

## Advertising – Don't Get Caught Out!

Advertising your services is a beneficial activity for your business. A few Association of Reflexologists' members however have experienced what it is like to deal with a complaint against them via the Advertising Standards Authority (ASA).

This information will provide details of the role of the ASA, what you need to consider when preparing your advertising material and where you can source help.

### Who are the ASA?

The ASA is the independent body set up by the advertising industry to police the rules laid down in the advertising codes.

The ASA regulates the content of advertisements, sales promotions and direct marketing in the UK. The type of ads and promotions they look into are in the main:

- Magazine and newspaper advertisements
- Radio and TV commercials (not programmes or programme sponsorship)
- Television Shopping Channels
- Posters on legitimate poster sites (not flyposters)
- Leaflets and brochures
- Cinema commercials
- Direct mail (advertising sent through the post and addressed to you personally)
- Door drops and circulars (advertising posted through the letter box without your name on)
- Advertisements on the Internet, include banner ads and pop-up ads (not claims on companies' own websites)
- Commercial e-mail and SMS text message ads
- Ads on CD ROMs, DVD and video, and faxes

The ASA can stop misleading or offensive advertising and make sure that sales promotions run fairly.

### How do they do it?

The ASA monitors ads to identify if the advertiser is complying with the codes. They also investigate complaints made about ads, sales promotions and direct marketing. Most complaints are made through the complaints form on the ASA website and they publish outcomes of adjudications on their website.

## **What are the Advertising Standards Codes?**

These are codes separated out into codes for TV, radio and all other types of ads. The codes can be found on the ASA website at the end of this information.

In the main, the principles of advertising standards codes are that ads should not mislead, cause harm or offend. There are specific rules for certain products etc and complementary therapy comes under the rules for health and beauty.

## **Who writes the Codes?**

The advertising industry takes responsibility for writing the advertising standards codes and enforcing the ASA rulings through the Committee of Advertising Practice (CAP) which represents the main industry bodies, representing advertisers, agencies and media owners.

## **How are the ASA decisions enforced?**

The majority of UK advertising is within the Codes. When the ASA upholds complaints most advertisers agree to change or remove the ad. Media owners agree not to run ads that breach the codes. For the few who persistently flout the rules the ASA can rely on the backing of the Office of Fair Trading and Ofcom. They can, for example, refer a broadcaster to Ofcom if a licensee is not sticking to the rules, or can refer an advertiser, agency, or publisher to the OFT if they persistently run misleading ads that breach the Good advertising is good for business.

The UK marketing industry's system of self-regulation helps to ensure that consumers continue to accept advertising and that advertising remains effective: honest advertising helps to keep customers coming back.

In the UK, the rules for advertising are the responsibility of the advertising industry through two Committees of Advertising Practice: CAP (Broadcast) and CAP (Non-broadcast). CAP (Broadcast) is responsible for the TV and radio advertising codes and CAP (Non-broadcast) is responsible for the rulebook for non-broadcast advertisements, sales promotions and direct marketing.

By creating and following self-imposed rules, advertisers, promoters and direct marketers (marketers), their agencies and the media produce marketing that is welcomed and trusted. By practising self-regulation, they ensure the integrity of marketing communications.

## **What are the dos and don'ts of advertising?**

Every advertisement - whether it appears on the TV, radio, internet, in a newspaper or on a poster, or if it drops on your doormat – is required to meet certain codes of conduct. Administered by the Advertising Standards Authority (ASA), these codes are there to prevent advertising that is either misleading or offensive.

Codes of conduct govern advertising in the UK. The advertising industry takes responsibility for the Codes, which apply to radio and television commercials, ads in non-broadcast media, sales promotion and direct marketing. Here are some of the key rules contained in the Codes:

### **Misleading advertising**

Advertisements are not allowed to mislead consumers. This means that advertisers must hold evidence to prove the claims they make about their products or services before an ad appears.

## **Offensive advertising**

Ads are not allowed to cause serious or widespread offence. Special care needs to be taken on the grounds of sex, race, religion, sexuality and disability. The ASA consider many factors before deciding whether or not the ad is offensive – including where the ad appears, the audience, the product and what is generally acceptable conduct at the time. It's not simply about the number of complaints made.

## **Other rules**

The Codes also contain specific rules about sales promotions and direct marketing, including how advertisers can use certain types of personal data. Other rules cover ads aimed at children and ads for alcohol, health products, beauty products, financial services, employment and business opportunities, and gambling. There are also rules governing the types of ads that can be shown around certain programmes.

## **As an AoR member what do you need to consider?**

Advertisers must not mislead consumers. This means that if you state that reflexology helps to relieve X you must hold evidence to prove the claims you make. This can take the form of:

- your client studies
- your own research
- published research of others

## **How can you access further advice and guidance?**

The ASA via its CAP team can provide a fast, free and confidential service to help you to create your non-broadcasting communications that comply with the CAP Code.

Their advice is informed and impartial and they aim to provide constructive guidance and help you to find solutions. This consultation can give you the re-assurance that your ad is likely to meet the Codes requirement and help avoid complaints being made against you.

You can contact the CAP team at any stage of your campaign production process: concepts, copy or artwork – the sooner the better. They can identify any contentious issues before you spend costly time and resources taking them forward

By submitting draft campaign materials and plans, you will be alerted of possible code breaches which will help to avoid an ASA investigation.

## **How to access Copy Advice**

- Call 020 7492 2100 and speak to one of their advisers. They are on hand to help you from Monday to Friday 9.00am – 6.00pm.
- Email your draft campaign materials to [copyadvice@cap.org.uk](mailto:copyadvice@cap.org.uk). The CAP team will be able to offer you more informed advice and will usually respond within 24 hours.
- Visit the website at [www.cap.org.uk](http://www.cap.org.uk) where you can access our Help Notes and the Advice Online database.

*Acknowledgements*

[www.cap.org.uk/cap/copy\\_advice](http://www.cap.org.uk/cap/copy_advice)

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