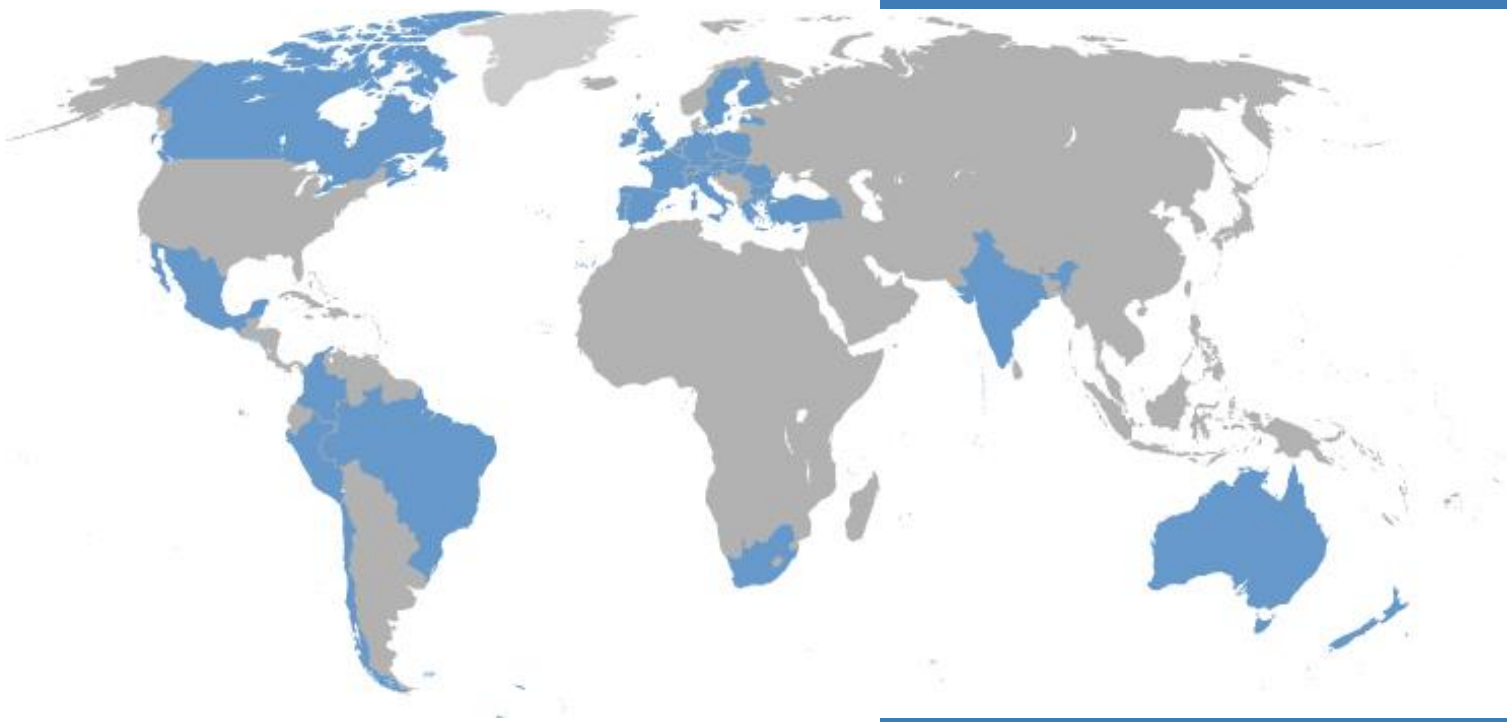


# Complaints Statistics of EASA's International SRO Members



2012

## **EASA**

The European Advertising Standards Alliance (EASA) is the single authoritative voice on advertising self-regulation. EASA promotes high ethical standards in commercial communications by means of effective self-regulation, for the benefit of consumers and business in Europe and beyond.

EASA was set up as a network of self-regulatory organisations (SROs) in 1992 and in 2002 developed into a partnership between national advertising SROs and organisations representing the advertising industry. Today, EASA's network brings together 38 SROs (27 European SRO members and 11 International SRO members) and 16 Industry members (from advertisers, agencies and the media). EASA is a not-for-profit organisation with a Brussels-based Secretariat.

As well as collecting and analysing top line statistical data on complaints, copy advice and pre-clearance requests from its SRO members each year, EASA also coordinates the cross-border complaint mechanism. For further information, please visit [www.easa-alliance.org](http://www.easa-alliance.org).

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## Executive summary

Every year, EASA collects **top line statistical data from each of the European and International advertising Self-Regulatory Organisations (SRO) in its membership**. The results of this annual statistical analysis are an important and useful instrument in determining and anticipating trends, problematic sectors and issues with regard to complaints about advertising.

On the basis of this information, the main issues prompting complaints; the sector that has generated most complaints and the medium that has carried the most complained about advertisements can be identified.

This report covers top line data of **EASA's eleven international SROs** in the following countries: Australia, Brazil, Canada, Chile, Colombia, El Salvador, India, Mexico, New Zealand, Peru and South Africa.

Over the last three years, EASA's International network has grown rapidly and has welcomed four new SROs' members. This undeniably improves **EASA's global outlook** which contributes to **higher quality publications by EASA**, including this report. The growing network also means that the number of complaints analysed by EASA in this report is the highest number since EASA began collecting international statistical data on complaints.

**The analysis of complaint figures across different countries and years shows the following trends and issues:**

Regarding compliance levels, it seems that more complaints were either upheld or have not been pursued as opposed to complaints that were dismissed.

**An overwhelming majority of cases** was dealt with very quickly, with **79% of the cases being investigated and closed within two months or less**.

The largest share of cases concerned **misleading advertising** which continues to be the biggest issue in most countries covered in this report.

Finally, advertising on **audiovisual media services** that generated the biggest share of cases (39.94%) in 2012.

While aggregation of data allows EASA to identify major trends and issues at international level, it is important to also look closely at the individual markets involved, as there are many differences in the way SROs work, register and handle complaints. Furthermore, every culture is different and this is both reflected in the way advertising is carried out and in the way consumers react to these advertisements.

The number of complaints depends not only on the culture, but also on the level of awareness that a national complaints handling body has in the field of advertising and marketing. Conversely, SROs do a lot of work to prevent complaints by ensuring that advertisers are aware and adhere to the codes and the more established ones continue to refine the way they deal with complaints.

## Key findings in 2012

- In 2012, EASA's eleven International SRO members received a total of 17,458 complaints, related to 3,593 advertisements.
- Brazil saw the most complained about advertisements.
- The majority of complaints were lodged by consumers.
- Over half of the cases were handled in less than one month.
- More than a third of the cases were not upheld, while 31% were found to be in breach of advertising codes.
- Misleading advertising was the main issue complained about.
- Audiovisual media services were the most complained about medium in 2012. However, complaints about press/magazines increased significantly.
- The health and beauty, food and retail sectors were the most complained about sectors.

**Source of statistical data: EASA's international advertising self-regulatory organisations**

<b>Country</b>	<b>SRO</b>	<b>Abbreviation</b>
<b>Australia</b>	Advertising Standards Bureau	<b>ASB</b>
<b>Brazil</b>	Conselho Nacional de Autorregulamentacao Publicitaria	<b>CONAR</b>
<b>Canada</b>	Advertising Standards Canada	<b>ASC</b>
<b>Chile</b>	Consejo de Autorregulacion y Etica Publicitaria	<b>CONAR</b>
<b>Colombia</b>	Comisión Nacional de Autorregulación Publicitaria	<b>CONARP</b>
<b>El Salvador</b>	Consejo Nacional de la Publicidad	<b>CNP</b>
<b>India</b>	Advertising Standards Council of India	<b>ASCI</b>
<b>Mexico</b>	Consejo de Autorregulación y Ética Publicitaria	<b>CONAR</b>
<b>New Zealand</b>	The Advertising Standards Authority	<b>ASA NZ</b>
<b>Peru</b>	Consejo de Autorregulación y Etica Publicitaria	<b>CONAR Peru</b>
<b>South Africa</b>	The Advertising Standards Authority of South Africa	<b>ASA SA</b>

EASA had seven international SRO members when EASA reformed its complaints classification system in 2009 and began collecting statistical data on complaints received by its international members in the present form. Since then, the EASA membership has grown as has the data it collects and analyses. When new SROs join EASAs network they provide details of their statistical complaints data starting the year they become members, but do not return information on complaints received and handled in previous years.

Therefore, the present report features data from the Peruvian SRO starting 2010, the Mexican SRO starting 2011 and data of the SROs in Colombia and El Salvador starting 2012.

## Overview of collected statistical data

As self-regulatory organisations (SROs) use different ways and methods to classify, log and resolve complaints or cases, the data reported to EASA might differ slightly from country to country.

Regarding certain issues, some SROs might not be able to submit any data or are only able to submit estimates. Therefore, for the sake of transparency and accuracy, this report consistently features footnotes where estimates have been used.

Interpretations of the data and statistical results have been made with great care to provide as clear and accurate reporting as possible, taking into account the different reporting methods of SROs.

At the end of the report, a top line overview per country is published showcasing:

- The outcome of complaints or cases in 2012
- The most complained about product in 2012
- The most complained about issue in 2012
- The most complained about medium in 2012

Furthermore, the 2012 European average has been added in the final column to allow a comparison between the trends of EASA's international member's countries and Europe.

A glossary of the main terms can be found at the end of this report.



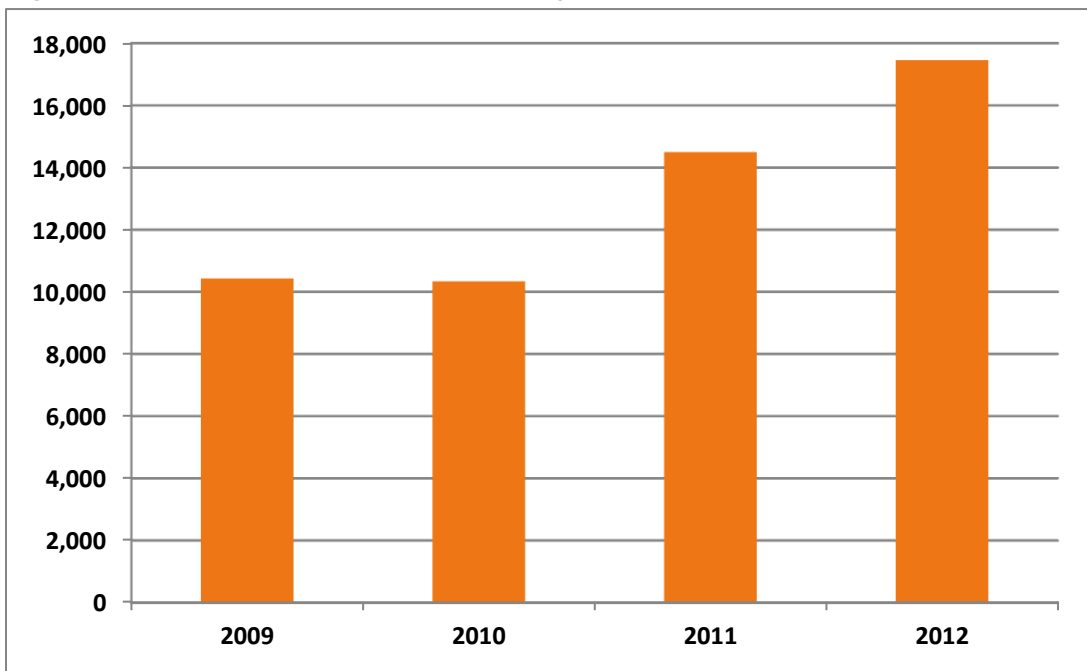
# 1 Complaints received by country

*In total, 17,458 complaints received related to 3,593 advertisements; a 20% increase compared to 2011*

EASA's network of International Self-Regulatory Organisations (SROs) received a total of **17,458 complaints** related to **3,593 advertisements** in 2012. In addition, **2,989 'own-initiative' investigations** were conducted, the vast majority of which (82%) were carried out by the Mexican SRO.

Figure 1 illustrates the level of complaints received in the four previous years. By including the data of two new SRO members, the total number of complaints received by EASA's International SROs in 2012 increased by 20.43%, in comparison to 2011.

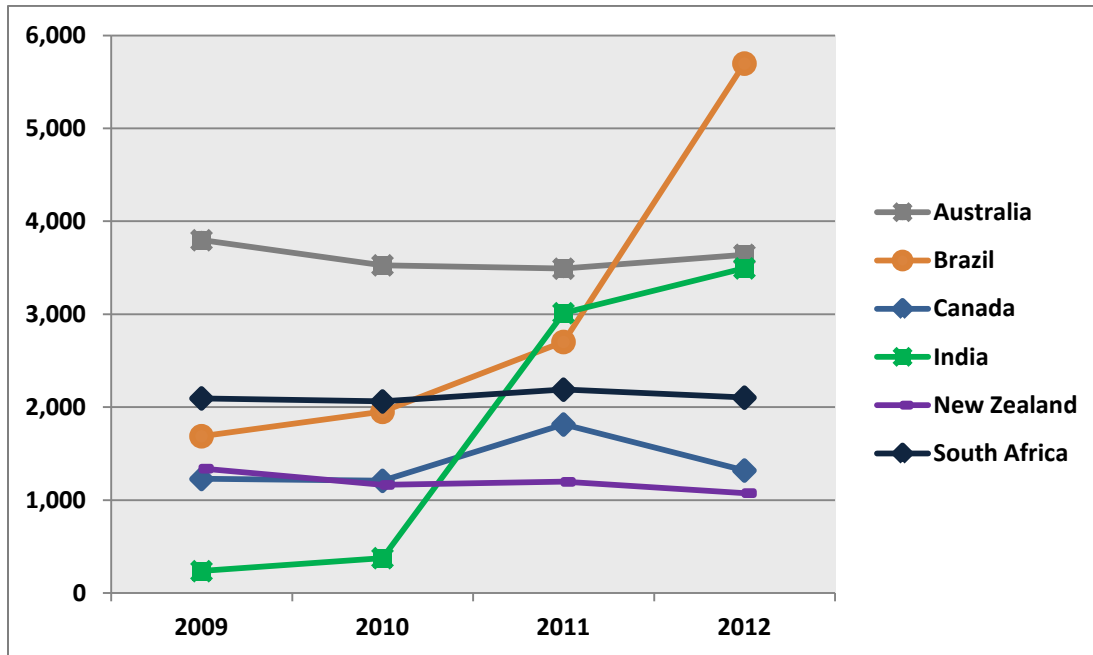
**Figure 1: Total number of complaints received by EASA's International SROs from 2009 to 2012**



Source: 2012 Complaints Statistics of EASA's International SRO Members

Figure 2 illustrates the number of complaints received by international SROs that recorded more than 150 complaints per year in the last four years. When comparing the level of complaints, it becomes apparent that **Brazil** and **India** noted a **significant increase** in the number of complaints received in 2012, while in **Australia**, **New Zealand** and **South Africa** the level of complaints remained relatively stable. In **Canada**, with the exception of 2011, the level of complaints remained stable over the previous four years.

Figure 2: Complaints by country with more than 150 complaints from 2009 to 2012<sup>1</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

In 2012, the highest number of complaints was registered by the **Brazilian** SRO where three controversial advertisements doubled the number of complaints dealt with by the SRO, from 2,702 in 2011 to 5,698 in 2012. Two of these advertisements were complained about due to explicitly sexist and disrespectful to women content while the third advertisement was deemed misleading, as it gave the impression to be editorial content while in fact it was an advertorial. It should be noted that two of the most complained about advertisements in Brazil in 2012 appeared on the Internet, which highlights the proliferation of digital marketing communications in Brazil. Furthermore, the increase in the number of complaints in Brazil resulted from a greater awareness of consumers about the services of the Brazilian SRO, firstly, through a successful awareness campaign launched by the SRO and, secondly, by increased media coverage of the SRO's activities, in particular in newspapers, magazines and on TV.

**Australia** ranked second with 3,640 complaints. For the Australian SRO the 2012 figure shows a slight increase compared to 2011, this is, however, lower than the number of complaints received in 2010 and 2009.

The number of complaints received by the **Indian** SRO has continued to grow since 2011, when the SRO ran a successful awareness campaign targeting government, authorities, the general public and the advertising industry which led to a 701.06% increase in the number of complaints.

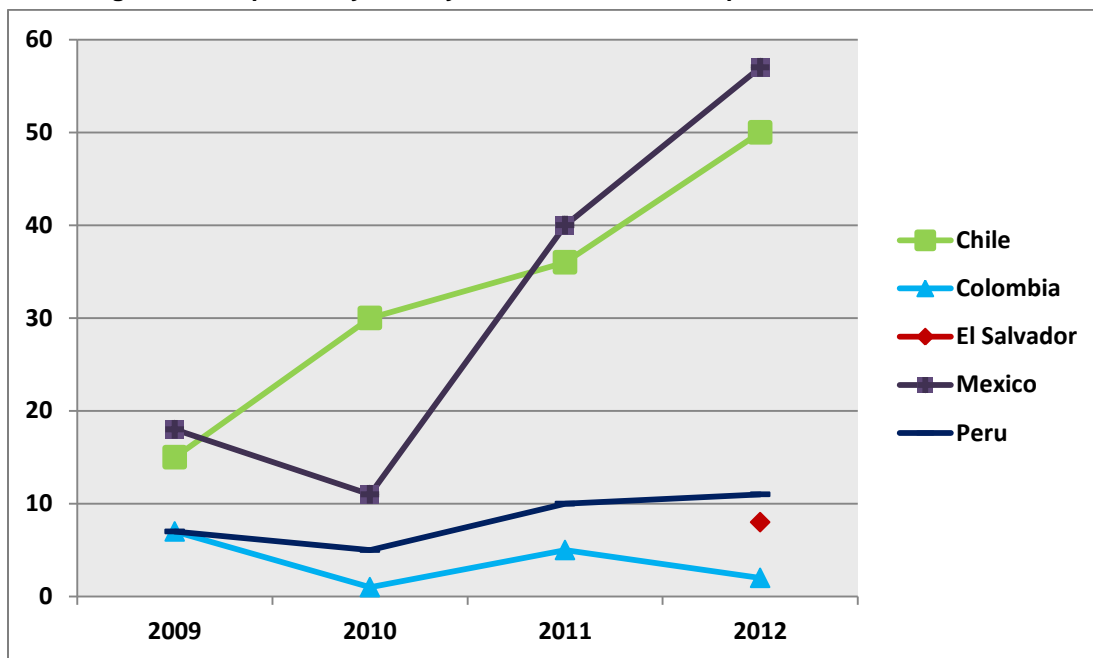
In 2012, the **Canadian** SRO received 1,310 complaints representing a 27.29% decrease compared to 2011. It should be noted that the number of complaints is still consistent with previous annual complaint volumes received by the SRO in Canada.

<sup>1</sup> The Australian SRO provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated.

Similarly, the **South African** SRO, that received 2,103 complaints in 2012, saw a 3.93% decrease and the **New Zealand** SRO, with 1,076 complaints received in 2012, reported a 10.11% decrease compared to 2011.

Figure 3 illustrates the number of complaints received by international SROs which dealt with less than 150 complaints per year in the last four years. When comparing the level of complaints over the last four years, it becomes apparent that the SROs in **Chile, El Salvador, Mexico and Peru** have seen an increase in the number of complaints received while in **Colombia** the SRO has seen the number of complaints decreasing.

**Figure 3: Complaints by country with less than 150 complaints from 2009 to 2012<sup>2</sup>**



Source: 2012 Complaints Statistics of EASA's International SRO Members

In **Mexico** complaints increased by 42% in 2012, this increase can be attributed to an awareness campaign which was conducted by the Mexican SRO and was displayed in a range of media.

In **Chile**, complaints increased by 38.89% in 2012 and in **Peru** by 10%.

The **Colombian SRO**, with a total of two complaints in 2012, saw a 60% decrease in comparison to 2011 when they logged five complaints.

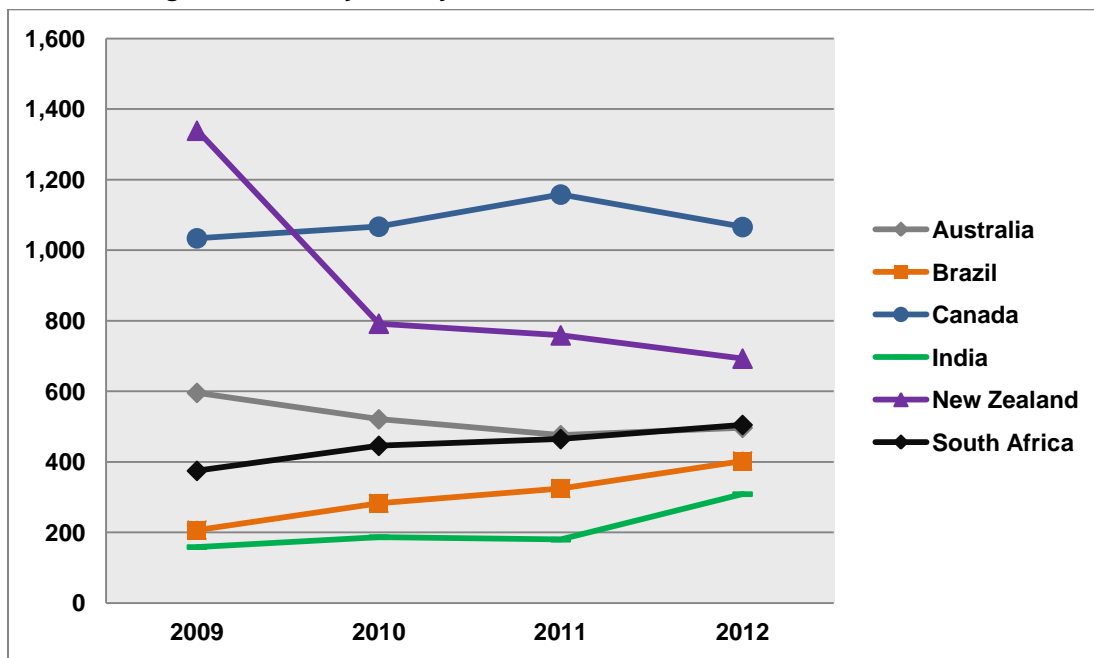
<sup>2</sup> The Peruvian SRO provided cases number only. Therefore, in order to have comparable data estimates for complaints numbers were calculated.

## 2 Cases received per country

Complaints received by EASA's network of International Self-Regulatory Organisations (SROs) related to **3,593 advertisements in 2012**. Each advertisement or advertising campaign that provokes one or multiple complaints of a similar nature is considered as one case by SROs. This explains why numbers of complaints and cases often differ.

Figures 4 and 5 illustrate the number of cases received by each international SRO in the last four years, divided into SROs that handled more than 150 cases and less than 150 cases respectively.

Figure 4: Cases by country with more than 150 cases from 2009 to 2012<sup>3</sup>

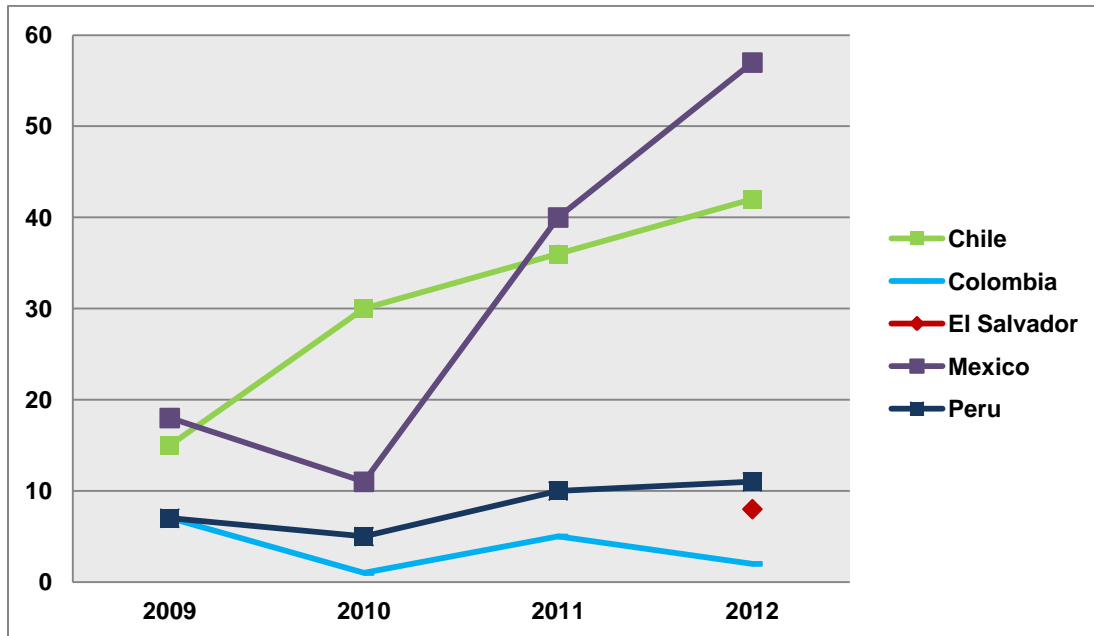


Source: 2012 Complaints Statistics of EASA's International SRO Members

In 2012, the highest number of cases was investigated by the **Canadian SRO**, even though the number of cases received decreased by 7.94% in 2012 compared to 2011 figures. Over the last four years the level of cases received by the Canadian SRO has remained relatively stable. The **New Zealand SRO** reported an 8.70% decrease in the number of cases and ranked second with 693 cases. New Zealand has seen a continuous decrease in the number of cases since 2010. Since 2010, a trend of increasing numbers of cases can be observed in **Brazil** and **South Africa**. In **India**, the number of cases was relatively stable between 2009 and 2011, however in 2012 an increase of 71.67% can be observed, which showing an increase in the volume of individual advertisements complained about.

<sup>3</sup> The Australian SRO provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated.

Figure 5: Cases by country with less than 150 cases from 2009 to 2012<sup>4</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

As shown in figure 5, the majority of countries that normally receive less than 150 cases saw an increase in the number of cases in 2012. It should be noted that for the **Salvadoran SRO** there is no comparative data as the SRO joined EASA's membership in 2013 and therefore has not reported data from the previous years.

<sup>4</sup> The Mexican SRO provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated.

### 3 The most complained about ads

#### Brazil received the most complained about ads

The most complained about advertisement amongst EASA's International SRO network, appeared in Brazil. The online advertisement for a condom brand was posted on Facebook and featured a calorie table which compared the caloric expenditure of various sexual activities.

The advertising campaign generated 1,200 complaints as it was considered to be sexist and discriminating against women. The consumers complained about phrases such as 'Take her clothes off without consent = 190 calories' ('Sem o consentimento dela = 190 cal').

The Brazilian SRO found the advertisement to be offensive and therefore upheld the complaints. According to the adjudication, the advertisement was to be withdrawn and a warning was issued to the advertiser.

- Online ad
- DKT Brasil (family planning and HIV prevention promoter; contraceptives retailer)
- 1,200 complaints
- Upheld



The TV advertisement for 'Nova Schin' beer in Brazil was the second most complained about advertisement in 2012 within the network of EASA International SROs. The video 'Invisible Man' featured a group of male friends chatting on the beach while drinking beer. One of them asks: 'Could you imagine if we were invisible?' and then a scenario is played out with 'invisible men' playing tricks on people on the beach. This includes a scene with two women walking towards the sea who scream when they appear to be touched by an invisible hand. A subsequent scene features a group of women rushing out of a changing room after having been invaded by invisible men portrayed in the commercial.

- TV ad
- Brasil Kirin (brewery and beverage company)
- 914 complaints
- Not upheld

The advertisement generated 914 complaints as it was considered to be sexist, disrespectful to women and encouraged sexual violence against them.

According to the adjudication, it was clear that the women depicted in the advertisement were surprised by the excessive behaviour of invisible men, however, violence did not occur nor any rules were breached. As a result, the Brazilian SRO did not uphold the complaints.



## 4 Source of cases

### *The majority of cases were lodged by consumers*

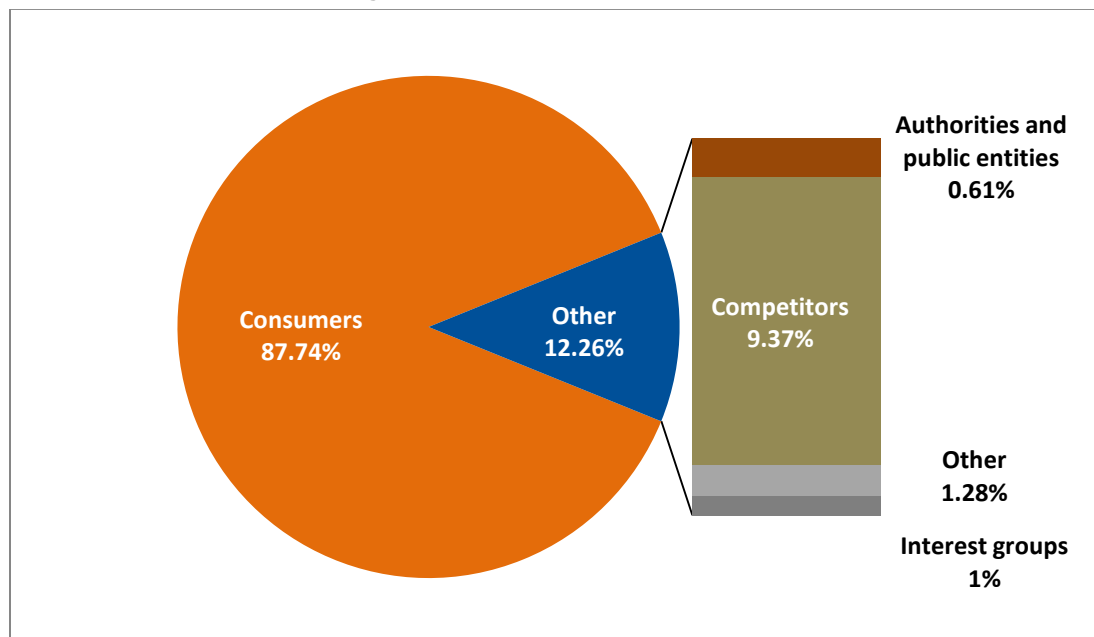
In 2012, EASA's international SROs reported **3,163 cases lodged by consumers**, a figure which amounts to **87.74%** of the total number of cases received.

Cases that were **not initiated by consumers** accounted for **12.26%** of the total number of cases. Under this category fall cases filed by **competitors** (9.37%), **interest groups**<sup>5</sup> (1.00%), **authorities and public entities**<sup>6</sup> (0.61%) and other<sup>7</sup> (1.28%).

It should be noted that complaints registered by **competitors** count for over half of the cases received in the following countries: in **Chile** (69.05%), **Colombia** (100%), **El Salvador** (62.5%) and **Peru** (72.73%).

Cases originating from authorities and public entities include two case from **El Salvador** where prior to adjudicating on a case the Salvadoran Consumer Advocate (Defensoría del Consumidor de El Salvador) is required by law to ask the Board of the Salvadoran SRO for a technical review of cases if they concern misleading advertising or gender issues. Such technical reviews remain, however, only supplementary documents in cases resolved by the Salvadoran Consumer Advocate.

**Figure 6: Source of total number of cases<sup>8</sup> in 2012**



Source: 2012 Complaints Statistics of EASA's International SRO Members

<sup>5</sup> The total number of cases lodged by industry groups does not include figures from Australia, as the SRO does not record separately the number of cases received from industry groups.

<sup>6</sup> The total number of cases lodged by authorities does not include figures from Australia, as the SRO does not record separately the number of cases received from industry groups.

<sup>7</sup> "Other" includes 46 cases that originated in Brazil, and concerned cases which were resolved informally and the breakdown of the type of complainant was not recorded by the SRO.

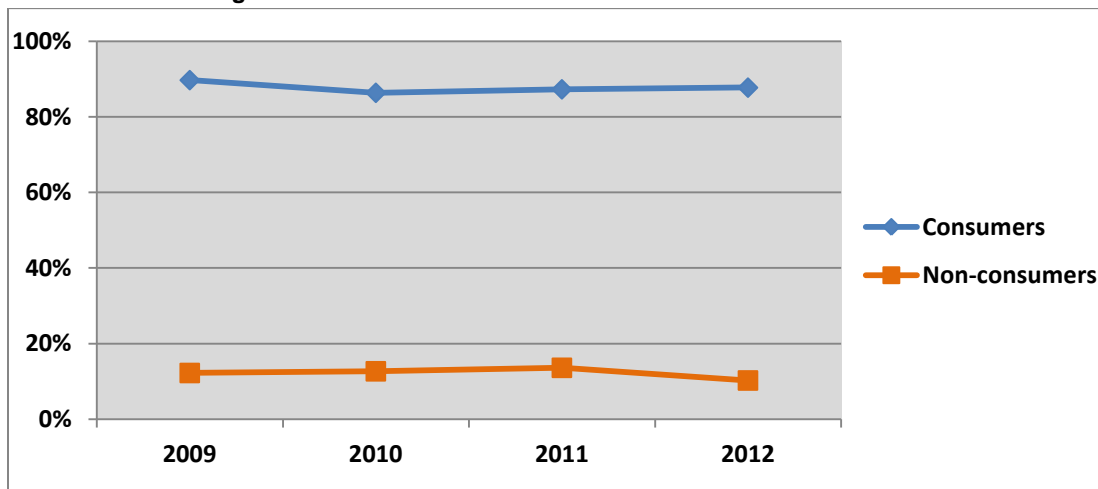
<sup>8</sup> The Australian and Mexican SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated.



The comparison shown in Figure 7 illustrates that in 2012 slightly more cases (0.45%) were lodged by consumers than in 2011. Over the years, however, the number of consumer complaints has been relatively stable.

Although in absolute numbers there were 110 more cases from non-consumers in comparison to 2011, percentage-wise there was a drop by 0.45%. This can be explained by a slight decrease in cases put forward by competitors in comparison to 2011.

Figure 7: Source of total number of cases<sup>9</sup> from 2009 to 2012



Source: 2012 Complaints Statistics of EASA's International SRO Members

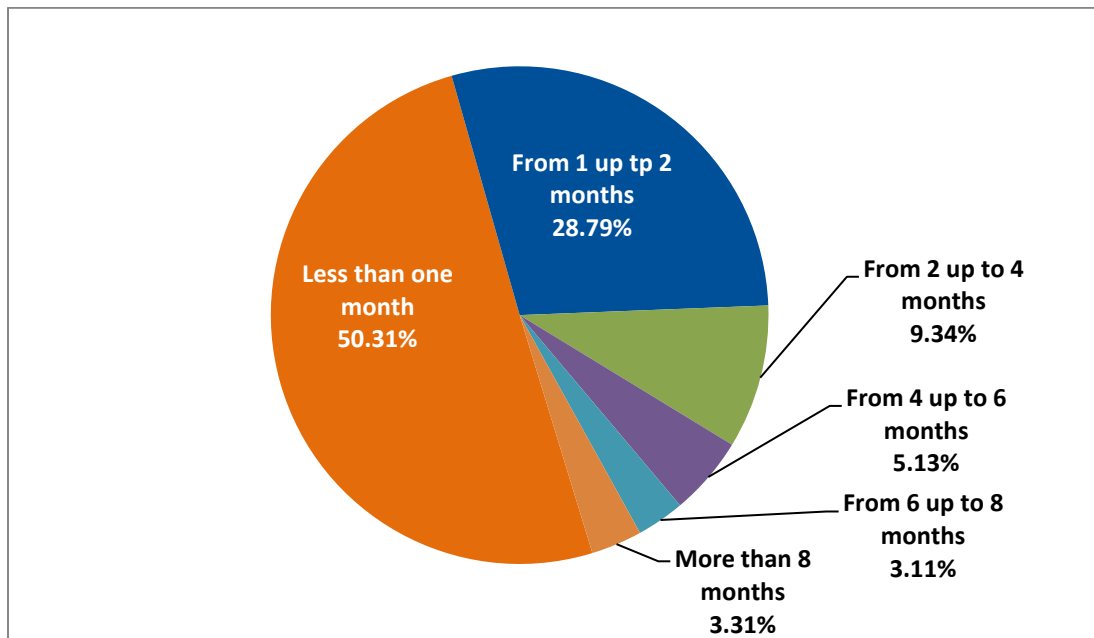
<sup>9</sup> Data from Colombia, El Salvador, New Zealand for years 2009-2011 is not included in the analysis of the source of cases. Moreover, no data from Peru for 2009 is included. Finally, the Australian and Mexican SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated.

## 5 Speed of the resolution of cases

### *Over half of cases were handled in less than one month*

The speed of the resolution of complaints can vary depending on the complexity of a case. In 2012, EASA's International SROs resolved slightly more than half of cases (50.31%) in less than one month and fewer than one third of cases (28.79%) needed one to two months to be resolved.

Figure 8: Speed of cases resolution in 2012<sup>10</sup>

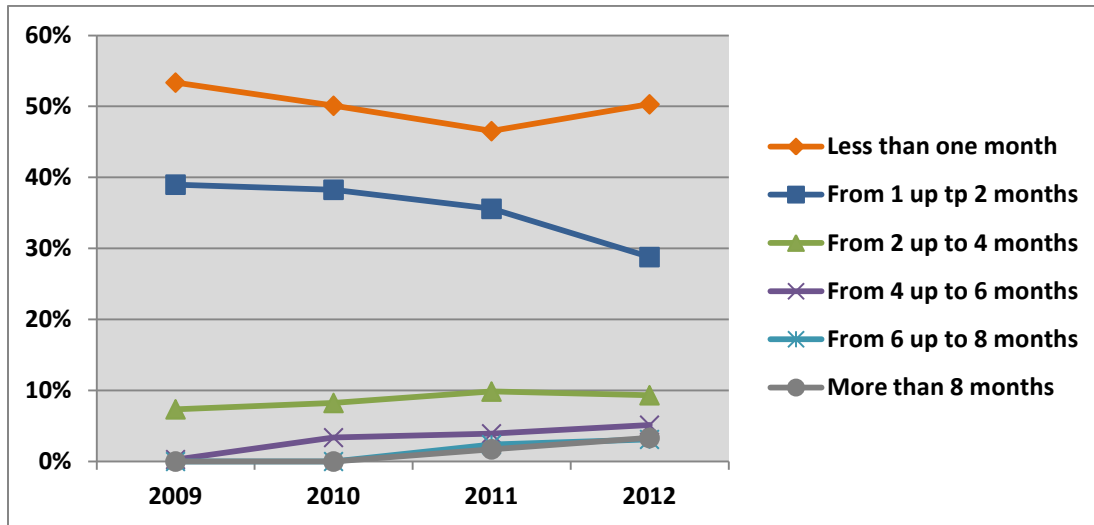


Source: 2012 Complaints Statistics of EASA's International SRO Members

The comparison featured in Figure 9 suggests that there has been a slight increase over the last four years in the length of time needed for an SRO to resolve a case.

<sup>10</sup> The number of cases examined for the speed of the resolution of cases does not include 46 cases which were resolved informally in Brazil as the SRO does not record the details of this type of complaints. Moreover, the Chilean and Mexican SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Finally, data from India include own-initiative investigations.

Figure 9: Speed of cases resolution from 2009 to 2012<sup>11</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

<sup>11</sup> Data from Colombia, El Salvador, and New Zealand for years 2009-2011 is not included in the analysis of the speed of the resolution of cases. No data from Peru for 2009 is included either. Moreover, the Chilean and Mexican SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Finally, data from India include own-initiative investigations.

## 6 Outcome of resolved cases

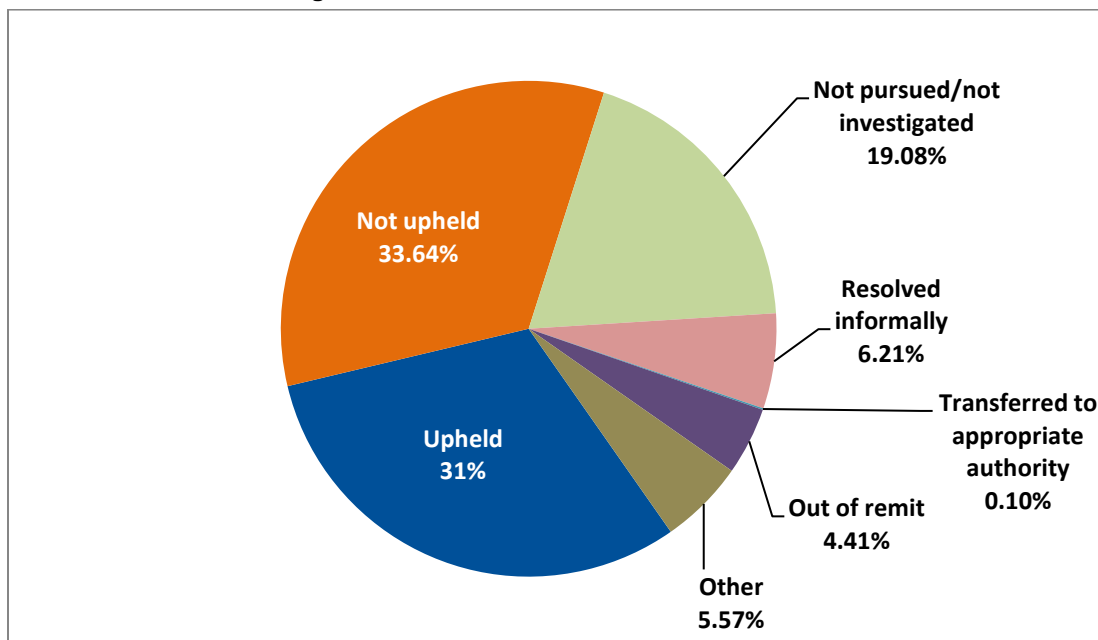
*34% of cases were not upheld. Advertisements that are in breach of the codes have continued to increase over the years*

In 2012, 33.64% of cases were **not upheld**, while 31% were found to be in breach of the advertising codes and therefore were **upheld**.

A further 19.08% of cases were **not pursued**. It should be noted that due to different classification standards in Canada, this category includes also the number of cases that were considered out of remit in Canada.

6.21% of the cases were **resolved informally**, 4.41% were found **out of remit**, while 0.10% of the cases were **transferred to appropriate authority**. Finally, 5.57% of all the cases resolved were classified as 'other'. The latter comprises cases about advertisements already considered in the prior years, cases that were withdrawn by the complainant and cases that were voluntarily undertaken by an SRO.

Figure 10: Outcome of resolved cases in 2012<sup>12</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

<sup>12</sup> The Australian, Chilean and Mexican SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Moreover, data from India include own-initiative investigations.

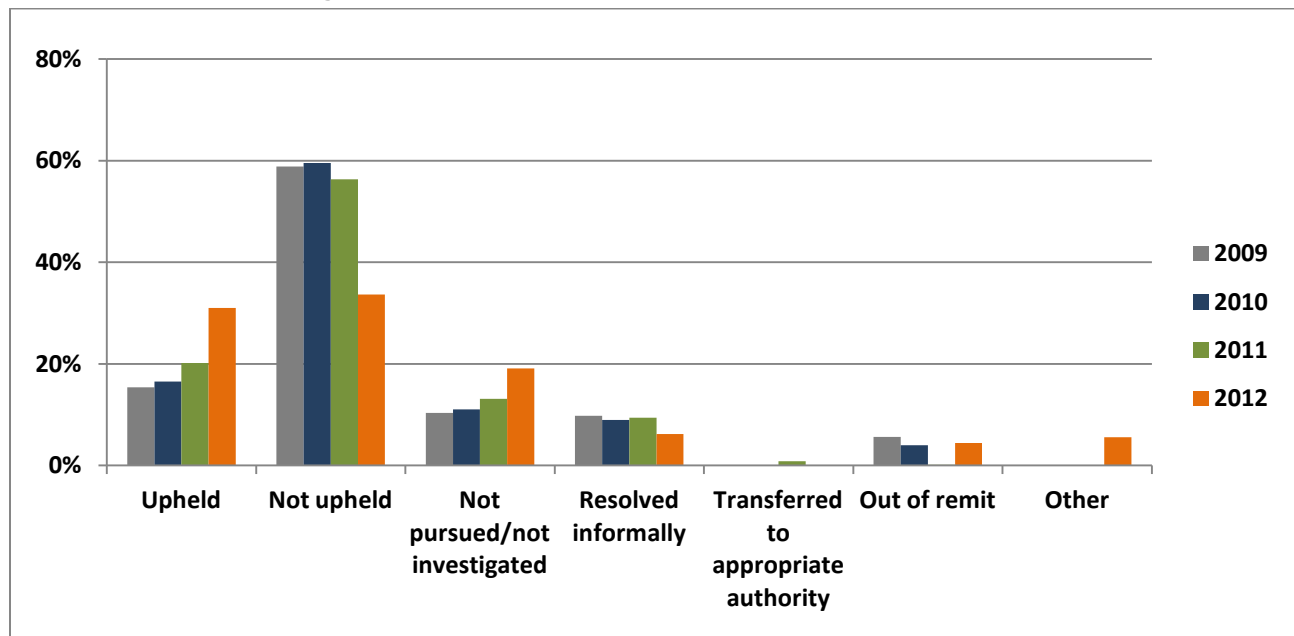
When comparing the percentages of the outcomes of cases over the last four years, it can be concluded that cases that are **in breach** of the self-regulatory codes **have continued to increase**. In 2012, the majority of upheld cases originated in India where a total of 642 cases were found to be in breach of the advertising code.

On the other hand, there was a significant **decrease in the number of cases which were not found to be in breach** of the advertising codes, from 56.34% in 2011 to 33.64% in 2012.

The cases that were **not pursued** have also continued to increase. The increase in 2012, which was more significant than in the previous years and amounted to 5.93% can be explained by the fact that the Canadian SRO received a significant number of cases that were not accepted for reasons such as: they were out of remit, they did not identify a specific advertisement, they were about advertisements that were not current, or did not provide enough information for the SRO to follow up.

The number of cases that were **resolved informally** between the advertiser and the SRO decreased in 2012 whereas the level of cases assessed as **out of remit** returned to the level of previous years. Cases transferred to appropriate authority have remained stable.

Figure 11: Outcome of resolved cases from 2009 to 2012<sup>13</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

<sup>13</sup> Data from Colombia, El Salvador, and New Zealand for years 2009-2011 is not included in the analysis of the outcome of cases. No data from Mexico for years 2009-2010 and from Peru for 2009 is included either. Moreover, the Australian, Chilean and Mexican SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Finally, data from India include own-initiative investigations.

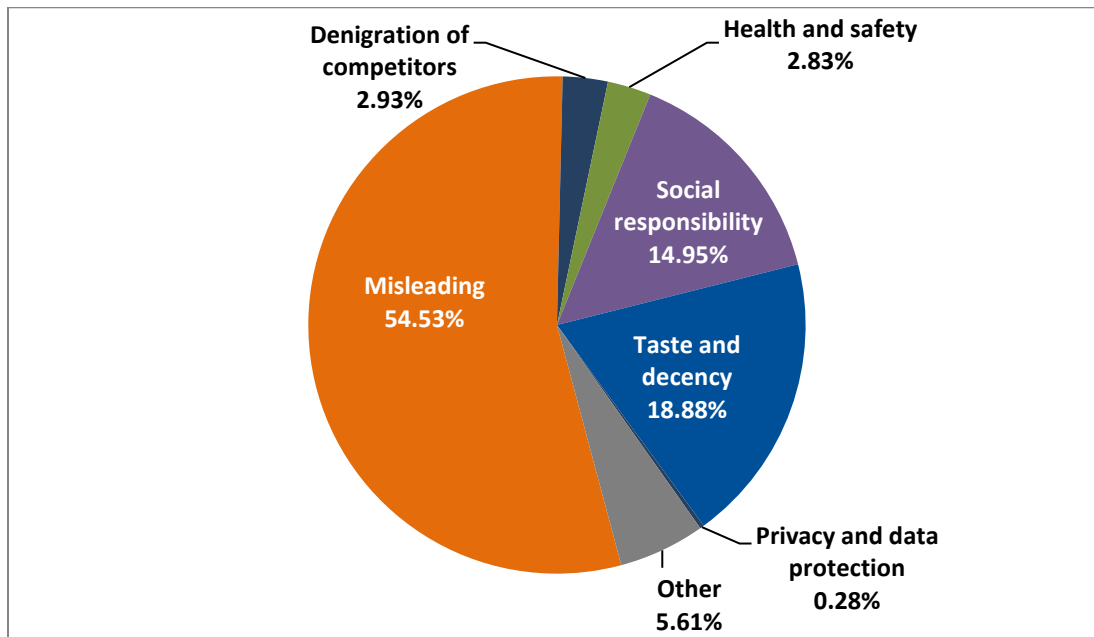
## 7 Issues complained about

### *Misleading advertising continues to be the main issue complained about*

In 2012, the largest share of cases concerned **misleading advertising** (54.53%), while 18.88% of all cases resolved related to **taste and decency**. **Social responsibility** accounted for 14.95% of all cases, while **denigration of competitors** for 2.93% and **health and safety** objections for 2.83%. Only a small fraction of all the cases complained about, 0.28% was attributed to **privacy and data protection**.

Finally, further 5.61% cases complained about were classified under the category '**other**'. The latter includes cases which refer to breaches of law, specific sectoral codes or any other cases that fell under "other" due to different ways of logging complaints by some SROs.

Figure 12: Reasons for complaints in 2012<sup>14</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

<sup>14</sup> The Australian, Canadian, Chilean and Mexican SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Moreover, data from India include own-initiative investigations.

In 2012, the main reason for complaint in **all EASA's international SRO members, with the exception of Australia and Colombia was misleading advertising**. In **Colombia** both cases lodged with the SRO related to denigration of competitors. In **Australia** complaints about misleading advertising are not within the remit of the Australian SRO and were transferred to the Australian Competition and Consumer Commission (ACCC) which investigates such complaints.

General **taste and decency** issues were the subject of most cases received by the Australian SRO. The issue of discrimination and vilification was the most dominant issue raised by complainants in 2012 which is different from the previous five years when the portrayal of sex, sexuality and nudity was consistently the most complained about issue. A reason for this change is the introduction of a new Section of the Code – objectification - at the beginning of 2012 which now includes the cases previously considered under the sex, sexuality and nudity Section of the Code.

More than a third of the cases registered by the **Peruvian** (33.33%), **New Zealand** (40.69%), **Salvadoran** (44.44%), **Brazilian** (48.74%), **South African** (48.86%), **Mexican** (57.89%), **Canadian** (62.16%), **Chilean** (62.29%) and **Indian** (86.80%) SROs concerned misleading advertising.

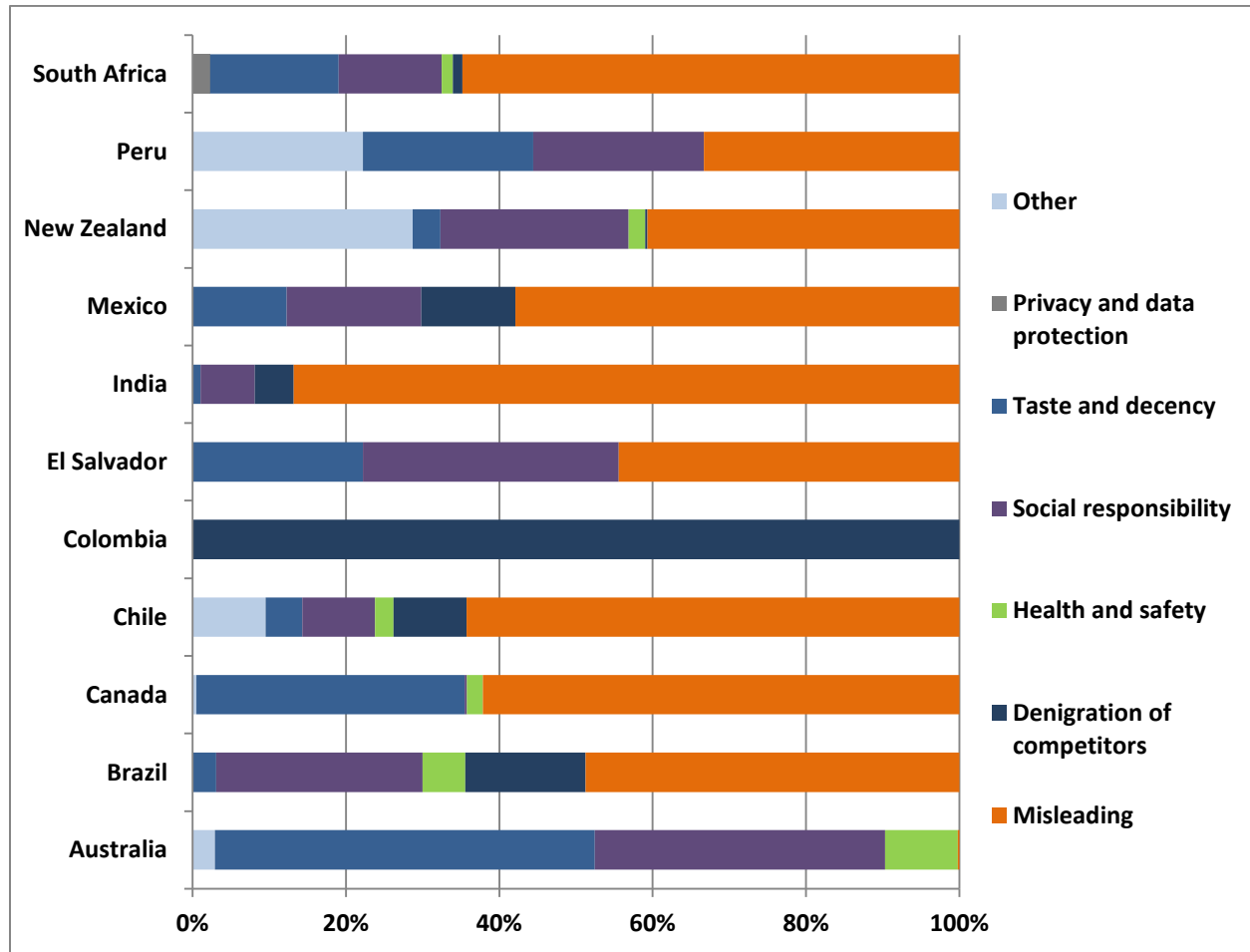
The **Canadian SRO** received more complaints regarding inaccurate or misleading advertising than complaints regarding taste and decency issues. This can be attributed to the fact that economic downturn and employment uncertainty have continued to weigh heavily with an effect on consumers who have become increasingly value conscious, scrutinising advertising with a more critical eye.

In **EI Salvador**, misleading and comparative advertising with 44.44% cases registered was the main issue complained about. Despite the fact that legislative authorities continue to focus on gender issues, there are not many complaints pertaining to the latter.

In **New Zealand**, in 2012, nearly 41% of all cases resolved raised issues about misleading advertising. The second highest area of complaint relates to social responsibility with 24% of cases resolved in 2012. Requirements under the Advocacy Rule in the Code of Ethics, the Therapeutic Products and Services Codes and the Code for Advertising Liquor are the other main areas of complaint which fall under the category "other".

In **South Africa**, in 2012, approximately 49% of all cases resolved raised issues about misleading advertising. Taste and decency, with 16.77%, was the second most frequent reason for complaints. Finally, 13.46% of cases were investigated since the complainants identified them as ones not prepared with a sense of social responsibility.

Figure 13: Case numbers per reason for complaint per country in 2012<sup>15</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

Figure 12 shows that misleading advertising and taste and decency have continued to be the main reasons for complaint in the last four years. In 2012, however, major shifts occurred: the share of **misleading advertising** complained about increased by 19.47%, whereas the share of cases regarding **taste and decency** decreased by 14.06%.

Cases regarding **social responsibility** in advertising remained stable and comparable to 2011. This follows an exceptional increase in the number of cases in 2010 which saw the number of complaints increasing by 70% on 2009.

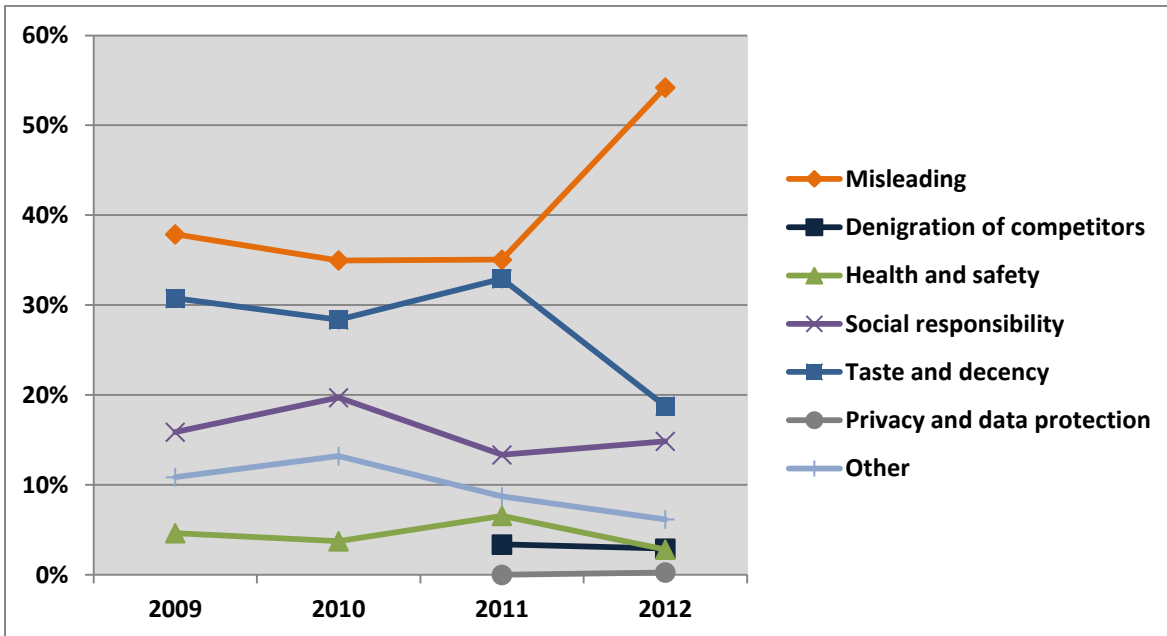
In 2012 a decrease in cases regarding health and safety of 3.74%, means that the figures have returned to 2010 levels.

Cases regarding denigration of competitors as well as **privacy and data protection** which were recorded for the first time in 2011 continue to represent only a small fraction of all the cases.

<sup>15</sup> The Australian, Canadian, Chilean and Mexican SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Moreover, data from India include own-initiative investigations.



Figure 14: Reasons for complaints from 2009 to 2012<sup>16</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

<sup>16</sup> 'Denigration of competitors' and 'Privacy and data protection' were not collected in years 2009-2010. Moreover, the Australian, Canadian, Chilean and Mexican SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Finally, data from India include own-initiative investigations.

## 8 Media

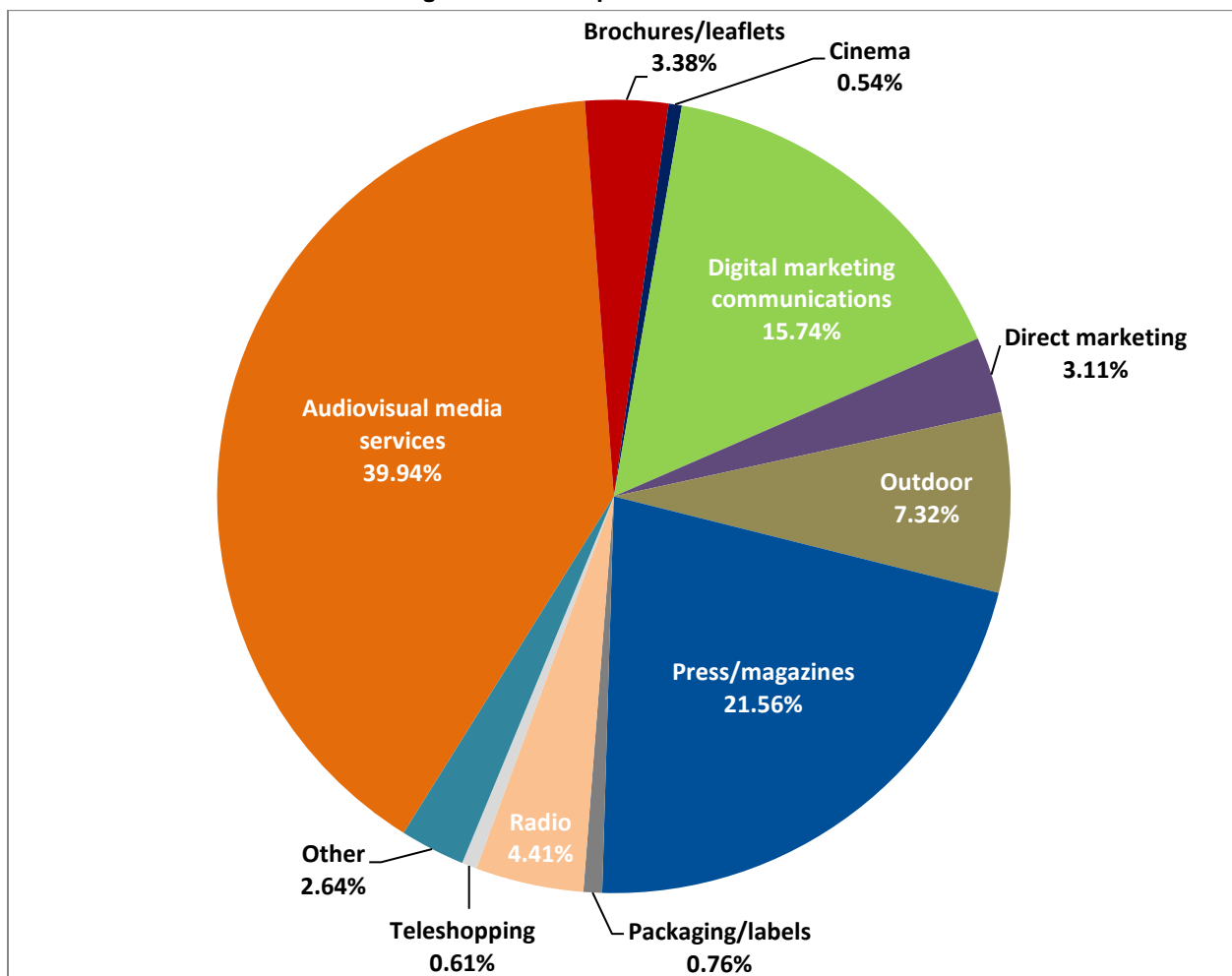
### *Audiovisual media services were the most complained about medium in 2012. Complaints about press/magazines increased significantly*

As in previous years, advertising on **audiovisual media services** generated the biggest share of cases (39.94%).

**Press or magazine advertisements** ranked second with 21.56%, followed by digital marketing communications (15.74%), outdoor advertisements (7.32%) and radio advertisements (4.41%).

Other media, including brochures/leaflets, direct marketing, packaging/labels, teleshopping and cinema, represented less than 4% of the number of cases resolved by EASA's International SRO members in 2012.

Figure 15: Cases per medium in 2012<sup>17</sup>



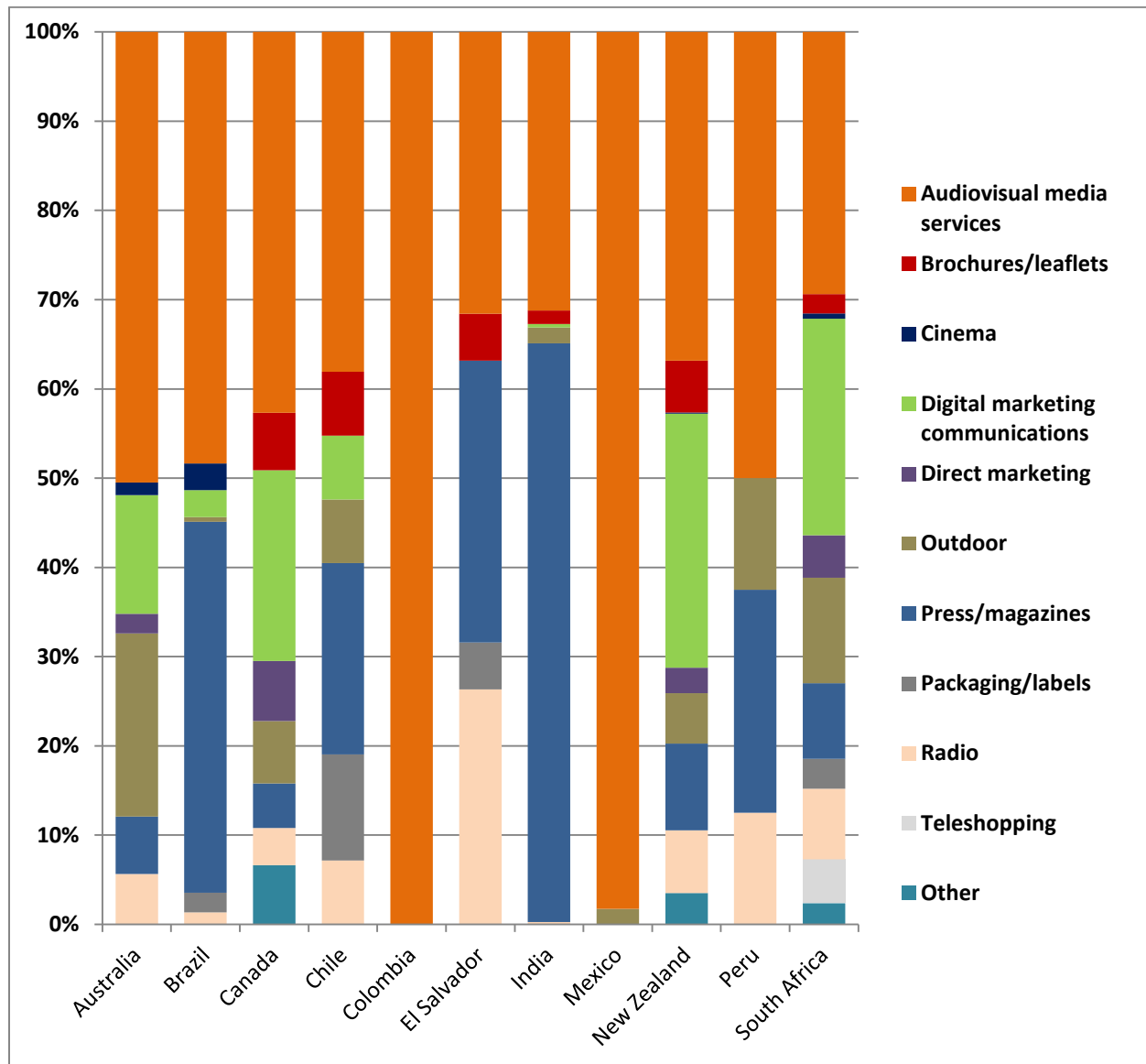
Source: 2012 Complaints Statistics of EASA's International SRO Members

<sup>17</sup> The Canadian, Chilean, Mexican and South African SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Moreover, data from India include own-initiative investigations.

In nearly all the countries, the biggest share of cases lodged by the national SROs related to **television advertisements**. In **India**, however, the biggest share of cases (64.85%) concerned **press or magazine advertisements**. Like in the previous years, in **Brazil** a substantial share of cases (41.58%) concerned **press or magazine advertisements**, as well.

Other significant figures were noted in **Australia** where 20.52% of complaints regarded **outdoor advertisements**, as well as in New Zealand and South Africa where 28.48% and 24.26% of cases received concerned digital marketing communications.

Figure 16: Case numbers per media per country in 2012<sup>18</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

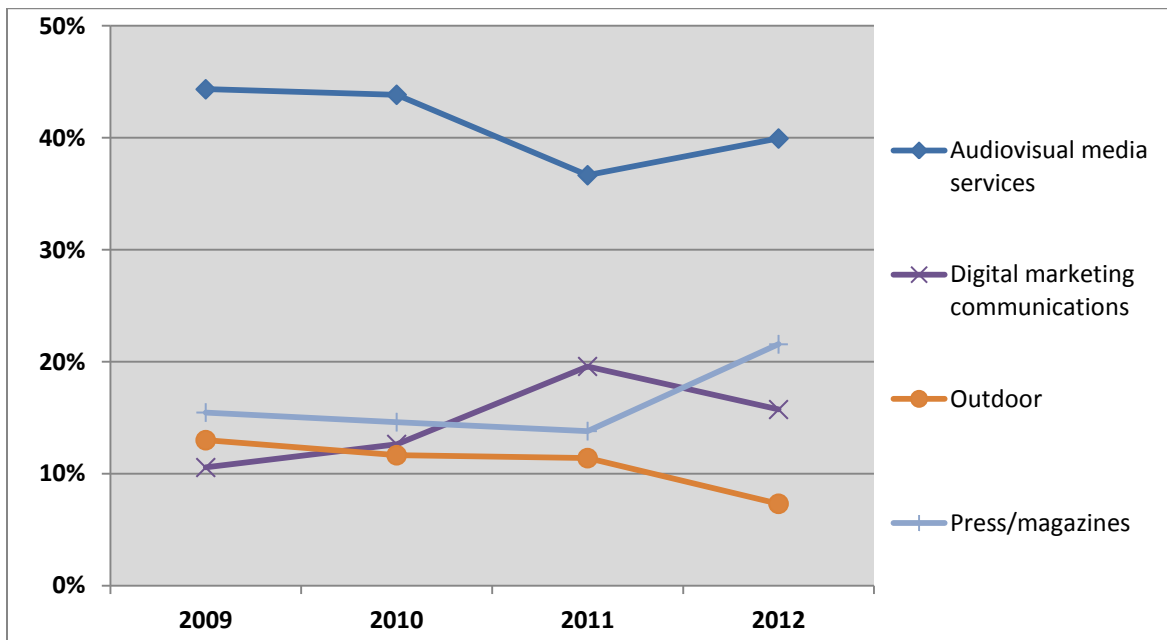
<sup>18</sup> The Canadian, Chilean, Mexican and South African SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Moreover, data from India include own-initiative investigations.

Compared to 2011, the number of cases about advertisements on television increased in 2012. The drop in the cases about **digital marketing communications** can be explained by decreases in cases involving this medium reported by the Indian, Mexican and South African SROs.

Another change in comparison to previous years was a decrease in the number of cases concerning **outdoor advertisements**: for the first time in three years the number of cases went below 10%. This decrease can be attributed to a major drop in the number of such cases in Canada where the Canadian SRO registered 63.73% less cases in 2012 in comparison with 2011.

On the contrary, cases concerning **press or magazines advertisements** in 2012 increased to 21.51% exceeding the 20% margin for the first time in three years. The reason for such an increase appears to be 511 cases reported in India which account for 58.4% of all such cases reported by EASA's International SRO members.

Figure 17: Cases per media with more than 6.80% from 2009 to 2012<sup>19</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

Cases about advertisements in media such as brochures/leaflets, cinema, direct marketing, packaging/labels and radio remained relatively stable

<sup>19</sup> Data from Colombia, El Salvador and New Zealand for years 2009-2011 is not included in the analysis of the resolved cases per medium. No data from Mexico for years 2009-2010 and from Peru for 2009 is included either. Moreover, the Canadian, Chilean, Mexican and South African SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Finally, data from India include own-initiative investigations.

## 9 Cases about advertising for products and services

### *The health and beauty, the food and the retail sectors were most complained about sectors*

Advertisements for **health and beauty** products were the most complained about in 2012. The SROs in India (60.03%), Mexico (40.35%), El Salvador (37.50%) and Peru (13.71%) dealt with a significant number of complaints about health and beauty products. The highest national share of cases was reported in Colombia, where both complaints received by the national SRO concerned products from this sector.

Advertisements for **food** ranked second, with Australia receiving the highest national share of cases for the second consecutive year (23.74%).

In Brazil, Chile and South Africa **telecommunications** was the most complained about sector with respectively 17.37%, 17.86% and 13.81% share of cases.

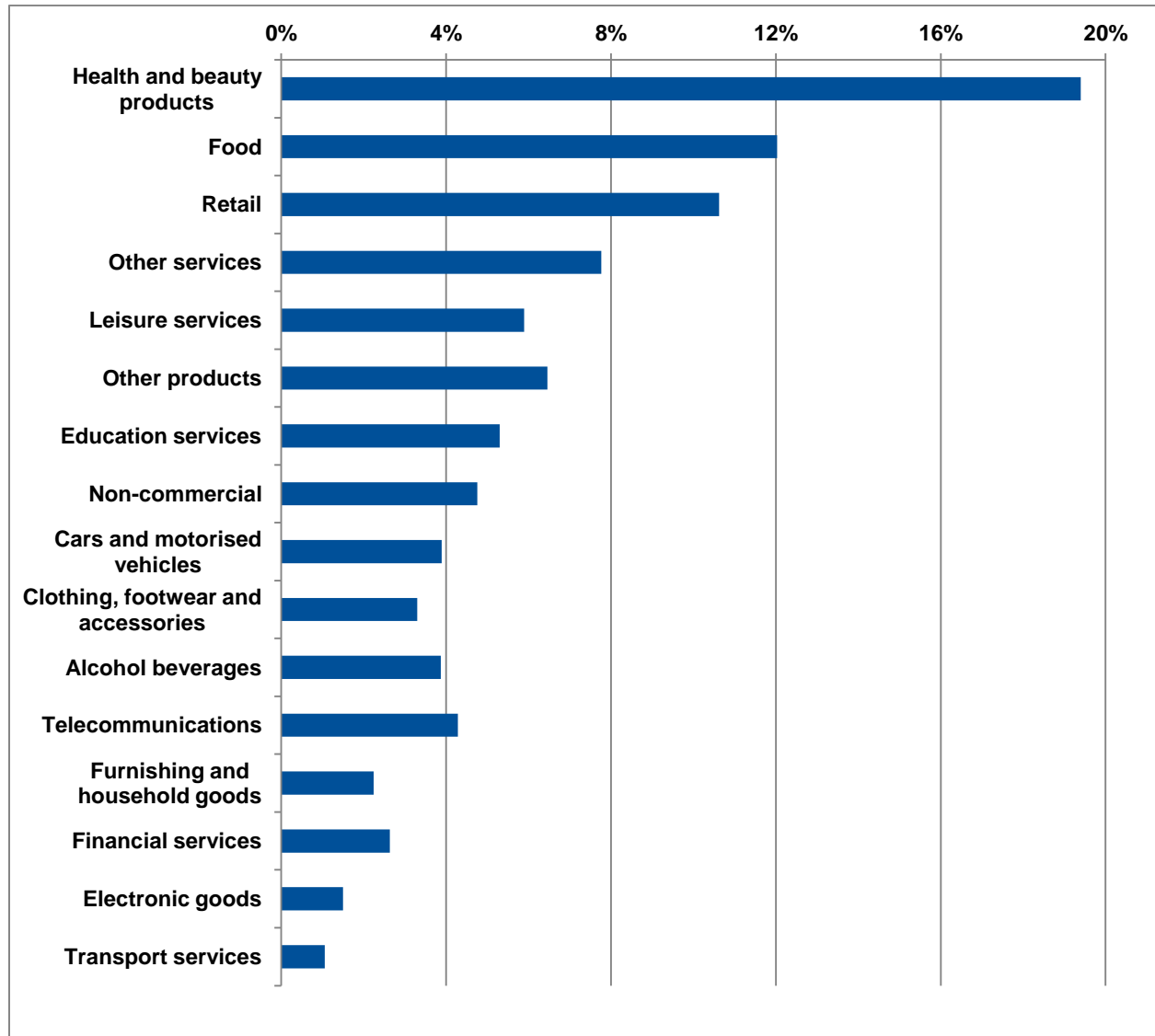
In Canada, consistent with prior years, **retail** advertising continued to generate more complaints than any other category of advertising (28.95%).

In Mexico, **clothing, footwear and accessories** appeared to be a major issue, with a 33.33% share of the cases.

In Peru, **retail sector, cars and motorised vehicles, furnishing and household goods and books, magazines, newspapers, stationeries** received the same amount of complaints (14.29%).

Other sectors received less than 1% of the total cases and are not featured in the graph below.

Figure 18: Cases per products most complained about in 2012<sup>20</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

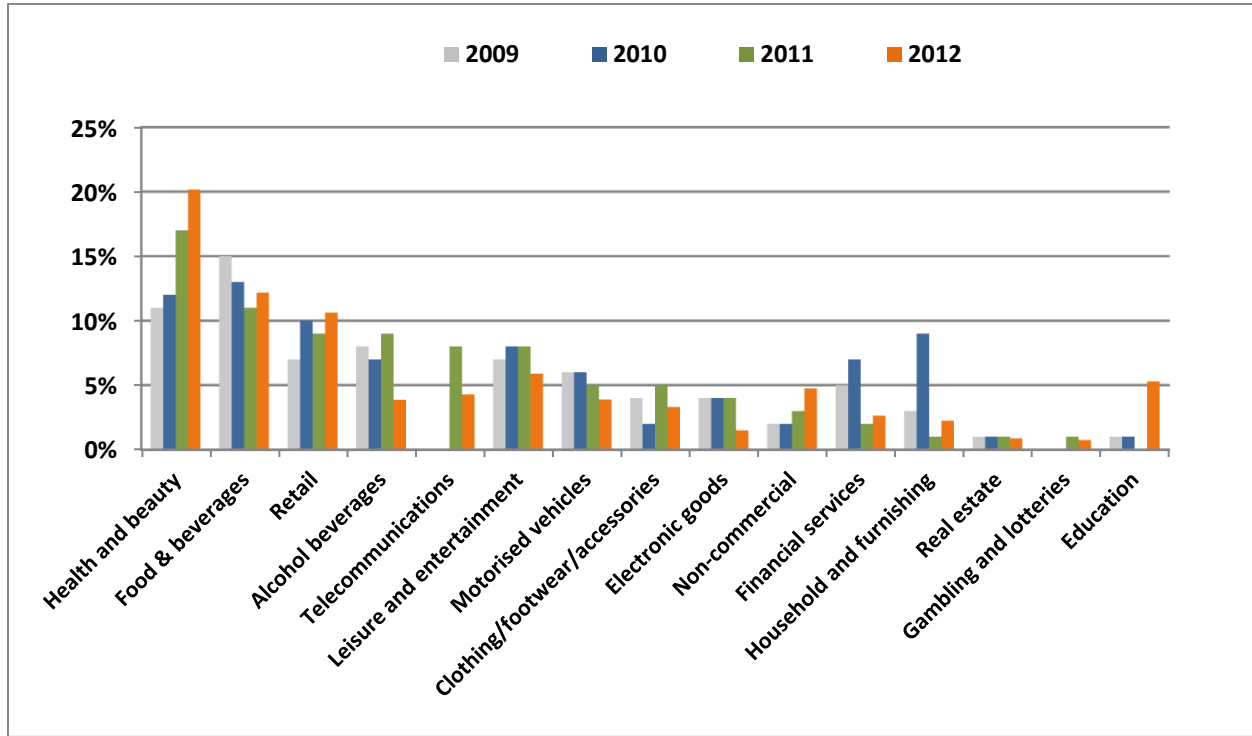
Comparison of the percentages of products and services whose advertisements provoked a significant number of complaints in the last four years shows that the number of cases against advertisements for **health and beauty** products has increased. This is due to significant number in these types of cases reported predominantly by the Indian SRO.

Cases regarding advertising for **food and non-alcohol beverages** increased in comparison to 2011, however, over the last four years they have slightly decreased.

Over the last three years, advertisements for **retailers** remained among the top three sectors complained about. This is mainly due to the fact that in Canada, retail advertising continuously generates a significant number of complaints.

<sup>20</sup> The Canadian, Chilean, Mexican and South African SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Moreover, data from India include own-initiative investigations.

Figure 19: Case numbers per product/service per year from 2009 to 2012<sup>21</sup>



Source: 2012 Complaints Statistics of EASA's International SRO Members

<sup>21</sup> The Canadian, Chilean, Mexican and South African SROs provided complaints number only. Therefore, in order to have comparable data estimates for case numbers were calculated. Moreover, data from India include own-initiative investigations.

**Annex A: Overview of complaints/cases profile per country**

It should be noted that the tables feature complaint numbers or case numbers depending on the data provided by the respective SRO.

**Table 1: Australia**

Outcome	2012 Number of cases	% of total amount of cases	European average of complaints resolved in 2012
Not upheld	198	39.84%	29.49%
Out of remit	177	35.61%	6.91%
Other	69	13.88%	5.88%
<b>Issue (top three)</b>			
Taste and decency	246	49.56%	29.44%
Social responsibility	188	37.84%	13.92%
Health and safety	46	9.50%	5.02%
<b>Media (top three)</b>			
Audiovisual media services	251	50.50%	30.58%
Outdoor	102	20.52%	20.10%
Digital marketing communications	66	13.28%	16.88%
<b>Product/service (top three)</b>			
Food	118	23.74%	9.33%
Leisure services	68	13.68%	9.03%
Health and beauty products	43	8.65%	10.83%
<b>Total amount of complaints resolved</b>	<b>3,603</b>	<b>↑ 7.01%</b>	
<b>Total amount of cases resolved</b>	<b>497</b>	<b>↓ 3.31%</b>	



Table 2: Brazil

Outcome	2012 Number of cases	% of total amount of cases	European average of complaints resolved in 2012
Upheld	215	53.35%	41.03%
Not upheld	142	35.24%	29.49%
Resolved informally	46	11.41%	7.99%
<b>Issue (top three)</b>			
Misleading	174	48.74%	38.07%
Social responsibility	96	26.89%	13.92%
Denigration of competitors	56	15.69%	3.42%
<b>Media (top four)</b>			
Audiovisual media services	178	48.37%	30.58%
Press/magazines	153	41.58%	12.89%
Cinema	11	2.99%	0.19%
Digital marketing communications	11	2.99%	16.88%
<b>Product/service (top three)</b>			
Telecommunications	62	17.37%	11.53%
Health and beauty products	48	13.45%	10.83%
Alcohol beverages	40	11.20%	3.37%
<b>Total amount of complaints resolved</b>	<b>5,698</b>	<b>↑110.88%</b>	
<b>Total amount of cases resolved</b>	<b>403</b>	<b>↑24.00%</b>	

Table 3: Canada

Outcome	2012 Number of cases	% of total amount of cases	European average of complaints resolved in 2012
Not upheld	601	56.86%	29.49%
Not pursued	369	34.91%	7.13%
Upheld	87	8.23%	41.03%
<b>Issue (top three)</b>			
Misleading	657	62.16%	38.07%
Taste and decency	370	35.00%	29.44%
Health and safety	22	2.08%	5.02%
<b>Media (top three)</b>			
Audiovisual media services	451	42.67%	30.58%
Digital marketing communications	226	21.38%	16.88%
Outdoor	74	7.00%	20.10%
<b>Product/service (top three)</b>			
Retail	306	28.95%	5.29%
Other services	205	19.36%	3.87%
Food	156	14.76%	9.33%
<b>Total amount of complaints resolved</b>	<b>1,310</b>	<b>↓ 27.58%</b>	
<b>Total amount of cases resolved</b>	<b>1,057</b>	<b>↓ 7.69%</b>	

Table 4: Chile

Outcome	2012 Number of cases	% of total amount of cases	European average of complaints resolved in 2012
Upheld	27	64.29%	41.03%
Not upheld	8	19.05%	29.49%
Not pursued	6	14.29%	7.13%
<b>Issue (top four)</b>			
Misleading	27	64.29%	38.07%
Denigration of competitors	4	9.52%	3.42%
Social responsibility	4	9.52%	13.92%
Other	4	9.52%	8.97%
<b>Media (top three)</b>			
Audiovisual media services	16	38.10%	30.58%
Press/magazines	9	21.43%	12.89%
Packaging/labels	5	11.90%	1.02%
<b>Product/service (top three)</b>			
Telecommunications	15	17.86%	11.53%
Health and beauty products	14	16.67%	10.83%
Food	12	14.29%	9.33%
<b>Total amount of complaints resolved</b>	<b>50</b>	<b>↑ 28.21%</b>	
<b>Total amount of cases resolved</b>	<b>42</b>	<b>↑ 7.69%</b>	

**Table 5: Colombia**

Outcome	2012 Number of cases	% of total amount of cases	European average of complaints resolved in 2012
<b>Upheld</b>	2	100%	41.03%
<b>Issue</b>			
<b>Denigration of competitors</b>	2	100%	3.42%
<b>Media</b>			
<b>Audiovisual media services</b>	2	100%	30.58%
<b>Product/service</b>			
<b>Health and beauty products</b>	2	100%	10.83%
<b>Total amount of complaints resolved</b>	2	↓ 60%	
<b>Total amount of cases resolved</b>	2	↓ 60%	

Table 6: El Salvador

Outcome	2012 Number of cases	% of total amount of cases	European average of complaints resolved in 2012
Upheld	5	62.50%	41.03%
Transferred to appropriate authority	2	25%	1.56%
Resolved informally	1	12.50%	7.99%
<b>Issue (top three)</b>			
Misleading	4	44.44%	38.07%
Social responsibility	3	33.33%	13.92%
Taste and decency	2	22.22%	29.44%
<b>Media (top three)</b>			
Audiovisual media services	6	31.58%	30.58%
Press/magazines	6	31.58%	12.89%
Radio	5	26.32%	5.00%
<b>Product/service (top three)</b>			
Food	3	37.50%	9.33%
Health and beauty	3	37.50%	10.83%
Electronic goods	2	25%	2.99%
<b>Total amount of complaints resolved</b>	<b>8</b>	<b>-</b>	
<b>Total amount of cases resolved</b>	<b>8</b>	<b>-</b>	

Table 7: India

Outcome	2012 Number of cases	% of total amount of cases	European average of complaints resolved in 2012
Upheld	642	81.47%	41.03%
Not upheld	144	18.27%	29.49%
Out of remit	2	0.25%	6.91%
<b>Issue (top three)</b>			
Misleading	684	86.80%	38.07%
Social responsibility	56	7.11%	13.92%
Denigration of competitors	40	5.08%	3.42%
<b>Media (top three)</b>			
Press/magazines	511	64.85%	12.89%
Audiovisual media services	246	31.22%	30.58%
Outdoor	14	1.78%	20.10%
<b>Product/service (top three)</b>			
Health and beauty	473	60.03%	10.83%
Education services	171	21.70%	0.30%
Food	74	9.39%	9.33%
<b>Total amount of complaints resolved</b>	<b>3,973</b>	<b>↑ 31.91%</b>	
<b>Total amount of cases resolved</b>	<b>788</b>	<b>↑ 347.73%</b>	

Table 8: Mexico

Outcome	2012 Number of cases	% of total amount of cases	European average of complaints resolved in 2012
Upheld	55	96.49%	41.03%
Transferred to appropriate authority	2	3.51%	1.56%
<b>Issue</b>			
Misleading	33	57.89%	38.07%
Social responsibility	10	17.54%	13.92%
Denigration of competitors	7	12.28%	3.42%
<b>Media (top two)</b>			
Audiovisual media services	56	98.25%	30.58%
Outdoor	1	1.75%	20.10%
<b>Product/service (top three)</b>			
Health and beauty products	23	40.35%	10.83%
Clothing, footwear and accessories	19	33.33%	4.56%
Food	11	19.30%	9.33%
<b>Total amount of complaints resolved</b>	<b>57</b>	<b>↑ 42.50%</b>	
<b>Total amount of cases resolved</b>	<b>57</b>	<b>↑ 42.50%</b>	

Table 9: New Zealand

Outcome	2012 Number of cases	% of total amount of cases	European average of complaints resolved in 2012
Not pursued	385	55.56%	7.13%
Not upheld	108	15.58%	29.49%
Resolved informally	96	13.85%	7.99%
<b>Issue (top three)</b>			
Misleading	282	40.69%	38.07%
Other	199	28.72%	8.97%
Social responsibility	170	24.53%	13.92%
<b>Media (top three)</b>			
Audiovisual media services	273	36.84%	30.58%
Digital marketing communications	211	28.48%	16.88%
Press/magazines	72	9.72%	12.89%
<b>Product/service (top four)</b>			
Other products	151	21.79%	10.85%
Health and beauty products	95	13.71%	10.83%
Retail	66	9.52%	5.29%
Non-commercial	66	9.52%	2.76%
<b>Total amount of complaints resolved</b>	<b>1,076</b>	<b>↓ 10.11%</b>	
<b>Total amount of cases resolved</b>	<b>693</b>	<b>↓ 8.70%</b>	



Table 10: Peru

Outcome	2012 Number of cases	% of total amount of cases	European average of complaints resolved in 2012
Upheld	4	57.14%	41.03%
Resolved informally	2	28.57%	7.99%
Not pursued	1	14.29%	7.13%
<b>Issue (top four)</b>			
Misleading	3	33.33%	38.07%
Social responsibility	2	22.22%	13.92%
Taste and decency	2	22.22%	29.44%
Other	2	22.22%	8.97%
<b>Media (top four)</b>			
Audiovisual media services	4	50.00%	30.58%
Press/magazines	2	25.00%	12.89%
Outdoor	1	12.50%	20.10%
Radio	1	12.50%	5.00%
<b>Product/service (top six)</b>			
Health and beauty products	2	28.57%	10.83%
Books, magazines, newspapers, stationery	1	14.29%	1.01%
Cars and motorised vehicles	1	14.29%	5.11%
Furniture and household goods	1	14.29%	9.53%
Other products	1	14.29%	10.85%
Retail	1	14.29%	5.29%
<b>Total amount of complaints resolved</b>	<b>7</b>	<b>↓46.15%</b>	
<b>Total amount of cases resolved</b>	<b>7</b>	<b>↓45.15%</b>	

Table 11: South Africa

Outcome	2012 Number of cases	% of total amount of cases	European average of complaints resolved in 2012
Not upheld	165	32.54%	29.49%
Upheld	123	24.26%	41.03%
Other	112	22.09%	5.88%
<b>Issue (top three)</b>			
Misleading	313	64.80%	38.07%
Taste and decency	81	16.77%	29.44%
Social responsibility	65	13.46%	13.92%
<b>Media (top three)</b>			
Audiovisual media services	149	29.39%	30.58%
Digital marketing communications	123	24.26%	16.88%
Outdoor	60	11.83%	20.10%
<b>Product/service (top three)</b>			
Telecommunications	70	13.81%	11.53%
Other products	51	10.06%	10.85%
Non-commercial	38	7.50%	2.76%
<b>Total amount of complaints resolved</b>	<b>2,103</b>	<b>↑ 21.98%</b>	
<b>Total amount of cases resolved</b>	<b>507</b>	<b>↑ 9.03%</b>	

## **Annex B: How an advertising self-regulatory system works**

Because advertising self-regulatory organisations around the world operate within different regulatory, cultural and societal contexts, it is only possible to provide in this publication only a rough overview on how an SR system works in general. Readers seeking more specific information of the different national systems should consult EASA's Blue Book: Advertising self-regulation in Europe and beyond, 6th edition, April 2010, available for purchase via the EASA website: [www.easa-alliance.org](http://www.easa-alliance.org).

### **Basic elements of a self-regulatory system**

A self-regulatory system consists of two basic elements:

- a code of standards or set of guiding principles governing the content of advertisements;
- a system for the adoption, review and application of the code or principles.

### **The self-regulatory code or principles**

The self-regulatory code or principles govern the content of advertisements. While individual national self-regulatory codes differ to meet identified needs, most are based on the Consolidated Code of Advertising and Marketing Communications Practice of the International Chamber of Commerce (the Consolidated ICC Code) and incorporate its basic principles. These require all advertising to be legal, decent, honest and truthful, prepared with a due sense of social responsibility and conforming to the principles of fair competition.

The national code or principles apply to all forms of advertising. Additionally many SROs also ensure that advertising for products in a particular sector complies with a code which relates specifically to that sector. For example, specific codes may apply to alcohol beverages, to food, to cars etc. These codes are drawn up by the sectors concerned and their implementation is negotiated with the SRO.

### **Applying and interpreting the code**

Practical application of the code to individual advertisements may occur either before or after publication. Where it occurs before publication, either in the form of copy advice or, more rarely, pre-clearance, this is often the responsibility of the permanent secretariat of the SRO; alternatively, it may be carried out by a specially constituted committee or by the complaints committee.

### **The complaints committee/jury**

Application of the code after publication usually results from a complaint, either from a competitor or from the general public. The SRO may also initiate a case against an advertisement as a result of an apparent breach identified during monitoring activities.

Complaints are usually adjudicated by the complaints committee, typically after initial assessment by the secretariat to ensure that they fall within the scope of the code.

The complaints committee or, as it is sometimes called, the jury, is responsible for authoritative interpretations of the code. It considers cases referred to it by the secretariat where a breach of

the code is alleged. In some systems all complaints are referred to the complaints committee, while in others straightforward or non-contentious cases are dealt with by the secretariat and only disputed or uncertain cases are referred to the committee.

A complaints committee usually includes in its membership senior representatives of the three different parts of the advertising industry. In Europe, the majority of the complaints committee's members tend to be academics, consumer representatives and professionals from outside the advertising industry rather than advertising practitioners. The complaints committee's chairman is in most cases independent and might, for example, be a retired judge, an eminent lawyer or a retired public servant.

If the complaints committee concludes that a complaint is justified, it must then decide upon appropriate action, i.e. the immediate withdrawal or amendment of the advertisement.

## **Sanctions**

Because self-regulation means more than just self-restraint on the part of individual companies, it must have sanctions at its disposal, i.e. ways and means of enforcing compliance on those who breach the industry's rules. A complaints committee will normally require an advertisement found to be in breach of the code to be immediately amended or withdrawn. Moreover, the decisions of the complaint committee are usually published. This adverse publicity, as well as being an embarrassment for the advertiser concerned, can also be instructive for other advertisers.

Self-regulation has the support of the advertising industry, so advertisers will usually comply with the decision of the complaints committee even if they do not agree with it. If an advertiser does not voluntarily withdraw the offending advertisement, the SRO will ask the media to stop or refuse it.

In the unusual case of an advertiser who repeatedly refuses to amend or withdraw advertisements found to breach the code, other sanctions may be employed. They range from the imposition of compulsory pre-clearance of future advertisements to encouraging the withdrawal of trading privileges or expulsion from membership of the SRO itself or other trade associations.

On those rare occasions where all other measures fail, advertisers who have repeatedly and knowingly breached the code may be referred to the statutory authorities, who may bring legal proceedings against them.

## **The appeals jury**

To ensure fairness, most self-regulatory systems include an appeals procedure, in cases where either the complainant or the advertiser whose advertisement has been complained about wishes to challenge the complaint committee's decision, for example on the basis of new evidence. Appeals are normally considered by a different body from the jury which reached the original decision.

## **The importance of impartiality**

To be credible and retain public confidence, self-regulation must be impartial. The very fact that it is likely to be suspected of bias makes rigorous impartiality all the more essential. Certainly self-regulation helps to safeguard the long-term interests of the advertising industry, but it does so by ensuring high standards and protecting consumers. SROs are independent: their purpose is not to protect the interests of individual advertisers, agencies or media, but to uphold advertising standards, for the benefit of the whole industry. Although the codes are written by the industry, their stance is impartial and the procedures of the complaints committees which apply them are designed to be impartial and unbiased. Furthermore, many SROs consult external stakeholders as part of the process of drafting or revising their codes, as well as including non-industry representatives in their complaints committee.

## **Annex C: Definitions of terms and complaint categories**

### **General definitions**

#### **Complaint**

A complaint is defined as an expression of concern about an advertisement by a member of the general public, a competitor or an interest group etc. which requires a response. One complaint is defined as one or several different concerns about one advertisement by the same complainant.

#### **Case**

A case is defined as an advertisement subject to assessment/investigation by the SRO jury. Cases include assessments and decisions taken by all competent SRO bodies, such as the SRO council/jury, the SRO complaints committee or the SRO secretariat

#### **Case handling duration**

The time lapsed from receipt of the complaint, until the decision is made effective.

#### **SR Code**

The self-regulatory (SR) Code is a set of rules governing the content of advertising.

#### **Own-initiative investigation (SRO)**

Examination of advertisements by an SRO jury following the flagging of these ads by the SRO secretariat, e.g. through a monitoring exercise.

### **Complainants**

#### **Consumer**

Person to whom an advertisement is addressed or who can reasonably be expected to be reached by it.

#### **Interest groups/consumer organisations**

Consumer organisations are supposed to represent the interest of consumers in general, or may work on specific interests, such as furs, alcohol, food etc.

#### **Competitors**

Complaint from a professional or an industry source (usually but not necessarily a competitor of the advertiser).

### **Outcomes of complaints**

#### **Upheld**

Complaints that are investigated by the SRO and adjudicated by the SRO jury are upheld if the jury decides that the marketing communication does breach the advertising codes.

Subsequently the advertiser is asked to withdraw or change the advertisement to ensure it complies with the rules.

### **Not upheld**

Complaints that are investigated by the SRO and adjudicated by the SRO jury are not upheld if the jury decides that the marketing communication does not breach the advertising codes. No further action is taken.

### **Not pursued/not investigated**

A complaint is not pursued if the SRO considers that there is no basis for investigation (e.g. the concern of the complainant would not be shared by most people) and subsequently dismisses the complaint; or where not enough information was provided by the complainant or the requirements of complaint submission were not met.

### **Resolved informally**

When a minor or clear-cut breach of the self-regulatory codes has been made, the SRO may decide to resolve the complaint informally, i.e. the marketer agrees to change or withdraw its marketing communication straight away.

### **Transferred to appropriate authority**

For example, complaints that have been transferred to the appropriate legal backstop.

### **Out of remit**

A complaint falls out of remit if either the complaint or the marketing communication falls outside the scope of the self-regulatory code (e.g. the complaint is about the product advertised and not the advertisement as such). However, the SRO might decide to forward the complaint to another complaint handling body for action.

## **Issues complained about**

### **Misleading advertising**

Misleading advertising refers to any claim, whether made expressly, by implication or omission, likely to lead members of the general public to suppose that the advertised goods or services, or the conditions (including price) under which they are offered, are materially different from what is in fact the case.

A marketing communication should not contain any statement, or audio or visual treatment which, directly or by implication, omission, ambiguity or exaggeration, is likely to mislead a member of the general public.

### **Social responsibility**

### **Discrimination/denigration**

A marketing communication should respect human dignity and should not incite or condone any form of discrimination, including that based upon race, national origin, religion, gender, age, disability or sexual orientation.

A marketing communication should not denigrate any person or group of persons, firm, organisation, industrial or commercial activity, profession or product, or seek to bring it or them into public contempt or ridicule.

### **Exploitation of credulity or inexperience**

Advertisements should be so framed as not to abuse the trust of people or exploit their lack of experience or knowledge. Especially advertisements directed to children should not abuse their credulity and inexperience.

### **Play on fear/violence**

A marketing communication should not without justifiable reason play on fear or exploit misfortune or suffering. A marketing communication should not appear to condone or incite violent, unlawful or anti-social behaviour. A marketing communication should not play on superstition.

### **Inappropriate for children (social values)**

A marketing communication should not suggest that possession or use of the promoted product will give a child or young person physical, psychological or social advantages over other children or young people, or that not possessing the product will have the opposite effect.

A marketing communication should not undermine the authority, responsibility, judgment or tastes of parents, having regard to relevant social and cultural values. A marketing communication should not include any direct appeal to children and young people to persuade their parents or other adults to buy products for them.

Prices should not be presented in such a way as to lead children and young people to an unrealistic perception of the cost or value of the product, for example by minimising them. A marketing communication should not imply that the product being promoted is immediately within the reach of every family budget.

Marketing communications which invite children and young people to contact the marketer should encourage them to obtain the permission of a parent or other appropriate adult if any cost, including that of a communication, is involved.

### **Health and safety**

Advertisements should not without reason, justifiable on educational or social grounds, contain any visual presentation or any description of dangerous practices or of situations which show a disregard for safety or health.

### **Taste and decency**

Advertisements should not contain statements or visual presentations which offend prevailing standards of decency.

### **Offensiveness**

Any statement or visual presentation likely to cause profound or widespread offence to those likely to be reached by it, irrespective of whether or not it is addressed to them. This includes shocking images or claims used merely to attract attention.



## **Portrayal of gender**

Advertising should not contain any sexually offensive material and should avoid any textual material or verbal statements of a sexual nature which could be degrading to women or men. Furthermore advertising should not be hostile or discriminatory toward a certain gender and should not use any material which calls into question the equality of the sexes.

## **Inappropriate for children (Taste and decency)**

Advertisements likely to cause distress to children or that contain sexual material must not be shown in children's programmes, or in programmes likely to be seen by significant numbers of younger children.

## **Media**

### **Audiovisual media services**

An "audiovisual media service" is a service provided by a media service provider. This service can either be a linear programme with a programme schedule (on TV or over the internet as IPTV) or an on-demand service (video on demand or catch-up TV).

Such services must come under the editorial responsibility of a media service providing programmes for the general public. This definition covers TV programmes and on-demand catalogues of TV-like content, as well as commercial audiovisual communication (advertising, in other words) but does not apply to any non-economic activity like non-commercial blogs, any form of private correspondence nor radio. Platforms for the exchange of user generated content, such as YouTube, do not fall within the scope of the AVMS Directive provided that there is no editorial control over the selection of programmes for a broadcast schedule or an on demand catalogue.

### **Cinema**

Any advertising shown at movie theatres.

### **Digital marketing communications**

Digital marketing communications cover advertisements in non-broadcast electronic media, including online advertisements in paid-for space (e.g. banner and pop-up advertisements). The media concerned are all interactive media and electronic networks such as the World Wide Web and online services, SMS (Short Messaging Service between phones) and MMS (Multi Media Service between phones).

### **Direct marketing**

Direct marketing comprises all communication activities with the intention of offering goods or services or transmitting commercial messages presented in any medium aimed at informing and/or soliciting a response from the addressee, as well as any service directly related thereto. Direct marketing does not include unaddressed mail (e.g. leaflets).

### **Outdoor**

(i.e. billboards/posters/digital outdoor)

Posters and other promotional media in public places, including moving images.

## Radio

Covers radio broadcasts, both analogue, digital, as well as via the Internet.

## Products

### Alcohol beverages

Alcohol drinks are those that exceed 1.2% alcohol by volume.

### Furniture and household goods

- a) Furniture and furnishings for the home and outdoors such as carpets and other floor coverings, household textiles, glassware, tableware and household utensils, etc.
- b) Cleaning and maintenance products include articles for cleaning and non-durable household articles such as washing powders, washing liquids, detergents, softeners, conditioners, waxes, polishes, dyes, disinfectants, insecticides, fungicides and distilled water, etc.
- c) Household appliances such as cookers, ranges, ovens and micro-wave ovens, refrigerators, freezers and fridge-freezers, washing-machines, dryers, drying cabinets, dishwashers, air conditioners, toasters and grills, hotplates, etc.

### Electronic and information communication technology (ICT) goods

- a) ICT goods: ICT goods are those that are either intended to fulfil the function of information processing and communication by electronic means, including transmission and display, or which use electronic processing to detect, measure and/or record physical phenomena, or to control a physical process; covers delivery, installation and repair where applicable.

Examples: personal computers, printers and scanners, games consoles, portable games players, software (in physical or downloaded form), laptops, notebooks and tablet PCs, PDA's and smart phones, mobile and fixed phone devices, telefax machines, telephone answering-machines, modems and decoders, global positioning systems (GPS).

- b) Electronic goods (non-ICT/recreational): Equipment for the reception, recording and reproduction of sound and pictures (audio and video systems); photographic and cinematographic equipment and optical instruments; recording media; covers delivery, installation and repair where applicable.

Examples: DVD players-recorders, VCRs, TVs, CD, Hi-Fi, media players, mp3 players, radios, cameras, photographic equipment, CDs (blank), DVDs (blank), calculators.

### Cars and motorised vehicles

This includes new cars, second hand cars and other personal means of transport including bicycles, trailers, boats etc) as well as spares and accessories for vehicles.

### Health and beauty

- a) Prescribed medication includes medicines that are purchased with a prescription and are used by humans for health purposes such as the cure, mitigation, treatment, or prevention of a disease as well as alternative medicine sold with a prescription.

b) Over-the-counter medication includes medicines that are purchased without a prescription and are used by humans for health purposes such as the cure, mitigation, treatment, or prevention of a disease, alternative medicine sold over-the-counter.

c) Cosmetics include articles for personal hygiene such as toilet soap, medicinal soap, cleansing oil and milk, shaving soap, shaving cream and foam, toothpaste, etc as well as beauty products, for example: nail varnish, make-up and make-up removal products, hair lotions, after-shave products, sun-bathing products, perfumes and toilet waters, deodorants, bath products, etc.

d) Toiletries for personal care includes appliances for personal care, for example: razors and hair trimmers and lades, scissors, combs, shaving brushes, hairbrushes, toothbrushes, nail brushes personal weighing machines etc as well as other goods for personal care and personal hygiene, for example: paper handkerchiefs, cotton wool, cotton buds, sponges, etc.

## **Retail**

Refers to supermarkets, department stores and other retailers.

## **Books, magazines, newspapers, stationery**

Including books, atlases, dictionaries, encyclopaedias, text books, guidebooks and musical scores, catalogues, writing pads, envelopes, pens, pencils, fountain pens, ball-point pens, felt-tip pens, inks, erasers, pencil sharpeners, paper scissors, office glues and adhesives, staplers and staples, paper clips, etc.

## **Services**

### **Financial services**

Including payment services, services related to borrowing money, a savings account, investments in bonds, securities and other financial assets, including financial instruments or investment products such as funds offered through banks, investments firms and other financial services providers.

### **Telecommunication services**

a) Fix/mobile telephone services such as voice telephone provision, installation of personal telephone equipment, voice telephone provision, subscriptions, voicemail service, roaming services, transmission of data through a mobile telephone device, text messages (sms), multimedia message service (mms).

b) Internet services such as fixed internet provision, mobile internet provision (wireless internet accessible using laptops, netbooks, mobile phones or other similar devices), internet social portals, other internet services e.g. chat rooms, domain name services, pay per view services, e-mail account services.

c) Television services include digital and terrestrial television subscriptions and the related services via cable, satellite or any other medium. For example: modem installation, high definition television, video-on-demand, child lock, television content,

d) The triple play service is a marketing term for the provisioning of the two broadband services, high-speed Internet access and television, and one narrowband service, telephone, over a single broadband connection.

## **Leisure services**

Entertainment, sports and leisure services include services provided by:

- horse-racing courses, motor-racing circuits, skating rinks, swimming pools, golf courses, gyms, fitness centres, tennis courts, squash courts, bowling alleys, and playground facilities for children;
- cinemas, theatres, opera houses, concert halls, music halls, circuses, sound and light shows;
- museums, libraries, art galleries, exhibitions;
- historic monuments, national parks, zoological and botanical gardens, aquaria, hire of equipment and accessories for culture, such as television sets, video cassettes, etc.;
- fairgrounds and amusement parks;
- sports events;
- ticket-selling services;
- services of musicians, clowns, performers for private entertainments.

## **Gambling and lotteries**

Including online casinos/gaming sites as well as traditional betting/gambling, and complaints about ads for official national lotteries and bogus international lotteries.

## **Non-commercial**

Advertising seeking donations, in cash or kind, or otherwise promoting the interests of charitable or philanthropic bodies and advertising by pressure-groups, NGOs, government departments and local authorities.

*Notes*







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2012