

Your

complaint

**What
happens
now?**

The Advertising Standards Authority (ASA) works to make sure all advertising is legal, decent, honest and truthful.

Here we explain what happens now that we've received your complaint and how we decide if advertisements break the rules.

The ASA can act on just one

complaint

We don't play a numbers game: our concern is whether the Advertising Codes* have been breached. We look at the ad, where it has appeared and the nature of your objection.

We then decide how best to resolve your complaint.

* The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (The CAP Code)
The UK Code of Broadcast Advertising (The BCAP Code)

Our procedures

1

Assessing your complaint

When we receive a complaint, it is assessed against the Advertising Codes. It might be that we need more details from you before we can make an assessment, in which case we will contact you for that information. **If there appears to be a problem with the ad, we will tell you we are taking up your complaint.** If there isn't a problem under the Advertising Codes we will tell you; in some cases, we may be able to suggest another body that can help.

2

Resolving complaints

We can resolve some complaints relatively quickly. For instance, **we can have an ad changed if it's a minor mistake; get your name taken off a mailing list or chase up undelivered mail order goods** on your behalf. If it's not that simple, or a serious breach of the rules is involved, then a formal investigation might be required.

3

Investigation

In a formal investigation, the advertiser must submit their rationale or evidence in writing. Where needed, we also seek expert advice. We then write a recommendation that goes to the ASA Council for its final ruling. **The ASA Council is the independent jury that decides if there has been a breach of the Advertising Codes.**

4

Adjudication

We publish our final rulings every week on our website. We let you and the advertiser know in advance when the case will be published. We also make the findings available to the media. **If the rules have been breached, the ad must be changed or withdrawn.** If the complaint is 'not upheld' no further action is taken.

5

Independent review

In certain circumstances, **advertisers or complainants can request a review of a ruling**. Both sides have 21 days from when they were informed of the ASA Council decision to ask the Independent Reviewer of ASA Adjudications to review the case. But they must be able to establish that a substantial flaw of process or adjudication is apparent, or show that additional relevant evidence is available. If the Independent Reviewer accepts a request for a review he can ask the ASA Council to reconsider its ruling. More information about the Independent Review procedure can be found on our website.

6

Monitoring

We check to see that rulings are followed, for example by seeing that any necessary changes have been made to ads. **We also monitor ads to make sure that the Advertising Codes are being observed**, regardless of whether a complaint has been made.

7

Compliance

The **vast majority of advertisers comply with the ASA's rulings**. We work closely with the advertising industry to act against the few who do not. Broadcasters cannot air ads that break the rules and we ask publishers not to print ads that don't meet the rules.

8

Backstop powers

Ultimately if advertisers and broadcasters persistently break the Advertising Codes and don't work with us, **we can refer them to other bodies for legal action**, such as the Office of Fair Trading or Ofcom.

Action we can take

Formal investigation

If the ad raises concerns under the Advertising Codes, we can conduct a thorough investigation in which all sides are given the opportunity to comment. Advertisers will be asked to provide their rationale or relevant evidence to support their advertising approach and the claims they have made. **Final adjudications are made by the ASA Council** and are published on our website in full each week.

Informal resolution

The ASA prefers to work by persuasion and consensus and, where appropriate, we will resolve issues informally. For example where a minor or clear cut breach of the Advertising Codes has been made and the advertiser agrees to change or withdraw their ad straight away. Informally resolved cases are not put before the ASA Council and no adjudication is published, so it means **we can resolve problems far more quickly** than by formal investigation.

No case to answer

In some cases we may decide there is no problem under the Advertising Codes and take no further action. We only do this after carefully assessing the ad and your complaint. In some cases this includes making further enquiries and asking the ASA Council if they would like us to investigate. **We will always inform you of our decision and the reason for it.**

Out of remit

If the complaint or the material falls outside the scope of the Advertising Codes we will be unable to take any action. This doesn't mean that your complaint can't be taken up with another body, so **we will always try to refer you to another organisation that might be able to help.**

How long will it take?

We try to **resolve complaints as quickly as possible**, but we have a duty to ensure that our investigations and decisions are **thorough and robust**. Obviously each complaint will take a different length of time to resolve. Straightforward issues where the advertiser agrees to amend their advertising without a formal investigation can be resolved in a matter of days, where as more complex investigations can take much longer.

How to contact us

All complaints are dealt with by a named individual who will ensure that you have their contact details including e-mail address and direct dial telephone number. If you don't know who is dealing with your case, call us on 020 7492 2222 and we'll tell you.

Want to know more about us?

Full information on our role,
remit, adjudications and
other activities can be
found on our website.

Or you can contact us by
phone, fax, post or online.

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