



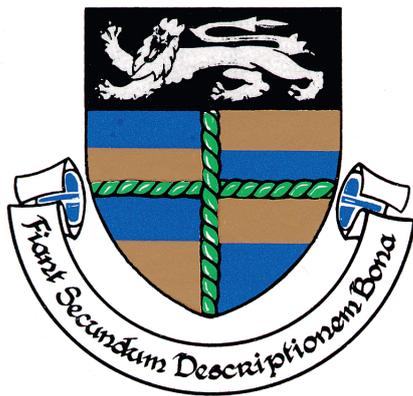
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Advertising Standards Authority for Ireland

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# Annual Report

33rd Annual Report 2013



## THE OFFICIAL HERALDIC ACHIEVEMENT OF ASAI

The coat of arms or official heraldic achievement of the Advertising Standards Authority for Ireland was granted by the Chief Herald of Ireland and registered in his Office in April, 1983.

The design and composition of the arms graphically symbolise the sphere of influence as well as the function of ASAI.

The heraldic arrangement of the national tinctures enhanced by the wreathed cross is designed to suggest the packaging of goods on a nationwide basis, while the lion, traditional symbol of active vigilance, signifies the role of ASAI as overseer in relation to the advertising of those goods.

The shield, historically an emblem of defence, is symbolic of the protection afforded the consumer public by the ASAI, which seeks to establish and maintain principled advertising in Ireland.

All these items are encapsulated in the slogan or motto of the ASAI, 'FIANT SECUNDUM DESCRIPTIONEM BONA' - let the product accord with its description - which bespeaks the ideal of the Advertising Standards Authority for Ireland.



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## CHAIRMAN'S STATEMENT



Sean O'Meara, Chairman

In July 2013, it was my honour and privilege to take up the role of Chairman of the Advertising Standards Authority for Ireland. Hence this, the 33rd Annual Report for the Authority, is my first.

While I have been aware, for many years, of the Authority and its work, on taking up the post

of Chairman I was immediately impressed by the professionalism with which all services and responsibilities are undertaken by the Authority.

I concur entirely with my predecessor Ed McCumiskey's open confirmation of this excellence, as noted in his Chairman's Report last year. Furthermore, people, including myself, acknowledge his highly valued contribution during his 8 year tenure.

I have been very pleased, too, to get to know all who make up the Board of the Authority, the Complaints Committee and the Review Panel. These people give generously of their time, coupled with their invaluable contributions of experience, insight and skill. Their willingness to be available as required, often in disruption of their own day-to-day jobs, is greatly appreciated. In its own way, this dedication underpins the status and respect the ASAI enjoys.

On a personal level, I have learned a great deal from many of these people during my short time as Chairman, and I thank them for that.

The Advertising Standards Authority for Ireland is the only independent, self-regulatory body set up and financed by the Advertising Industry. We are committed to acting with courtesy, helpfulness and concern in promoting the very highest ethical standards in all Irish marketing communications.

As with all businesses these days, financial prudence is

fundamental. In the ASAI, all financial management disciplines are of the highest ethical standards of transparency, control and reporting. All moneys paid to the ASAI are funnelled back into the Authority. The diligent work undertaken by our Finance Committee, under the Chairmanship of Barry Dooley, deserves much praise and gratitude. I also thank our auditors, Deloitte and Touche, for their advice and professionalism.

However, I have been surprised to observe that some of those working in the advertising and wider communications industries in Ireland do not fully appreciate the importance of the role of the ASAI, nor the scope and volume of services provided. Sadly, it has also been difficult to secure all rightful payments of the quite small levy – just 0.2% of advertising and communication spend – from some media buying agencies. As a consequence, the Authority constantly works under the burden of very tight financial constraints. Along with the ever-increasing volume of work and subsequent follow-on tasks, this can create additional unnecessary pressures.

It is hugely important to remember that the ASAI exists to protect the best interests of the Irish Consumer, the advertiser, the agency, the media buyer, their representative organisations and all related communication industries. In operating an internationally recognised best practice Code of Standards, we support all parties in meeting their obligations to ensure that all marketing communications are legal, decent, honest and truthful, that communications are prepared with a due sense of responsibility to Irish society in general, and conform to the best principles of fair competition as generally accepted in business.

The ASAI, thus, protects the most valuable aspects of brand equity – consumer trust, familiarity and reassurance – a most satisfactory long-term return on investment for such a small levy.

In the Autumn months of 2013, a consolidated public awareness and consultancy campaign was undertaken as part of our scheduled Code Review. Thanks must go to Ogilvy & Mather Dublin for their generosity in providing

creative and planning services, free of charge. Also, to the radio, press, online and outdoor media that facilitated a strong four-week campaign, also free of charge.

The responses received were highly satisfactory, both in quantity and quality, and are contributing to the on-going work of our Code Review Working Group. It is expected that this demanding yet stimulating work will continue until the end of 2014, at which point it is hoped an updated Code of Standards for Advertising, Promotional and Direct Marketing in Ireland will be published.

Together, the Working Group and the ASAI are striving to address a range of issues on the possible extension of our remit into new areas, including some non-commercial advertising carried by our media members and the continuous change in the range of media options available to the industry, particularly online.

With this in mind, and building upon local research and analysis, the very latest international trends, challenges and decisions in other jurisdictions are being tracked, monitored and noted. It is of significant benefit to us that we maintain the closest possible links with the European Advertising Standards Authority (EASA) and the Advertising Standards Authority (ASA) in the UK.

One of the most important undertakings over the next twelve months will be the completion of our Strategic Review. Already, all internal research has been completed

and it is now time to tackle the external elements. Soon, an independent research company will be contracted to carry out a report to be completed within approximately eight weeks of commission.

Then, as we enter 2015, our updated Code of Standards and our completed Strategic Review will form a uniquely strong foundation upon which to plan confidently into the demanding years that lie ahead.

But, let us not lose sight of the fact that the Advertising Standards Authority for Ireland is already working effectively on behalf of consumers and the advertising industry. Our approach, service, experience and expertise, gleaned over 33 years, reflect the very best there is.

Finally, I would like to compliment Frank, Orla, Seona, Mairead, Geraldine, Iris, John, Ruth and Deirdre, and all industry interests, for their dedication and application that contributes to making the ASAI an effective organisation, fulfilling a pivotal role in the regulation of advertising in Ireland today.

May I urge you to read, and study, this Annual Report.

Thank you.

**Sean O'Meara**  
Chairman

# REVIEW OF THE YEAR

## REVIEW OF THE YEAR

This is the 33rd Annual Report of the Advertising Standards Authority for Ireland (ASAI) for the year 2013.

The ASAI is the independent self-regulatory body set up and financed by the advertising industry (advertisers, advertising agencies and media) and is committed to promoting the highest standards of advertising and sales promotion in the public interest. Membership of the ASAI embraces all major advertisers and agencies and all major media, including broadcast, outdoor, digital and the print media.

Since its foundation in 1981, the ASAI has built up an extensive body of expertise in the regulation of commercial advertising in all Irish media. In 2009, we began expanding the jurisdiction of the ASAI in the area of digital media and, since then, we have regulated commercial communications on advertisers' own websites, in addition to those on third-party sites.

An independent Complaints Committee adjudicates on the content of advertisements. These adjudications are enforced through the co-operation of the Media Members of the ASAI, whom we regard as the 'gatekeepers' for the Code. Media Members should not carry advertisements that are in breach of the ASAI Code. Details of the adjudications are regularly carried in the media and on our website ([www.asai.ie](http://www.asai.ie)). The Complaints Committee of the ASAI still includes among its members nominees of the Director of Consumer Affairs. The practice of the Director of Consumer Affairs making nominations to the Complaints Committee and other bodies has, however, now been discontinued. The current Committee also includes academics, social workers, public servants and a minority of representatives from the advertising industry.

The ASAI Code of Standards for Advertising, Promotional and Direct Marketing is based on the principles established by the International Chamber of Commerce (ICC), which are that all advertising and promotions must be legal, decent, honest and truthful and must be undertaken with a sense of social responsibility. The Code requires advertisers to market and promote their goods and services in a responsible manner. On an ongoing basis, the work of implementing the provisions of self-regulatory codes is

being enhanced and supported by the development of Best Practice Guidelines, in all areas of complaints examination, by the European Advertising Standards Alliance (EASA).

The ASAI commenced a general review of the Code in 2013 and details of the launch of the review are on page 8.

In past years, the ASAI operated primarily by inviting and resolving consumer and industry complaints which help to keep the Authority informed of the public's current concerns regarding advertising. Information and statistics on how complaints are resolved by the ASAI are given on page 12 and 13. The identity of individual complainants remains confidential unless a commercial or other interest is involved. Even then, the identity of a complainant will only be disclosed with their permission. Anonymous complaints are not pursued and all complaints must be in writing (by post, fax or by using the online complaints form). In certain circumstances, where the interests of consumers are involved, intra-industry complaints will be investigated. The ASAI is not, however, an arbitration service for disputes between commercially interested parties.

Prior to 2006, the ASAI only monitored advertising in particular industries or media when issues identified from complaints indicated the existence of an underlying problem with a category of advertising. In late 2006, however, a new monitoring programme was introduced. An overview of the monitoring carried out can be found on page 9.

The ASAI also operates a pre-publication advice service for the advertising industry. Advertisers, agencies and media can obtain advice on whether a proposed advertisement or sales promotion conforms to Code requirements. This advice is given on behalf of the Secretariat and does not bind the ASAI Complaints Committee if they were to, subsequently, consider a complaint in relation to the advertising.

In the conduct of our regulatory tasks we have a good, ongoing working relationship with the National Consumer Agency and other agencies, including ComReg and the Food Safety Authority of Ireland. The ASAI is a founder and member of the EASA, which brings together national

advertising self-regulatory organisations (SROs) and organisations representing the advertising industry in Europe. The EASA also supervises the operation of the Cross-Border Complaints system (CBC).

The ASAI was also part of the European Extra Judicial-Net (EEJ-Net), which was set up by the European Commission and launched by Commissioner David Byrne in October 2001. To belong to this network it was necessary to satisfy the Department of Enterprise, Trade and Employment and the EU Commission that the ASAI complied with the recommended principles established in Commission Recommendation on the Principles Applicable for Out-of-Court Settlement of Consumer Disputes (98/257/CE). These principles relate to independence, transparency, adversarial process, effectiveness, legality, liberty and representation. This is now part of the ECC-Net.

## ONGOING DEVELOPMENTS

### 1. Nielsen

In early 2012, the ASAI signed up to access the Nielsen system for advertising spend. In May 2012, we commenced a review process with the main media purchasing agencies to improve the level of compliance with payment of the voluntary levy on advertising spend. In the report for 2012, I reported that progress on the review process was slow. I am glad to report that during 2013, the rate of progress, particularly with the larger agencies, improved and we expect that this advance will be reflected in the income for 2014. There is still a way to go, however, and the Chairman in his statement has referred to the fact that he felt that the level of co-operation and support forthcoming from some agencies has not been acceptable. A particular problem that ongoing access to Nielsen has allowed us to address is the fact that some compliant advertisers are not having the levy deducted on the occasion of a change of media agency.

### 2. Workshop – Responsibility in Marketing Communications

This workshop was held in January 2013, with an attendance of just 140 representatives of the advertising industry. The opening address was delivered by Mr Pat Rabbitte, T.D., Minister for Communications, Energy and Natural Resources. Specific regulatory issues were then addressed by Mr Robert Madelin, Director-General of DG Connect, and Mr Colin Gordon, Chief Executive of Glanbia Consumer Foods.

Following a Q&A session with the first three speakers, a

view from the inside was provided by Professor Bairbre Redmond, the Independent Chairperson of the ASAI's Complaints Committee, and Mr Edward McCumiskey, B.L., the then Chairman of the ASAI Board.

All costs associated with this event were underwritten by newspaper members of the ASAI.

### 3. Code Review

The Board of the ASAI announced a general review of the Code, in October 2013. Intensive publicity was provided, on a pro bono basis, by media companies and was primarily organised through their representative organisation. All agency work was provided by Ogilvy & Mather Dublin and their assistance in the campaign was a very real example of the practical supports provided by the industry to advertising self-regulation when asked.

Immediately following the commencement of the publicity campaign, an extensive consultation process was commenced with NGOs representing consumers and their interests, public bodies and the advertising industry.

At the time of going to print, just 41 responses were received from the public to the online survey and 36 responses were received from the other bodies with whom direct contact was made. Extensive research has also been carried out on other international Codes and all relevant legislation, both domestic and European, by our researcher who is legally qualified.

The work of the Code Review Working Group is currently underway examining the output to date from the consultation process.

## PUBLIC AWARENESS OF THE ASAI

The ASAI's effectiveness as a regulatory body depends on the practical and active support of advertisers, agencies and the media.

The ASAI Code specifies that it should be implemented primarily in the interests of consumers. Indeed, the main area of work of the ASAI – the examination of complaints – depends on the public being aware not only of the Authority's existence but also of its role. Consequently, public awareness of the ASAI is a vital element of its successful operation. In December 1998, the ASAI began commissioning independent research to objectively measure such awareness. The ongoing research is conducted by

means of an omnibus survey by an independent market research organisation.

The ASAI wishes to increase levels of awareness of the organisation and, in particular, of the services offered. This is done partly through the publication of the adjudications of the independent Complaints Committee, which are regularly carried in the media, in trade publications and on the ASAI website. In addition, media members in a range of areas will, when requested, carry advertising which will promote the services of the ASAI. The most recent campaign involved online media and was organised by the Interactive Advertising Bureau Ireland (IAB Ireland) on our behalf.

The most recent research, conducted in 2012, showed a drop in the level of awareness amongst some groups. We expect that the advertising carried out in late 2013 and the further publicity associated with the launch of a new Code will assist in reversing the negative trend identified in 2012. We would also expect to conduct the awareness research on a more regular basis as our financial resources improve.

### COPY ADVICE

The ASAI's principal activities are resolving consumer complaints and actively monitoring advertising. However, it also provides a valuable pre-publication copy advice service which is available to all those involved with advertising – advertisers, their agencies and the media. During 2013, 72 advertisements were submitted to the ASAI Secretariat in this way. Informal advice was also given in respect of a further 60 proposed advertisements. This advice is free and given on a confidential basis but does not bind the independent Complaints Committee, should the advertisement subsequently come before them. However, it is the case that, where the service has been availed of, advertisements are less likely to contravene the Code in any substantial way.

### MONITORING AND COMPLIANCE

2007 was the first full year in which the ASAI conducted continuous monitoring of commercial communications in the media. In 2007, 11,400 advertisements were examined and, as indicated in Reports for earlier years, the overall compliance rate was 98 per cent, with 100 per cent compliance in some business sectors. During 2008, the number of advertisements monitored was reduced to 4,000. In 2009, just 1,000 advertisements in the print media, direct mail and the broadcast media were monitored. We are glad

to say that the compliance rate has remained reassuringly high at 98 per cent across all media. In 2010 and 2011, our programme of monitoring was increased across all media and just over 3,500 were reviewed in each year. Because of the increased pressure on resources created by the high level of complaints received, just short of 1,700 advertisements were monitored in 2012 and again in 2013.

The overall results extracted, however, again demonstrated a compliance rate in excess of 98 per cent. In the small number of cases where it was necessary to contact advertisers for non-compliance, agreement was obtained to withdraw or alter the advertising.

The Secretariat also manages an ongoing exercise in ensuring compliance with new and existing adjudications of the Complaints Committee. This work is carried out in addition to the monitoring by reference to particular industries or media.

### REVIEW PANEL

In January 2007, in line with commitments given in conjunction with the EASA to the EU Commission, the Board of the Authority appointed a three-person Review Panel for a five-year term of office. The Panel comprises a Chairman and two ordinary members. The Chairman of the Panel is independent of the advertising industry and the Authority. One ordinary member has a background in the advertising industry and the second ordinary member has a consumer background.

In 2013, Dr Miriam Hederman O'Brien completed her term as Chairman of the Panel. The new Chairman is Mr Pat Whelan who had by then retired as Director-General of the Office of the Ombudsman/Information Commissioner.

The other members of the Panel are Ms Josephine Garry (consumer) and Mr Tom McGowan (advertising industry) and they were reappointed during 2012 for two and three years respectively.

The grounds on which a review can be requested and the procedures involved are fully set out in Appendix 1 of the Code.

During 2013, there were two requests for a review. In one case the members decided that there was no basis for a review and in the second they referred the case back to the

Complaints Committee to reconsider their decision, but also recommended that the level of evidence submitted by way of substantiation of the advertising claims be rechecked. Following a re-examination of the matter by the Committee, involving further research by the Secretariat, the case report was amended but the original complaint was still upheld.

## ALCOHOL ADVERTISING

Since 2003, all alcohol advertisements are pre-vetted by Central Copy Clearance Ireland (CCCI)<sup>1</sup>, which was set up under the auspices of the Association of Advertisers in Ireland (AAI) and the Institute of Advertising Practitioners in Ireland (IAPI), facilitated by the Drinks Industry Group. No alcohol advertisement can appear in the Irish media without pre-vetting and clearance from CCCI. The ASAI Secretariat and the copy clearance managers from CCCI meet on a regular basis to discuss the provisions of the Code to ensure that the application of the Code by CCCI is in line with the ASAI interpretation. Such meetings help to ensure that alcohol advertising in Ireland continues to operate to the highest standards. In line with the extension of the ASAI remit into new areas of digital media, CCCI have been developing their services to meet new demands from industry.

Of the 1,302 complaints received in 2013, just 47 complaints about 38 advertisements related to some aspect of alcohol advertising and 28 of the 47 complaints referred to the specific alcohol provisions of the Code. A number of the issues raised by the complainants, however, related to the actual availability of promotions in stores rather than advertising or, in some cases, to areas of the media not covered by the Code.

Only two cases, which related to retail offers for alcohol, were required to be referred to the Complaints Committee for a decision and no complaints were upheld under the specific alcohol provisions of the Code. A selection of cases dealt with informally by the Secretariat were also reviewed by the Committee, in line with normal practice for all areas of complaints.

## THE ALCOHOL MARKETING COMMUNICATIONS MONITORING BODY

The Alcohol Marketing Communications Monitoring Body (AMCMB) was established at the end of 2005 to monitor industry compliance with Voluntary Codes

of Practice in relation to the possible exposure of young people to alcohol. This initiative was launched in December 2005 by the then Minister for Health and Children, Mary Harney, TD.

The Monitoring Body, with an independent chairman, Mr Peter Cassells, oversees adherence to the Voluntary Codes of Practice agreed between the Department of Health and Children and representatives of the advertising, drinks and media communications industries.

Secretarial and executive services for the Body are provided by the ASAI. The ASAI also examines complaints arising under the Voluntary Codes. The Voluntary Codes were reviewed and extended during 2008 and the extended Codes, which now also cover the print media and digital marketing communication, are still in use.

## CHANGE IN THE REGULATION OF ALCOHOL MARKETING COMMUNICATIONS

In late 2013, the Government announced its intention to introduce a range of statutory restrictions on the pricing and promotion of alcohol products.

In relation to marketing, they have promised new statutory restrictions in a range of media where they currently do not exist. Such restrictions may impinge on the extent to which the current self- and co-regulatory models can operate.

## THE EUROPEAN ADVERTISING STANDARDS ALLIANCE

Set up in 1992, the European Advertising Standards Alliance (EASA) promotes responsible advertising through best practice in self-regulation for the benefit of consumers and business. Its work is vital to the development and continuation of advertising self-regulation.

The EASA is the unified voice for advertising self-regulation in Europe and, increasingly, it also represents self-regulatory organisations with similar missions in locations such as Australia, Brazil, Canada, Chile, Colombia, India, Mexico, New Zealand, Peru and South Africa. In fact, the EASA brings together 35 self-regulatory bodies and 16 bodies representing the advertising industry.

1. In early 2014, CCCI rebranded as CopyClear

Membership of the EASA also serves to ensure that the ASAI is informed both on industry developments and, equally, the developments in 24 other European SROs on the regulation of advertising. These relationships are particularly relevant at the present time when experience is being developed on the handling of complaints in digital media, including the entirely new role in relation to Online Behavioural Advertising (OBA). The EASA has a close working relationship with DG SANCO, the directorate responsible for health and consumer matters, and with DG Connect, the Directorate General for Communications Networks, Content and Technology. This allows the staff of the EASA to keep self-regulatory and industry members informed on – and, where appropriate, have an input into – legislative and policy developments in these critical areas.

The EASA promotes advertising self-regulation for the benefit of the general public and business. In practical terms, the EASA supports the development of the system of advertising self-regulation through the development of best-practice guidelines for all aspects of the work. For consumers, their only likely direct contact with the EASA will be in relation to its function in overseeing the management of the system for cross-border complaints.

Under the CBC system, a complaint received by the ASAI, or other national advertising self-regulatory body, concerning an advertisement published in another member country is referred to the appropriate national regulatory body for consideration under their Code. This ensures that a consumer can have redress in the case of misleading or offensive advertising originating anywhere in Europe.

## EDAA

The European Interactive Digital Advertising Alliance (EDAA) was launched in Brussels, in October 2012, by the key stakeholders in the European digital advertising community, including the EASA and the IAB Europe.

The EDAA will be responsible for the administration and granting of licences for the use of an interactive icon to businesses operating in the delivery of Online Behavioural Advertising (OBA). Through use of the icon consumers can obtain information on data collection and how it can be controlled. This service includes linking to a ‘one-stop shop’ website [www.youronlinechoices.eu](http://www.youronlinechoices.eu), and is available in 24 languages.

The EDAA organised a complementary pan-European education campaign in 2013 aimed at increasing awareness of the icon and informing European citizens in relation to online advertising.

## DIGITAL ADVERTISING

The Authority’s remit in the area of digital advertising was extended to advertisers’ own websites in 2009. We are glad to report that, with the exception of a small number of individual advertisers, all others are fully compliant when accepting the adjudications of the Complaints Committee or, indeed, advice from the Secretariat in relation to their websites.

During 2012, the ASAI finalised plans for the extension of its digital remit to new areas of digital media including advertisers’ pages on social media. An extensive consultative exercise was carried out with consumers, NGOs and Government departments/agencies in advance of the changes. In late 2012 and early 2013, a range of presentations was made by the Secretariat to industry groups in advance of the introduction of the new remit, which came into effect on 2nd January, 2013.

A separate area of digital advertising that is currently attracting attention is OBA. OBA involves the use of internet ‘cookies’ based on a web user’s browsing experiences, thus presenting recipients with advertising that is likely to be of most interest to them.

In 2011, the EASA produced a Best Practice Recommendation on Online Behavioural Advertising. This document incorporates the IAB’s framework on the same issue. This industry-wide self-regulatory standard ensures consumer privacy in Europe. This is based on the use of an icon and will allow consumers to exercise choice as to whether or not they want to receive OBA advertising. During 2013, preparatory work including the training of staff for the regulation of Online Behavioural Advertising was completed and the ASAI commenced the regulation of the area in September. While a number of queries have been received, no actionable complaints have yet been received and no great volume is expected.

## COMPLAINTS

In 2013, the ASAI received 1,302 written complaints concerning 888 advertisements. This represents a drop of 973 complaints compared to 2012. However, as reported in the 2012 Annual Report, the level of complaints received was higher than normal because there were 900 complaints about three advertisements. The number of complaints received in 2013 is consistent with the levels received in the years before 2012. In addition, the number of individual advertisements which attracted complaints is also broadly consistent, at 888.

At 888, the number of advertisements which received complaints is a very small proportion of the thousands of advertisements that were published during the year in all Irish media – TV, radio, newspapers, magazines, outdoor, brochures, leaflets and the internet.

There were 145<sup>2</sup> complaints carried forward from 2012, and the ASAI dealt with 1,232 in 2013, leaving 215 in respect of 147 advertisements to be carried forward to 2014.

	2013		2012	
	Complaints	Advertisements	Complaints	Advertisements
Carried forward from previous period	145	115	132	96
Received during period	1,302	888	2,275	880
Resolved during Period	1,232	856	2,265	864
Brought forward to next period	215	147	145	112

### How Complaints Are Dealt With

After an initial evaluation, and investigation where appropriate, complaints are either dealt with informally by the Secretariat or submitted to the independent Complaints Committee for formal adjudication. The decision on how the complaint will be processed depends on whether or not the advertisement in question is likely to be in breach of the provisions of the Code. Most complaints are suitable for dealing with informally, using well-established procedures. A large sample of complaints dealt with by the Secretariat is reviewed by the Complaints Committee at each meeting. Further details on the complaints dealt with by the independent Complaints Committee are set out in the section of this Report devoted to the Complaints Committee.

2. In the 2012 Report this figure was incorrectly recorded as 142

Resolution of Complaints

	<u>2013</u>		<u>2012</u>	
	<u>Complaints</u>	<u>Advertisements</u>	<u>Complaints</u>	<u>Advertisements</u>
Additional information				
Requested but not provided	<b>188</b>	<b>169</b>	<b>149</b>	<b>141</b>
<b><u>Out of Remit</u></b>				
Media/matter out of remit	153	63	911	77
Cross-border complaint	13	13	55	10
	<b>166</b>	<b>76</b>	<b>966</b>	<b>87</b>
<b><u>Preliminary Assessment of Advertisement</u></b>				
Complaint withdrawn	20	20	18	18
More appropriate for another body	52	45	33	32
No basis under Code	250	225	270	240
No evidence of offence	89	53	51	41
Previously adjudicated	5	3	104	31
	<b>416</b>	<b>346</b>	<b>476</b>	<b>362</b>
<b><u>Investigation by Secretariat</u></b>				
Formal - referral to Complaints Committee	164	91	289	111
Informal resolution by Secretariat	298	253	385	266
	<b>462</b>	<b>344</b>	<b>674</b>	<b>377</b>
<b>TOTAL</b>	<b>1,232</b>	<b>935</b>	<b>2,265</b>	<b>967</b>

One of the features of the ASAI system is that an advertisement can be the subject of different categories of complaint. Seventy-nine advertisements that were the subject of resolved complaints during 2013 involved more than one outcome.

For example, in the case of one advertisement, one complainant whom we considered was an ‘interested party’ did not agree to have his identity disclosed and therefore was deemed to have withdrawn his complaint, one complainant who was asked for his full postal address did not provide it (the ASAI does not investigate complaints where we cannot verify the complainant's details), another was asked to set out what their complaint was (the ASAI does not interpret complaints; if an advertisement is considered offensive, the complainant must explain why they find it to be offensive) and, finally, a further 22 complaints about the advertisement were submitted to

and upheld by the Complaints Committee. In this case, the advertisement was recorded in “Additional information requested but not provided” and in “Formal – referred to the Complaints Committee”.

Grounds of Complaint

In general, the two main areas of complaint relate to advertising being misleading or offensive. In 2013, 68% of the complaints were made on the basis that an advertisement was misleading with nearly 20% made on the basis that an advertisement was offensive. There are, however, a wide range of other issues covered by the Code provisions that were raised by members of the public, including concerns about alcohol advertising, children, distance selling, employment and business opportunities, environmental claims, financial services, food and non-alcoholic beverages, and health & beauty claims.

### Complaints by Sector

The main sectoral areas attracting complaints are set out in this table.

Sector	2013	2012
Telecommunications	142	235
Health & Beauty	127	104
Non-Commercial	118	251
Leisure	111	842
Travel / Holidays	105	103
Household	88	81
Motoring	86	78
Publishing	85	69
Food & Beverages	82	146

### Intra-Industry Complaints

Advertisements must not only be legal, decent, honest and truthful, but must also respect the principles of fair competition generally accepted in business. Section 2.50 of the ASAI Code states that, “Advertisers should not unfairly attack or discredit other businesses or their products”.

While comparisons are allowed (for example, between an advertiser’s goods or services and those of competitors) they must be fair and the consumer must not be misled. Generally, competitor complaints are made under the Code rules relating to substantiation, truthfulness, prices, comparisons and denigration. In 2013, 90 competitor complaints were received which, although similar to the number received in 2012, represents an increase on those received in 2011, at 75 complaints. Twenty complaints were carried forward from 2012 with 90 complaints resolved in 2013 and 20 complaints brought forward to 2014. Sixteen complaints relating to 15 advertisements were formally adjudicated upon by the Complaints Committee. Ten advertisements were found to have breached the Code rules.

### Complaints by Media

Media	2013	2012
Digital Media	575	1,179
Broadcast*	353	605
Outdoor	165	290
Print	114	166
Brochures/Leaflets	61	63
Cinema	2	21
Direct Marketing	20	20
Other	66	77
	1,356	2,421

#### \*Broadcast Breakdown:

Radio	124	197
Television	229	408

Following the trend evident in earlier years, in 2013 digital media gave rise to the largest block of complaints. As complainants will frequently refer to having seen an advertisement carried in more than one form of media, the number of complaints by media is greater than the actual number of complaints received. Capturing all media that complainants refer to, however, gives a more accurate picture of the complainants’ experience.

# COMPLAINTS COMMITTEE

## CHAIRPERSON'S STATEMENT



Bairbre Redmond, Chairperson,  
Complaints Committee

I have great pleasure in presenting my ninth report as the independent Chairperson of the Complaints Committee. The Committee adjudicated on 91 advertisements in 2013. In addition, a further 92 advertisements, where complaints were dealt with by the Secretariat, were reviewed by the Committee. The range of advertising that is adjudicated upon by the Committee is wide, including telecommunications, air travel, food, alcohol including advertising

purported to cause offence and the Committee has developed extensive experience in being able to respond effectively to advertising across a broad remit.

This year I have been particularly struck by the considerable contribution made by the ASAI Complaints Committee towards upholding Irish advertising standards. The role of the Complaints Committee, the majority of whose members are independent of the advertising industry, is to adopt an objective and transparent approach to the adjudication of complaints from the general public. Not only this, but the Complaints Committee also needs to carry out its work in an informed, yet impartial, manner in order to maintain public acceptability of a self-regulatory approach towards high standards in Irish advertising. This year, as well as carrying out its adjudication remit, the Committee attended training in order to become

better informed about the development of Online Behavioural Advertising (OBA). The Committee also separately reviewed the most-used sections of the Code upon which they base their adjudications, in order to inform the current Code Review.

As well as ensuring an awareness of contemporary industry issues, members of the Complaints Committee bring their own professional expertise, including clinical psychology, child and adolescent development, education, consumer affairs and national and international policy-making. Such expertise is complemented by the considerable experience provided by the industry members, with the Committee members all giving their time on a voluntary basis. The Irish advertising industry owes a debt of gratitude to these Complaint Committee members, without whom the self-regulatory approach to Irish advertising standards could not operate successfully and I am very fortunate to Chair a group of this calibre.

Finally, I would also like to thank the Secretariat who so ably assist the work of the Committee and the Board of the ASAI for their work and support in the last year.

**Bairbre Redmond**  
Chairperson, Complaints Committee

## COMPLAINTS COMMITTEE

The role of the independent Complaints Committee is:

- (a) To consider and adjudicate on complaints submitted by the public, by a member of the ASAI, by a government department or by any other person, or body of persons, in the light of the ASAI Code;
- (b) To initiate corrective action where necessary and to issue appropriate directives;
- (c) To notify the Board of the ASAI when the corrective action or directive is not complied with or is ignored.

The Complaints Committee may vary in size from 11 to 15 members, including the independent Chairperson. It comprises people with a background in advertising and others with no connection with the industry. Currently, among the latter are four nominees of the Director of Consumer Affairs. The composition of the Complaints Committee is designed to ensure the objectivity of the complaints investigation procedure and to provide assurances that the system is operated with special regard for the interests of consumers. The members of the Committee act in an individual capacity and consider each case put before them on its particular merits in the light of the requirements of the Code of Standards for Advertising, Promotional and Direct Marketing in Ireland.

While the Secretariat of the ASAI may resolve cases informally when the circumstances do not justify or require referral to the Complaints Committee, the Committee retains the right to review any of these cases and to request that they be put before them for adjudication.

The Complaints Committee met formally six times during 2013. The Committee's adjudications are published regularly in the media and are posted on the ASAI website.

### Analysis of Adjudications by the Complaints Committee

Of the 91 advertisements considered by the Committee, complaints in relation to 65 were upheld and 24 were found not to be in breach of the provisions of the Code. As in previous years, the principal reason advertisements were found to be in breach of the Code was because they were considered to be misleading. In addition, in the case of two advertisements the Committee decided that it was more appropriate to make a statement providing advice/guidance or indeed warnings for advertisers in relation to future campaigns.

### Resolution of complaints by Complaints Committee in 2013

	Complaints	Advertisements
Submitted to Complaints Committee	164	91
Upheld/In Breach	84	65
Not Upheld/Not In Breach	78	24
Statements	2	2

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