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1. SUMMARY

Car advertising is big business, attracting a spend of over £650 million in 1998. It can also be a controversial business with concerns about speed and the effects of pollution from road traffic giving rise to some of the most passionate objections the Authority has had to deal with over the years. It is for these reasons that the ASA has kept an eye on the sector conducting periodic surveys to assess how well the industry follows the strict rules in the British Codes of Advertising and Sales Promotion.

Historically, the highest concentration of car advertisements has appeared in the weeks running up to the release of a new registration prefix. In order to test the current standards of motoring advertisements, the ASA undertook a survey of vehicle advertisements appearing between 1 - 14 February 1999; this period was chosen to coincide with the release of the new "T" plate.

The sample was taken from the national press and a selection of consumer and motoring magazines. A total of 714 advertisements were examined and a detailed analysis of the sample showed the following:

1. Of the 714 ads surveyed, 650 advertisements (91%) were considered acceptable. In 2% of the cases, the whole or main platform of the advertisement broke the Codes while technical breaches (minor problems in an otherwise acceptable advertisement) accounted for 7%.
2. Perhaps not surprisingly, 622 (87%) of the advertisements surveyed appeared in the national press.
3. Of the 64 advertisements that broke the Codes, 63 were for cars and one for a motorbike. No advertisements for commercial vehicles were found to be unacceptable.
4. Technical breaches accounted for 78% of the advertisements that broke the Codes (50 advertisements) with platform breaches accounting for 22% (14 advertisements).
5. Of the 64 advertisements found to break the Codes, 61% (39 advertisements) related to unclear pricing, and 17% (11 advertisements) contained unacceptable speed and acceleration messages.
6. Two advertisements, one of which appeared six times in the sample, generated simultaneous complaints to the ASA on the grounds that they placed undue emphasis on speed.

The ASA has kept a close watch on this area over the last decade. It is clear that motor manufacturers have made significant improvements since the late 1980's when this sector regularly generated the highest number of complaints.

2. INTRODUCTION

2.1 BACKGROUND

In the late 1980s and early 1990s concern was being expressed by consumers, lobby groups and Governments across Europe about undue emphasis on speed and performance claims in motoring advertisements. Complaints against car advertisements in particular caused the motoring sector to appear regularly among the most complained about product categories listed in the ASA's Annual Reports.

In 1989 the European Council of Ministers of Transport urged restraint drawing attention to road traffic accident statistics. Their Resolution urged Governments and regulators

"...to regard as inappropriate any advertising whose content extols performance or power and treats driving as a sport [or] shows scenes evoking motor racing, lightning acceleration and top speeds."

This concern was amplified at home and in Parliament by the police, motoring organisations such as the Automobile Association and the Royal Automobile Club, and consumer groups. Although there was no evidence that advertising was contributing to road traffic accidents, the ASA and the advertising industry recognised the climate of social concern and was quick to respond positively to the criticism.

The ASA conducted a survey into standards of advertising in the motoring sector. The findings of this research, published in 1990, revealed that 20% of car advertisements were making unacceptable references to speed and the Authority warned the industry that "any advertisement which extols performance or glorifies speed in a way which prompts drivers to break the law and infringe the basic rules governing careful driving" was unacceptable. The Committee of Advertising Practice, which writes and enforces the British Codes of Advertising and Sales Promotion, issued new guidance to the industry and the ASA's Director General wrote to the Chief Executives of all the major car manufacturers outlining the requirements of the 1988 Advertising Code and the CAP guidance note.

Although subsequent ASA surveys started to show improvements, concern nevertheless remained and suggestions were made that it was time for a special Motoring Code. In reviewing the Codes, CAP invited representations to be made from the police, Trading Standards Authorities, road safety officers, the Royal Society for the Prevention of Accidents, the Automobile Association and the Royal Automobile Club. The new edition of the Codes, published in 1995, included for the first time a special section of rules for motoring advertisements.

In the past some lobbying organisations have felt that there should be no mention of speed at all in advertisements. Others have suggested that the public don't need to

be nannied and there should be no constraints on the portrayal or description of speed. As one commentator wrote:

“The whole point of advertising is to encourage our aspirations and to package our dreams and fantasies into commodities. When the advertising industry itself, in the form of the ASA, begins to get cold feet about inspiring desires and encouraging us to buy things, it seems to me revealing of a new sense of the individual as someone who cannot be relied upon to act rationally in his or her own self-interest, who needs to be taught the value of self-restraint at every opportunity”¹.

The CAP Codes contain a fundamental requirement that advertisements should be prepared “with a sense of responsibility to consumers and society”. This has to be balanced with the provision of product information, which may include details about top speed, acceleration or braking power. Provided such information is not shown in a way that might be considered socially irresponsible the Codes do not prevent all references to speed. The specific rules in the motoring section of the Codes continue to reflect not only important public policy considerations but also Europe-wide concern about the use of excessive speed or the portrayal of dangerous or aggressive driving to sell vehicles.

In keeping with the ASA’s policy, and to help the industry to maintain the highest standards in advertising, the Authority has now undertaken a new survey to check current standards of motoring advertisements.

2.2 THE RULES

The British Codes of Advertising and Sales Promotion are written and enforced by the Committee of Advertising Practice (CAP). The basic principles of the Codes are that non-broadcast advertisements should be legal, decent, honest and truthful. They should be prepared with a sense of responsibility to consumers and society and respect the principles of fair competition generally accepted in business.

In addition to its general rules, the Codes contain specific rules for motoring advertisements. These include the requirements that:

- ?? Advertisements for motor vehicles, fuel or accessories should avoid portraying or referring to practices that encourage anti-social behaviour.
- ?? Advertisers should not make speed or acceleration claims the predominant message of their advertisements.
- ?? Advertisers should not portray speed in a way that might encourage motorists to drive irresponsibly or to break the law.

¹ Opinion column by Jan Macvarish in the Independent , 11th August 1997

?? Vehicles should not be depicted in dangerous or unwise situations in a way that would encourage irresponsible driving.

?? Prices quoted should correspond to the vehicles illustrated. For example, it is not acceptable to feature only a top-of-the-range model alongside the starting price for that range.

?

?? Safety claims should not exaggerate the benefit to consumers. Advertisers should not make absolute claims about safety unless they hold evidence to support them.

2.3 MEDIA RESPONSIBILITY

Although primary responsibility for observing the Codes falls on advertisers, publishers and others involved in the preparation and publishing of advertisements also have an obligation to abide by the Codes. Publishers act as the gate keepers in the self-regulatory system providing a final check on advertising before publication. They are expected to check questionable copy or imagery with the Committee of Advertising Practice (CAP) Copy Advice team before accepting for publication.

3. METHOD & SAMPLE

The ASA Research team collected all advertisements for cars, commercial vehicles and motorcycles appearing in the following media in the first two weeks of February 1999:

- ?? All national daily and Sunday newspapers, including supplements
- ?
- ?? A cross section of consumer magazines, including women's, men's and style titles
- ?
- ?? A cross section of motor magazines

A full list of the titles examined is given in Appendix I.

In total 714 advertisements, including duplicates, were found. Each advertisement was checked against the requirements of the British Codes of Advertising and Sales Promotion.

Unsurprisingly, the majority (94%) of the advertisements surveyed were for cars. Of these advertisements, 88% appeared in the national press with 10% in the motoring press and 2% in general consumer magazines.

Advertisements for commercial vehicles made up 5% of those surveyed; these advertisements appeared exclusively in the national press.

Motorcycle manufacturers comprised only 1% of the advertisements surveyed. These advertisements appeared in the motoring press only, predominantly in specialist motorbike magazines.

The methodology of this survey was chosen to give an indication of the compliance levels in advertising for motor vehicles from a cross section of relevant publications.

The ASA takes account in its surveys of the frequency of advertisements appearing in the sample period. This enables Code compliance to be assessed in terms of the weight, and therefore the likely impact, of advertisements appearing in the press. Figures quoted in the survey include repeat appearance of advertisements (duplicates) except where otherwise stated.

4. LEVELS OF COMPLIANCE

The main objective of the survey was to establish whether advertisements for motor vehicles conform to the rules in the British Codes of Advertising and Sales Promotion. The overall impression created by the advertisements as well as specific claims were scrutinised.

Of the 714 advertisements, including repeat appearances, 650 (91%) were considered acceptable. Excluding repeat appearances, there was a total of 231 advertisements of which 214 (93%) were acceptable.

Advertisements that break the Codes are divided into two categories; those where the whole or main approach used is generally unacceptable (referred to in this report as “Platform breaches”) and those which make technical errors that do not affect the overall platform of the advertisements. Technical breaches often represent a minor problem in an otherwise acceptable advertisement and are therefore usually considered to be less serious than platform breaches.

Fig 1: Advertisements, including repeat appearances, broken down by media and compliance classification:

	Acceptable	Platform breach	Technical breach	Total
National Press Magazines	564	11	47	622
	86	3	3	92
Total	650	14	50	714

Platform breaches

As the chart above shows, platform breaches accounted for 14 (22%) of the 64 advertisements that broke the Codes. This amounts to 2% of the total sample.

Speed and acceleration claims

Of these platform breaches, 5 advertisements which appeared a total of 11 times were considered to fall foul of the Codes’ rules on speed and acceleration claims. The rules state that advertisers must not make speed the predominant message of their advertising or place undue emphasis on the acceleration capabilities or the top speed of their vehicles². Two of these advertisements generated complaints to the

² British Codes of Advertising and Sales Promotion, clause 48.2

ASA and the advertisers were criticised for using blurred images and emotive copy extolling excessive speed. Copy that compared the driving experience as similar to “flying lessons” or “taking off” and “tearing over” were thought to be unacceptable especially where accompanied by images of the vehicles obviously moving at significant speed.

Technical breaches

Technical breaches made up 78% of those advertisements that broke the Codes. This accounted for 7% of the total sample. These breaches were separated into two types:-

Price information

The Codes state that prices quoted should match products illustrated³ and top of the range models should not be shown alongside the lead in price for that range⁴. Eight advertisements repeated a total of 39 times broke these rules with two advertisers showing more expensive models next to a price for the basic model within the range. In four cases, the team sought a judgement from the ASA Council to clarify potential technical breaches of the Codes. This was where the car featured was portrayed with metallic paint which was not included in the headline price. In each case a footnote informed readers of this. ASA Council took the view that so long as the footnote was made more prominent, readers were unlikely to be misled. However, ASA Council pointed out that this interpretation of the Codes was not a sign to advertisers that other extras could be featured on the portrayed vehicle without being included in the headline price.

Smallprint

Information appearing in footnotes can be significant when it comes to the consumer’s decision to purchase the advertised product. Eleven (3 excluding duplicates) of the advertisements surveyed were found to have footnotes that were likely to be overlooked or were not legible and the advertisements were therefore considered to be potentially misleading or confusing for readers⁵.

³ British Codes of Advertising and Sales Promotion, clause 15.1

⁴ British Codes of Advertising and Sales Promotion, clause 48.7

⁵ British Codes of Advertising and Sales Promotion, clause 7.1

5. CONCLUSIONS

The survey showed a reasonable compliance rate of 91% with only 2% of advertisements being found to be unacceptable for the whole or main approach used. The remaining 7% of problems found were of a minor or technical nature.

When the results are analysed without taking account of the frequency of advertisements appearing in the sample, the compliance rate is 93%. These encouraging results show a continuing improvement in compliance in this sector. In particular, advertisers appear to be moving away from excessive claims of speed and performance and concentrating on issues such as safety.

However, such high levels of compliance in the motoring sector does not give advertisers cause for complacency. Ambiguous price information and unacceptable speed claims in some advertisements still give the ASA cause for concern and advertisers need to check more carefully the Codes' requirements in these areas. If in doubt about the acceptability of an advertisement, companies should use the pre-publication advice service available from the CAP Copy Advice team. The service is free and confidential from competitors.

Groups representing pedestrians and cyclists as well as environmental organisations keep a close watch on this sector and it is essential that car manufacturers comply with the common sense rules in the Codes. 1998 saw great interest in standards in this area as the EU considered the introduction of a Europe-wide Code. The European Advertising Standards Alliance also conducted a survey on self-regulation for motor vehicle advertising in the EU looking at how the rules applied to car advertising are followed in the 25 countries of the EASA.

6. FOLLOW UP ACTION

Those companies whose advertising is found to be questionable through ASA surveys are asked to confirm that they will make any necessary amendments. They are advised also to make use of the Committee of Advertising Practice Copy Advice service in order that future problems are avoided.

The CAP Copy Advice team provide a free, fast and confidential pre-publication advice service. They can be contacted on 0171-580 4100 (telephone), 0171-580 4072 (fax) or e-mail advice@cap.org.uk.

The ASA Research team carries out regular monitoring of the media for which the ASA is responsible. As part of these activities, advertising by this sector will be checked to ensure that necessary changes have been made.

7. ABOUT THE ASA

The Advertising Standards Authority promotes and oversees the highest standards in all non-broadcast advertisements in the UK. It acts independently of both the Government and the advertising industry.

The Authority operates in the public interest and in co-operation with the advertising industry to make sure that those who commission, prepare, place and publish advertisements observe the British Codes of Advertising and Sales Promotion.

The Codes require that advertisements and sales promotions should be legal, decent, honest, truthful. They should be prepared with a sense of responsibility to consumers and to society and should be in line with the principles of fair competition generally accepted in business.

The Codes are written and enforced by the Committee of Advertising Practice. CAP members include the trade and professional bodies that represent the advertising, sales promotion, media businesses and service suppliers. CAP also provides a free and confidential pre-publication advice service for the industry.

Each year the Authority receives around 12,000 complaints about advertisements. If an advertisement or promotion breaks the Codes, advertisers are asked to amend or withdraw it. Advertisers who do not comply are subject to various sanctions:

Adverse publicity

The ASA's Monthly Reports contain details of complaint adjudications, including the name of the advertiser, agency and the media involved. The reports are circulated to the media, government agencies, the advertising industry, consumer bodies and the public. Published cases receive extensive media coverage.

Refusal of further advertising space

The media can be asked to enforce their standard terms of business that require compliance with the Codes. They may decide to refuse further space to advertisers.

Removal of trade incentives

Both advertisers and agencies may jeopardise their membership of trade or professional organisations which could result in the loss of financial and other trading benefits.

Legal proceedings

Ultimately, the ASA can refer a misleading advertisement to the Office of Fair Trading. The OFT can obtain an injunction in the courts to prevent advertisers, their agencies or the media using the same or similar claims in future advertisements.

Research

In addition to investigating complaints and the pre-publication copy advice provided by CAP, the ASA has a dedicated research team that continually checks advertisements for compliance with the Codes. On average 1,000 advertisements are monitored each week. These checks are carried out on a wide variety of product categories and media to identify trends and future problems.

In 1998, a major survey into standards of press advertising revealed a Code compliance rate of 97%. A sample of poster advertisements did not reveal any problems under the Codes indicating that the 1995 poster compliance rate of 98% had been maintained. Copies of this survey, the National Advertising Review, are available from the ASA's External Affairs Department, or on the ASA website at www.asa.org.uk. The findings of the 1999 motoring survey can also be obtained from the ASA or be accessed on the website.

Copies of the EASA's survey on car advertisement across the 25 member countries can be obtained from the European Advertising Standards Alliance, 10A Rue de la Pepiniere, B-1000 Brussels, Belgium. Telephone (32 2) 513 78 26.

List of publications sampled**National daily press**

The Times	The Independent
The Star	The Financial Times
The Daily Mirror	The Daily Telegraph
The Daily Mail	The Guardian
The Daily Express	

National Sunday Press

News of the World	The Observer
The People	The Sunday Times
The Sunday Mirror	The Sunday Telegraph
The Mail on Sunday	The Independent on Sunday
The Sunday Express	

Monthly Men's Magazines

Arena	Esquire
FHM	GQ
Loaded	Men's Health
Sky	i-D

Monthly Women's Magazines

Company	Cosmopolitan
Elle	Marie Claire
New Woman	Options
She	

Motoring magazines

Autocar	BBC Top Gear Magazine
Car	Fast Car
Maxpower	Revs
What Car	
Bike	Biker
Motocycle Racer	Performance Bikes
Ride	Streetfighters
Fast Bike	

Appendix II

Complaints

Complaints to the ASA help to identify problems with individual advertisements but they cannot give a proper indication of compliance with the Codes across product or media sectors.

In total, the ASA received 12,217 complaints (including duplicates) in 1998, of which 667 (5%) related to 435 advertisements for the motoring industry. After investigation, 141 complaints about 21 car advertisements were upheld. The following were some areas of concern:

Speed

Speed and acceleration claims resulted in 14 complaints being upheld relating to 4 advertisements. Complainants considered that some advertisers acted irresponsibly when likening road cars to their racing equivalents or by using quotations from the motoring press extolling speed.

Price

Unclear price messages were another cause for concern in 1998 complaints. Consumers objected to advertisements that showed top of the range models alongside lead-in prices or omitted other important price information.

Irresponsibility

One advertisement, showing a squashed toy rabbit on an open road, generated over 100 complaints from consumers who believed it was offensive, condoned irresponsible behaviour and glamorised speed. The Authority concluded that advertisement did not place undue emphasis on speed but that it was irresponsible and likely to cause offence.

Speed and price claims raise most complaints but product comparisons and environmental claims also raise objections in some cases.

**British Codes of Advertising and Sales Promotion
Specific Rules - Motoring**

- 48.1 Advertisements for motor vehicles, fuel or accessories should avoid portraying or referring to practices that encourage anti-social behaviour.
- 48.2 Advertisers should not make speed or acceleration claims the predominant message of their advertisements. However it is legitimate to give general information about a vehicle's performance such as acceleration statistics, braking power, roadholding and top and mid-range speeds.
- 48.3 Advertisers should not portray speed in a way that might encourage motorists to drive irresponsibly or to break the law.
- 48.4 Vehicles should not be depicted in dangerous or unwise situations in a way that would encourage irresponsible driving. Their capabilities may be demonstrated on a track or circuit provided it is clearly not in use as a public highway.
- 48.5 Care should be taken in cinema advertisements and those in electronic media where the moving image may give the impression of exceptional speed. In all cases where vehicles are shown in normal driving circumstances on the public road they should be seen not to exceed UK speed limits.
- 48.6 When making environmental claims for their products, advertisers should conform with the Specific Rules on Environmental Claims.
- 48.7 Prices quoted should correspond to the vehicles illustrated. For example, it is not acceptable to feature only a top-of-the-range model alongside the starting price for that range.
- 48.8 Safety claims should not exaggerate the benefit to consumers. Advertisers should not make absolute claims about safety unless they hold evidence to support them.