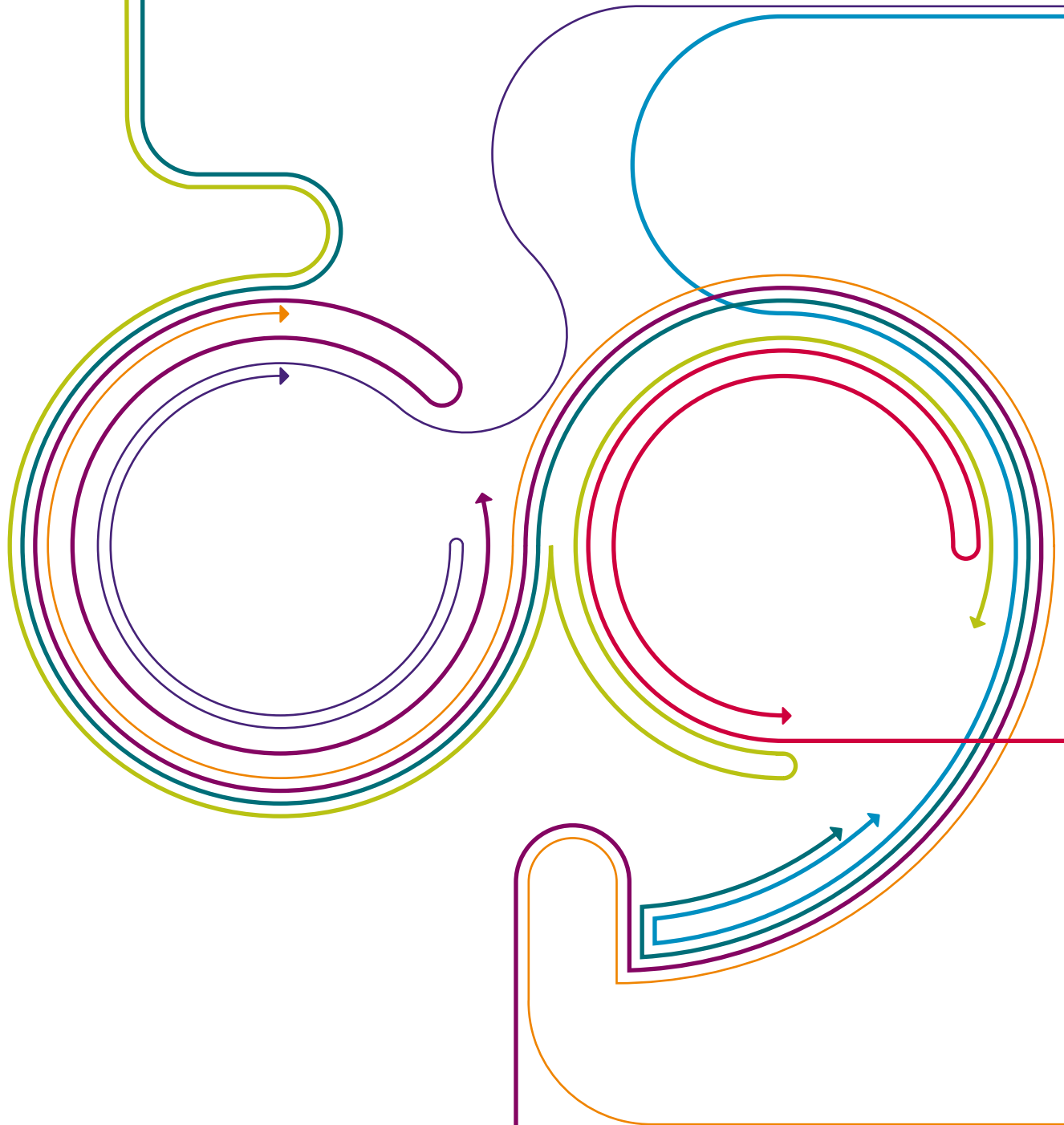


Responsive regulation for an evolving industry

Advertising Standards Authority and the
Committee of Advertising Practice
Annual Report 2009



Contents

- 02 ASA Chairman's introduction
- 04 ASA review of the year
- 06 Significant rulings
- 08 In focus: Alcohol
- 10 Celebrating five years
- 11 Looking ahead
- 12 Resolving complaints and cases
- 14 Trends in complaints and cases
- 17 Top 10 most complained about ads
- 18 In focus: Children
- 20 ASA Council and senior management team
- 22 Independent Reviewer
- 24 A 360 degree regulatory system
- 26 CAP Chairman's introduction
- 28 CAP review of the year
- 30 In focus: Compliance
- 32 Code Review
- 34 Industry commitment
- 35 The Advertising Advisory Committee
- 36 In focus: CAP Services
- 38 Financial report
- 40 Meeting our standards of service

The UK advertising industry is governed by robust rules that are designed to protect consumers and maintain an environment in which responsible advertising can flourish.

The Advertising Codes are written and maintained by the Committee of Advertising Practice (CAP) and are independently administered by the Advertising Standards Authority (ASA).

This Annual Report highlights the work of the ASA and CAP during 2009, and how the two organisations work together to create a 360 degree regulatory system that remains current and proactive in an ever evolving industry.

In the course of nearly five decades, we have responded to changes in social trends, public policy and technological advances. As we stand poised to take on further responsibility in digital and interactive media, we are confident that our work will continue to ensure that the vast majority of ads that we see are legal, decent, honest and truthful.

10%

**decrease in ads
complained about**

47,933

**occasions advice and training
was given to advertising
industry practitioners**

ASA Chairman's introduction

The ASA is nearly fifty years old and we have now been the one-stop shop for the regulation of advertising across all media for more than five years. There are real challenges ahead. But I'm confident that we're well-equipped to meet them.

Rt Hon Lord Smith of Finsbury, ASA Chairman

This has been a turbulent and busy year for us. The ASA is nearly fifty years old, having regulated non-broadcast advertising since the early 1960s, and we have now been the one-stop shop for the regulation of advertising across all media for more than five years. But – as for the world of advertising as a whole – we have been facing difficult financial times, and have had to find ways of cutting back on our costs, whilst delivering more and trying hard to do it better.

Thanks to a highly professional and dedicated staff, we have, I think, succeeded in doing precisely that. We exceeded all our key performance indicators. We received a record number of complaints, though many of these were multiple complaints about single ads, and encouragingly the number of ads complained about was down by 10%. The quality, creativity and responsibility of British advertising across the board remains very strong. ASA and CAP provided training, advice and guidance to industry practitioners on more than 47,000 occasions during the year. CAP and BCAP oversaw the consultation on the new Advertising Codes, which are now being formally launched, and which have involved a huge amount of work in the process. We developed and launched a new ASA website, to improve the communication we have with key audiences and with the public.

In order to make sure that we are being as effective as we can be, we have undertaken a Process Review, with the assistance of external consultants, to take a long hard look at the way we operate and deal with cases; we are now working carefully through the results of this Review.

The year ahead will throw up even greater challenges. The industry has recently reached its conclusions on proposals for an extension of the self-regulatory system to marketing communications on companies' own websites in the digital environment, and have asked us to implement this. We are keen to play our part, and are already beginning our preparations for the launch later this year. In addition, the Government has decided that the ASA is the right body to regulate video-on-demand ads, under the Audiovisual Media Services Directive, and we have been working with Ofcom to put the necessary structures in place for implementation soon.

We have been aware, too, of the growing public and parliamentary concern about the need to protect children and young people from harm and inappropriate content – especially in relation to the commercialisation and sexualisation of children, the promotion of alcohol and some food products, and the potential glamorisation of violence. The rules in all these areas are increasingly strict, and we are determined to uphold them with robustness and independence.

It has also been a time of substantial change within our organisation. We said goodbye to Christopher Graham last summer, after nine years of outstanding service as our Director General – and we wish him well in his new role as Information Commissioner. Truly, out of the frying pan and into the fire! It was a great pleasure to be able to appoint Guy Parker to replace him as our new Chief Executive. We also saw Phil Griffiths and Alan Chant stepping down, and Shahriar Coupal has taken over from Roger Wisbey in charge of the CAP and BCAP side of the operation.

Three Council members came to the end of their terms of office – Sunil Gadhia, Jean Coussins, and Susan Murray, all of whom we shall miss – and have been replaced by Ruth Sawtell, Anthony Wilkes and John Mayhead. And there have been two other departures too: Sir John Caines has stepped down as our Independent Reviewer, to be replaced by Sir Hayden Phillips; and the irrepressible Winston Fletcher – deservedly honoured in the New Year's Honours list – has ended his term as Chairman of Asbof and Basbof, with Sir Chris Powell taking over from him. Winston will be a hard act to follow.

With major internal change, tough financial times and transformation in the world of advertising, there are real challenges ahead. But I'm confident that we're well-equipped to meet them.



Rt Hon Lord Smith of Finsbury

A handwritten signature in blue ink, which appears to read "Chris Smith".

ASA review of the year

01 Three new Council members

Three new members were appointed to the ASA Council, the adjudicating body for advertising complaints. Ruth Sawtell, a Non-Executive Director and Mental Health Act Manager of Hertfordshire Partnership NHS Foundation Trust, and Anthony Wilkes, a senior equality and diversity consultant, joined as lay members. John Mayhead, Chair of the Government Strategic Marketing Advisory Board, joined as an industry member. Appointed by the ASA Chairman, they replaced Susan Murray, Baroness Jean Coussins and Sunil Gadhia, all of whom had completed the maximum two three-year terms. Biographies of all ASA Council members can be read at www.asa.org.uk.

02 Changing the guard: new Chief Executive

Guy Parker took up his new role as Chief Executive of the ASA in July. Guy was previously the ASA's Director of Complaints and Investigations and succeeded Christopher Graham, who left the ASA to become the Information Commissioner.

Welcoming the appointment, Lord Smith said "Guy has been a tower of strength for us during recent years. He has a clear sense of the challenges and opportunities ahead, and will be exactly the right person to take forward the strong self-regulatory system, led by the ASA."

03 Process review

Five years on from the merging of broadcast and non-broadcast advertising regulation, we embarked on a review of our processes. The ASA is being aided in its review by independent experts from Berkshire Consultancy who have been facilitating discussions with many of our main stakeholders.



90%
of complaints to the ASA arrive through our online complaints form



04 Health Select Committee Alcohol Inquiry

In July, the ASA was invited to give oral evidence to the House of Commons Health Select Committee. It was one of Guy Parker's main tasks in his first week as Chief Executive and he provided a rigorous account of the ASA's work regulating alcohol advertising. The ASA's written evidence to the Committee can be read at www.asa.org.uk.

05 Ryanair

The Office of Fair Trading (OFT) concluded its investigation of Ryanair's advertising following the ASA's 2008 referral of the airline to the OFT for repeated breaches of the non-broadcast Advertising Code. We welcomed the conclusions of the OFT's investigation and Ryanair's agreement to amend their advertising.

06 New ASA website

The ASA's website is the main gateway to our work for the public and industry, with 90% of complaints and enquiries arriving online. In December, we relaunched the site to further enhance the accessibility of information about our work, decisions, performance, the Advertising Codes, and to make it easier for people to contact us about ads that they believe are problematic.

07 European Advertising Standards Alliance (EASA)

Throughout 2009 EASA has continued to lead innovation in advertising self-regulation across Europe. In November, EASA launched a European Copy Advice / Pre-Clearance Facility. It enables advertising professionals to get advice on whether an ad is compliant with the local advertising code in one or several of the 17 European countries participating. CAP Copy Advice is taking part in the project.

In April, Ildikó Fazekas, Secretary-General of the Hungarian self-regulatory organisation (Önszabályozó Reklám Testület) was elected as Chairwoman of EASA. She succeeded Jean-Pierre Teyssier, President of the French self-regulatory organisation ARPP, who had held the position for four years.

08 New ASA Independent Reviewer

At the end of the year, Sir John Caines, KCB, retired from his role as the Independent Reviewer which he had held for ten years. He was succeeded by Sir Hayden Phillips, a highly respected former Whitehall Permanent Secretary who served in senior positions in the Home Office, the European Commission, the Cabinet Office and the Treasury. Sir Hayden is currently the Chairman of the National Theatre, a Director of Westhouse Securities and of Hanson Family Holdings, and an Adviser to Englefield Capital.

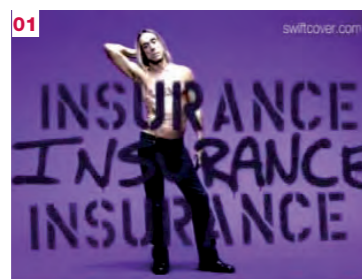
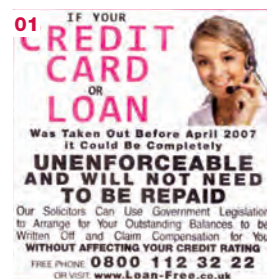
Significant rulings

Every ASA ruling is important, but each year there are some cases of wider interest than others. It might be that there are societal concerns about the impact of particular types of ads or the ruling might set a precedent for all other advertisers.

01 Finance

Securing responsible financial advertising has always been a priority for the ASA, but the economic downturn has underlined the importance of our work. Changes to consumer credit legislation led some companies to advertise that they could get consumer debts "written off". But, in reality, the debts remained and only became unenforceable. We also found that debts became unenforceable in just a small number of cases. One of the first advertisers we upheld against was Debt Free UK, who claimed their solicitors could get "outstanding balances written off".

It pays for advertisers to ensure they do not mislead consumers. Not only will they run into problems with the ASA, they also risk alienating would-be customers. When AXA used the rock star Iggy Pop to promote Swiftcover car insurance, we received complaints that it was misleading. We upheld the complaints because, despite using a musician to promote the product, Swiftcover did not insure people employed in the entertainment industry.



02 Health and beauty

The use of post-production techniques in cosmetic ads became the focus of a media debate about truthfulness and the impact on people's body image. It is the ASA's role to remove any ad that uses such a technique in a way that is misleading or irresponsible.

Procter & Gamble's ad for Olay Definity 'eye illuminator' ran into trouble because they used post-production retouching around Twiggy's eye area. The ASA upheld that the ad was likely to mislead about the effect of the product. But we did not, on this occasion, consider that the ad was socially irresponsible by having a negative impact on perceptions of body image.

The Advertising Codes require advertisers to hold evidence to back up any claims they make. Beiersdorf UK Ltd fell foul of the rules when they overstated the effects of their DNAge Cell Renewal Day Cream. The statement "Face the future with firmer skin" was deemed to imply the product had a long-lasting or permanent effect on the skin. As this was not the case, the ASA upheld the complaint.

03 Food and drink

Promoting the health benefits of food and drink products has become popular in our increasingly health conscious society. But before advertisers make any claims they must have robust evidence to prove them.

Coca-Cola's ads for their range of Vitaminwater soft drinks claimed they were nutritionally equivalent to vegetables and raised energy levels and resistance to illness. Upon investigation we were not satisfied that we had seen evidence to back up the claims being made. Also, because the products contained a significant proportion of a consumer's recommended daily allowance for sugar we considered the ads were likely to mislead and should not appear again.

Similarly, Kellogg's advertised their Nutri-Grain Soft Oaties biscuits as "Wholesome cookie goodness", pointing to the fact that they were a source of fibre, vitamins and iron. However, the ad didn't mention that the product was also high in sugar and fat. The ASA ruled that the ad gave a misleading impression that the biscuits were healthier than they were.



04 Baby milk

The Advertising Codes require that health and nutrition claims for follow-on formula are adequately substantiated, particularly in relation to claims about children's immunity and development. The ASA assessed and upheld complaints against several ads in this sector in 2009. We ruled against Nutricia's ads for Cow & Gate follow-on milk for suggesting that the product could boost the immune system of babies.

In addition we upheld complaints about Nutricia's TV ad for Aptamil follow-on milk, which misleadingly implied that the product could prevent children from catching colds and for suggesting that follow-on formula was a natural progression from breastfeeding.



The ASA acts quickly and effectively to make sure that ads that break the rules are removed or amended

Alcohol



The UK advertising rules on alcohol are amongst the strictest in the world. The rules lay down firm content and placement restrictions on alcohol ads. For example, ads cannot link alcohol with sexual or social success, youth culture or depict anyone who is – or appears to be – under the age of 25.

It is our job to make sure that the rules are followed and administered robustly. Since the rules were significantly tightened in October 2005, the ASA and CAP have engaged all parts of the regulatory system to do just that, by responding to public complaints, proactively monitoring alcohol ads, conducting industry training and providing guidance to help advertisers get their ads right.

Being accountable

The debate about whether the promotion, availability and consumption of alcohol has a negative impact on the population has intensified in 2009. And the ASA and CAP have also been active participants in the debate both at home and abroad.

The ASA was invited to give evidence to the House of Commons' Health Select Committee to explain all the work we have been doing to regulate alcohol advertising. As well as providing a written submission, Guy Parker was asked to give oral evidence before the Committee in July, his first week as ASA Chief Executive.

In September, our Director of Communications, Esra Erkal-Paler, addressed a European Union conference on alcohol, hosted by the Swedish Government, in Stockholm. On both occasions, the ASA offered a transparent overview of the rules and the work we do to make sure they are followed.

Increasing compliance

As part of our commitment to keep alcohol ads responsible, we conducted a survey of 456 alcohol advertisements that appeared during the Christmas 2008 and New Year festive period. The results revealed a steady increase, year-on-year, in rates of compliance (98.9%). There were no rule breaches in paid-for digital media and importantly, none of the ads found in breach elsewhere had broken the rules that prevent ads from appealing to people aged under 18. Throughout the year, we took part in several educational events for the sector, some in conjunction with the Portman Group. The ASA and CAP also held a specialist training seminar on alcohol advertising in November.

The high level of compliance with the rules by advertisers, coupled with a marked decline in the number of complaints and the number of ads perceived to be problematic, indicates that our proactive work to increase awareness and understanding of the rules has been paying off.

ASA action

The ASA has also continued to respond quickly and effectively to public complaints.

In March we upheld a complaint against an ad for Magners cider, which stated "It's the perfect ice breaker" and "Making sure the conversation flows". The ASA banned the ad because it had breached rules designed to prevent alcohol being portrayed as boosting confidence and leading to social success.

During the summer, the ASA upheld complaints about an ad for Wild Cape Liqueur. The ad featured a couple embracing, and scratch marks appeared next to the strapline "Unleash your wild side". The ASA was concerned that the ad linked alcohol with sexual success and suggested that alcohol could change your mood or enhance your confidence. We told the company to remove the ads and not to use "Unleash your wild side" in any future advertising.

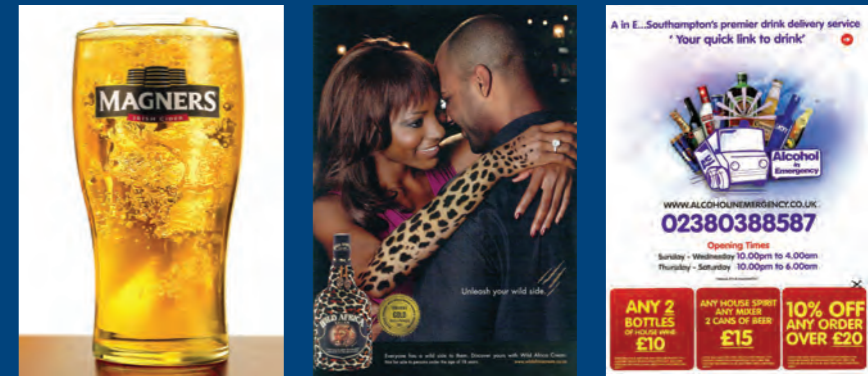
The ASA also ruled against an ad for an alcohol delivery service called Alcohol in Emergency. Council considered that the overall presentation of the ad was likely to be seen as encouraging the irresponsible consumption of alcohol. Of chief concern was the company's name, "Alcohol in Emergency Ltd", which was used in the ad alongside the abbreviation "AinE". We felt those phrases unacceptably presented alcohol as being indispensable and needed in a comparable way to medical attention. The ASA told Alcohol in Emergency not to use its trading name or its abbreviation, "AinE", in any future marketing communications.

49%

decline in number of complaints

98.9%

of alcohol ads comply with the rules



Celebrating five years

In July 2004, Parliament approved the extension of the ASA's remit to include the day-to-day responsibility for TV and radio ads. This was a great endorsement of the ASA and CAP's work overseeing non-broadcast ads for over forty years. The 'one-stop shop' came into being on 1 November 2004.

As we mark the fifth anniversary of the one-stop shop and stand poised to take on further extensions to our remit, we look back at the key changes over the last five years.

A well-known regulator

Advertising is, by its very nature, a public animal. It entertains and informs but it can sometimes mislead, harm or offend. Over the last five years, the ASA has often found itself at the heart of very public debates about particular ads, including in 2009, when we were asked to rule on a question that has tested the greatest minds for centuries: whether or not there is a God!

Since becoming the one-stop shop we have dealt with over 115,000 complaints and taken action against more than 12,000 problematic ads across all media and against all types of advertisers from big brands to local companies and not-for-profit organisations.

We have continued to publish our weekly adjudications online to inform both the general public and advertisers of what is and is not acceptable in advertising. Given all this, it is perhaps unsurprising that in a recent independent survey, the ASA was identified as the best known media regulator.

Responsive to social, technological and public policy changes

We have been responsive to evidence and public concerns about advertisements. Where necessary the Advertising Codes have been changed and sector-specific rules have been developed or strengthened. For example, in 2005 we tightened the rules governing alcohol advertisements and in 2007 new rules were developed for food and soft drink advertising to children. In response to the Gambling Act 2005, we introduced social responsibility rules for gambling ads.

We have put a great emphasis on being open, transparent and accessible to all our stakeholders, particularly the general public. CAP and BCAP have publicly consulted on changes to the Advertising Codes and the ASA has held public events to understand consumers' views about our work. At our conference in Nottingham in 2007 we heard from representatives from across the community on where the line should be drawn when depicting violence in ad. In 2008, we responded to rising complaints and public confusion about green claims by hosting a stakeholder seminar in London. We used the seminar to engage with industry, environmental and consumer groups on establishing where problems arise and setting parameters for sustainability and ethical claims. Later that year, we held a conference in Scotland to discuss social responsibility in alcohol advertising.

Our people

The creation of the one-stop shop in late 2004 prompted major changes across the organisation. We overhauled our systems to be able to handle broadcast materials; we moved to new offices and increased our staffing levels by a third.

We have recently said a fond farewell to two long-serving colleagues who were instrumental in making the one-stop shop a reality: our former Chairman, Lord Gordon Borrie QC, and Christopher Graham, former Director General. Both oversaw the ASA as it took on board its extended remit into broadcast advertising and steered the organisation through its probationary period with aplomb.

With a new Chairman and Chief Executive at the helm, we stand ready to evolve again and take on the challenges of regulating new forms of advertising.

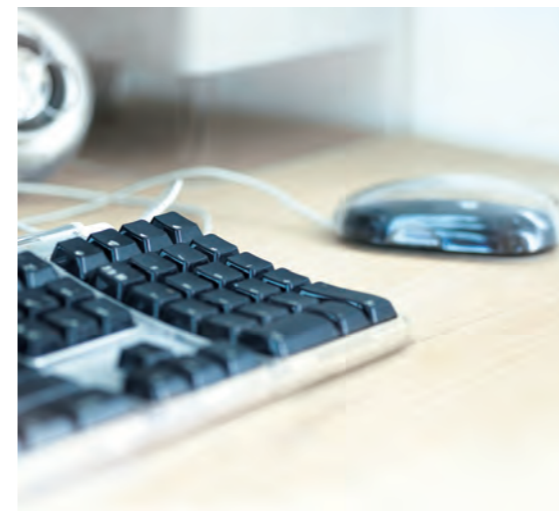
Looking ahead

The first five years of the one-stop shop have been a success for the ASA system which continues to deliver on its responsibilities as an effective, proportionate and evidence-based regulator, in line with the Government's Better Regulation principles.

Fit for new challenges

As we look ahead, the self-regulatory system must keep pace with the ever-changing media landscape that it regulates. Societal concerns, emerging advertising trends and technological developments pose significant challenges to the system. However, we are looking forward to tackling these challenges head-on to ensure advertising self-regulation and the ASA remain effective.

There is a great deal expected of us and we set a high bar for ourselves. That is why we started a Process Review to help us deliver the necessary changes and to manage a greater workload in a more efficient way now and for years to come. One of our top priorities is to ensure we nurture and harness the commitment, professionalism and expertise of everyone at the ASA.



The future is digital and interactive

We were pleased to have another vote of confidence in the system with the Government's announcement in April 2009 that the ASA is the right body to regulate video-on-demand advertisements.

Our biggest test in the coming months will be our response to the industry's formal recommendation to extend the ASA's remit to cover marketing communications on companies' own websites. This significant development addresses three key principles – a newly defined online remit, effective enforcement measures and a funding mechanism – and would extend the protections for consumers and children online.

Our online remit already covers paid-for marketing communications such as pop-up and banner ads, paid-search and viral ads. We know from our active monitoring work that where the CAP Code applies, there is high compliance with the rules and the ASA's decisions. In 2009, we had to reject around 1,500 complaints about digital marketing communications that fell outside of the remit of the CAP Code. The proposed extension of the self-regulatory rules will plug this regulatory gap, ensuring that consumers enjoy the same level of protection on websites as they do in paid-for space.

CAP will now consider all the implications and practicalities of the recommendations in consultation with the appropriate stakeholders, with the aim of bringing the new remit into effect as soon as possible.

We very much welcome the proposal to extend further the ASA's remit. This is a direct and sensible response to people's concerns about the protection of consumers and children online. It is another example of the self-regulatory system responding to social and technological changes.

Rt Hon Lord Smith of Finsbury, ASA Chairman



Resolving complaints and cases

Anyone can complain to the ASA and we act to resolve complaints about advertisements across all media, including television, radio, posters, newspapers and magazines, direct marketing, sales promotions and the internet. In 2009, the number of ads complained about declined. Overall, 2,397 ads or campaigns were changed or withdrawn as a result of ASA action.

According to a recent report in the UK, we each come across around 1,000 commercial communications per day.* In this context, the number of complaints we received and the number we upheld are testament to the high level of compliance with the rules by advertisers, agencies and media owners.

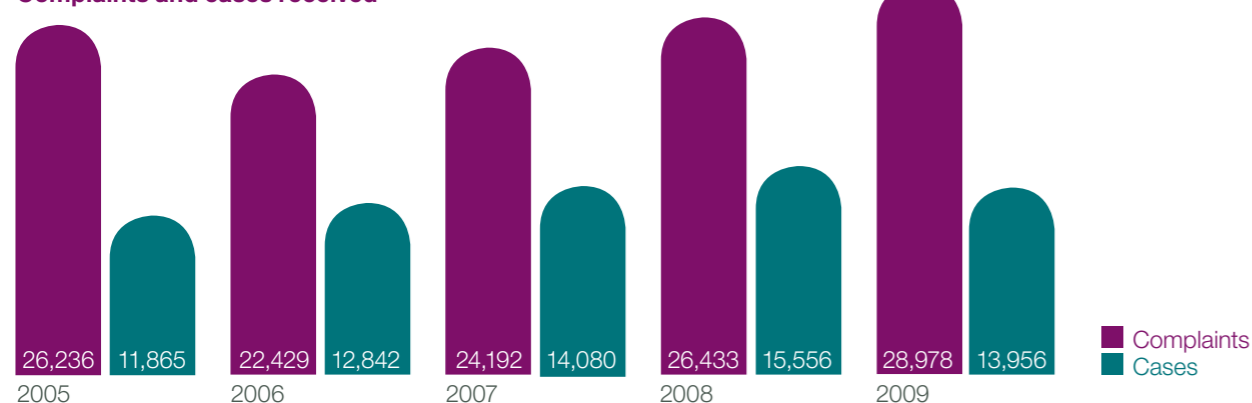
Complaints and cases received

We received 28,978 complaints during the year, an annual increase of 9.6%. However, it was reassuring that the complaints related to significantly fewer ads – or cases – (13,956) than in the previous two years, representing a decline of more than 10% from 2008. The total of number of complaints received was lifted by a handful of ads which prompted high levels of complaint, such as The Christian Party's bus ads claiming "There definitely is a God" (1,204 complaints) and Volkswagen's 'Matrix' style TV ad (1,070 complaints).

We received 14,245 complaints about 4,732 broadcast ads. The number of broadcast ads complained about declined by 6.5% and just 785 of the complaints related to 444 radio ads.

The number of non-broadcast ads complained about also declined to 9,224 (-12.5%). However, the total number of complaints received about non-broadcast ads increased (14,733, +9%), but again this was owing to a small number of ads receiving multiple complaints.

Complaints and cases received



28,929

complaints resolved

13

days average time to resolve a complaint

Complaints and cases resolved

During the year, we were able to resolve a total of 28,929 complaints about 13,995 ads. We resolved 13,967 complaints about 4,730 broadcast ads and 14,962 complaints and 9,265 non-broadcast ads. Broadcast cases represented 34% of our workload and non-broadcast cases represented 66%.

Of the total number of cases resolved 11,739 (21,558 complaints) were not investigated as they were either out of remit or found to be compliant with the Advertising Codes. The remaining 2,256 cases (7,371 complaints) were subject to further action or investigation, with 842 (37%) being formally investigated and 1,414 (63%) being subject to informal investigation.

*Source: Accenture Media Management analysis for the IPA, 2010

Complaints and cases resolved

	Non-broadcast		Broadcast		Overall totals	
	Complaints	Cases	Complaints	Cases	Complaints	Cases
No investigation	2,364	2,090	1,507	712	3,871	2,802
No investigation after preliminary work	5,859	5,137	5,670	3,352	11,529	8,489
No investigation after Council decision	2,870	219	3,288	229	6,158	448
Total not investigated	11,093	7,446	10,465	4,293	21,558	11,739
Informal investigation	1,447	1,244	236	170	1,683	1,414
Formal investigation	2,442	575	3,266	267	5,688	842
Of which:						
Upheld	1,842	431	1,611	129	3,453	560
Not upheld	468	90	1,584	127	2,052	217
Other	112	54	71	11	183	65
Total investigated	3,889	1,819	3,502	437	7,371	2,256
Totals	14,962	9,265	13,967	4,730	28,929	13,995

No investigation

If the issues raised in a complaint are not breaches of the Advertising Codes then the complaint is not investigated. This includes complaints that are outside the ASA's remit, for example complaints about packaging or company websites. The ASA Executive may do some preliminary work before deciding that there is no case to investigate.

No investigation after Council decision (NICD)

Some complaints, usually those about offensiveness or harm, are put before the ASA Council for a decision about whether or not the complaint should be pursued. It requires only one Council member to ask for a complaint to be taken forward for formal investigation. If no Council member raises a concern then the complaint is dismissed.

Informal investigation

The ASA prefers to work by persuasion and consensus and, wherever issues are minor and clear cut, we aim to resolve issues informally with the advertiser. This means asking advertisers to withdraw or amend their ads voluntarily if we think that there is a problem. Informal investigations are not put before the ASA Council and no adjudication is published, so it means that we can resolve problems far more quickly than by formal investigation. If an advertiser chooses not to resolve the issue informally, it will go forward for formal investigation.

Formal investigation

A thorough investigation in which all sides are given the opportunity to comment and a recommendation is put to the ASA Council. Adjudications are published weekly at www.asa.org.uk and made available to the media.

Turnaround performance

(% on target for different case types)

Non-broadcast	2008 %	2009 %
No investigation in 5 days:	88	90
No investigation after preliminary work in 10 days:	80	82
No investigation after Council decision in 25 days:	93	95
Informal investigation in 35 days:	90	92
Standard investigation in 85 days:	82	93
Complex investigation in 140 days:	78	91
Target = 80%		

Broadcast	2008 %	2009 %
No investigation in 5 days:	88	88
No investigation after preliminary work in 10 days:	86	90
No investigation after Council decision in 25 days:	98	92
Informal investigation in 35 days:	93	97
Standard investigation in 85 days:	91	98
Complex investigation in 140 days:	83	87
Target = 80%		

Trends in complaints and cases

This year, for the first time, we are reporting statistics on the numbers of ads we receive complaints about, which we refer to as 'cases', as well as the total number of complaints we receive.

Looking at the numbers of cases is a fairer and more accurate indicator of our work. This is because just one or two ads can attract a high number of complaints and distort our statistics by implying that there has been a particular problem in a certain medium or sector.

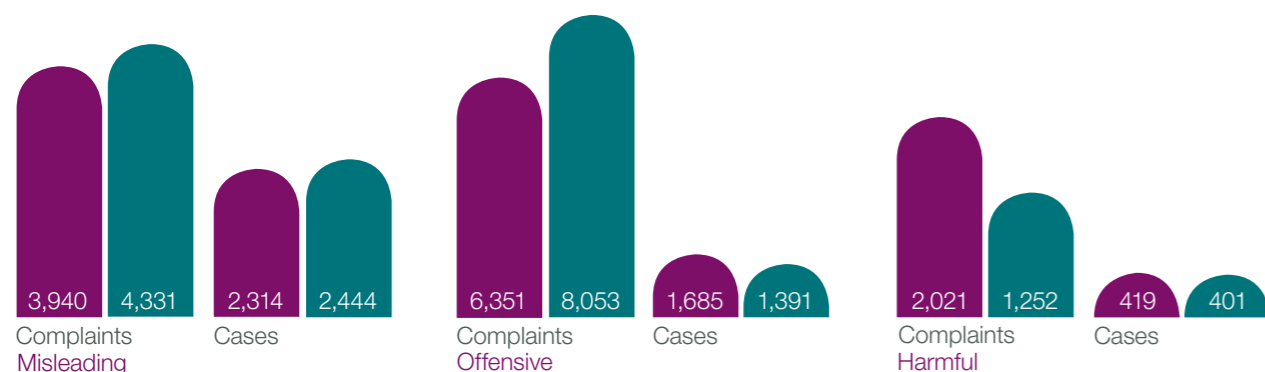
Issues

In 2009, 62% of the ads we looked into related to issues of misleadingness (14,046 complaints about 9,218 ads). 73% of the misleading cases were about non-broadcast advertisements, making it the primary reason for complaint in those media. In broadcast advertising offensiveness was the lead cause of complaint, although a greater number of ads were complained about for misleading advertising (8,053 complaints about 1,391 ads for offensiveness; 4,331 complaints about 2,444 ads for misleadingness).

Issues (Non-broadcast)



Issues (Broadcast)



■ 2008
■ 2009

Please note: Some complaints fall into more than one category; excludes Miscellaneous on No Issue categories

36%

increase in complaints about offensiveness

11%

decline in cases about offensiveness

Media

Television remained the medium attracting the most complaints about the highest number of ads. However, the number of TV ads complained about declined slightly (-3%) from 2008. In fact, the number of ads complained about decreased across nearly all media.

Internet remained the second most complained about medium, attracting 3,546 complaints about 2,823 ads. 57% of internet ads complained about currently fall outside our remit, so we look forward to our imminent remit extension, which will enable us to respond to consumer concerns.

Complaints and cases resolved by media

Media	2008 Complaints	2009 Complaints	% change in complaints	2008 Cases	2009 Cases	% change in cases
Television	11,189	13,109	17	4,445	4,330	-3
Internet	3,573	3,546	-1	3,194	2,823	-12
Poster	1,379	2,774	101	557	589	6
National press	1,888	1,823	-3	1,492	1,354	-9
Transport	418	1,535	267	143	120	-16
Direct mail	1,356	964	-29	1,163	829	-29
Magazine	853	809	-5	719	657	-9
Regional press	965	801	-17	771	644	-16
Radio	711	785	10	468	444	-5
E-mail	667	730	9	614	612	-
Leaflet	575	397	-31	516	329	-36
Other	305	368	21	278	263	-5
Circular	194	355	83	151	241	60
Point of sale	385	347	-10	360	328	-9
Cinema	132	280	112	88	75	-15
Press general	186	208	12	150	143	-5
Brochure	340	205	-40	320	201	-37
Catalogue	175	192	10	161	172	7
Packaging	244	184	-25	232	175	-25
Insert	175	129	-26	153	114	-25
Text Message	215	123	-43	125	113	-10
Directory	78	73	-6	78	72	-8
Mailing	172	47	-73	129	38	-71
Ambient	57	35	-39	48	26	-46
Mobile	4	39	875	4	30	650
Facsimile	7	6	-14	5	5	-
VOD	-	4	-	-	3	-
Voicemail	1	3	200	1	3	200
In-game advertising	2	1	-50	2	1	-50
Electronic	1	-	-100	1	-	-100

Trends in complaints and cases

Sector

The non-commercial sector was the most-complained about sector of 2009, with ads such as those by The Christian Party and the British Humanist Association attracting high levels of complaint. However, the non-commercial sector was ranked fifth by the number of ads complained about.

The leisure sector showed an annual decline (-21%) but nevertheless remains at the top of the list. The health and beauty sector saw a marked increase in the number of cases (14%), pushing it into second position. Those were followed by computers and telecommunications, retail and non-commercial sectors. The top five sectors were broadly the same across broadcast and non-broadcast, except that food and drink was in the top five in broadcast media (taking the place of computers and telecommunications). In non-broadcast media, the holiday and travel sector took the place of the non-commercial sector.

14%

increase in number of health and beauty ads complained about

26%

decrease in number of alcohol ads complained about

Complaints and cases resolved by sector

Sector	2008 Complaints	2009 Complaints	% change in complaints	2008 Cases	2009 Cases	% change in cases
Non-commercial	2,429	5,479	126	923	1,049	14
Leisure	4,592	3,774	-18	3,379	2,664	-21
Health and beauty	2,004	3,053	52	1,152	1,311	14
Food and drink	2,776	2,729	-2	906	881	-3
Household	882	1,898	115	639	605	-5
Computers and telecoms	2,403	1,861	-23	1,542	1,243	-19
Motoring	1,753	1,823	4	595	517	-13
Retail	1,623	1,731	7	1,237	1,241	0
Holidays and travel	1,479	1,689	14	1,193	1,015	-15
Financial	1,340	1,389	4	980	934	-5
Business	1,065	1,034	-3	851	810	-5
Publishing	758	749	-1	633	651	3
Utilities	416	557	34	309	188	-39
Clothing	119	249	109	89	119	34
Property	410	242	-41	297	222	-25
Employment	240	212	-12	211	186	-12
Alcohol	395	201	-49	189	140	-26
Education	157	116	-26	122	111	-9
Unknown	69	88	28	67	73	9
Industrial and engineering	51	30	-41	45	24	-47
Agricultural	11	20	82	8	20	150
Electrical appliances	11	16	45	7	13	86
Tobacco	11	10	-9	9	10	11

Top 10

These ads attracted the most complaints to the ASA in 2009.

01

The Christian Party (1,204 complaints; NICD)

Complainants objected that the bus ad's claim "There definitely is a God" was offensive to atheists and could not be substantiated. As a political party ad, it was outside our remit.

02

Volkswagen (1,070 complaints; Upheld in part)

Graphic scenes in TV ads of a man fighting his clones, "Sometimes the only one you have to beat is yourself" were deemed not suitable to be shown before 9pm.

03

HomePride (804 complaints; Not upheld)

A TV ad for an oven cleaner with the strapline "So easy, even a man can do it". Council ruled that the ad was tongue-in-cheek and did not uphold the complaints that it was offensive.

04

Advanced Medical Institute (525 complaints; Upheld)

The poster asked "Want longer lasting SEX?" and attracted complaints for being offensive and unsuitable for display in public locations where it could be seen by children. The ASA also challenged that it advertised an unlicensed medicine.

05

Israeli Government Tourist Office (445 complaints; Upheld)

A poster with the headline "EXPERIENCE ISRAEL" featured a map of Israel that included the West Bank, the Gaza Strip and the Golan Heights. The ASA upheld complaints that the poster misleadingly implied the regions were internationally recognised as part of Israel.

06

British Humanist Association (392 complaints; NICD)

A bus ad that stated "There's probably no God" prompted complaints that it was offensive to people of faith and could not be substantiated. The ASA ruled that the ad did not make claims about particular religions and had an upbeat rather than hostile or offensive tone. We concluded that the ad was an expression of the advertiser's opinion and that the claim was not capable of being objectively substantiated.

07

Kellogg's (323 complaints; NICD)

A TV ad showed a man chasing after a runaway shopping trolley with a toddler inside, only to 'save' the Crunchy Nut Cornflakes. Whilst some viewers found the ad in poor taste, we considered it was unlikely to cause widespread offence or encourage harm to children.

08

Pfizer (312 complaints; NICD)

A TV ad showed a dead rat emerging from a man's mouth and stated "Rat poison. Just one of the dangerous ingredients that may be found in fake medicines purchased from illegal websites". Although the imagery was distasteful for some viewers, we did not uphold the complaints because it was shown post-11pm only and conveyed an important public message.

09

SC Johnson (292 complaints; No investigation)

The TV ad for an air freshener featured a child saying "Mummy I want to poo at Paul's house". The ASA acknowledged the language and subject may be off-putting to some, but considered the ad was not likely to cause harm or widespread offence.

10

Department of Health (242 complaints; No investigation)

A multi-media campaign to raise awareness of the effects of a stroke and the need to act fast portrayed people having a stroke with a fire spreading on parts of their bodies. Complainants believed the images of the fire depicting the effects of a stroke were offensive and could be distressing, particularly to children. The ASA considered that most viewers would accept that the campaign had to be hard hitting in order to convey its important message and were unlikely to be seriously offended or distressed.

NICD: No investigation after Council decision

children

Throughout 2009, the ASA and CAP have continued to act on their commitment to ensure that children are protected from harmful or inappropriate advertising.

Activities have included drafting new guidance, training advertisers, looking again at the protections afforded by the Advertising Codes and, of course, acting on complaints received from members of the public.

Much of our work has been carried out in the midst of a wide-ranging debate about the changing commercial and media landscape and the risks and benefits it may offer to children and young people.

The debate began in earnest in 2008 when the Government asked Dr Tanya Byron to look into child safety in the digital world and continued throughout 2009 with a review commissioned by the Department for Children, Schools and Families into the impact of the commercial world on childhood. Although these reviews assessed activities far beyond the ASA and CAP's remit, we played our part by getting involved in the debate, regulating ads sensitively and responding where evidence suggested that more work needed to be done.

Working together to respond to the Byron Review

CAP and ASA have now responded in full to Dr Byron's recommendations in Safer Children in a Digital World.

The ASA was asked to monitor video games ads to make sure they were being marketed in line with the Advertising Codes. The results of our work were published early in 2009 and revealed a high compliance rate of 99%. Despite this, CAP considered that it would be useful to provide both the film and video games industries with some further practical guidance about how to create ads in line with the Advertising Codes.

CAP held a training seminar to launch the new guidance in September. The session was well-attended by industry practitioners who heard from ASA and CAP speakers. Our guest speaker, Michael Rawlinson, Director General of ELSPA, provided an overview of the industry's PEGI age-rating system for games.

ASA action

In March, the ASA upheld a complaint about a TV ad for a DVD of the film 'Wanted' featuring Angelina Jolie and James McAvoy. It depicted several guns being fired alongside statements that "Angelina is blazingly sexy" and that 'Wanted' was "the coolest movie this year". The complainant was concerned that the advertisement glamorised the use of guns and should not have been shown early on a Sunday morning when children were likely to be watching. The ASA Council agreed and banned the ad for condoning and glamorising gun use.

In April, the ASA ruled on one of the most complained-about ad campaigns of the year, for the Volkswagen Golf. The ads, which attracted 1,070 complaints, contained sequences of violence, including the use of weapons. The ASA Council ruled that the punches, kicks and other fight moves were shocking and unsuitable to be seen by children.

The ASA's September ruling against an advertisement by American Apparel sent a clear message that we will take strong action against ads that appear to sexualise children. The ad contained a series of photographs that depicted a young-looking girl. Even though the model was actually 23 years old, we adjudicated that the ad should not be used again because she looked under 16 and the style of the shots suggested that she was stripping for an amateur-style photo-shoot.

The Advertising Codes prohibit gambling from being portrayed in any way that could hold particular appeal to children. In February, we upheld a complaint against a TV ad for King.com, an online gaming site, for its likely appeal to minors and for potentially exploiting the susceptibilities, aspirations and credulity of children. The ad showed a woman playing a colourful online game and stated "There are loads

of great puzzle games at King.com like Bejewel. It's so easy to learn, just switch two gems to create a row of three", with action from the game featuring a cartoon of a woman against a pink background with white stars.

Protecting children in the Advertising Codes

The protection of children was at the heart of the review of the Advertising Codes. CAP and BCAP proposed a number of changes to the rules to enhance the protection they afforded to children. Notably, BCAP proposed the introduction of a rule to ensure that ads for age-restricted video games were not broadcast around children's TV programmes. This brings the regulation of video games in line with that for age-restricted films.

When the Committees publicly consulted on the Advertising Codes, they invited a wide range of parties to comment and were particularly keen to hear the views of children's and parenting groups. CAP and BCAP were pleased to receive comments from organisations such as the Department for Children, Schools and Families; the Family and Parenting Institute; The Children's Society and the National Children's Bureau.

99%
of video games ads were compliant with the Advertising Codes



ASA Council and senior management team



The fifteen-strong ASA Council is the jury that decides whether or not an advertisement has breached the CAP or BCAP Codes. Led by Lord Smith of Finsbury, ASA Chairman, the Council is made up of two panels – broadcast and non-broadcast – with some members sitting on both.

Two-thirds of the Council are independent of industry and the remaining members have a recent or current knowledge of the advertising or media sectors. Collectively, the ASA Council offers a diverse range of skills and experiences, representing the perspectives of a wide cross-section of society, including young people, families, charities and consumer groups.

Biographies of all Council members can be found at www.asa.org.uk

Council members are appointed for a maximum of two three-year terms and receive an honorarium of £15,000 p.a. A Register of Members' Interests may be requested from the Company Secretary.

ASA Council

01 Rt Hon Lord Smith of Finsbury
Chairman

02 Sally Cartwright
Chairman, Audit Bureau of Circulation

03 Elizabeth Fagan
Executive Marketing Director, Boots UK Ltd

04 James Best
Chairman, CREDOS; Vice-Chair, the Deborah Hutton Campaign

05 John Mayhead, CBE
Chair, the Government Strategic Marketing Advisory Board

06 Nigel Walmsley
Chairman, Broadcasters' Audience Research Board

07 Sir Andrew Motion
Professor of Creative Writing, Royal Holloway College University of London

08 Colin Philpott
Director, National Media Museum

09 Gareth Jones
Chair of Christian Theology, Canterbury Christ Church University

10 Anthony Earle Wilkes
Managing Director and Senior Equality & Diversity Consultant, Crystal Education and Training Consultants Ltd; Council member of the General Teaching Council

11 David Harker OBE
Chief Executive, Citizens Advice

12 Ruth Sawtell
Non-Executive Director and Mental Health Act Manager, Hertfordshire Partnership NHS Foundation Trust; Non-Executive Director, Metropolitan Housing Partnership; Lay-member, the Nursing and Midwifery Council

13 Neil Watts
Educational Consultant

14 Diana Whitworth
Board member, Big Lottery Fund and the John Ellerman Foundation

15 Louisa Bolch
Head of Education & New Media, CTVC/Rank Foundation; Ofcom appointed member of Communications Consumer Panel

16 Alison Goodman
Major Donor Development Executive, Terrence Higgins Trust

Senior management team
Guy Parker has replaced Christopher Graham as Chief Executive. Roger Wisbey has been succeeded by Shahriar Coupal. Phil Griffiths and Alan Chant left the senior management team in 2009.

17 Guy Parker
Chief Executive

18 Esra Erkal-Paler
Director of Communications, Policy and Marketing

19 Shahriar Coupal
Director of Advertising Policy and Practice and CAP Secretary

20 Phil Griffiths
Director of Financial and Support Services

21 Alan Chant
Director of Development



Non-broadcast Council

Broadcast Council

Senior Management Team

Independent Reviewer

The ASA Council is the final arbiter of whether or not an ad has breached the rules. However, advertisers or complainants can ask the Independent Reviewer to review a Council adjudication or a Council decision not to investigate a complaint. The Reviewer is not able to override a conclusion of the Council but he can get the Council to think again if he judges its conclusion to have been unreasonable or based on inadequate information about the case or the result of a flaw in the investigation. Here, Sir John Caines, KCB, Independent Reviewer, reports on his work in 2009.

In 2009 I received 46 requests for review, a slight decline overall from the previous year. Only eight of all these requests proved to have been ineligible, maintaining the welcome reduction in the proportion of such cases that I reported last year.

I received no more than 26 requests to review adjudications or decisions about complaints against non-broadcast advertising. Five of these were ineligible so I reviewed 21 cases – more than a third fewer than in the previous year. In six of these cases I concluded that the person making the request had raised issues which justified my asking the Council to think again. As has been the case in each of the past 5 years, the Council decided to reverse or to revise each of the conclusions which I had invited it to reconsider.

I received 20 requests for a review of adjudications or decisions about complaints against broadcast advertising – twice as many as in the previous year and the largest number since I began to handle such cases in 2005. 3 of these were ineligible so I reviewed 17 cases. In 4 of these cases I concluded that the person making the request had raised issues which justified my asking the Council to think again. This was the first time since 2006 that the Council had been asked to reconsider a conclusion on a broadcast case. The Council decided to reverse or to revise each of the conclusions which I had invited it to reconsider.

I often find that advertisers and members of the public who ask me to review a conclusion by the Council base their case on no more than a disagreement with the Council's verdict even if that verdict is a reasoned judgement after careful evaluation of all relevant evidence and opinion. Unfortunately mere disagreement does not prove the existence of a substantial flaw and so I have no reasonable grounds for asking the Council to reconsider its verdict. Unless my review of a case can satisfy me that the Council has acted unfairly or unreasonably, that the ASA has failed to act in accordance with its publicly stated procedures or that the Council has not been made properly aware of all the relevant and allowable evidence, I have no option but to conclude against asking the Council to think again.

For reviews not involving reference back to the Council I have been unable to achieve in 2009 the record average speed of turnaround of 27 calendar days, which I achieved in 2007. However, the 2009 figure of 32 calendar days compares favourably with the 33 days achieved in 2006 when the case load was considerably lighter and is only one day short of what I achieved in 2008. There are of course limits to the scope for further increases in the speed of turnaround if thoroughness is not to be impaired. Cases which involve reference back to the Council inevitably take much longer, especially if the Council decides to ask the ASA Executive to reopen its investigation as a result of the review request. There was an unusually large proportion of such cases in 2009 – 40 per cent as compared with about 25 per cent in 2008 and 2007.

This is my eleventh and last contribution to the ASA's Annual Report. Since I was appointed in April 1999 as the first ever Independent Reviewer of ASA adjudications, I have dealt with 461 requests for reviews of Council adjudications and decisions on complaints. I have worked with 3 different ASA Chairmen and 3 different Directors General and many changes of Council membership. My work has given me a unique opportunity to assess the quality and effectiveness of the self-regulatory system operated by the ASA. My verdict is entirely favourable. And that verdict is not undermined by the fact that I had grounds for inviting the Council to revisit 130 of those 461 adjudications and decisions. I have always found the Council receptive to the possibility of either improving or reversing its decisions when presented with persuasive arguments that it should do so. In the first 5 years of my time as Reviewer, the Council did on a few occasions decide to leave its original conclusions unchanged. Since 2003 that has not occurred.

I wish my successor good fortune and wisdom in the years ahead and hope that he derives from his important role as much interest, pleasure and satisfaction as I have during my term of office.



Sir John Caines KCB
Independent Reviewer

Review cases 2006-2009

Non-broadcast	2006	2007	2008	2009
Total cases received	24	24	39	26
Of which				
Ineligible/withdrawn	5	9	6	5
Not referred to Council	11	11	24	15
Referred to Council	8	4	9	6
Of which				
Unchanged	0	0	0	0
Decision reversed	1	3	6	3
Wording changed	1	1	3	3

Review cases 2006-2009

Broadcast	2006	2007	2008	2009
Total cases received	6	6	10	20
Of which				
Ineligible/withdrawn	0	2	2	3
Not referred to Council	4	4	8	13
Referred to Council	2	0	0	4
Of which				
Unchanged	0	0	0	0
Decision reversed	1	0	0	1
Wording changed	1	0	0	3

Since I was appointed in April 1999 as the first ever Independent Reviewer of ASA adjudications, I have dealt with 461 requests for reviews of Council adjudications and decisions on complaints. My work has given me a unique opportunity to assess the quality and effectiveness of the self-regulatory system operated by the ASA. My verdict is entirely favourable.

Sir John Caines KCB
Independent Reviewer

A 360 degree regulatory system

The ASA and CAP provide all the key aspects to regulating UK advertising under one roof.

This highly effective model evolves with the industry, and is widely respected in the UK and Europe.

Transparent communication

We are committed to the open and transparent communication of our procedures, decision making and performance. Our performance evaluation against key indicators is published quarterly. The ASA website informs consumers and industry about our adjudications, and sets out clearly how the system works and our complaints and investigations process.

Effective sanctions

The vast majority of ads comply with the rules, however there are established sanctions for the minority that don't. As well as publishing our adjudications, we can prohibit ads or advertising techniques, and require advertisers to seek advice before publishing future ads. In extreme cases the ASA can refer advertisers to the OFT for unfair or misleading ads and broadcasters to Ofcom for persistently airing ads that break the rules.

Independent decision making

The ASA is independent of both government and industry. The system has consistently proven that it is prepared to take action against those advertisers that breach the Advertising Codes. In 2009, 2,397 ads were changed or withdrawn following ASA action. Every week, the ASA's adjudications set out clearly and transparently what is and isn't acceptable in UK ads. The published rulings also demonstrate how the ASA Council, made up of fifteen individuals with a wide range of expertise, applies the CAP and BCAP Codes, taking into account how the general public is likely to perceive the ads.

Complaints and investigations

The ASA has over forty experienced staff within its Complaints and Investigations department, who deal with issues relating to advertising in all media. In 2009, they resolved 28,929 complaints about 13,995 ads. The average time to resolve complaints was 13 days.

Proportionate and evidence-based Advertising Codes

The ASA / CAP system is nearly fifty years old and we have shown time and again that we are capable of effectively responding to changes in social trends, public policy and technological advances. In developing the self-and co-regulatory rules, the Code Policy team is guided by the principles of transparent, proportionate and targeted regulation and takes a consultative and evidence-based approach, working with all stakeholders as well as other regulators.

Training and guidance

CAP supports the industry's commitment to communicate responsibly and boosts compliance by providing guidance to practitioners, often in cooperation with the ASA. CAP Services offer a large number of different programmes and online compliance tools. In 2009, we provided direct support and advice to marketers on over 47,000 occasions.

Monitoring and compliance

Our compliance and monitoring team proactively monitors ads in all media on a daily basis to check for compliance with the Advertising Codes. The team also undertakes surveys in high profile areas (e.g. gambling or alcohol advertising) or amongst sectors with lower compliance records.

Pre-publication advice

To help advertisers get non-broadcast and multi-media ads right before publication, CAP offers Copy Advice. Combining both a bespoke service and online resources, Copy Advice is a convenient, free and confidential service. Last year, the six-strong team dealt with more than 8,000 enquiries from practitioners who have made Copy Advice an essential step in their creative process to help avoid potential issues further down the line. For further information, visit www.copyadvice.org.uk

We remain committed to protecting children's wellbeing and the vulnerable through our Advertising Codes and our complementary CAP Services activities.

Andrew Brown
CAP and BCAP Chairman

CAP Chairman's introduction

The Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) are the 'self' in advertising self-regulation. Made up of organisations that represent advertisers, agencies and media owners, the Committees are dedicated to delivering the highest standards of regulation for the benefit of consumers and the advertising industry alike.

2009 has been a busy year for CAP and BCAP. With one eye on the future, we have focused on the review of the Advertising Codes and the co-regulation of video-on-demand (VOD) advertising. We have continued to promote the full range of CAP Services offering training and advice to help advertisers comply with the CAP and BCAP Codes. And we have responded to societal concerns about particular advertising sectors and, more generally, the impact of the commercial world on children's wellbeing.

In 2009, after 18 months of fact finding and input from expert bodies, we went public with the review of the Advertising Codes. CAP and BCAP received an unprecedented level of response to their consultation proposals. The responses have helped shape and endorse changes to the new Advertising Codes and ensure they reflect standards that are generally accepted in society.

Andrew Marsden has presided over a rigorous process that placed considerable importance on transparency. We have engaged openly with a huge range of stakeholders including government departments and agencies, faith and community-based groups, organisations in the third sector and, naturally, the general public and the advertising industry.

I would like to thank Andrew, the Code Policy team and members of the advertising industry who gave up a significant amount of their time to this project. This has been, by any measure, a shining example of effective self-regulation in action.

The Advertising Advisory Committee (AAC) has advised BCAP throughout the review and in other areas of broadcast advertising policy. The AAC plays a key role in formulating and developing policy and it acts as an important check and balance to BCAP's evaluation of consultation responses, ensuring it is fair and evidence based. I would like to record my thanks to all the members of the AAC, including Elizabeth Filkin who continues to Chair the Committee with considerable skill.

At the beginning of the year, the advertising industry agreed to fund the regulation of VOD ads covered by the Audiovisual Media Services Directive. CAP and the ASA have agreed, in principle, to undertake the day-to-day regulation of VOD ads, with Ofcom acting as a backstop power. We look forward to assuming this new responsibility and delivering the benefits of self- and co-regulation to this significant and developing medium.

In 2009, CAP Services interacted with the industry on over 47,000 occasions. This figure includes enquiries to our Copy Advice function, subscriptions to our newsletters, attendance at CAP/ASA training seminars and downloading of CAP guidance online. This is a very encouraging statistic, which illuminates our better regulation focus on prevention rather than cure: helping to produce ads that comply with the CAP and BCAP Codes, thereby avoiding costly and disruptive regulatory action down the line.

Where we have needed to take tough regulatory action, CAP's compliance team has taken appropriate steps to protect consumers and ensure a level playing field for advertisers. It has invoked industry-backed sanctions against 20 'repeat offenders' and issued 67 'Ad Alerts' to media owners.

We have responded to societal concerns about the advertising of alcohol, computer games, and TV ads for food and soft drinks that are high in fat, salt and sugar. We published important compliance surveys on each and, for ads for computer games and films, we published guidance in line with the Byron Review Action Plan. We welcomed the Buckingham Report into the impact of the commercial world on children's wellbeing and we remain committed to protecting children and the vulnerable through our Codes and our CAP Services.

I would like to thank members of the General Media Panel and the Sales Promotions and Direct Response Panel. The Panels are comprised of advertising industry practitioners who give up their time voluntarily for the benefit and betterment of the self-regulatory system. We highly value their constructive advice on the interpretation of the rules and the formulation of policy.

Finally, on behalf of the Committees and the Panels, I would like to extend my thanks and best wishes to Roger Wisbey, Secretary of CAP and BCAP, who retired in 2009. I am delighted to welcome his successor, Shahriar Coupal, to the role and I wish him and the staff every success over the coming years.



Andrew Brown
CAP and BCAP Chairman

CAP review of the year

We have responded to societal concerns about the advertising of alcohol, computer games, and ads for HFSS products.

Shahriar Coupal, Secretary CAP and BCAP

01 As well as the unprecedented and comprehensive review of the Advertising Codes, the Committees have responded to changes in law and societal concerns about the impact of particular categories of ads on children's wellbeing. They appointed a new Secretary and prepared for the co-regulation of video-on-demand (VOD) advertising.

01 EU legislation on nutrition and health claims
(EC) Regulation 1924/2006 on Nutrition and Health Claims Made on Foods (NHCR) protects consumers from misleading claims made for food products. The Regulation is a maximum harmonisation measure; EU member states cannot maintain food advertising provisions that are more permissive or more restrictive than the Regulations allow. We took expert advice from the Food Standards Agency and consulted with stakeholders before finalising changes to the CAP and BCAP Code sections on Food, Alcohol, Dietary Supplements and Slimming and Weight Control. To make it easier for advertisers to comply with the mandatory requirements, the new rules spell out in plain English the main provisions of the Regulation.

02 Ads for computer and console games
In its 2008 Byron Review Action Plan, the Government made a number of recommendations to the self-regulatory system in relation to video games advertising and we responded to those in a comprehensive way throughout 2009. As well as publishing the results of a sector compliance survey, CAP and BCAP developed new guidance for video game and film ads that draws together rules and ASA adjudications that are relevant to the sector. Together with ELSPA (the association of gaming software publishers), Clearcast and the RACC (the pre-clearance bodies for TV and radio ads respectively) we held a training seminar to promote the guidance to advertisers from the gaming sector. In addition, BCAP introduced TV scheduling rules to prevent ads for video games carrying an 18+, 16+ or 15+ rating from being advertised around programmes of particular appeal to children.

03 Video-on-demand advertising
The ASA presently regulates VOD ads through the CAP Code. From 19 December, particular VOD ads must also comply with new legal provisions set out in the Audiovisual Media Services Regulation. With funding from the advertising industry and the support of the Department for Culture, Media and Sport and Ofcom, CAP and the ASA have agreed, in principle, to put in place the regulatory framework to administer the new VOD rules. We are now working with Ofcom, our backstop power, to agree the terms of the designation.

04 TV ads for foods that are High in Fat, Salt or Sugar (HFSS)
The Cross-Government Obesity Strategy, Healthy Weight, Healthy Lives, invited BCAP to take account of Ofcom's interim review of the rules governing TV ads for HFSS products. On the basis of the review's findings, BCAP considered that a change to the rules was not merited. It pointed to the significant decrease (34%) in the number of HFSS TV ads seen by children and advertisers' high compliance rate of 99% with the new content rules, evidenced through the ASA's 2009 compliance survey. Ofcom's final review of the rules is expected in 2010.

05 New Secretary to CAP and BCAP
Shahriar Coupal was appointed as Secretary to CAP and BCAP, and the ASA's Director of Advertising Policy and Practice. In both these roles he succeeds Roger Wisbey who retired after 14 years at the ASA and CAP.

06 New CAP and Copy Advice websites
We continued to improve our online presence in June by launching www.copyadvice.org.uk for round-the-clock, convenient access to all the available help and guidance on non-broadcast advertising under one roof. Users can subscribe to receive newsletters, access more than 400 AdviceOnline entries and HelpNotes, and view case studies and helpful checklists.

In September, www.cap.org.uk was relaunched and contains a wealth of information on the system, Advertising Codes and CAP Services to help advertisers develop impactful campaigns that don't breach the rules.



99%
compliance rate with the new HFSS content rules



Compliance

The vast majority of marketing communications in the UK are socially responsible and in line with the Advertising Codes. For those ads that do not, the ASA's Compliance team help protect consumers and create a level playing field for advertisers by ensuring unacceptable ads are quickly amended or withdrawn. The team also ensure precedents set by ASA adjudications are taken into account by all advertisers. The team uses a variety of methods to achieve its objectives, working collaboratively with advertisers and media owners to get ads right quickly.

Monitoring

The Monitoring team proactively checks ads across all media. We focus on advertising sectors where compliance with the rules is low and sectors of particular societal concern such as food, alcohol, cosmetics and environment. We look for obvious breaches of the Advertising Codes, for example, when an advertiser repeats a claim that the ASA has previously ruled against.

If we find an ad breaches the rules, we notify the advertiser and the media owner and seek an assurance that it will be withdrawn or amended appropriately and quickly. In 2009, we resolved problem ads in an average of five days, compared with nine days the previous year.

Compliance surveys

Our compliance surveys are a good way of assessing how well ads in specific sectors or media comply with the CAP and BCAP Codes over time. As with our monitoring, this comprehensive research usually targets sensitive sectors or those that have a history of lower compliance, allowing us to anticipate trends and identify potential issues. The surveys involve looking at sector ads across all media during a given period, for example one or two months, and assessing their compliance. Potential breaches are dealt with straight away by the team.

In 2009, alongside our daily monitoring work, the Compliance team undertook three sector surveys, looking at a total of 1,148 ads. Thanks to the commitment of industry to advertise responsibly, we found the overwhelming majority of ads to be compliant with the rules.

The Health and Beauty Products and Therapies survey assessed 451 ads and showed a compliance rate of 95.1% – an encouraging improvement on the 2006 survey which recorded a compliance rate of only 90.5%.

The Alcohol survey revealed that of the 456 ads assessed, only five breached the Advertising Codes, a compliance rate of 98.9% across all media, with no breaches amongst internet ads. The findings represented a steady improvement on the two previous years for which rates of 97% (2007) and 94% (2006) were recorded.

The Video Games survey examined 241 ads and found only one in breach of the rules – a compliance rate of 99.6%.

Post-investigation compliance

When the ASA publishes an upheld adjudication it asks the advertiser involved for a written assurance that the problematic claim or image will be removed or amended. If the ASA does not receive this assurance, or if the ad in question continues to appear, the Compliance team takes over, if necessary, threatening and applying sanctions. In 2009, we resolved 141 cases through post-investigation compliance work.

Although the vast majority of advertisers comply with our decisions, if an advertiser chooses to ignore our request we can impose sanctions, including referral to the Office of Fair Trading.

Sector compliance

If an ASA adjudication has ramifications for a whole sector, we ensure a level playing field by contacting all advertisers in that sector to advise them of changes that need to be made for future ads. For example, in 2009, we ensured that ads for Individual Voluntary Arrangements (IVAs) clearly stated that consumers might incur additional costs, or suffer an impaired credit rating, as a result of arranging an IVA. Our work in this area is often supported by trade associations who represent the interests of advertisers in a sector. Media owners and the clearance centres might also be enlisted to secure sector compliance in a timely and comprehensive fashion.

95.1%

Compliance rate from the Health and Beauty Products and Therapies survey 2009

98.9%

Compliance rate from the Alcohol survey 2009

99.6%

Compliance rate from the Video Games survey 2009

Code Review

The aim of the review has been to ensure that all advertisements conform to the enduring principles shared by the self-regulatory system – namely that advertisements should not mislead, harm or offend

The “Code Review of firsts” announced in last year’s Annual Report has now concluded. This landmark in advertising self- and co-regulation has involved the largest ever consultation undertaken by CAP and BCAP, followed by a comprehensive and thorough evaluation process. The newly published Advertising Codes will come into force on 1 September 2010.

This has been the first concurrent review of the broadcast and non-broadcast Codes and the first time the broadcast Codes have been reviewed by an organisation other than a statutory body. In doing so CAP and BCAP have sought to achieve a better degree of regulatory consistency across media than ever before.

The aim of the review was to ensure that the Advertising Codes remain up-to-date and fit for purpose; providing protection to children and vulnerable adults, yet retaining an environment in which responsible advertising can flourish. A key part of this was to ensure that all advertisements conform to the enduring principles shared by the self-regulatory and statutory systems, namely that advertisements should not mislead, harm or offend.

The Code Review has been an opportunity for CAP and BCAP to consider social, technological and legal developments in the round. As media converge, ways of using them change; the UK consumer is more literate in media, more adept with technology than ever before, and more used to dealing with an environment in which advertising and editorial content combine in sophisticated ways.

The new Advertising Codes have sought to reflect this. One example has been the introduction of a rule on flashing images in the CAP Code, in recognition of the growing use of moving images in advertising both online and in outdoor media.

Meanwhile, BCAP has consolidated and augmented the protection it affords to young audiences, by extending its rule on physical, mental, moral and social harm to protect under-18s and introducing a rule stating that advertisements must not exploit the special trust children place in parents, guardians, teachers or other persons.

Some elements of the Advertising Codes have not changed greatly and that reflects our confidence in the robust, enduring relevance of many of the existing rules.

The introduction of the rule on social responsibility to the BCAP Code should be understood in that same spirit. It is a rule that has long given the ASA the flexibility and necessary means to react proportionately to emerging public concerns and to find against unacceptable advertising practices that are not explicitly or adequately covered by other rules in the Code.

CAP and BCAP will now turn their attention to communicating these changes. Over the coming months, CAP Services will bring advertisers, agencies and media owners up to speed with the new Advertising Codes.



Industry commitment

Representatives of advertisers, agencies and media owners actively support the ASA / CAP system by sitting on the Committees responsible for writing, maintaining and enforcing the Advertising Codes and on the Panels that provide guidance to the ASA / CAP Executive. This practical support is vital to the success of the advertising self-regulatory system.

Broadcast Committee of Advertising Practice

Advertising Association
British Sky Broadcasting Limited
Channel 4 Television Corporation
Channel 5 Broadcasting Limited
Direct Marketing Association
Electronic Retailing Association UK
GMTV Limited
Incorporated Society of British Advertisers
Institute of Practitioners in Advertising
ITV plc
RadioCentre
S4C
Satellite & Cable Broadcasters' Group
Teletext Limited
Virgin Media TV

Clearcast
Radio Advertising Clearance Centre

Committee of Advertising Practice

Advertising Association
Cinema Advertising Association
Data Publishers Association
Direct Marketing Association
Direct Selling Association
Incorporated Society of British Advertisers
Institute of Practitioners in Advertising
Institute of Sales Promotion
Internet Advertising Bureau
Mail Order Traders' Association
Mobile Broadband Group
Mobile Marketing Association
Newspaper Publishers Association
Newspaper Society
Outdoor Advertising Association
Periodical Publishers Association
Proprietary Association of Great Britain
Royal Mail
Scottish Daily Newspaper Society
Scottish Newspaper Publishers Association

Clearcast
Radio Advertising Clearance Centre

CAP Panels

There are two CAP Panels: the Sales Promotion and Direct Response Panel (SPDRP) and the General Media Panel (GMP). The Panels exist to provide the ASA and CAP Executive with an objective industry view on various advertising matters. The SPDRP deals with sales promotions and direct marketing and the GMP deals with all other advertising matters. The SPDRP advises only on non-broadcast matters, but the composition of the GMP means it can consider both broadcast and non-broadcast issues. Panel meetings also provide a forum for information exchange between the Executive and the industry.

The Panels may be asked to discuss specific Copy Advice, the application of a Code clause, the interpretation of a claim, common industry practice or other general regulatory subjects. The Panels may also be asked to discuss a recommendation before the ASA Executive gives it to Council. However, the Panel's opinion is not binding on either the Executive or the ASA Council.

General Media Panel

Farah Ramzan Golant (Chair)
Tess Alps
Sarah Bennison
Helen Buck
Carol Fisher
Peter Gatward
Steve Goodman
John Laidlaw
Andrew Melsom
Mike Moran
Sue Oake
Steve O'Meara
Mike Parker
Simon Rhodes
Karen Stacey
Gillian Wilmot

Gareth Jones (ASA Council)

Sales Promotion and Direct Response Panel

Philip Circus (Chair)
Peter Batchelor
Mark Challinor
Daphne DeSouza
Mark Dugdale
Michael Halstead
Caroline Roberts
Paul Whiteing

Nigel Walmsley
(ASA Council)

The Advertising Advisory Committee

The Advertising Advisory Committee (the AAC) provides independent advice to BCAP on broadcast advertising issues, particularly in relation to the development of the BCAP Code. It is comprised of expert and lay individuals who reflect the interests of citizens and consumers.

The AAC met five times in 2009 and its work was again dominated by the BCAP Code Review.

We began the year by completing the pre-consultation stage of the Code Review. In my report of 2008, I complimented BCAP on the thoroughness of its work during this stage of the process. I am pleased to report that BCAP's pre-consultation work remained of a high standard and, in the view of the AAC, the resulting proposals paid appropriate regard to the consumer in general, and children and vulnerable adults in particular.

In the second half of the year, we advised BCAP on its evaluation of those consultation responses. The AAC considered BCAP's evaluation of the huge number of responses received was well-presented and thorough. We considered BCAP's evaluation was fair and evidence-based and in accordance with its objective 'to set standards that prevent misleading, harmful or offensive advertising'.

Now that the Code Review work is completed, I am glad to report that, in the AAC's view, BCAP has presented evidence-based arguments for and against a change to advertising standards and has given proper consideration to stakeholders' views, including those of the AAC. In the majority of instances, the AAC has agreed with BCAP's decisions to retain or change a rule and when the AAC has disagreed, BCAP has generally accepted the AAC's advice. BCAP and its staff are to be commended for their professional approach to the Review.

On other matters, the AAC advised BCAP on its evaluation of the responses to its consultation on the Nutrition and Health Claims Regulation. We agreed with BCAP that respondents had identified additional changes to improve the rules. Ofcom subsequently agreed to all the changes proposed by BCAP and the revised rules were published in October 2009.

After the publication of the Byron Review, BCAP undertook to publish guidance on the advertising of video games. The AAC advised BCAP on the development of its guidance, which was published in July 2009.

In 2008, the Department of Health called on BCAP to assess Ofcom's interim review on TV advertisements for foods which are High in Fat, Salt and Sugar (HFSS). Ofcom's findings showed that TV broadcasters were complying with the new rules and as a result, there had been a significant decrease in the amount of HFSS advertising seen by children. The AAC agreed with BCAP's assessment that Ofcom's findings did not compel BCAP to propose further changes to the TV rules at this time.

The Department of Health had also asked BCAP to consider the Sheffield University Review (SchARR) which considered the relationship between the price and promotion of alcohol and alcohol-related harm. Like Ofcom's HFSS review, this was published too late to be considered as part of the Code Review. Having considered this review, the AAC decided that, in so far as it related to advertisements for alcohol, the SchARR Review did not provide persuasive evidence that BCAP should consult further on changes to the current broadcast rules for alcohol advertisements. BCAP published its findings as an addendum to the Code Review consultation.

I thank the members of the AAC for their considerable work during the year and the staff for their excellent support. In 2009 we said goodbye to three AAC members who had come to the end of their terms of office. We are very grateful to Laura Simons, David Jessel and Colin Munro for their insights and informed contributions to the work of the Committee and are delighted to welcome Angela McNab, Dr Michaela Jordan and John Bradford as our new members.



Elizabeth Filkin
AAC Chairman

List of members

The AAC members are independent of the advertising industry and appointed following public advertisement:

Elizabeth Filkin (Chair)	Stephen Locke
John Bradford	Angela McNab
Colin Cameron	Dr Michael Wilks
Dr Michaela Jordan	

CAP Services

The Committee of Advertising Practice places great emphasis on the prevention of breaches, and works to promote high compliance with the Advertising Codes.

CAP Services are a range of bespoke advice, training events and online resources to help practitioners stay on top of advertising regulation, the mandatory rules and how they are interpreted by the ASA. With the new CAP and BCAP Codes coming into effect in September 2010, there is no better way for advertisers to bring themselves up to speed with the changes.

97%

of users say they'd come back to Copy Advice again to check their ads

47,933

occasions advice and training was given to industry practitioners

Copy Advice

Combining both bespoke and online guidance, Copy Advice is a fast, free and confidential service for advertisers, agencies and media owners who want to check their prospective non-broadcast ads against the CAP Code. Last year, the Copy Advice team responded to 8,000 enquiries from practitioners who have already made Copy Advice an early essential step in their creative process, helping to get ads right first time and avoid unwanted ASA scrutiny which could cost time, money and lead to reputational damage. For more information, visit www.copyadvice.org.uk

Online tools

CAP Services online tools offer you the most comprehensive guidance on the requirements of the Advertising Codes. Users can register online to access all the available resources and receive regular updates.

AdviceOnline

An extensive searchable database of advice to help ensure ads, sales promotions and direct marketing campaigns meet the CAP Code. There are currently 437 entries that are updated following landmark ASA decisions, making this one of the most popular sections of our website, with nearly 22,000 visits in 2009.

Help Notes

Help Notes provide detailed guidance on the application of the CAP and BCAP Codes in specific sectors or on particular subjects such as viral advertising online, food and soft drink advertising to children, 'free' claims, gambling, and video games and film advertising.

Newsletters

CAP's regular e-newsletters are a convenient and timely reminder of key developments affecting advertising regulation.

Insight

This popular monthly newsletter is full of practical tips and views from the Copy Advice team on the changes to, and application of, the CAP Code. It is also a great way to keep up-to-date with forthcoming training seminars and key events. Insight already has a fast growing subscriber base of more than 2,300 practitioners. To subscribe, please visit www.copyadvice.org.uk

Update

A quarterly e-newsletter, Update covers both broadcast and non-broadcast news and advice. It informs industry members of important developments in ad regulation, ground-breaking ASA adjudications and key external factors that impact on the rules. With nearly 7,000 subscribers, it is essential reading for a wide cross-section of stakeholders in advertising. To subscribe, please visit www.cap.org.uk

Industry presentations

CAP executives regularly take part in external conferences and seminars to present, join panel debates or judge awards. We aim to support as many events as possible, often in conjunction with ASA specialists to provide a fuller picture.

Bespoke seminars

Our Bespoke Seminars offer one-to-one time with CAP and ASA executives in a non-competitive environment for those companies wishing to improve their understanding of the Advertising Codes and how the rules are interpreted. Executives from every part of the advertising regulatory system tailor the agenda for a half-day seminar to the specific needs of your brand or business. There is also an opportunity for companies to tell CAP and ASA executives about their plans and how they develop their claims.

Agency training

CAP provides training for new agency employees embarking on a career in advertising. An early awareness of the requirements of the CAP and BCAP Codes and how they are applied by the ASA is essential for all agency professionals in order to add value to clients and enhance the reputation of agencies. Held in October, these half-day workshops bring together expert speakers from agencies, CAP, ASA and the TV and radio pre-clearance bodies, Clearcast and RACC.

Advice:am

CAP and the ASA jointly run the highly popular Advice:am advertising claims master classes designed to offer practical training through two types of morning seminars.

Insider's Guide Advice:am

Insider's Guide seminars provide an introduction to the advertising regulatory system, the general principles of the CAP and BCAP Codes and our advice and training resources. Guest speakers from Clearcast and the RACC complete the regulatory picture. The use of case studies from different media and sectors bring the rules to life and the seminars allow an opportunity for discussion as well as the chance to meet key ASA and CAP staff. In 2009, we held two Insider's Guide seminars.

Specialist Advice:am

These specialist seminars go into detail about specific sectors, key issues, the rules, guidance and relevant case studies. They also provide general information about the regulatory system and how advertisers can work with CAP and the ASA. We often have an external guest speaker or a diverse panel for the question and answer session. In 2009, we organised specialist seminars on financial advertising, cosmetics, alcohol, video games and motoring.

Register now at www.cap.org.uk to access the full range of CAP Services available. Alternatively, email our team at capservices@cap.org.uk



Financial report

The advertising regulatory system is wholly funded by advertisers through an arm's length arrangement that guarantees the ASA's independence. The 0.1% levy on the cost of buying advertising space and the 0.2% levy on some direct mail ensures the ASA is adequately funded to continue to ensure UK advertising remains legal, decent, honest and truthful, for the benefit of consumers, industry and society at large.

Year to 31 December 2009

Audited income and expenditure figures for the combined non-broadcast and broadcast activity in 2009 (see opposite) are the total of the amounts recorded in the Report and Financial Statements of the two companies. These were adopted by the Non-Broadcast and Broadcast Councils at their respective Annual General Meetings held on 16 April 2010.

Income

Compared with 2008, income received from the Advertising Standards Board of Finance (Asbof) fell by £300,000 (6.51%) to £4,610,000. Income received from the Broadcast Advertising Standards Board of Finance (Basbof) also fell by £151,000 (5.14%) to £2,785,000. The total income was £7,395,000; a reduction of £451,000 (6.10%) compared with 2008. Similarly, interest received also fell – by £65,337 (80.55%) – but did produce additional income of £15,779.

Expenditure

The budget-setting and forecasting of expenditure for the combined non-broadcast and broadcast operation continued to be prepared and managed on a cash basis. The budget initially proposed and agreed for 2009, net of interest receivable, was £8,000,000. A significant downturn in levy income required the budget to be revisited early in 2009 and it was eventually settled at £7,761,200. By late-summer the continuing fall in levy income meant that expenditure had to be limited to £7,300,000. At the end of quarter three the forecast of net expenditure for the year was £7,298,600; a saving of £462,600 (5.96%) against the revised budget.

At the year end, audited expenditure on the cash basis was £7,332,309, an underspend of £428,891 (5.53%) against the budget although an overspend of £33,707 (0.46%) against the forecast. This was due to the one-off costs of restructuring in quarter three, which will produce future year-on-year savings.

The Report and Financial Statements for ASA and ASA(B) reflect a split of costs, determined by Asbof/Basbof to reflect the workload between non-broadcast and broadcast activities, of 63% and 37% respectively, and applying them to the non-specific costs – overheads, general office costs and the like. Specifically identifiable costs were allocated in full to the relevant function.

Profit/Loss

On a Profit and Loss basis, the audit confirmed expenditure of £7,294,552; a decrease of £286,645 (3.78%) compared with 2008.

The combined profit before tax of both non-broadcast and broadcast activity was £132,316 (2008 – £361,440). After tax the combined profit was £101,536 (2008 – £283,489).

Non-broadcast and broadcast combined for the year ended 31 December 2009

	2008 £	2009 £
Income		
Cash received from the Advertising Standards Board of Finance Ltd	4,910,000	4,610,000
Cash received from the Broadcast Advertising Standards Board of Finance Ltd	2,936,000	2,785,000
	7,846,000	7,395,000
Expenditure		
Salaries and direct staff costs	4,665,693	4,753,744
Other staff costs	402,637	242,396
Rent and accommodation costs	693,724	849,224
Travel, subsistence and entertaining	50,949	51,663
Consultancy and professional fees	533,191	419,324
CRM Project costs	150,833	110,357
Depreciation	240,159	192,723
Telephone, postage, printing, stationery and other general expenses	509,416	433,527
Advertising and promotion	334,595	241,594
	7,581,197	7,294,552
Operating Profit/(Loss)	264,803	100,448
Profit/(loss) on sale of tangible fixed assets	7,500	(665)
Interest receivable	81,116	15,779
Finance charges payable under finance leases	(4,979)	0
Pension Finance	13,000	(12,000)
Other income (ie seminars)	0	28,754
	361,440	132,316
Profit/(Loss) on ordinary activities before tax	361,440	132,316

The Advertising Standards Board of Finance (Asbof), and the Broadcast Advertising Standards Board of Finance (Basbof) fund the advertising regulatory system, primarily by collecting a 0.1% levy on media expenditure

Meeting our standards of service

Service standard	Commitment	Measurement	Performance Jan – Dec 2009 (Jan – Dec 2008)
Accessibility			
We aim to be accessible to members of the public and the advertising industry	We shall publish our contact details (website, address and telephone) on all our literature	Twice yearly Customer Satisfaction survey: "Is accessible to the public"	80% (82%)
	We shall ensure that our switchboard is staffed during normal office hours (9.00am – 5.30pm)	Customer Satisfaction survey	See above
	We shall ensure that our website is available at all times	Customer Satisfaction survey	See above
	We shall accept complaints via the online complaint form on our website, by e-mail, SMS, letter, fax and telephone	Customer Satisfaction survey	See above
	We shall aim to ensure that members of the public are aware of our existence and role, and recognise our name and logo	Spontaneous name awareness and logo recognition measured by a regular Attitude and Awareness survey	Name: 19% (17%) Logo: 19% (15%)
Responsiveness			
We aim to resolve complaints without undue delay, but complaints that require investigation can take longer than the average	Our aim is to acknowledge complaints within five working days of receipt, reply to all other correspondence within 10 working days and keep complainants advised of progress on a regular basis	Twice yearly Customer Satisfaction survey: "Time taken to acknowledge complaint" and "Keeping you informed throughout the complaint process"	Time taken: 83% (85%) Keeping informed: 64% (59%)
	We aim to turn around complaints, on average, within 12 working days, with at least 80% being within that target. If complaints warrant a full investigation, we aim to resolve them within 60 working days, whilst recognising that complaints by commercial competitors can be protracted	Achieve 80% of target or better in quarterly turnaround statistics published on our website	Overall average turnaround: 13 days (13) Within target: 77% (84%) Investigation average: 47 days (66) Within target: 43% (56%)
	If a complaint is outside our remit, we will advise you within 10 working days and provide information on who you should contact	Customer Satisfaction survey results for 'outside remit' complaints	43% (56%)
	We aim to respond to e-mail enquiries within 48 hours during the working week	80% of sample replied to within 48 hours	87.5%

Service standard	Commitment	Measurement	Performance Jan – Dec 2009 (Jan – Dec 2008)
Effectiveness			
We aim to meet the needs of our customers, whether members of the public or industry	While recognising that we operate in circumstances where some 80% of complaints result in a 'not upheld' decision, we aim to achieve the highest possible scores in our Customer Satisfaction surveys	At least 50% overall satisfaction from complainants	59% (61%)
	We aim to achieve the highest possible scores from the advertisers with whom we deal in resolving complaints	At least 60% overall satisfaction from advertisers	75% (80%)
Quality			
We aim to deliver a high quality and professional service	If a complainant or advertiser believes that the ASA's handling of a complaint is not complying with these standards, they can write to the Chief Executive outlining their concerns and he will respond within 10 working days	80% of sample replied to within 10 working days	60% in first half 80% in second half
	If a complainant or advertiser believes that there is a substantial flaw in a Council adjudication, they may be able to secure an independent review by the Independent Reviewer of ASA Adjudications	Publish reports from the Independent Reviewer in the Annual Report and Annual Statement	See 2009/2010 Annual Statement and pages 22 and 23 of this Annual Report
Transparency			
We aim to be open about our procedures and our decision making, and accountable for our performance	We shall publish our adjudications each week on our website www.asa.org.uk	Publication every Wednesday	Target met
	Our website will provide the fullest information on who we are, how we operate and our consumer research	Customer Satisfaction survey: "Usefulness of information on website"	75% (81%)
	We shall publish our performance statistics on the website on a quarterly basis	Publication in April, July, September and January	Target met
	We shall publish an Annual Report in April/May each year reviewing our activities throughout the previous calendar year	Publication in May	Target met
	We shall publish an Annual Statement in October each year updating our performance for the first half of the year, and setting out our objectives for the coming year	Publication in October	Target met

Advertising Standards Authority

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