



Advertising Standards Authority for Ireland

Annual Report

35th Annual Report 2015



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.

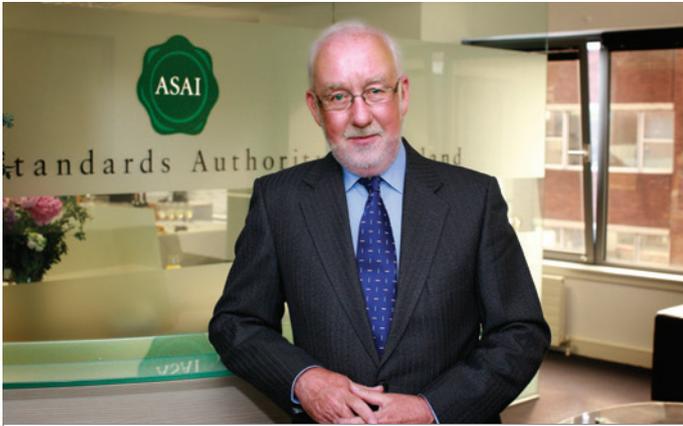
All these items are encapsulated in the slogan or motto of the ASAI, 'FIANT SECUNDUM DESCRIPTIONEM BONA' - let the product accord with its description - which bespeaks the ideal of the Advertising Standards Authority for Ireland.



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CHAIRMAN'S STATEMENT



Sean O'Meara, Chairman

It has been a year of accomplishment and change.

Change came with the retirement of Frank Goodman, our CEO for eleven fruitful years. During that time, his wise counsel and clarity of thought guided the Authority through all facets of self-regulation with exceptional expertise.

His office door was always wide open, everyone was given a warm welcome with a broad, engaging smile and no one was ever hurried. We all learned so much from him and that is the measure of the man.

We thank Frank and wish him the best of everything in his well-deserved retirement.

In the appointment of Orla Twomey as our new CEO, we are fortunate to have someone steeped in the very fabric of the ASAI and self-regulation. Her grasp of all things historic and complex is quite astonishing and Orla takes over, seamlessly, from Frank.

I know you will join me in wishing Orla the very best in her new, demanding role.

Accomplishment came with the completion and publication of the 7th Edition of our Code of Standards for Advertising and Marketing Communications in Ireland. This was launched in September 2015 by the

Minister for Communications, Energy and Natural Resources, Mr. Alex White, TD, who, in his widely publicised address, spoke positively and with enthusiasm of the importance of self-regulation, its complementary place alongside legislation, the successful role the ASAI has fulfilled skillfully for many years and our on-going responsibilities in the commercial communications' protection of Irish society, consumers and industry alike.

Arising out of the Code launch came a significant, and welcomed, rise in the awareness levels of the ASAI, in what we do and how we do it. Frank and Orla were required to fulfill several important media engagements and did so with admirable style and effectiveness.

Media coverage was, and remained in the early months of 2016, at levels not seen heretofore.

All through the preparation of the new Code, many people gave of their time, expertise and experience with quite exceptional generosity. I acknowledge that the task proved more demanding in time and effort than initially thought, and everyone contributed over and above without hesitation.

Somehow, a simple 'thank you' doesn't seem adequate, but it is sincere.

In the autumn of 2015, we formed a new Communications Working Group and, while still in its early days of operation, it is already effective. It will provide a solid foundation of expertise and insight upon which to identify and execute a long-term, rolling strategy.

In parallel to the Code work, the ASAI undertook a root and branch review of our strategic objectives. In concert with a newly-formed Strategic Working Group and The Research Centre, we spoke person-to-person with a number of influential stakeholders and the perspectives gleaned proved important in drafting and publishing our new Strategic Statement.

The ASAI runs smoothly because of its people. For instance, the Executive takes on responsibility after responsibility with a professionalism that hides within its courtesy, helpfulness and support. They are always there, expertly advising and preparing for meeting after meeting, whilst fulfilling all day-to-day casework duties and, at the same time, interacting with stakeholders and the public.

They are to be greatly admired.

Our operation could not work without those who contribute to our Board, Complaints Committee, Working Groups and Sub-Committees. Frequently, their involvement is required more than is anticipated but, again, people attend with unique generosity and willingness.

The ASAI is strong, active and progressive. Our internal structures and services are, rightfully, in constant change, always progressing within our remit to mirror the modern requirements of our stakeholders and the public.

Self-regulation is not a standing concept. With the help of, and our involvement with, the EASA and other international SROs, we challenge ourselves to operate to the highest international standards of effectiveness and relevance. This, I feel, we achieve with impeccable determination.

In the Ireland of the 21st Century, the ASAI was never more needed.

Sean O'Meara
Chairman

REVIEW OF THE YEAR

REVIEW OF THE YEAR

This is the 35th Annual Report of the Advertising Standards Authority for Ireland (ASAI) for the year 2015.

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.

The ASAI, since its foundation in 1981, 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. While paid-for advertising on third-party sites was within remit, we extended our remit to marketing communications on advertisers' own websites. From 2012, the remit was again expanded to include marketing communications on third-party non-paid-for space online, such as advertisers' own posts (and those of their brand ambassadors) on their social media platforms.

In 2013, the ASAI's remit was extended further to encompass Online Behavioural Advertising (OBA). These new rules provide for a high level of consumer transparency and choice regarding OBA.

The ASAI recognises the importance of continually reviewing our remit to ensure that the Code applies to commercial marketing communications, including those in developing media.

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).

The ASAI Code is based on the principles established by the International Chamber of Commerce (ICC), which asserts that all advertising and promotions must be legal, decent, honest and truthful and must be undertaken with a sense of social responsibility. 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 EASA.

The ASAI completed a general review of the Code in 2015 and details of the review are included on page 9.

A significant part of ASAI's work is the resolution of 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 20. 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. However, the ASAI is not an arbitration service for disputes between commercially interested parties.

In carrying out its function of enforcing the highest standards in advertising, the ASAI also carries out scheduled and structured monitoring and an overview can be found on page 8. We also provide free, confidential and non-binding copy advice on the compliance of proposed advertising.

In the conduct of our regulatory tasks we have a good, ongoing working relationship with the Competition and Consumer Protection Commission and other agencies including ComReg and the Food Safety Authority of Ireland.

MONITORING AND COMPLIANCE

Since 2007, the ASAI has conducted ongoing monitoring of advertising across all media and in that time has examined over 27,000 advertisements with an overall compliance rate of over 98 per cent. The extent of the monitoring conducted in any one year will be influenced by a combination of the concerns arising in particular areas of economic activity, as evidenced from the outcome of individual complaints, and the resources available to the ASAI.

During 2015, due to various ongoing projects, combined with a temporary reduction in the number of permanent staff, we were unable to carry out as many monitoring exercises as previous years. We did, however, carry out a monitoring exercise on a variety of parent/baby magazines in relation to the advertising of infant formula. In total almost 350 advertisements were monitored and none were found to be in breach of the requirements of the Code.

In the latter part of the year we commenced a monitoring exercise in relation to alternative therapies, which would fall under the Health and Beauty Section of the Code. This exercise will be completed in 2016.

The Executive also manages an ongoing exercise in ensuring compliance with new and existing adjudications of the Complaints Committee. This ensures that where the Complaints Committee have found a marketing communication to be in breach of the Code, we ensure that it is amended or withdrawn. The vast majority of advertisers proactively comply with adjudications but, where they do not, we follow up with them and where necessary with media to ensure compliance.

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 2015, 63 advertisements were submitted to the ASAI Executive in this way. Informal advice was also given on the Code provisions throughout the year. This advice is free and given on a confidential basis. The advice is non-binding on both the requester and on the ASAI; while the requester does not have to accept the advice of the Executive, neither does the independent Complaints Committee should the advertisement subsequently come before them for adjudication. However, where the service has been utilised, advertisements are less likely to contravene the Code in any substantial way.

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 ASAI. One ordinary member has a background in the advertising industry and the second ordinary member has a consumer background.

In 2013, Mr Pat Whelan, a retired senior public servant, took over from Dr Miriam Hederman O'Brien as Chairman of the Review Panel. In 2014, Ms Josephine Garry finished her term as the consumer representative on the panel and Ms Mary-Rose Tobin was appointed in her place. In 2015, Mr Tom McGowan finished his term and Mr Terry Leonard was appointed as the representative of the advertising industry.

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

CODE REVIEW



The ASAI Code's primary objective is to regulate commercial marketing communications in the interest of consumers ensuring, so far as possible, that all marketing communications are prepared with a sense of responsibility both to the consumer and to society.

Advertising codes must reflect both the changing concerns of society and the changing advertising and media landscape. In 2013, as advised in previous annual reports, the ASAI started its 7th review of the Code.

The process included a number of strands of consultation.

We had a public advertising campaign inviting comments from the public and other interested parties on the 6th Edition of the Code. This campaign was developed by Ogilvy and carried free of charge by ASAI's media members. We also wrote to Government departments and agencies, advertising industry representative associations and non-governmental organisations.

We analysed all the submissions and looked at Irish and European legislation as well as advertising codes from other jurisdictions. The results were checked against the existing ASAI Code and recommendations made about proposed changes. These went through the ASAI Code Review Working Group who then proposed changes to the ASAI

Board. In a number of key areas, secondary consultation was carried out with industry and other identified bodies, such as the new rules for gambling and e-cigarettes, and additional rules for food and health product advertising.

The Code Review Working Group members were drawn from the ASAI Board, from member associations, from the ASAI Complaints Committee and from the ASAI Executive.



On 17th September 2015, the 7th Edition of the Code, named the Code of Standards for Advertising and Marketing Communications, was launched by Mr Alex

White, TD, Minister for Communications, Energy and Natural Resources.

Minister White, who recognised the work the ASAI has done to ensure that the best interests of the Irish people prevail in the advertising marketing place, said that our voluntary and extensive co-operation with consumer and regulatory bodies, like the Broadcasting Authority of Ireland, demonstrated the ASAI’s commitment to the essence of good advertising – that it must be legal decent, honest and truthful. He noted that the ASAI had extended the remit of the Code in recent years into online media, including advertisers’ own websites and social media platforms. In relation to the launch of the 7th Edition of the Code he said: “With the launch of these revised and updated Codes today, the ASAI is underlining its commitment to ensure that advertising and marketing in Ireland are conducted ‘with a sense of responsibility to both the consumer and to society.’” He also said that the changes to the Code would ensure that the seventh edition of the ASAI Code is of “continuing relevance and benefit to both consumers and the advertising industry itself.”

Immediately following the launch of the Code, the ASAI conducted two general industry information sessions and since then has made a number of other presentations following requests.

The Code came into effect on 1st March 2016 and the ASAI is still available to deliver Code Information sessions to industry.

The changes to the Code include:

- Some restructuring to increase the usability of the Code. Definitions are now in Section 1. The General Rules have been split into General Rules and Misleading Advertising, so that all the rules relating to misleadingness are in the one section.
- Additional focus on the fact that the Code is interpreted from the point of view of the consumer.
- Additional rules in the food section, including:
 - mirroring legislative requirements on the use of health and nutrition claims for food products,
 - introducing new restrictions on the use of promotions and licensed characters when the content of marketing communications is targeted directly to pre- and primary school children.
- Additional rules in the health section, including:
 - mirroring legislative requirements for medicines.
- New sections on gambling and e-cigarettes. Both these sections include rules on responsibility and ensuring that marketing communications do not target or appeal to children.





DIGITAL ADVERTISING

Concerns are expressed from time to time in media commentary about whether the standards that apply in traditional media apply to marketing communications carried in digital media. The remit of the ASAI, as mentioned earlier, is very broad in this area and 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 Executive in relation to their digital marketing communications, including those on social media platforms.

Online Behavioural Advertising (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.

The ASAI introduced new rules for OBA in September 2013, based on an EASA Best Practice Recommendation on Online Behavioural Advertising. This document incorporates the IAB Europe'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 allows consumers to exercise choice as to whether or not they want to receive OBA. The Best Practice Recommendation will be revised by the EASA during 2016 as the OBA Programme is being extended into the mobile environment. As it, and indeed the relevant ASAI rules, are written in a technology neutral manner, it is not envisaged that extensive redrafting will be necessary.

While a number of queries have been received by the ASAI about Online Behavioural Advertising since 2013, none as yet have been actionable complaints and no great volume is expected.

ALCOHOL ADVERTISING

The Government published The Public Health (Alcohol) Bill in 2015, which sets out a number of proposals for restrictions on marketing communications for alcohol products. Once the legislation is finalised, the ASAI will examine its impact on marketing communications which will inform whether any changes are required to the alcohol rules in the ASAI Code.

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.

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 carry advertising which promotes the services of the ASAI. In summer 2015, radio advertising was carried by RTE and independent radio stations with the theme message being that the ASAI is 'in everyone's best interest'. As part of the launch of the 7th Edition of the Code, the ASAI started to use Twitter and LinkedIn to promote the advertising self-regulatory system in Ireland. We are continuing to use these platforms to inform people about the activities of the ASAI, and particularly to raise awareness about the adjudications of the Complaints Committee.

EUROPEAN CONNECTIONS

EASA

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. In practical terms, the EASA supports the development of the system of advertising self-regulation through the drafting of best practice guidelines for all aspects of the work. 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 (SROs) 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 38 SROs and 16 bodies representing the advertising industry.

Membership of the EASA also serves to ensure that the ASAI is informed both on industry developments and, equally, the developments in 27 other European SROs on the regulation of advertising. These relationships are particularly relevant at the present time when experience continues to be developed on the handling of complaints in digital media and 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, to have an input into – legislative and policy developments in these critical areas.

Under the Cross Border Complaints system operated by the EASA, 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 key stakeholders in the European digital advertising community, including the EASA and the IAB Europe, launched the European Interactive Digital Advertising Alliance (EDAA) in Brussels in October 2012.

The EDAA is 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, and is available in 35 languages.

In 2014, the EASA organised a number of webinars on OBA self-regulation in Europe and they are also available on the EDAA’s website, www.edaa.eu.

In 2015, the EDAA carried out consumer awareness research on the OBA Admarker and Icon with over 13,000 consumers across 13 different European markets, including Ireland.

Thirty-two per cent of consumers in Ireland had seen the OBA Icon accompanied by the Admarker before the survey. This compares very favourably with other markets, with only Portugal (40%) and Greece (38%) having a higher consumer awareness.

While only 25% of Irish consumers who recognised the Icon reported that they had ever clicked on it, 20% recognised that they could click on it to manage their privacy preferences.

Fifty-nine per cent of Irish consumers were more favourable to the concept of Online Behavioural Advertising when shown information on OBA, and how to manage preferences through youronlinechoices.eu (YOC). YOC provides consumers with the option to ‘turn off’ data collection by some or all participating companies. Being able to manage privacy preferences led 41% of Irish consumers to consider that their levels of trust in the brand being advertised would increase.

THE END OF AN ERA...



Frank Goodman Chief executive of ASAI 2004 – 2015 with the Chairman and his ASAI colleagues.

THIS YEAR WE BADE FAREWELL TO
FRANK GOODMAN WHO HAS BEEN OUR
CHIEF EXECUTIVE FOR OVER 10 YEARS.

WE WISH HIM THE VERY BEST IN HIS
WELL EARNED RETIREMENT.



STRATEGIC REVIEW

STRATEGIC REVIEW

The ASAI has operated very successfully since 1981. It is well used by the public throughout Ireland and its judgments are readily accepted and implemented by the advertising industry. Many factors have contributed to this success, among which are the support of the advertising industry as a whole, the quality and comprehensive nature of its Code, and its own structure and working methods.

However, given the period of change which the advertising industry is facing, together with changing standards in society and the challenges coming from both home and abroad, the Board of the ASAI completed a strategic review of the ASAI in 2015, looking at its strengths and weaknesses, its opportunities and threats.

As part of the process the ASAI retained an external consultant with extensive expertise of the advertising industry and public service to carry out research with Senior Executives/Managers in the advertising industry,

NGO's and public service. The research related to the current role of the ASAI and services that could usefully add value to the role of the ASAI, for both consumers and the industry. The output from the research which was presented to the Board of the ASAI in mid-2015, demonstrated that while the respondents considered the ASAI undertook its core work, that of implementing the ASAI Code, in a fair and balanced manner, the level of knowledge about the ASAI, its structure, how it is funded and essentially that it is the industry's own advertising self-regulatory body could be improved.

Arising from this, the Board adopted a Strategy Statement in August 2015 that will form the basis of its progress over the next number of years. The Statement, a copy of which appears on pages 17 and 18 sets out the values by which the ASAI operates, its mission statement, the important objectives which it has set itself and an outline of the strategies it intends to adopt to achieve these objectives.

THE ADVERTISING STANDARDS AUTHORITY FOR IRELAND

STATEMENT OF STRATEGY

MISSION

The mission of the Advertising Standards Authority for Ireland (ASAI) is to ensure the highest standards of advertising and marketing communications in Ireland, through the enforcement of the Code of Standards for Advertising and Marketing Communications in Ireland, in the interests of consumers, society and advertising generally.

VALUES

The values and beliefs which govern the way the ASAI operates and conducts its relations with consumers, its members and its staff, are to:

- Act with integrity and responsibility.
- Provide services that are visible and easy to access.
- Be transparent in our procedures and committed to due process.
- Treat our staff and stakeholders with respect.
- Be independent, fair and impartial in our decisions.
- Deal with complaints and queries in a timely manner.
- Be responsive to change.

VISION

The vision of the ASAI is to be recognised as the leading authority in regard to setting and upholding the highest standards of advertising and marketing communications in Ireland.

STRATEGIC OBJECTIVES

The Board identifies its priorities as being to:

- Promote and enforce the highest standards in advertising and marketing communications in Ireland through administration of the ASAI Code.
- Achieve greater relevance and awareness of the ASAI among stakeholders, including industry, consumers and public bodies.
- Promote and strengthen self-regulation as part of the overall regulatory mix in Ireland.
- Support stakeholders in a proactive manner.
- Ensure a level playing field for advertisers, agencies and the media.
- Ensure that the Code has the widest possible acceptance amongst industry stakeholders and the public.
- Ensure stakeholder satisfaction through the application of procedures that are fair, consistent and transparent.
- Ensure that the ASAI is financially viable and sustainable.

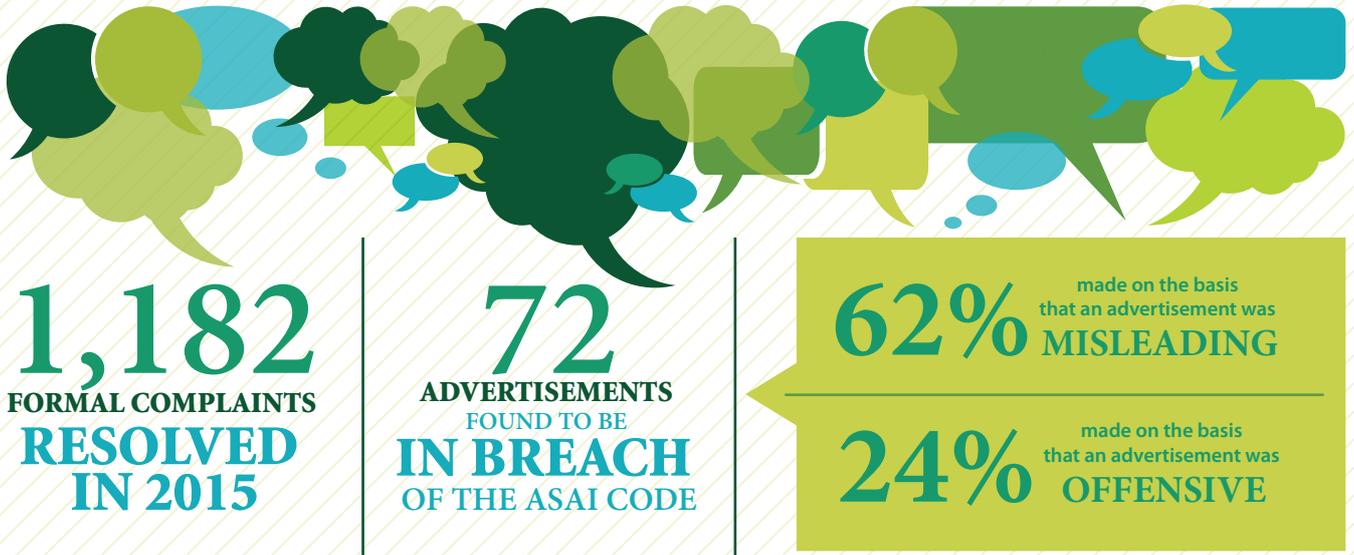
STRATEGIES

The following will be the priority strategies for the ASAI by which its mission, vision and strategic objectives will be achieved.

- Ensure that the ASAI Code is relevant and up to date and reflects best practice, nationally and internationally, and continue to respond to the concerns of the industry, the public and government. This will be achieved by keeping the Code under review and relevant to developing areas of marketing communications.
- Ensure that stakeholders are aware of the ASAI, its Code and its work and have an opportunity to engage in a proactive manner with the ASAI.
- Achieve a higher national profile and ensure that industry understands and supports the ASAI through the implementation of an appropriate advocacy and communications strategy.
- Strengthen the educational role of the ASAI by developing relationships with appropriate industry bodies and educational establishments.
- Promote advertising self-regulation amongst the public and political systems through the implementation of an appropriate advocacy and communications strategy.
- Inform industry of the Complaints Committee's interpretations of the Code and ensure their application across the sector.
- Support the industry by promoting the copy advice service as a cost effective and efficient way to ensure responsible advertising.
- Continue to invest in and develop our internal communications and information technology.
- Maintain and improve the internal business processes of the ASAI through the introduction of key performance indicators and staff developmental policies which ensure that staff have the expertise required and that knowledge gaps are identified.
- Ensure that the contributor base is as wide and inclusive as possible, and that it mirrors the diversity of marketing communications.

26th August 2015

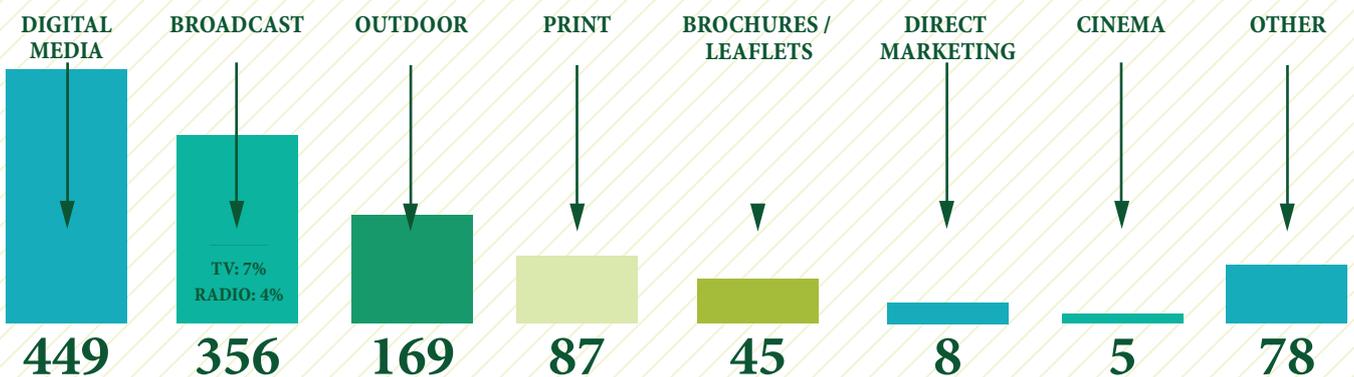
COMPLAINTS OVERVIEW



TOP 5 AREAS of advertising which raised concerns for the public



COMPLAINTS BY MEDIA



COMPLAINTS

In 2015, the ASAI received 1,221 written complaints concerning 924 advertisements. This represents a decrease of 173 complaints compared to 2014. The number of individual advertisements that attracted complaints is broadly consistent with the number of advertisements complained about in 2014 (924 compared to 895).

At 924, the number of advertisements that received complaints is a very small proportion of the thousands of advertisements that were published during the year in all Irish media – TV, radio, online newspapers, magazines, outdoor, brochures, leaflets and cinema.

There were 226 complaints carried forward from 2014 and the ASAI dealt with 1,182 in 2015, leaving 265 in respect of 232 advertisements to be carried forward to 2015.

The number of complaints and advertisements not resolved at the end of the year was higher than those brought into the year and higher than the Authority would have wished. However, it should be noted that during the year, as earlier reported, a new edition of the Code was finalised and launched, and the Strategic review was completed and these two areas of work impacted on the throughput of cases.

	2015		2014		2013	
	Complaints	Ads	Complaints	Ads	Complaints	Ads
Carried forward from previous period	226*	128	215	147	145	115
Received during period	1,221	924	1,394	895	1,302	888
Resolved during Period	1,182	820	1,384	915	1,232	856
Brought forward to next period	265	232	225	127	215	147

*A complaint recorded in 2014 as closed was subsequently re-opened.

How Complaints Are Dealt With

After an initial evaluation, and investigation where appropriate, complaints are either dealt with informally by the Executive 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. The Complaints Committee at each meeting reviews a sample of complaints dealt with by the Executive. 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.

Resolution of Complaints

	2015		2014		2013	
	<i>Complaints</i>	<i>Advertisements</i>	<i>Complaints</i>	<i>Advertisements</i>	<i>Complaints</i>	<i>Advertisements</i>
Additional information requested but not provided	205	203	196*	179*	188	169
<u>Out of Remit</u>						
Media/matter out of remit	37	25	83	61	153	63
Cross border complaint	12	12	14	13	13	13
	49	37	97	74	166	76
<u>Preliminary Assessment of Advertisement</u>						
Complaint withdrawn	10	8	18	18	20	20
More appropriate for another Body	38	35	35	35	52	45
No basis under Code	273	205	319	248	250	225
No evidence of offence	75	42	75	44	89	53
Previously adjudicated	73	15	96	19	5	3
	469	305	543	364	416	346
<u>Investigation by Executive</u>						
Formal – Referred to Complaints Committee	193	103	254	133	164	91
Informal Resolution by Executive	266	230	293	253	298	253
	459	333	547	386	462	344
TOTAL	1,182	878	1,383*	1,003*	1,232	935

* A complaint that was reported as closed at end 2014 was subsequently re-opened after the finalisation of the figures for the 2014 Annual Report.

One of the features of the ASAI system is that an advertisement can be the subject of different categories of complaint.

For example, in the case of one advertisement, twenty-one complaints were submitted to the Complaints Committee and were upheld, while a further 22 complaints about the same advertisement were received after the Committee adjudicated on the advertisement and the complainants were advised that the Committee had found the advertisement to be in breach of the Code. In this case, the advertisement was recorded in ‘Preliminary Assessment of Advertisement – Previously adjudicated’ and ‘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 2015, 62 per cent of the complaints were made on the basis that an advertisement was misleading, with 24 per cent made on the basis that an advertisement was offensive. However, there are 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, employment and business opportunities, financial services, food and non-alcoholic beverages, health and beauty claims and slimming claims.

Complaints by Sector

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

Sector	2015	2014	2013
Telecommunications	240	182	142
Leisure	150	275	111
Household	101	143	88
Miscellaneous	98	94	72
Health & Beauty	80	93	127
Travel / Holidays	77	90	105
Food & Beverages	72	127	82
Motoring	66	72	86
Financial	55	81	60
Alcohol	34	57	47

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. 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 2015, 48 competitor complaints were received, with a further 7 complaints carried forward for consideration from 2014. Of these, 43 complaints were resolved in 2015 and 12 complaints were brought forward to 2016. The Complaints Committee formally adjudicated upon 2 complaints relating to 2 advertisements, 1 which was found to have breached the Code rules.

Complaints by Media

Media	2015	2014	2013
Digital Media	449	606	575
Broadcast*	356	450	353
Outdoor	169	126	165
Print	87	124	114
Brochures/Leaflets	45	57	61
Direct Marketing	8	21	20
Cinema	5	8	2
Other	78	79	66
	1,197	1,471	1,356
*Broadcast Breakdown:	356	450	353
Radio	118	150	124
Television	238	300	229

In 2015, following the trend evident in earlier years, digital media gave rise to the largest block of complaints. As a proportion of all complaints it has been increasing steadily; in 2010, it represented 22 per cent of total complaints compared to 38 per cent in 2015.

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. However, capturing all media that complainants refer to gives a more accurate picture of the complainants’ experience.

Alcohol Advertising

Since 2003, all alcohol advertisements are pre-vetted by Central Copy Clearance Ireland, trading as CopyClear, 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 advertisement can appear in the Irish media without pre-vetting and clearance from CopyClear. The ASAI Executive and the CopyClear managers meet on a regular basis to discuss the provisions of the Code to ensure that the application of the Code by CopyClear is in line with the ASAI interpretation. Such meetings help to ensure that alcohol

advertising in Ireland continues to operate to the highest standards.

Of the 1,221 complaints received in 2015, 34 of them were against 30 advertisements related to some aspect of alcohol advertising – be it alcohol brand advertising, venue advertising or retail advertising. Complaints about 16 of the 30 advertisements related to the specific alcohol provisions of the Code.

In 3 cases we asked the complainants to provide more detail about their complaint. Six advertisements were referred to the Complaints Committee for a decision with 3 being found in breach of the alcohol rules of the Code.

A selection of cases dealt with informally by the Executive was also reviewed by the Committee, in line with normal practice for all areas of complaints.

COMPLAINTS COMMITTEE

CHAIRPERSON'S STATEMENT



Bairbre Redmond, Chairperson, Complaints Committee

I have great pleasure in presenting my report as the independent Chairperson of the Complaints Committee.

The Committee formally considered 103 advertisements during 2015. In addition, 115 complaints dealt with by the Executive were reviewed by the Committee. The actual number of advertisements complained about overall in 2015 was 924.

While the number of advertisements submitted to the Committee for adjudication was lower than that in the previous year, the level of complexity in some cases is significant, and as in previous years, the work of the Complaints Committee is informed by expert opinions from outside specialists, sourced by the Executive.

I want to pay particular thanks to the members of the

Complaints Committee who not only carry out their work in a considered and objective manner, they also bring a range of important professional skills to the adjudication process. The majority of the Committee is comprised of non-industry members and, as Chair, I am fortunate to be able to draw on expertise in areas such as clinical psychology, child and adolescent health and mental health, consumer affairs, and national and international policy making. These skills are complemented by the considerable experience provided by the industry members. The Committee members all give their time voluntarily in order to uphold high standards in Irish advertising.

This year, a number of long-serving members of the Complaints Committee stood down. We will miss their expertise and insights and are very thankful to them for their work with the ASAI. Two new non-industry members have joined the Committee and have undertaken training to familiarise them with the ASAI Code and the important decision-making processes expected of them on the Committee.

Finally, as always I would also like to thank the Executive 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. 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 ASAI Code.

While the Executive 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 2015. 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 103 advertisements considered by the Committee, complaints in relation to 72 were upheld and 30 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 the case of the one remaining advertisement, 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

	<u>2015</u>		<u>2014</u>		<u>2013</u>	
	<i>Complaints</i>	<i>Advertisements</i>	<i>Complaints</i>	<i>Advertisements</i>	<i>Complaints</i>	<i>Advertisements</i>
Submitted to the Committee	193	103	254	134	164	94
Upheld / In Breach	148	72	159	92	84	65
Not Upheld / Not in Breach	44	30	93	40	78	27
Statement	1	1	2	2	2	2

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