(on target)

percentage of Copy Advice cases handled within 24 hours

9,033

telephone public enquiries dealt with

263

written public enquiries dealt with

4,112

e-mail public enquiries dealt with

54%

of complainants satisfied or very satisfied

62%

of advertisers satisfied or very satisfied

Complaints to the Advertising Standards Authority about food and drink advertising soared during 2002, increasing by 175% in comparison with 2001. While this substantial rise is largely due to the prominence of food and drink campaigns amongst the most complained about ads of the year (see page 8), claims made by two advertisers had to be changed as the result of just one complaint about each ad.

A STORM BREWING

Tetley Tea's new advertising campaign ran into trouble following a challenge by the Food Commission which objected that the claim 'Tetley Tea is rich in antioxidants that can keep your heart healthy' misleadingly implied that drinking tea had proven health benefits. One of the posters,

'If this had worked, the whole sector would have been awash with health claims before you could say draw-string bag.'

Richard Williams Marketing Magazine

reported to be part of a £15 million campaign, had the headline 'Go on, live a lot', and the Food Commission argued that this implied that drinking tea would prolong life.

Having taken independent expert advice, the ASA concluded that Tetley had supplied insufficient scientific evidence to justify the claim that drinking

Tetley Tea could benefit heart health and that the tagline 'Go on, live a lot' implied that drinking Tetley could enhance life expectancy – also unproven. In its ruling, the ASA expressed concern that Tetley's advertising agency had approached the Copy Advice team for comment on a similar heart claim but had ignored the response given. The ASA's adjudication coincided with a similar decision by the Independent Television Commission who adjudicated on the TV advertising within the campaign.

In a separate case, the ASA ruled that Marlow Foods, manufacturers of Quorn, had been misleading consumers by describing the food as 'mushroom in origin'. Despite the advertiser's explanation that they used the term because customers were unfamiliar with the main ingredient, mycoprotein, the ASA considered that the claim implied that Quorn was made from mushroom. Marlow Foods were asked either to delete the claim or give in the same font size, a statement of the mycoprotein origin of the product, or the fungal origin of the product.

Visit www.asa.org.uk/issues



Top: Marlow Foods were required to change claims about Quorn
Above: Tetley's poster claim had to be withdrawn



FANCY A BIT OF SCOTCH BEEF?

Another food ruling with wider ramifications for industry was the result of a complaint about a national press advertisement that showed a man holding a plate of steak, with the copy 'Fancy a bit of Scotch Beef? Raised the way you want it. Specially selected Scotch Beef.' The complaint, that the ad misleadingly implied that 'Specially selected Scotch Beef' was born and raised entirely in Scotland, was upheld by the ASA. The advertisers, Quality Meat Scotland, had explained that the ad did not state that Scotch beef was from cattle born and raised in Scotland; it merely stated the beef was Scotch. They pointed out that under European regulation, provided the cattle was slaughtered in Scotland and had been reared there for at least 90 days it could be called Scotch beef. However, the ASA Council considered that the claim 'Raised the way you want it' implied that all Scotch beef was from cattle raised in Scotland and that because some Scotch beef was from cattle that had been in Scotland for only 90 days, and not raised there, the advertisement was misleading.



CONSUMER CONCERN OVER UNTRUTHFUL TRUTHS

'Untruthful truthful' advertising which does not communicate the true or whole picture is in danger of making the public cynical and doubtful of all advertising messages. This was the warning spelt out by the ASA to the advertising industry at a special summit to mark 40 years of self-regulation. Consumer concern about misleading advertising emerged from qualitative research conducted by the ASA into the public's perception of advertising.

The research revealed that some advertisers, particularly those promoting financial products, are thought to hide behind the small print and 'weasels', which in the consumer's mind, are there to protect the advertiser. Recognised weasels are words such as 'from', 'terms and conditions apply', 'limited stocks available' and 'subject to status'.

According to the research, consumers enjoy advertising, and perceive it as a form of entertainment as well as a source of information about products and services. But the public also uses advertising in order to make judgements about a company's financial status or health. Advertising that is perceived to have had a lot of money spent on it is thought to lend credibility and stature to the brand.

The ASA Chairman, Lord Borrie, QC, said that the results demonstrated that neither the advertising industry nor the ASA could afford to become complacent. 'While this study reveals the public's enjoyment of advertising, concern about 'untruthful truthful' advertising is a sharp reminder that consumers will not accept deceitful or misleading claims,' he said.

The full report can be read or downloaded from the ASA website at www.asa.org.uk/research

Stop Complaining. Complain

Next time you feel offended or misled by an advertisement, don't just scribble over it. Write to the Advertising Standards Authority and get rid of it permanently.

One letter or e-mail is enough to start an investigation.

More information about what we do can be found at www.asa.org.uk or call us on 020 7580 5555.



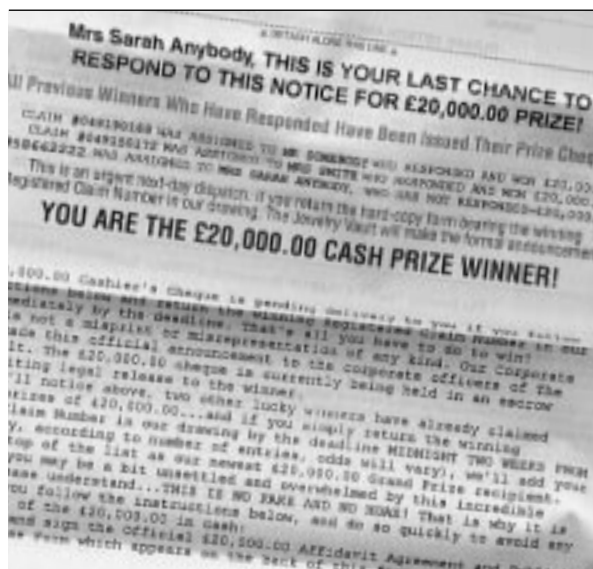
ONLINE AND ON THE CASE

The Internet and text messaging had a growing impact on the ASA as complaints about these new media grew during the year. 28% of all complaints to the ASA were received via the online complaints form on our website. The total number of complaints about SMS ads increased from only six in 2001 to 65 in 2002. Small beginnings, but SMS usage continues to grow offering a cheap, targeted way to reach consumers. We are aware that UK mobile phone owners sent over 50 million text messages in January 2003. The new CAP Code includes strict new rules for marketers thinking of using spam e-mails or text ads to contact consumers.

NEW MEDIA NEW OPPORTUNITIES

The ASA/CAP system is responsible for advertising in non-broadcast media. As new media develop, advertisers are keen to use the new platforms to sell products. The ASA has to keep up with new developments. This year saw the arrival of talking posters and interactive street furniture. The ASA received complaints about a poster in bus shelters for Pretty Polly, depicting a model dressed in underwear with a circular text box level with the bottom of her bra which said: 'Press for lift'. When the text box was pressed, a short recorded message was played.

The poster did not breach the Code and the ASA Council decided that an investigation was not justified in this instance.





IN TOUCH WITH POLICY MAKERS

It was a busy year for the ASA and CAP making the case for effective self-regulation in Whitehall, Westminster and Brussels. The Communications Bill appeared in draft and was introduced in the Commons following pre-legislative scrutiny by Lord Puttnam's Committee. Ministers made it clear that they were open to proposals for a more self-regulatory approach to advertising standards in broadcast media. (Currently, these are regulated by the statutory ITC and Radio Authority that are due to be merged into Ofcom later this year.) The ASA made it clear that it is for the advertising industry and the broadcasters, and not the ASA, to devise proposals for any alternative self-regulatory system for broadcast ads.



IN THE END, IT'S THE LAW

The ASA's work to combat misleading ads is backed by a longstop legal sanction. The ASA can refer advertisers, agencies or publications who will not work within the self-regulatory rules to the Office of Fair Trading (OFT) for legal action under the Control of Misleading Advertisements Regulations. During 2002, the ASA and the OFT worked together to tackle misleading ads. A Data Protection Registration scam resulted in the OFT successfully obtaining injunctions to stop misleading advertising. The OFT now has stronger Stop Now powers under the Enterprise Act. During the year, the ASA referred three other advertisers to the OFT – but for the most part the industry's own sanctions are sufficient to secure compliance.



POLITICAL BACKING

'The 40 years of the ASA have been a success story. The ASA has been successful in securing public confidence in advertising, demonstrating that self-regulation done properly can work,' said former Culture Secretary Chris Smith MP at the ASA Fringe Meeting at the Labour Party Conference in Blackpool. At Brighton, Lord McNally said, 'Liberal Democrats believe that in the main the advertising industry has provided a model for good self-regulation through the Advertising Standards Authority and that whilst it continues to work effectively self-regulation should remain the basis of control within advertising.'

Plans for an ASA meeting at the Conservative Conference had to be dropped following changes to the conference programme, but ASA and CAP met with senior Conservatives to discuss the Communications Bill.

HIGH COURT BACKING FOR ASA ON HUMAN RIGHTS

The self-regulatory system aims to be fair to both consumers and to advertisers. Occasionally, the ASA's adjudications are challenged in the Courts. Once again, the judges have upheld the self-regulatory system. A direct mail advertiser, The Jewelry Vault, sought Judicial Review of an ASA adjudication upholding complaints about their prize mailings. The advertiser said ASA adjudication procedures breached his human rights. The ASA won at every stage of the legal process – from the Divisional Court to the Court of Appeal – but the advertiser has said he now intends to appeal

to Strasbourg. 'Whether an advertisement is or is not likely to mislead the public is a matter which is best dealt with by an expert body such as the ASA,' said Mr Justice Sullivan, giving judgement in the High Court (31 October 2002). 'It is plain that, even though the scheme is a non-statutory one, the ASA is independent of both government and the advertising industry itself.' Dismissing the application as 'hopeless on the facts', the judge awarded costs to the ASA of £20,000.

It is good to know that the self-regulatory system is backed by the law. But the ASA is not

complacent. We took the opportunity of commissioning a legal health check from a leading QC unconnected with past ASA successes in the courts to establish whether our processes complied with the Human Rights Act. The verdict was positive but we are making some minor changes to the way we do things to ensure that we can maintain our adjudications in the face of determined opponents.

Left: The ASA upheld complaints that The Jewelry Vault's mailing misled consumers

FEBRUARY Parliamentary Assistants Forum

All the main political parties were represented when a group of Parliamentary Assistants gathered at the ASA's offices for an introduction to the self-regulatory system and the Authority's public affairs work.

APRIL Talking to Trading Standards

A series of presentations to Trading Standards officers about the self-regulatory system helped to broaden understanding of the ASA's role and remit. Starting in April, ASA staff spoke at 11 events throughout the country.

MAY ASA in Scotland

Advertisers, agencies and media in Scotland had the opportunity to hear from the ASA at first hand in May as Director-General Christopher Graham visited Edinburgh and Glasgow and met with key ad industry personnel.

MAY New Council Members

The Chief Executive of the National Association of Pension Funds, Christine Farnish, and former Observer editor Donald Treford were appointed to ASA's Council, replacing Jane Anderson and Dr Norman Tutt, OBE, who retired from Council having served the maximum six years.

JUNE Celebrating 40 Years

Guests from the advertising industry at the ASA's 40th anniversary party at the Kensington Roof Gardens were thanked by the ASA's Chairman, Lord Borrie, QC, for their role in making self-regulation effective. Lord Borrie said that the ad industry could look back with pride over four decades and forward with confidence to the next 40 years.

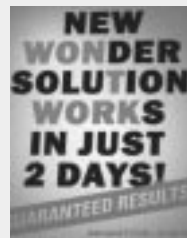
NOVEMBER Exposing Scams

The ASA supported a campaign by the Office of Fair Trading to alert consumers to misleading health, beauty and slimming advertising.



'Only by working together can we achieve the Fair Trading environment.'

Howard Turton
Trading Standards
Northern



ASA ACTION ON 14,000 COMPLAINTS

Every year, a handful of advertisements prompt large numbers of complaints to the ASA. In 2002, most concern was expressed about a press advertisement, but the imagery and wording used on several posters also led to a heavy postbag for the ASA. It is the Council's task to evaluate whether or not the advertisement breaches the Codes, taking into account the detail of the complaint and evidence supplied by the advertiser. Here we list the advertisements that received the most complaints during the year. The ASA's full ruling on each case can be found on our [website at www.asa.org.uk](http://www.asa.org.uk).

1 British Heart Foundation

Parents, teachers and doctors were amongst members of the public who expressed concern that children might copy this national press and magazine charity ad. The ASA Council concluded that the ad had appeared in media where children might see it. Despite a small print warning in the corner of the ad stating that plastic bags should be kept away from children, Council upheld the complaints – deciding that the situation depicted might encourage emulation by children.

315 COMPLAINTS
UPHELD

2a Unilever Bestfoods UK

Public objections that this poster for Pot Noodle was offensive were upheld. The Authority was concerned that the advertisers had failed to follow Copy Advice that the posters should not be displayed and ruled that because of the implication of sexual violence, the wording on the ad was unsuitable for use in any medium.

288 COMPLAINTS
UPHELD

2b Unilever Bestfoods UK

Complaints that the use of the word 'slag' in this poster advertisement was offensive were considered by the ASA Council, who decided that a formal investigation under the Codes was not justified, and that the advertisement was unlikely to cause serious or widespread offence.

126 COMPLAINTS
NOT JUSTIFIED

3 Telewest Communications plc

The use of the word 'bloody' in this poster and regional press advertisement prompted complaints to the ASA by members of the public who felt the language was offensive. Others expressed the view that the word was inappropriate to use where children could see it. The ASA was concerned that the tone of the advertisement was aggressive rather than humorous. It concluded that the boldly stated headline in the ads was likely to cause serious or widespread offence.

261 COMPLAINTS
UPHELD

4 McDonalds Restaurants Ltd

The number of combinations presented in the headline of this poster was calculated incorrectly according to the members of the public who complained that the ad was misleading. Although not persuaded by the advertiser's maths, the ASA Council concluded that the intention of the advertisement was to indicate that a large number of choices was available to consumers. The complaints were not upheld.

154 COMPLAINTS
NOT UPHELD

5 Unison

Private and voluntary care homes and their trade associations objected that this national press advertisement was offensive, misleading and likely to cause fear and distress to residents. Because the advertisers failed to substantiate the implication that care home places had been lost because of the greed of the private sector the ASA considered that the ad was denigratory to private care homes and likely to cause fear and distress. The complaints were upheld.

140 COMPLAINTS
UPHELD

6 BBC

The nudity in this poster advertisement for a BBC TV programme concerned members of the public, some of whom objected that it was offensive. Others expressed their view that the poster would encourage paedophilia and homosexuality. The ASA Council disagreed with the complainants and ruled that a formal investigation into the complaints was not justified.

131 COMPLAINTS
NOT JUSTIFIED

7 United International Pictures (UK)

Everyone who objected to this film poster thought it was offensive. Additionally, some members of the public deemed the poster pornographic and others felt it was inappropriate to be seen by children. Although only one poster contractor had agreed to run the poster, the ASA Council was aware that the ad was likely to be seen by people unfamiliar with the TV character Ali G. In upholding the complaints, Council expressed its concern that the advertisers had chosen an untargeted medium for such a controversial image.

116 COMPLAINTS
UPHELD

8 Unilever Bestfoods UK Ltd

Complaints that the reference to female orgasms in this poster was offensive and unsuitable for children to see were considered by the ASA Council who decided a formal investigation was not justified under the Codes and that the poster was unlikely to cause serious or widespread offence, or harm children.

85 COMPLAINTS
NOT JUSTIFIED

9 Fusion 107.3

The ASA agreed with the members of the public who objected that this poster for a local radio station was sexist and offensive. The advertisers maintained that they had had no control of the placement of the poster and regretted that it had been displayed at inappropriate locations. But the Authority also observed that the image of a naked torso was irrelevant to the product being advertised, and the complaints were upheld.

74 COMPLAINTS
UPHELD

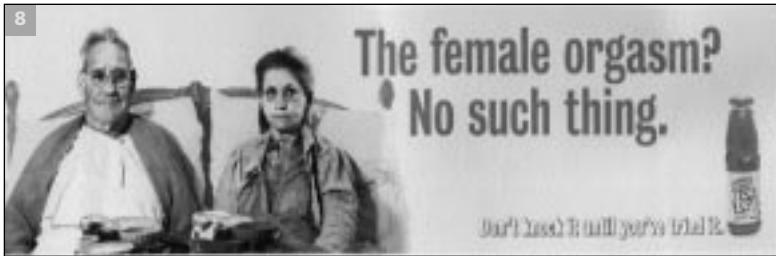
10 Midland Mainline Ltd

The ASA received complaints that this direct mailing, in the form of a parking ticket, misleadingly implied that the recipients had committed a traffic offence. Despite qualifying copy that made clear that the mailing was a spoof, the ASA considered that because of the prominent wording on the front of the mailing, recipients might not immediately realise that. Concerned that the mailing could cause distress to recipients the ASA upheld the complaints and asked the advertisers not to repeat the approach.

71 COMPLAINTS
UPHELD

To make a complaint about a UK non-broadcast advertisement please write to us giving brief details of your complaint, enclosing a copy of the advertisement if possible. Please enclose your name and postal address so we can confirm we've received your complaint and keep you informed of our progress. We are unable to accept complaints unless they are submitted in writing or via the complaints form on our website. Write to Advertising Standards Authority, 2 Torrington Place, London WC1E 7HW or visit us at www.asa.org.uk

MOST COMPLAINED ABOUT ADVERTISEMENTS





In 2002 a record total of 13,959 complaints were received by the ASA relating to 10,213 advertisements, an increase in complaints of 10.8% on the previous year. The number of advertisements complained about increased by just 2.8% in comparison with 2001.

Complaints received and resolved

Complaints to the ASA must be submitted in writing by fax, post or online via the ASA's website. The online facility was heavily used during the year, with 28% of all complaints to the ASA being lodged via the online complaints form.

The total number of complaints that resulted in investigations being conducted by the ASA during the year increased by 43% compared with 2001 and 3,968 complaints required action by the ASA executive. 767 of these complaints were resolved informally, through negotiation between ASA staff and the advertiser, an increase of 51% on the year before.

The number of complaints that fell outside of the ASA's remit decreased by 7.5% during the year, principally as a result of a new website complaint system referring complaints about TV and radio ads to the relevant regulator. The number of complaints about direct marketing and database practice fell by 47.6% – the result of new working arrangements with the Mailing Preference Service.

The average number of complaints per advertisement complained about increased slightly, from 1.27 in 2001 to 1.37 in 2002.

Most complained about advertisements

As in previous years, a small number of advertisements accounted for a large number of complaints. The 11 most complained about advertisements attracted 13% of complaints during the year. Eight of these were poster ads, two were press advertisements and one was direct mail. Eight out of the 11 advertisements were formally investigated, with seven of those investigations resulting in an 'upheld' adjudication. For each of the remaining three advertisements, the ASA decided that an investigation was not justified



under the Codes. That does not mean that the complainants were not justified in making a complaint. The most complained about ads are featured on pages 8 and 9.

Misleading claims

Once again, complaints about misleading claims in ads were the major cause of complaints to the ASA. The Authority received 3,202 complaints about truthfulness and honesty and formally investigated 852 of the ads concerned.

Taste and decency

Complaints about offensive advertisements rose during the year by nearly a quarter (24%), with 3,142 complaints received about 555 advertisements. A total of 122 advertisements, attracting 1,546 complaints, were formally investigated to determine whether or not they were likely to cause 'serious or widespread offence'. The rise in the number of complaints in this category can be explained in part by the large number of complaints about a handful of campaigns, including Unilever Bestfoods' Pot Noodle posters. In total, the ASA received 414 complaints about two posters in this campaign.

Competitor complaints

The number of complaints from industry, or from companies complaining about their competitors' advertising, fell slightly during the year, forming 8% of all complaints to the ASA in comparison with 9% in 2001.

Complaints by sector

Once again, leisure ranked top as the most complained about sector with

complaints rising by 25% to 3,622. However, proportionally the biggest increase in complaints was in the food and drink sector, where complaints volumes almost trebled (from 445 complaints in 2001 to 1,222 complaints last year). Four out of the 11 most complained about ads of the year were from this sector, accounting for the rise.

Another big increase was apparent within the retail sector, where complaints rose by 142% (from 173 to 419). 154 of those complaints were about one advertisement, the McDonalds 'combinations' poster. In contrast, complaints about business and financial advertising fell by 26% and 15% respectively.

Complaints by media type

Posters

The biggest rise in objections to ads in a particular medium was in poster advertisements, where complaints rose by 77% to 3,051 compared with 2001. There was a substantial



COMPLAINTS NOT INVESTIGATED



- 3,489 had no case to answer
- 2,223 outside remit
- 2,018 not justified
- 1,679 withdrawn

COMPLAINTS INVESTIGATED



- 2,536 upheld
- 665 not upheld
- 767 resolved informally

SOURCES OF COMPLAINTS



- 8% from industry
- 92% from public

COMPLAINTS RESOLVED BY MEDIA TYPE		
	2001	2002
Poster	1,729	3,051
Direct mail	3,111	2,710
National press	1,735	1,781
Magazine	1,293	1,423
Internet	750	1,016
Leaflet	764	918
Regional press	753	780
Media not specified	1,096	644
Brochure	355	313
Directory	157	182
Point of sale	184	182
Packaging	93	140
Cinema	46	119
Mailing	91	107
Facsimile	69	102
Electronic	99	82
Catalogue	110	81
Insert	162	74
Press general	124	71
Text message	6	65
Circular	67	50
Transport	34	28
Ambient	26	22
E-mail	0	17
Other	0	3
Computer games	0	1
Video	2	0
Some complaints may be included in more than one category.		

COMPLAINTS RESOLVED BY SECTOR		
	2001	2002
Leisure	2,908	3,622
Computer and telecommunications	1,734	1,725
Health and beauty	1,204	1,400
Food and drink	445	1,222
Holidays and travel	816	819
Motoring	636	613
Household	500	569
Business	755	555
Non-commercial	336	500
Financial	562	475
Retail	173	419
Not specified	650	360
Publishing	367	311
Clothing	532	277
Alcohol	179	167
Employment	199	148
Property	123	144
Electrical appliances	133	134
Industrial and engineering	53	90
Utilities	90	78
Education	86	62
Agricultural	82	59
Tobacco	25	24
Unknown	13	11
Total	12,601	13,784

COMPLAINTS

VIOLENCE



increase in the number of these complaints upheld on the grounds of offensiveness (from 271 in 2001 to 855), reflecting the dominance of poster advertisements in the listing of the year's most complained about ads.

National press

In contrast, complaints resolved about national press ads increased by just 3% during the year to 1,780, compared with an increase in complaints overall of 9%. 85% of all formally investigated complaints against national press ads were upheld.

Direct mail

In 2001, direct mail was the most complained about advertising medium, but last year complaints fell by 13% to 2,710. However, 90% of all formally investigated complaints about direct mail were upheld by the ASA, the highest percentage of 'upheld' complaints for all media.

Internet, e-mail and SMS

The number of complaints about advertisements sent by SMS or text message increased nearly tenfold, with 65 complaints received, compared with just six in 2001. Although the numbers of complaints are still small, the size of the

AREAS OF COMPLAINTS INVESTIGATED IN 2002		
	Resolved complaints	Resolved cases
Legality	47	28
Decency	3,142	555
Honesty	520	176
Truthfulness	2,682	1,761
Substantiation	1,722	1,089
Comparison	801	477
Denigration	248	61
Exploitation of goodwill	43	26
Imitation	16	4
Matters of opinion	78	64
Fear and distress	980	120
Safety	85	38
Violence and anti-social behaviour	455	62
Political advertising	47	5
Protection of privacy	33	28
Testimonials and endorsements	110	63
Prices	79	64
Free offers	35	25
Availability of products	115	86
Guarantees	21	17
Identifying advertisers and recognising advertisements	247	60

proportional increase suggests that use of this medium for advertising is becoming much more widespread. Complaints about advertisements on the Internet have also continued to rise although at a slower rate – from 750 in 2001 to 1,016 in 2002, a rise of 36%.

Making a complaint

Complaints about the content of non-broadcast advertising should be made to the ASA in writing – by post, fax or via the online complaints form on the ASA website.

Summaries of the complaints and full details of the complaints procedure are available online at www.asa.org.uk, or from the Communications team on 020 7580 5555.

COMPLAINTS FIGURES

	2001		2002	
	Complaints	Advertisements complained about	Complaints	Advertisements complained about
Work brought forward	815	589	809	516
New work received in year	12,595	9,938	13,959	10,213
Total work considered	13,410	10,527	14,768	10,729
F.I. Upheld	1,674	652	2,536	686
F.I. Not upheld	590	213	665	238
Resolved informally	508	471	767	673
Total investigated	2,772	1,336	3,968	1,597
No case to answer	3,187	3,182	3,489	3,474
Withdrawn	1,659	1,657	1,679	1,655
Outside remit	2,402	2,392	2,223	2,222
Not justified	1,805	668	2,018	685
Total not investigated	9,053	7,899	9,409	8,036
Mail order	118	118	86	86
Database	658	658	321	321
Total direct marketing	776	776	407	407
Work resolved	12,601	10,011	13,784	10,040
Work outstanding at year end	809	516	984	689



Violence and sexual degradation do not sell, according to a UK study of serious offence in non-broadcast advertising, commissioned by the ASA.

What's more, the study reflects broad public support for the ASA to ban advertising that causes widespread or serious offence. Yet last year, a handful of advertisers turned to offensive sexual images, violence and bad language to advertise products for young people and adults.

With strict guidelines in place, the ASA is tough on those advertisers who flout the Code.

Take the case of the energy drink 'Shark' – where semi naked adults appear scratched, bruised and bitten. Not only did the images and connotation offend members of the public, but these huge posters, aimed at 16-24 year-olds, were naturally also seen by small children – not the target audience.

'Red Square' took a similar theme in its magazine advertisement – with images of scratches and linking the alcoholic drink to sexual success. 'Pot Noodle' also received complaints for the posters that featured the words 'Hurt me you slag.' This was another case where the public felt the advertisement was condoning violence.

Not only did the ASA find that these three advertisements breached the Codes on violence but Council also warned those concerned that advertisements must be prepared with a sense of responsibility – having to explain to a six-year-old

the phrase 'Hurt me you slag,' is not a position a parent would wish to find themselves in.

So whilst the ASA study proved that violence and sexual degradation is not tolerated by the public, the ASA is taking on the task of getting this message through to advertisers.

More information about the ASA study on Serious Offence in Advertising can be found at www.asa.org.uk.



Above: Posters for energy drink Shark caused offence
Left: Red Square's magazine ad

JUST ONE COMPLAINT CAN MAKE A DIFFERENCE

Receiving a brightly coloured, bulging envelope, most of us would be curious about what's inside. Imagine, then, the delight for 21-month-old Ryan and his four-year-old sister who discover such an envelope in the morning post and rip it open to find that the bulge is a sweet.

Imagine too the horror for their mother, who upon hearing screams, runs to find Ryan turning a pale shade of blue with a lozenge stuck in his throat – a promotional gift from mobile phone company Vodafone.

'I had spent so much time making sure the house is toddler friendly, only for something to arrive through the door as a gimmick,' explains Mrs Richardson, whose concern that it could happen to another child was so strong that she contacted the ASA.

The inclusion of the lozenge with the mailing was irresponsible, she believed; because regardless of the fact the envelope was personally addressed to an adult in the household, it could and did so easily fall into the hands of children. 'Small children can't read, they are just curious,' she explains.

The complaint was promptly taken on by the ASA, who were quick to reassure Mrs Richardson that the matter would be investigated. Indeed, the complaint was upheld, with the focus on the Code's specific rules for children: that the packaging could be easily accessed by children; and the Sales and Promotions Code, that advises promoters to make all reasonable efforts to ensure their promotions are safe.

Mrs Richardson welcomed the ruling and subsequent local media coverage, hoping that parents would now be forewarned about this form of advertising. Vodafone have now agreed not to use this approach again in the future.

'...I had spent so much time making sure the house is toddler friendly, only for something to arrive through the door as a gimmick.'



Ryan's curiosity could have led to tragedy

ONLINE

www.asa.org.uk

Complaints about non-broadcast ads can be submitted via the ASA's online complaints form, or register to keep updated on the latest ASA adjudications, published every Wednesday. Take one of the virtual tours to find out more about the ASA and its work.

www.cap.org.uk

Help and advice for advertisers is available on the Committee of Advertising Practice website, including AdviceOnline – a searchable database of keywords pointing to relevant ASA adjudications.

www.asa.org.uk/publicaffairs

Find information on current policy issues, ASA responses to consultations and contact details.

www.admark.org.uk

Find out more about the opt-in admark scheme that allows member advertisers and publishers to promote their support for legal, decent, honest and truthful advertising by displaying the admark icon on their 'paid for' ads and by providing information about the scheme on their websites.

www.easa-alliance.org

News and information from the European Advertising Standards Alliance, including an explanation of the system for handling cross-border complaints and details of their new European roadshow.

How you can make a difference





Above: Ad designed by Selda Enver, Shaheed Peera and Wan-Mei Wong for the D&AD Student Awards competition 2002. Wan-Mei Wong was awarded a bursary by the judges. See page 20 for the full story

POSTER POWER

Just 1% of all poster advertisements fall foul of the Codes according to new research carried out during the year as part of the ASA's compliance activity.

The Outdoor Advertising Survey 2002, which was undertaken over six months by the ASA Compliance team, assessed the compliance rate of over 1,500 posters, a sample representative of approximately 80% of all the posters that appeared across the UK during this time. The research found that only 1% of the posters were in breach of the Codes' guidelines and that most of the posters identified as problematic had already had complaints about them upheld by the ASA Council.

Although the highest proportion of the posters considered in the survey were for leisure products and services, the highest proportion of the breaches (37.5%) occurred within the food and drink sector. However, four of the five problematic posters identified in that sector were created by the same advertisers and formed part of the same poster campaign for Shark soft drinks.

Of the few breaches in the survey, 50% related to taste and

decency. The size, impact and untargeted nature of posters mean that offensive images or claims tend to elicit a much bigger response from the public than if they had appeared in other media. The survey results reinforce the message to advertisers using this medium that they must be particularly careful not to cause offence.

Alan James, Chief Executive of the Outdoor Advertising Association, welcomed the survey's findings: 'We are delighted with this result as it clearly shows the communication power of the medium. However, the report also serves as a warning how a small number of problem campaigns can elicit a disproportionate response'.

The research report is available to download from the ASA website www.asa.org.uk or by contacting the ASA Communications team on 020 7580 5555.

Below: Complaints that this poster could encourage speeding were upheld



COMPLYING WITH THE RULES



The Compliance team takes action to ensure that advertisers comply with the ASA's rulings. Advertisers who flout an upheld ASA adjudication can find themselves subject to industry sanctions, including media refusal and loss of trading privileges. The Compliance team also works proactively, monitoring several thousand advertisements a week and conducting regular research into the compliance rates of particular sectors.

In 2002, the Compliance team took action to stop the re-appearance of 599 marketing communications that broke the Codes. In 88% of those cases it received an assurance that the marketing would not appear again; appropriate sanctions were applied against the remaining 70 companies that refused to co-operate. The team also took action against 111 companies that had refused to provide an assurance that their marketing would be changed following an upheld ASA adjudication. 88 of those companies agreed to comply, but sanctions had to be applied against the remaining 23.

In order to ensure a level playing field the team sometimes has to focus on an entire sector, not just one company. This usually applies when the ASA makes a new decision that has sector-wide implications or when all or most marketers in a sector appear to be unaware of a particular Code rule. Some of the issues that the team tackled in 2002 were: advertisements that included telephone numbers and did not make clear that callers would be charged above the national rate; faxes masquerading as messages from non-commercial polling organisations that asked respondents to fax back at a premium rate; companies that illegally advertised prescription-only treatments, such as Botox; advertisements for beauty devices that promised to make users look slimmer, younger or more attractive and advertisements for sports supplements claiming that the advertised pill or potion would help people build muscle or lose weight fast. In all these cases, the team contacted all the companies that were likely to be affected and asked them to make the necessary changes to their marketing.

Efforts continued to stop the distribution of misleading prize draw mailings by companies based outside the UK. Most of these mailings misled recipients by suggesting they had won a significant amount of money and that, to claim their 'prize', recipients had to send a fee or place an order. The reality was that respondents would simply be one of thousands of others entered into a prize draw. As well as the ASA and CAP applying direct pressure to the companies and agencies involved with distributing the mailings, the Royal Mail withdrew its mailing discount from three of the most persistent offenders.

Last year, the team carried out surveys to check compliance in two sectors: outdoor advertising and new

media. The survey of new media revealed encouraging results. The team assessed over 600 banner and pop-up advertisements, that appeared within a representative sample of UK websites between 1 July 2002 and 31 December 2002, against the Codes. Just 1% of the sample broke the Codes, though a lesson was learned about the potential poor targeting of ads for online gaming websites: several appeared on sites visited by a significant number of under 18-year-olds.

In 2002, four companies were referred by the ASA to the Director General of Fair Trading under the Control of Misleading Advertisements Regulations 1988 (as amended).

Two of those companies distributed mailings or e-mails to businesses that misleadingly implied they were from the Office of the Information Commissioner and offered to register the recipient under the Data

'In order to ensure a level playing field the team sometimes has to focus on an entire sector, not just one company. This usually applies when the ASA makes a new decision that has sector-wide implications...'

Protection Act for £85 or more. In fact, the cost of registering under this legislation directly through the OIC was no more than £35.

The third company to be referred was Box Telecom, a company that misled businesses by distributing faxes suggesting they were sent by BT for their 192 service. Companies were asked to confirm that their entries were correct by replying on a premium rate fax number. The last company was Charlotte, a 'clairvoyant' who distributed mailings offering a 100% guarantee that respondents would have their lives changed.

The ASA is continuing to work closely with the OFT and other regulators to protect consumers against scams and rogue traders.

INDEPENDENT REVIEWER



UNDER REVIEW: THOROUGH AND FAIR

The review procedure continues to be well-used. Request letters have continued to arrive at the rate of about three a month.
Sir John Caines, KCB, Independent Reviewer.

During 2002 I received 38 requests for review. I decided that 17 met the criteria specified in the Codes and merited reference of an adjudication back to the Council. Of these 17, the Council decided to reverse its original verdict on four and to change the wording of the adjudication on another nine. The Council retained its original adjudication on four. This means that the proportion of all requests received which resulted in some change to the original adjudication was 34% – the largest proportion since I began this job in April 1999 and considerably higher than the average of 24% for the four years of operation of the independent review system.

It is difficult to say why there has been this increase. I would like to think that the message has been received that there is no point in making review requests unless you have a really good case for invoking the procedure. The procedure takes up the time of many people, not just my time and that of the ASA Council members. It costs the system money too. It is important that organisations and members of the public do not put in review request letters without having thought carefully whether they can make a valid case meeting the criteria set out in the Codes.

Corporate bodies continue to make more use of the review procedure than members of the public. Just over a third of all the review requests received during the past four years were about cases arising from corporate complaints. In addition, of the remaining cases which arose from complaints made by members of the public, just over half of all the review requests during the past four years came from a corporate body which wished to challenge a complaint upheld against its advertising. But I have noticed an increase in the readiness of members of the public to approach me. In 1999 30% of the requests arising from adjudications about complaints from members of the public came from the member of the public concerned. In 2002 that proportion had risen to over 50%. And whereas in 1999 only about a tenth of those requests from members of the public resulted in any change to the original adjudication, the proportion in 2002 was one fifth.

Finally a word about the new CAP Code launched in March 2003. The paragraphs dealing with the review process contain the outcome of a detailed and thorough review of the first four years of operation of the independent review procedure. Experience did not suggest the need for any major alteration to the essential features of the procedure. But the opportunity has been taken to make some minor changes to remove some areas of ambiguity and to set out in full how the procedure works so that those who want to use it can see exactly what is involved.

REQUESTS FOR REVIEW 2002

	1999 (9 months)	2000	2001	2002
Total requests received	46	53	37	38
of which				
Corporate complaints	20	17	14	12
Public complaints	26	36	23	26
of which				
Withdrawn/ineligible	4	16	9	9
Dismissed	22	21	17	12
Reconsidered by Council	20	16	11	17
of which				
Verdict unchanged	7	10	1	4
Verdict reversed	4	2	4	4
Wording changed	9	4	6	9

CRITERIA FOR MAKING A REQUEST FOR REVIEW

In exceptional circumstances, the ASA Council can be asked to reconsider its adjudication. Written requests for a review should be sent to:

The Independent Reviewer
of ASA Adjudications
Bloomsbury House
74-77 Great Russell Street
London
WC1B 3DA

There are two grounds on which such a request can be made:

- 1 Where additional evidence becomes available.
- 2 Where there is a substantial flaw in Council's adjudication.

No review will proceed if the point at issue is the subject of simultaneous or contemplated legal action between anyone directly involved.

The Independent Reviewer will decide whether there are grounds to proceed.

The precise terms of reference of the Independent Reviewer are set out in the CAP Code.

ASA COUNCIL MEMBERS

VISIT WWW.ASA.ORG.UK FOR
FULL BIOGRAPHIES

COUNCIL MEMBERS

- 1 **Lord Borrie, QC**
Appointed Chairman of the ASA in January 2001.
- 2 **Christine Farnish**
Chief Executive of the National Association of Pension Funds. Appointed to ASA Council in May 2002.
- 3 **Mike Ironside**
Managing Director of The Mail on Sunday. Appointed to ASA Council in February 2001.
- 4 **David Lipsey**
Labour Peer. Appointed to ASA Council in April 1999.
- 5 **Lizzie Marsden**
English and Classics teacher at Rugby School. Appointed to ASA Council in January 1998.
- 6 **David McNair**
Chief Executive of Food from Britain. Appointed to ASA Council in January 2000.
- 7 **Dan O'Donoghue**
Head of Strategic Planning, Publicis Worldwide. Appointed to ASA Council in June 2001.
- 8 **Martyn Percy**
Director of the Lincoln Theological Institute at University of Manchester. Appointed to ASA Council in September 1999.
- 9 **Harry Rich**
Business Director at the Design Council. Appointed to ASA Council in January 1997.
- 10 **Pauline Thomas**
Writer and business consultant. Appointed to ASA Council in June 1998.
- 11 **Dianne Thompson**
Chief Executive of Camelot. Appointed to ASA Council in June 2001.
- 12 **Donald Trefford**
Visiting Professor at University of Sheffield, writer and broadcaster. Appointed to ASA Council in May 2002.
- 13 **Diane Yeo**
Executive Director of RefAid. Appointed to ASA Council in June 1997.



SENIOR MANAGEMENT TEAM

- 1 **Christopher Graham**
Director General
- 2 **Phil Griffiths**
Director of Finance and Support Services
- 3 **Alan Chant**
Director of Development
- 4 **Guy Parker**
Director of Advertising Practice and CAP Secretary
- 5 **Roger Wisbey**
Director of Investigations



CROSSING BORDERS EASA CELEBRATES 10 YEARS

What can be done to safeguard advertising standards across the European Single Market? How can we be sure that claims in ads originating in other European jurisdictions do not mislead UK consumers or distort free trade? What about offensive or irresponsible advertising that comes from elsewhere in the EU?



The ASA is often able to get action on behalf of UK consumers and businesses through the cross-border complaints system operated by the European Advertising Standards Alliance (EASA).

As well as marking the 40th anniversary of the ASA, 2002 saw the 10th anniversary of EASA. The Alliance brings together the advertising self-regulatory organisations of all the member states of the European Union and some of the applicant countries who will be joining the EU next year, such as Hungary, Slovakia, Slovenia and the Czech Republic. EASA also includes member self-regulatory organisations in Switzerland, Canada, USA, South Africa and New Zealand.

Sometimes advertising originating abroad, particularly mailings from outside the EU, can be very difficult to stop. Often it's a case of referring rogue traders to the regulatory authorities – and even they can be hard put to stop foreign scams.

But working together, the self-regulatory organisations that belong to EASA, together with advertisers, agencies and media, are building an effective network to support good advertising right across Europe. The Alliance agreed Common Principles and Standards of Best Practice and is pursuing a development programme designed to strengthen self-regulation where that is necessary. EASA has also adopted a constructive approach to the Commission's proposals for a Consumer Protection Framework Directive.

Working together, the self-regulatory organisations that belong to EASA, together with advertisers, agencies and media, are building an effective network to support good advertising right across Europe.

The ASA was a founder member of EASA back in 1992. In 2002, our Director General served as a Vice-Chairman of EASA and he was recently elected Chairman for the next two years.

More information about EASA is available at www.easa-alliance.org.

'CHARITY' ADS DON'T ADD UP

Have you been conned by the 'charity' scam? Advertisers put leaflets through people's doors asking for clothes and other household items. These, they tell their customers, are destined for charity shops frequented by needy families in Eastern Europe.

In the belief that old cast-offs will be put to good use in the freezing Lithuanian winters, people leave bags outside their front doors for the advertisers to collect. But whilst someone in Lithuania may indeed benefit from the donation, so too will the advertiser who hasn't simply passed on the donations but sold them – pocketing a nice tidy profit.

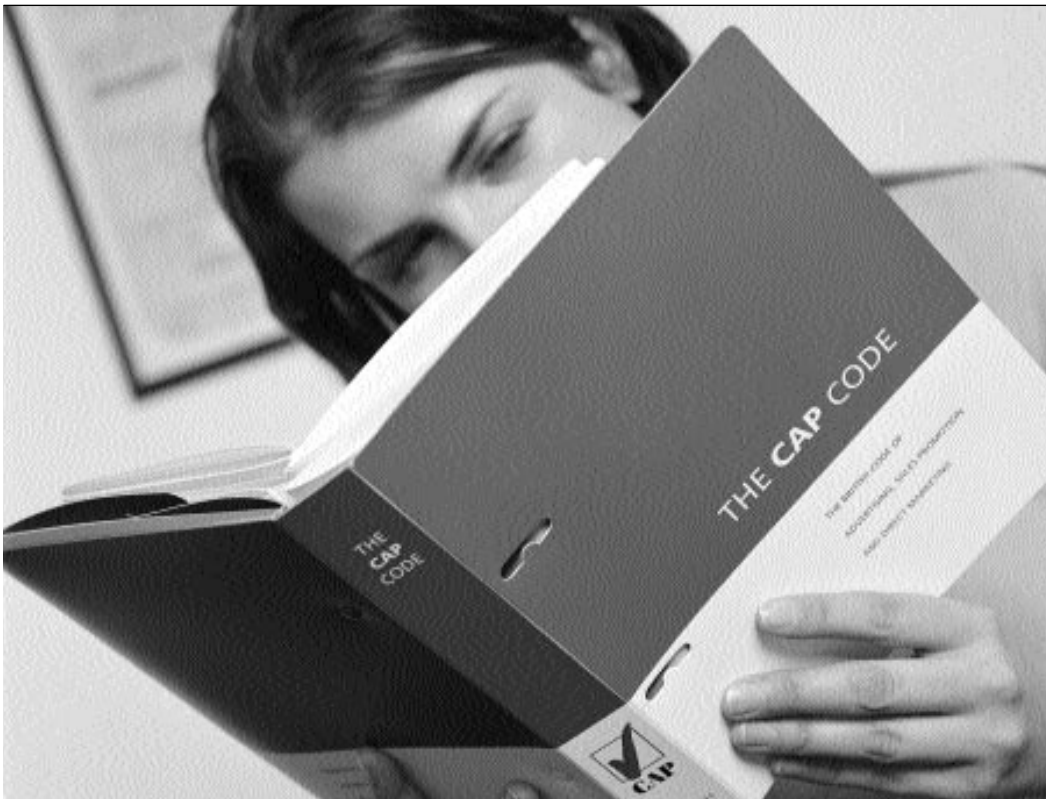
The ASA has investigated complaints it received about the many different 'door drop' leaflets asking for donations. The complaints, that the leaflets implied that the advertisers were a registered charity, were upheld, based on the Code requirement that advertisements should not mislead by inaccuracy, ambiguity, exaggeration, omission or otherwise.

The ASA's commitment to stopping misleading ads meant this case did not stop at the ruling.

The Compliance team worked closely with publishers to stop similar advertisements appearing in magazines and newspapers. The ASA was also aware that preventing leaflets being put through doors was almost impossible, so it took the unusual step of teaming up with The Charities Commission to launch a highly publicised warning on national television and in newspapers of these companies passing themselves off as genuine charities. The ASA's commitment to promote the highest standards in non-broadcast advertisements in the UK means that it should be the end of the road for this little scam. As well as protecting consumers, the ASA is striking a blow for the integrity of genuine charity ads.

Right: Bags of clothes left on doorstep waiting to be collected





CHANGING RULES FOR CHANGING TIMES

The Committee of Advertising Practice (CAP) is the industry body that creates, revises and enforces the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code). CAP's work is split between representative and executive functions. The former is the business of the CAP Committee, the General Media Panel and the Sales Promotion and Direct Response Panel. The latter occupies the CAP Copy Advice and Compliance teams, working alongside ASA staff in a joint Executive.

The new CAP Code

On 4 March 2003, CAP launched the revised UK rulebook for non-broadcast advertising, sales promotions and direct marketing following a thorough review that began in February 2002. The British Code of Advertising, Sales Promotion and Direct Marketing – or the CAP Code for short – is now in its eleventh edition; the first Advertising Code was published in 1961 and the first Sales Promotion Code in 1974. The new CAP Code is notable for being the first unified rulebook, with the rules for each of the three principal disciplines merged into one Code.

The increasing importance of direct marketing is acknowledged in the new full name of the Code. Moreover, rather than referring to 'advertisers' and 'advertising', the Code now uses the collective terms 'marketers' and 'marketing communications' – far more appropriate terms in today's multi-disciplinary marketing business.

The new CAP Code applies to all advertisements, sales promotions and direct marketing communications commissioned, produced or prepared after 4 March 2003. The ASA, however, will assess complaints about marketing communications against the old Codes until 4 June 2003, giving marketers, agencies and

publishers three months to move from the old to the new.

The new Code has been amended to reflect the various new media that have emerged over the last few years, from online banner and pop-up ads and SMS text campaigns to moving image posters and direct marketing e-mails. Marketers are increasingly using these new media and with increased use comes the inevitable increase in complaints from members of the public. As reported earlier (see page 10), the ASA received 6 complaints about SMS advertising in 2001 but that had risen to 65 in 2002.

Crackdown

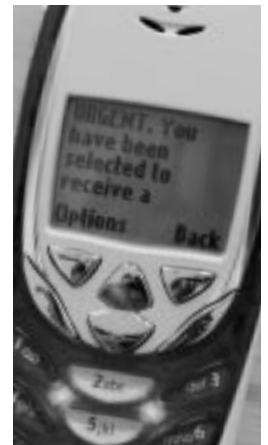
The rule change that attracted most attention when the new Code was launched concerned marketing by e-mail or SMS without permission. The new CAP Code bans such unsolicited marketing unless companies are marketing similar products to existing customers. Some newspapers and television news programmes have interpreted that as heralding the end of spam. That would be going much too far.

Fortunately, most e-mails to UK consumers by UK direct marketers are disseminated by responsible companies who are careful to target their e-mails as best they can. Spam,

on the other hand, is the colloquial term given to unsolicited e-mails, often advertising dubious miracle slimming products or sex-related products, sent by unscrupulous companies who do not care who receives them as long as a few respond with orders. Those companies are normally based abroad, often outside the EU.

Unfortunately, the best efforts of CAP, the ASA, the Office of Fair Trading, the Office of the Information Commissioner and those bodies' equivalents in other countries around the world have not yet worked out a way to stop spam. The rogues that send out spam do not care whether they break rules, in the UK or elsewhere. Nor are they easy to pin down, changing their company names frequently and moving from address to address and, often, from country to country.

The new rule is for marketers not rogues, and marketers are using the three month period of grace to move to permission-based e-mail and SMS marketing. Interestingly, the rule anticipates a European Directive that has already been agreed in Brussels and is timetabled to become law in all EU member states by 31 October 2003. But even then, do not expect an end to spam. It will take a concerted effort by the international community and a good deal more time and energy even to begin to achieve that.



SMS must be opt-in under the new CAP Code

In touch with the law

Another major factor in the decision to review the Codes was the emergence of recent legislation that had rendered out-of-date certain detailed, but important, rules. The Data Protection Act 1998, the Consumer Protection (Distance Selling) Regulations 2000, the Financial Services and

Markets Act 2000 and the Control of Misleading Advertisements (Amendment) Regulations 2000 have all had an impact on the Code.

The rules on the use of personal data for direct marketing purposes have been overhauled, as has the section on distance selling. Direct marketers must now state in advertisements if consumers have a right to cancel their orders within seven clear working days of receiving them – and consumers usually do have that right. The CAP Code also lists the conditions that must be met for a comparison with an identified competitor or its products to be acceptable.



'Free' claims must comply with the new CAP Code

Restrictions on 'free'

The sales promotion rules have been given a thorough overhaul. CAP has reinforced the restrictions that surround the use of the powerful word 'free'. Marketers are no longer allowed to call a single element of a package free (e.g. 60 minutes' worth of calls) if its cost is included in the price of the whole package.

The rules that cover specific sectors, like alcoholic drinks and motoring, or specific issues, like marketing to children, have the potential to cause particular concern to the public. They remain in almost unchanged form though new rules in the alcoholic drinks section prevents marketers from suggesting that drinking can overcome boredom, loneliness or other problems or that alcoholic drink has therapeutic qualities.

A new section on sanctions has been added. Much expanded on the old Codes, it explains that the ASA and CAP are not restricted to applying sanctions only against marketers who have been subject to a formal investigation. If marketing is obviously problematic, they may take compliance action in the absence of complaints or while an investigation proceeds.

CAP MEMBERS

Advertising Association
Broadcast Advertising Clearance Centre
Cinema Advertising Association
Direct Marketing Association
Direct Selling Association
Incorporated Society of British Advertisers
Institute of Practitioners in Advertising
Institute of Sales Promotion
Interactive Advertising Bureau
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

CAP would like to thank admark's founder members for their continued support:

British Telecommunications
Engage UK
GlaxoSmithKline
Guardian Unlimited
Hollinger Telegraph New Media
IBM UK
Inspiration Group
J Sainsbury
MSN UK
National Westminster Bank
Nestle UK
netimperative.com
Nickelodeon UK
Royal Mail
Unilever
Yell

RECONCILING RIGHTS AND RESPONSIBILITIES

With the development of a new Code and a formal recommitment to self-regulation, 2002 was a year for the ad industry to focus on the future. If the commitment and diligence of the CAP Committee and Panels and the excellence and professionalism of the CAP Executive was going to be put to the test, 2002 was the year to do it. **Andrew Brown**, CAP Chairman.

The Code review, a vital process to ensure the rules for non-broadcast marketing reflect both changes in legislation and in the marketing industry, was turned around within 12 months, half the time these reviews traditionally take. The requirements of the new Code address the new opportunities that technology is presenting to marketers, allowing them to target consumers directly and personally, wherever in the world they may be at that moment in time. As is explained elsewhere in this Report, direct marketing sent by text message and e-mail are both within the Code's remit, alongside the more traditional forms of non-broadcast advertising. And while the Code specifically addresses the issue of permission when distributing marketing of this nature, direct marketers must remember that the 'old' responsibilities, of ensuring that marketing is legal, decent, honest and truthful, remain the same, no matter how new the media.

'...consumers should be protected against misleading and offensive marketing and competitors also have the right to a level playing field...'

The new Code reflects the marketing business' conviction that consumers should be protected against misleading and offensive marketing and that competitors also have the right to a level playing field. This challenge of reconciling rights and responsibilities in marketing was addressed in another event of significance for the business in 2002. As the ASA and CAP marked the 40th anniversary of the self-regulatory system, a unique ASA/CAP summit took place in March where CAP member trade bodies formally recommitted to self-regulation in the presence of the Minister of Consumer Affairs and Competition. The summit provided an opportunity for CAP and ASA Council members to discuss current challenges, including new media platforms.

The day to day work of CAP continued alongside these events, with the usual thousands of enquiries from marketers, agencies and the media to the Copy Advice team and hundreds of Compliance team cases. Promotional activity by the Copy Advice team targeted businesses within the most complained about sectors of 2001 – leisure, computer and telecommunications and health and beauty – as well as small businesses, emphasising the importance of 'prevention rather than



cure'. Proactive monitoring and research by the Compliance team identified and dealt with potential problems in a number of areas, while new Help Notes provided tailored guidance for marketers in several sectors, including sports supplements and betting tipster services.

And all this activity took place against the backdrop of the Communications Bill, the establishment of Ofcom and the advertising and broadcasting industries' opportunity to put together their case for the transfer of broadcast advertising content regulation to a more self-regulatory footing.

The fact that the new CAP Code was endorsed by all CAP member trade bodies and launched to timetable, that the CAP Copy Advice team met its target of responding to 90% of enquiries within 24 hours and that the CAP Compliance team stayed well on top of a number of persistent offenders who played fast and loose with the rules is a credit to all involved. My thanks go to the CAP trade bodies, CAP staff at Torrington Place and, last but by no means least, to the expert members of the CAP Panels – those public-spirited practitioners who contribute their wisdom and their time to making the system work effectively for consumers and business.



COMMITTEE OF ADVERTISING PRACTICE
2 Torrington Place, London WC1E 7HW
Telephone 020 7828 4224 Fax 020 7637 5970
www.cap.org.uk

CAP COPY ADVICE
Telephone 020 7580 4100 Fax 020 7580 4072
copyadvice@cap.org.uk

GENERAL MEDIA PANEL

Grant Duncan, Chairman
Publicis Worldwide

Teresa Brookes
Newspaper Publishers
Association

Mike Elms
ex-CIA Medianetwork
International Ltd

Carol Fisher
ex-COI

Bruce Koster
ex-Cinema Advertising
Association

John Laidlaw
Dixons Store Group

Andrew Melsom
Agency Insight

Mike Moran
Thames Water plc

Chris Nadin
ex-UDV Ltd

Martyn Percy
ASA Council

Simon Rhodes
Liverpool Victoria Friendly
Society

Claire Watson
Marketing Society

Gillian Wilmot
ex-Royal Mail

SALES PROMOTION AND
DIRECT RESPONSE PANEL

Clive Mishon, Chairman
Mentor

Andy Agar
News Group Newspapers

Jane Asscher
23red Ltd

Peter Batchelor
ex-Joshua Agency

Philip Circus
Institute of Sales Promotion

Mark Dugdale
Flying Brands

Lesley Godwin
ex-Readers Union

Oliver Hickson
Central Office of Information

Caroline Roberts
Direct Marketing Association

Jane Rose
John Lewis Partnership

Pauline Thomas
ASA Council

Paul Whiteing
ICSTIS

HELPING YOU TO GET ADS RIGHT

Clients and agency account handlers responsible for servicing clients' accounts may well need to check the acceptability of marketing before it runs. Judging whether an advertisement is likely to break the Code in subjective areas like taste and decency and social responsibility is not the easiest thing at the best of times. But running a charity account well known for its hard-hitting advertising makes a hard task even tougher.

AdviceOnline on the CAP website is a good first port of call in such circumstances. Links to previous ASA rulings provide a quick indication of the boundaries. But for original concepts a visit to the Copy Advice team is the answer. With its access to the ASA database of all past decisions, its expertise in judging the likely

reaction of the ASA Council in the event of a complaint and its ability to respond to 90% of written enquiries within 24 hours, the team can provide advice and support fast and for free.

Barnardos sought advice on its award-winning Steals Children's Lives campaign. Their concepts were given a clean bill of health to appear in targeted press titles but it was advised to remove the figure of the man from the poster version lest it distress children. This Barnardos did. Given the scale of the campaign and the hard-hitting nature of the ads complaints were perhaps inevitable. But the ASA Council concluded the ads did not break the Codes and the fact that the charity had removed the man's figure from the poster played a key part in that decision.

A notable success and proof that playing by the rules does not equate to sacrificing creativity and impact.

It would be wrong to imply that the team always calls it right – the final decision on any complaints that follow lies with the ASA Council. It is, however, true to say that getting the thumbs up from Copy Advice is the best protection you can get against future trouble from the ASA.

**Barnardos:
Steals
Children's
Lives
Above:
Newspaper
ad version
Right:
Poster
version**



CAP ONLINE

2002 saw the introduction of **Update@CAP**, an e-mail sent to those in the marketing business, and others, who have opted-in to receiving it.

Update@CAP is a valuable source of news and advice for practitioners in the advertising, sales promotion and direct marketing businesses. Update's database of subscribers also includes media ad department staff, marketing lawyers, other regulators and departmental civil servants.

It contains advice on what the latest ASA decisions mean to those producing marketing; the latest Help Notes; news on developments affecting the ASA/CAP system; the latest entries to AdviceOnline (CAP's 'always on' database of advice available at www.cap.org.uk); and information on ASA and CAP events.

It also features 'Big Ideas for Small Advertisers' – useful tips from top marketing professionals on how to make SME's budgets go that little bit further. The first Big Idea was provided by Dan O'Donoghue, ASA Council member and Head of Strategic Planning for advertising agency Publicis Worldwide.

The launch of Update has helped CAP keep in touch with its stakeholders. Usage of the CAP website increased markedly following the first issue, which was distributed in August. The CAP site also enables fast and easy access to Help Notes, and Ad Alerts which can be downloaded from the site. To subscribe to Update@CAP go to www.cap.org.uk



admark CAP's admark scheme, launched in 2001, gives online companies the opportunity to promote their support for legal, decent, honest and truthful advertising. When consumers see the admark icon on an ad, e-mail or website, they can be assured the advertiser has pledged to comply with the Code. However, growing the scheme's membership continued to be a challenge in 2002, as a result of the difficult economic circumstances. A list of admark's founder members is on page 17. www.admark.org.uk

rick

The difference a letter
can make

If you see a misleading or offensive advertisement in any media other than T.V. or radio, or receive an unfair sales promotion, don't be tricked. Complain in writing or contact us via our website. It takes just one complaint to start an investigation.



The Advertising Standards Authority
2 Torrington Place, London, WC1E 7HW
www.asa.org.uk

Above: Ad designed by Sean Cullen, winner, D&AD Student Awards competition 2002

STANDARDS OF SERVICE

COMMITTED TO IMPROVEMENT

The ASA Standards of Service are available on the ASA website www.asa.org.uk. We are committed to publishing information on our performance in meeting these standards and the average time taken to deal with complaints. We also set out year-on-year improvement targets.

Responding quickly to your enquiries

A sample survey showed 84% of calls were answered within four rings (compared with 81% in 2001). The ASA conducts a quarterly customer satisfaction survey. 77% of callers expressed positive satisfaction with the speed with which their call was answered and 81% with the politeness of the staff.

The customer satisfaction survey found that 84% were satisfied with the time taken to acknowledge a complaint (the same rating as in 2001).

The average time taken to resolve complaints rose a little in 2002 – reflecting an increased caseload. The average 27 days was a little outside our 25 days target. We regret this and shall strive to meet this target in 2003. 72% of all complainants in the satisfaction survey said they were either satisfied or very satisfied with the speed with which we act. (This is an improvement on the 65% rating for 2001.)

Dealing thoroughly with your complaint

The customer satisfaction survey demonstrated that 66% were satisfied with the clarity with which the complaints procedure was explained. (This compares with the 69% rating for 2001.)

58% of complainants said they were satisfied that they were kept informed throughout the process.

There were 38 Requests for Review during 2002. The Independent Reviewer, Sir John Caines, now publishes a summary of progress in the ASA's Summary Report and his report for 2002 may be found on page 14.

Being accessible to complainants

We publish ASA adjudications weekly on the website. The ASA website recorded 196,550 unique users, an increase of 6% on the estimate for 2001. The customer satisfaction survey reported that 52% of complainants were aware of our website prior to complaining (56% in 2001) and 81% found the information useful. This is a significant improvement on the 67% rating for 2001.

53% of complainants expressed satisfaction with the knowledge and professionalism of the ASA staff that they dealt with. (This compares with the 52% rating for 2001.) 11% expressed dissatisfaction. This is an improvement on the 14% rating in 2001 – but we still need to work to improve our rating in 2003.

Improving our service

For 2002, we set a tighter target of 25 days for the average time taken to resolve complaints. The average time taken was in the event 27 days. In 2001, the target was an average of 30 days. For 2003, we shall retain the 25 days target.

FINANCE

For the year ended 31 December 2002	2002 £	2001 £
Income		
Cash received from the Advertising Standards Board of Finance Ltd	4,340,000	4,240,000
Interest receivable	48,567	55,495
Total	4,388,567	4,295,495
Expenditure		
Salaries and staff costs	2,680,698	2,546,065
Rent and accommodation costs	336,161	263,299
Travel, subsistence and entertaining	60,284	53,629
Consultancy and professional fees	265,955	229,378
Council honoraria and expenses	146,977	133,307
Depreciation	123,806	114,119
Telephone, postage, printing, stationery and other general expenses	470,383	518,189
Advertising and promotion	286,381	405,438
admark scheme	8,387	29,916
Total	4,379,032	4,293,340
Excess/(shortfall) of income over expenditure	9,535	2,155

SPENDING UNDER CONTROL

The ASA and CAP are funded by the Advertising Standards Board of Finance Ltd (Asbof), which collects a small levy on display advertising and direct mail contracts. We strive to use resources efficiently and effectively – and to account for our performance in a transparent manner.

Year to 31 December 2002

Audited income and expenditure figures for 2002 are shown above: these figures are reflected in the finalised accounts that were adopted by the Council of the Authority at its Annual General Meeting held on 11 April 2003.

Income

Compared with 2001, income received from the Advertising Standards Board of Finance Ltd rose by £100,000 (2.4%) to £4,340,000. Interest received fell by £6,928 but produced additional income of £48,567. The total income for 2002 was £4,388,567 – up 2.2% on 2001.

Expenditure

The budget agreed for 2002 was £4,456,000, which represented an increase of £162,660 (3.8%) over the actual costs incurred in 2001. An increase in direct staff costs of £129,000 (5.3%) had been budgeted, and an additional £79,500 was allowed for increased premises costs, in anticipation of the outcome of the five-yearly rent review where an increase of at least 70% in rental costs was anticipated with effect from 1 November 2001. Other expense categories were budgeted broadly in line or less than the costs incurred in 2001. The audited expenditure figure for the year was £4,379,032 – an increase of 2% on 2001.

Direct staff costs exceeded budget by £55,895: long-term illness accounted for increases in BUPA

and temporary staff costs. Reducing the IT consultancy budget by £40,000 financed the recruitment of an extra computer programmer. Indirect staff costs were less than budgeted. The net effect was that staff costs overall exceeded budget by £22,421 (0.8%). Premises costs exceeded budget by £20,661 due to redecoration and an increase in the service charge to cover the cost of additional building security measures. The rent review has been finalised at £27.60 per sq ft and the increase in rent has been allowed for in the costs for 2002: budgetary provision was £27.50. Legal fees exceeded budget by £36,889: the costs of the Review of the Independent Review process accounted for two thirds of the increase.

The increase in expenditure was, however, more than offset by savings of £25,000 in external (promotion) costs – by not running a donated space campaign; savings of £49,579 in office costs – as a result of reduced computer maintenance, postage and copying costs, and general good housekeeping measures; and by savings against the IT consultancy budget and the CAP admark scheme. The final position was that costs overall were £76,968 (1.7%) under budget.

Profit/loss

The profit before tax was £9,535. The profit after tax was £5,896.

SUPPORTING CREATIVES OF TOMORROW

The ASA helped new graduates get a head start with successful careers by sponsoring a category in the 2002 D&AD Student Awards. Students were challenged to produce an ad campaign for the ASA that told readers about the ASA's role and how they could complain.



The brief proved popular with entrants, and over 70 students submitted complete ads for the ASA's category. The judging was conducted by Dan O'Donoghue and Keith Courtney of ad agency Publicis and Christopher Graham, Director General of the ASA, and the best eight entries featured in the highly regarded D&AD Student Annual.

The talent of the students featured in the Annual has already been recognised by leading advertisers and agencies. Sean Cullen, University of Central Lancashire, who received the first prize, a D&AD baby Yellow Pencil, said: 'I'm now working at McCann Erickson in Manchester on a variety of interesting briefs. Winning the Yellow Pencil was a great honour and I would like to thank the ASA for supporting such an event. It helps to give students like myself more opportunity to showcase themselves in the industry.'

Alison Dale and Richard Knight of Stockport College are now Junior Copywriter and Art

Director at CheethambellJWT: 'We are both enjoying the challenge of our new jobs, and are grateful to the ASA and D&AD for all their help and for choosing our entry for a commendation. A D&AD award looks good in any book.'

Chris Pitt, University of Gloucestershire, now employed as a Writer at Cheltenham & Gloucester, said the competition provided useful practical experience: 'Dealing with 'real' briefs from real clients, such as the ASA, revealed the challenges of writing and designing within practical limitations.' Other winners included Regine Schmidt of Central St Martins College, now Designer at E-fact; and Isabel Fielden-Smith, University of Gloucestershire, now a Marketing Communications Manager.

Examples of the winning entries can be seen throughout this Annual Report.



Sean Cullen (left) won the ASA's sponsorship category in the D&AD Student Awards competition for his winning design (above right)

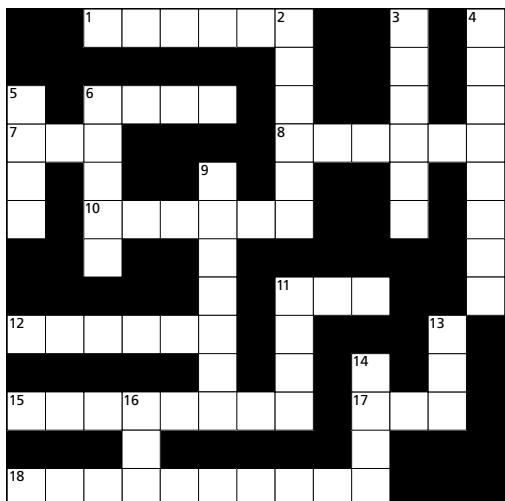
'Ofcom will have principal responsibility for regulating advertising in the broadcast media. We recognise that, in the future context of increasing convergence, it may be that a self-regulatory system can better deliver consistent, comprehensible regulation across the media. We can draw upon an example set by the ASA, a system which is respected and works well.'

Speech by Rt Hon Tessa Jowell MP, Secretary of State for Culture, Media and Sport to MediaSmart launch 13 November 2002

'It made me feel the ASA is real and involved, truly independent and that the consumer – who often feels powerless – has a genuine channel to make one's opinion heard and acted upon.'

One delegate's feedback from the ASA Consumer Conference, in Cambridge November 2002

ASA CROSSWORD BY VERITAS



ACROSS

- 1 This radio station's dial pushed too far (6)
- 6 'Pound-A-Thousand' that's what ours is... (4)
- 7 ...or as a percentage point (3)
- 8 Of French money, seemly (6)
- 10 See 5 down
- 11 Always seeking adversity – not what this organisation stands for! (1,1,1)
- 12 The big cheese? Or Brie maybe! (6)
- 15 Canine guard (8)
- 17 Referred to four times last year (1,1,1)
- 18 Persistent offenders? This team's on the case (10)

DOWN

- 2 See 13 down
- 3 Era, used to publicise green claims? (6)
- 4 Veracious, it's the fourth thing your ad should be (8)
- 5 and 10 across You'll get it if you ring this number – 020 7580 4100 (4,6)
- 6 The ASA's first requirement (5)
- 9 What your promotion shouldn't do with mad lies perhaps (7)
- 11 This man got the bum rap (3,1)
- 13 and 2 down Promiscuous snack, brought in line (3,6)
- 14 Morse is one – here's another (4)
- 16 If it fits, wear it! (3)

CROSSWORD SOLUTION: ACROSS: 1 Fusion, 6 Levy, 7 One, 8 Decent, 10 Advice, 11 ASA, 12 Borne, 15 Watchdog, 17 Off, 18 Compliance. DOWN: 2 Moodle, 3 Advert, 4 Truthful, 5 Copy, 6 Legal, 9 Misdad, 11 Alleg, 13 For, 14 Code, 16 CAP.

'It is perhaps not as widely known as it should be that, as well as maintaining advertising standards generally, the ASA does sterling work in providing advice to consumers about misleading promotions and pursuing complaints about them. I welcome the chance to say how much I appreciate this work in particular.'

ASA 40th Anniversary Summit: Speech by **Melanie Johnson** MP, Consumer Affairs Minister 7 March 2002

'...the ASA has proved itself to be worth its weight in gold.'

Campaign
1 November 2002