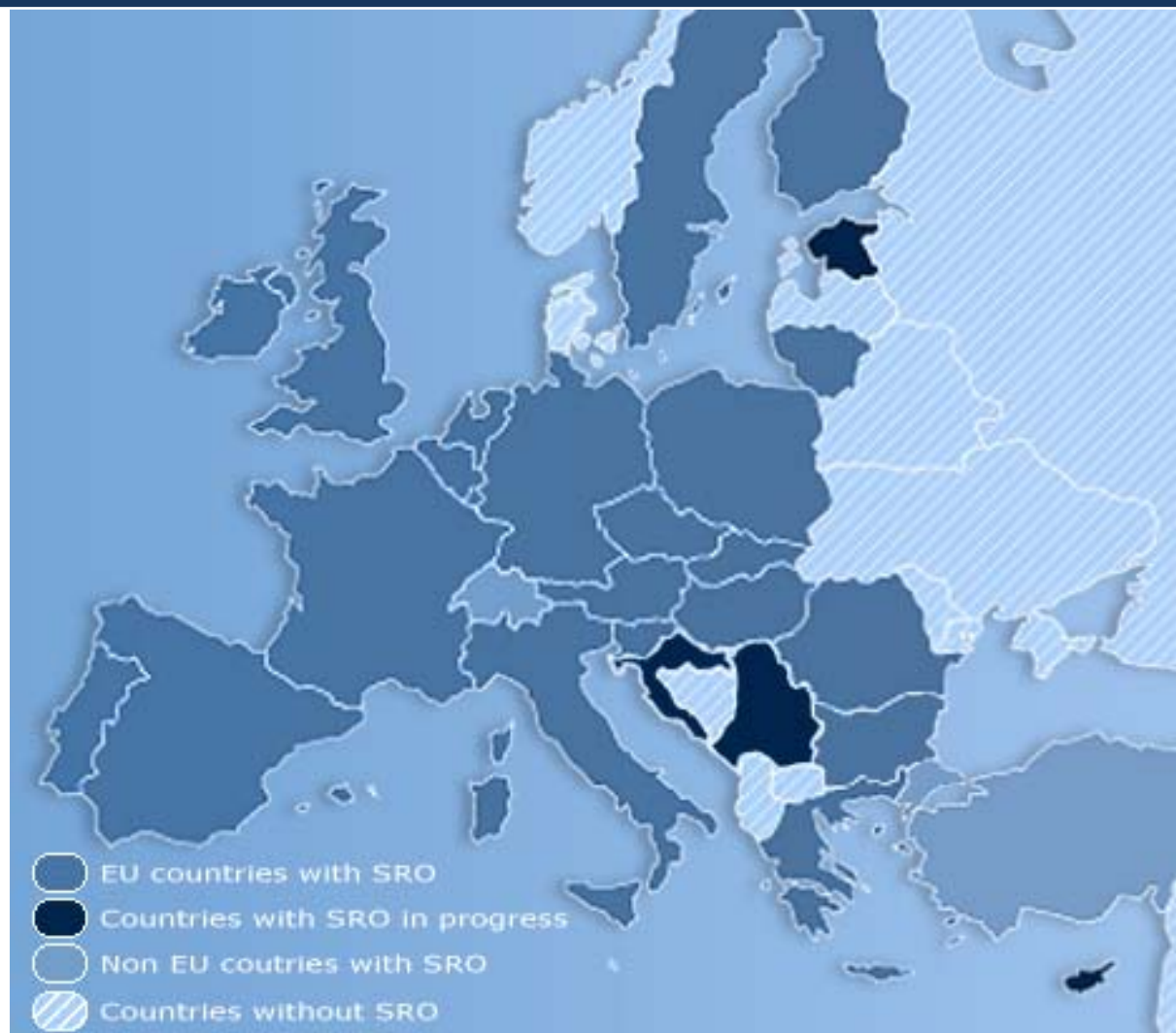


European trends in advertising complaints, copy advice and pre-clearance



2010

EASA

The European Advertising Standards Alliance (EASA) is the single authoritative voice of advertising self-regulation. EASA promotes high ethical standards in commercial communications by means of effective self-regulation for the benefit of the general public and businesses. EASA also coordinates a cross-border complaint mechanism which provides members of the public with the possibility to complain about an ad that was published in a medium that is not located in his/her country. For further information and to download the annual EASA cross-border complaints report, please visit: www.easa-alliance.org.

As a non-profit organisation based in Brussels, EASA brings together national advertising self-regulatory organisations (SROs) and organisations representing the advertising industry in Europe.

EASA editorial team

Maria Tsoumou
Project Officer

Sibylle Stanciu
Overall Project Management

Renée Brautigam
Proofreading

Oliver Gray
EASA Director General

Copyright

The complete or partial reproduction of this publication is forbidden without the prior express written permission from EASA. Please contact Maria Tsoumou for further information.

EASA contact information

Maria Tsoumou
0032 (0)2 513 78 06
maria.tsoumou@easa-alliance.org

Table of Contents

Key findings in 2010	5
Introduction	6
Source of statistical data: advertising self-regulatory organisations.....	7
Overview of collected statistical data	8
Methods used to interpret statistical data	10
1. Complaints	11
1.1 Total number of complaints in Europe in 2010.....	11
1.2 Complaints by country.....	12
1.3 The most complained about ads in Europe in 2010.....	18
1.4 Source of complaints in 2010.....	20
1.5 Speed in the resolution of complaints	22
1.6 Outcome of resolved complaints	24
1.7 Issues complained about	26
1.8 Breakdown of issues	28
1.9 Issues complained about – breakdown by country	30
1.10 Complaints about advertising for products and services	32
1.11 Complaints concerning sensitive or problematic products/services & sponsorship	35
1.11.1 Advertising for food (incl. non alcoholic beverages).....	36
1.11.2 Advertising for alcoholic beverages	37
1.11.3 Advertising for telecoms and internet services.....	38
1.11.4 Advertising for the financial/banking sector.....	39
1.11.5 Advertising for energy suppliers.....	40
1.11.6 Advertising for airlines.....	41
1.11.7 Advertising for motorised vehicles	42
1.11.8 Complaints on sponsorship.....	43
1.12 Media where the advertisements complained about appeared	44
2. Copy Advice	47
3. Pre-clearance	51
Annex A: How an advertising self-regulatory system works.....	52
Annex B: Definitions of terms and complaint categories	54

List of Figures

Figure 1: Total number of complaints received between 2005-2010 across Europe	11
Figure 2: Complaints by country with more than 400 complaints in 2008, 2009 and 2010 ..	14
Figure 3: Complaints by countries with less than 400 complaints in 2008, 2009 and 2010.	15
Figure 4: Source of total number of complaints across Europe	20
Figure 5: Source of total number of complaints received across Europe in 2008, 2009 and 2010	21
Figure 6: Source of complaints (European mean average) received across Europe in 2008, 2009 and 2010	22
Figure 7: European mean average speed of complaint resolution in 2010	22
Figure 8: Speed of complaint resolution in 2008, 2009 and 2010	23
Figure 9: Outcome of complaints 2010 (European mean averages) based on data from all European SROs	25
Figure 10: Outcome of complaints in 2008, 2009 and 2010 (European mean averages)....	25
Figure 11: Reasons for complaints in 2010 (European mean averages)	27
Figure 12: Reasons for complaints in 2008, 2009 and 2010 (European mean averages)...	27
Figure 13: Reasons for complaints: 'taste and decency'	28
Figure 14: Reasons for complaints: 'social responsibility'	29
Figure 15: Complaints per general issue in 2010	30
Figure 16: European mean average per products/services in 2008, 2009 and 2010	33
Figure 17: Percentage composition of the reasons for complaints for food and non-alcoholic beverages advertising in 2010 from all European SROs	36
Figure 18: Percentage composition of the reasons for complaints for alcoholic beverages advertising in 2010 based on data from all European SROs	37
Figure 19: Percentage composition of the reasons for complaints for advertising of telecoms and internet in 2010 based on data from all European SROs	38
Figure 20: Percentage composition of the reasons for complaints for advertising for financial services in 2010 based on data from all European SROs	39
Figure 21: Percentage composition of the reasons of complaints for advertising of energy suppliers in 2010 based on data from all European SROs	40
Figure 22: Percentage composition of the reasons for complaints for airline advertising in 2010 based on data from all European SROs	41
Figure 23: Percentage composition of the reasons for complaints for car advertising in 2010 based on data from all European SROs	42
Figure 24: European mean averages of complaints per media platform in 2008, 2009 and 2010 across Europe	45
Figure 25: Breakdown of complaint numbers for digital marketing communications in 2010 from all European SROs	46
Figure 26: Copy advice requests received in 2007-2010	47
Figure 27: Copy advice requests per country in 2008, 2009 and 2010	48
Figure 28: Speed in the handling of copy advice requests in 2010 based on data from all European SROs that provide copy advice	48

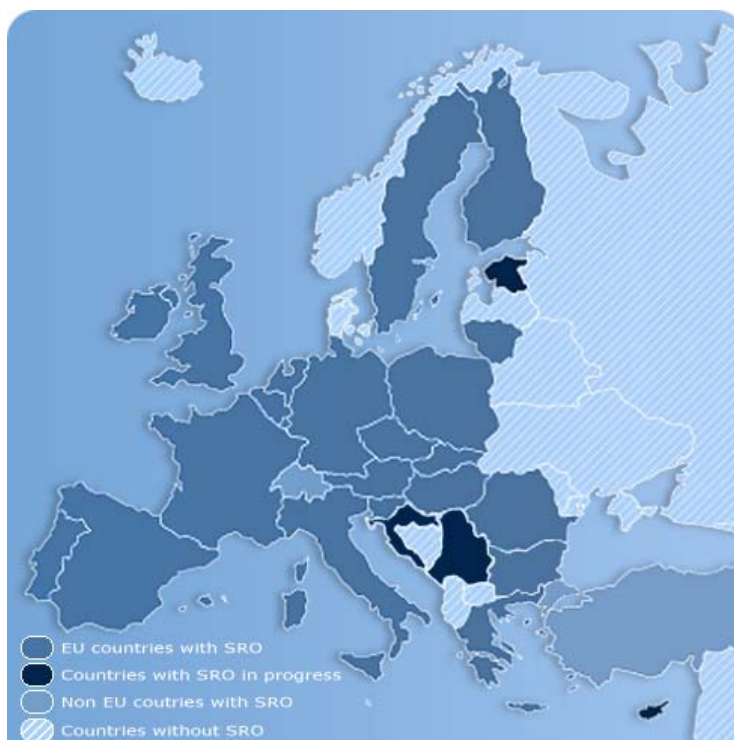
Key findings in 2010

- In 2010, 26 European advertising self-regulatory organisations received a total of 53,442 complaints regarding the content of advertisements.
- As well as being the countries with the highest ad spend, the UK and Germany account for 73% (38,918) of all complaints received in Europe.
- The main issue prompting complaints in 2010 was allegedly misleading advertising. This issue generated 20,805 complaints, which were related to approximately 10,500 ads. Issues related to taste and decency generated more complaints in absolute numbers (21,825 complaints) but these were related to a relatively small number of advertisements (approximately 3,500 ads).
- On average, at a European level, the electronic and information communication technology sector, the food and non-alcoholic beverages sector and the leisure and entertainment sector were the most complained about product/services sectors.
- Audiovisual media services* were the most complained about medium in 2010.

*The definition of audiovisual media services can be found on page 60.

Introduction

In 2011, EASA requested the 2010 statistical data from **26 operational European advertising self-regulatory organisations (SROs)**. This report, therefore, covers 24 SROs in 22 countries of the EU27, as well as the SROs in Switzerland and Turkey. A list of the countries and their respective SROs are featured on the following page. An overview of how an advertising self-regulatory system works can be found in annex A (see page 55).



Unlike the rest of Europe, the German and the British self-regulatory systems each have two self-regulatory bodies for advertising.

In Germany the *Deutscher Werberat* (German Advertising Standards Council) deals with issues of social responsibility as well as taste and decency, while the *Zentrale zur Bekämpfung unlauteren Wettbewerbs* (Centre for Combating Unfair Competition) is responsible for issues of misleading advertising and unfair competition.

In the UK, the *Advertising Standards Authority* offers a copy advice service and resolves complaints on advertising content from consumers, competitors or other interested parties. *Clearcast*, on the other hand, examines pre-production scripts and pre-clears finished television advertisements prior to transmission.

In Sweden several self-regulatory bodies operate alongside *Reklamombudsmannen* (RO). While RO focuses on different aspects of ethical advertising, such as misleading advertising, advertising to children, sexism and gender issues, the other self-regulatory bodies deal with specific issues such as Alcohol (*Alkoholgranskningsmannen* / Alcohol Marketing Supervisor), Telecommunications (*Stiftelsen Etiska Rådet för Betaltelejtjänster* / Ethical Council on Telecom Services) and Health (*Svensk Egenvård* / Supervisory Committee of the Health Food Industry). The total number of complaints featured in this report incorporates all complaints received by these different bodies in Sweden. The more detailed breakdown of the complaint numbers is based only on the figures published by RO.

Source of statistical data: advertising self-regulatory organisations

Country	SRO	Abbreviation
Austria	Österreichischer Werberat	ÖWR
Bulgaria	Национален съвет за саморегуляция/ National Council for Self-Regulation	NCSR
Belgium	Jury d'Ethique Publicitaire/ Jury voor Ethische Praktijken inzake Reclame	JEP
Czech Republic	Rada pro reklamu	RPR
Finland	Mainonnan eettinen neuvosto	MEN
France	Autorité de régulation professionnelle de la publicité	ARPP
Germany	Deutscher Werberat	DW
	Zentrale zur Bekämpfung unlauteren Wettbewerbs	WBZ
Greece	Συμβούλιο Ελέγχου Επικοινωνίας (ΣΕΕ)/ Advertising Self-Regulation Council	SEE
Hungary	Önszabályozó Reklám Testület	ÖRT
Ireland	Advertising Standards Authority for Ireland	ASAI
Italy	Istituto dell'Autodisciplina Pubblicitaria	IAP
Lithuania	Lietuvos Reklamos Biuras	LRB
Luxembourg	Commission Luxembourgeoise pour l'Ethique en Publicité	CLEP
Netherlands	Stichting Reclame Code	SRC
Poland	Związek Stowarzyszeń Rada Reklamy	RR
Portugal	Instituto Civil da Autodisciplina da Publicidade	ICAP
Romania	Consiliul Roman Pentru Publicitate	RAC
Slovak Republic	Rada Pre Reklamu	RPR
Slovenia	Slovenska Oglaševalska Zbornica	SOZ
Spain	Asociación para la Autorregulación de la Comunicación Comercial	AUTOCONTROL
Sweden	Reklamombudsmannen	RO
Switzerland	Schweizerische Lauterkeitskommission/ Commission Suisse pour la Loyauté	CSL
Turkey	Reklam Özdenetim Kurulu	RÖK
UK	Advertising Standards Authority	ASA
	Clearcast	Clearcast

Overview of collected statistical data

Every year, EASA collects top line statistical data from each European self-regulatory organisation (SRO)¹. The results of the annual statistical analysis are a useful and important instrument to determine and anticipate trends and problematic sectors or issues with regard to complaints about advertising across Europe.

In recent years, EASA has refined the data questionnaire sent to its members to ensure better consistency, more uniform definitions and greater usability in the data reported back. On the basis of this information, the main issues prompting complaints can be identified, as well as the product/services sector that generated most complaints and the medium that carried most advertisements complained about.

In 2011 EASA collected data from SROs on:

- received complaints in 2010
- resolved complaints in 2010
- received cases in 2010
- resolved cases in 2010
- copy advice requests in 2010
- pre-clearance requests in 2010.

The difference between received and resolved complaints is due to the fact that EASA looks at a specific period (1 January 2010 – 31 December 2010). There are a number of complaints that were received in 2009 but solved in 2010, which will show up in the resolved complaints but not in the received complaints category. Likewise, there are a number of complaints that were lodged at the end of 2010 and resolved in 2011 - when looking at the 2010 statistics, these will show up only in the received complaints category for 2010.

All in all, the numerical difference between received and resolved complaints for 2010 is small.

The difference between complaints and cases is more substantial. A complaint is defined as an expression of concern about an advertisement by a member of the public, a competitor or an interest group etc. which requires a response. One complaint is defined as one or several different concerns about one advertisement by the same complainant. A case, on the other hand, is defined as an advertisement subject to assessment/investigation by the SRO jury. Therefore a case can be composed of several (or in some cases many) complaints about the same advertisement. In this report EASA uses mostly the numbers for resolved complaints, although the number of cases was useful to identify that the number of complaints related to taste and decency issues in 2010 were compiled in a relatively small number of cases, and therefore about a small number of advertisements.

¹ EASA collects data of 24 SROs in 22 countries of the European Union plus the data of the SROs in Turkey and Switzerland.

Note on statistical data

As self-regulatory organisations (SROs) have different ways and methods to classify, log and resolve complaints, the data reported to EASA might differ slightly from country to country. EASA has, however, further improved its data collection methods in recent years to ensure greater consistency in the collection and reporting of data.

With regard to certain issues, some SROs might not be able to submit any data or are submitting estimates only. Therefore, for the sake of transparency and accuracy, this report consistently features an asterisk where estimates have been used. When making more complex calculations, rough estimates have not been included at all.

Due to the fact that the Dutch SRO, SRC, does not record details of complaints that have not been pursued and the Italian SRO, IAP, provided the breakdown of the number of cases (as opposed to complaints), which also include own-initiative investigations, the totals in tables 2 to 5 do not add up to the total number of complaints received in Europe and may appear to vary.

Nevertheless, the European data basis is solid and allows for a reliable analysis of the complaints figures. Trends and problematic issues or sectors can be easily spotted using averages instead of the percentage composition of the total amount.

The interpretations of the data and the statistical results have been made with due diligence. Great care has been taken to provide as clear and accurate reporting as possible, taking into account the different reporting methods of the SROs.

Despite the afore mentioned difficulties in pan-European data collection, the 2010 EASA statistics report on advertising complaints in Europe is the most complete and comprehensive report published thus far and shows the success of continued efforts made by European SROs to harmonise their classification systems and provide EASA with a high quality data set.

EASA would like to thank its members for their contribution and hard work!

Methods used to interpret statistical data

As some SROs receive a very large amount of complaints and others a very small number, two different methods of data analysis have been used: firstly, the calculation of percentages based on aggregate complaints data and secondly, the calculation of the European mean average.

The first method is based on the calculation of the sum of the total number of complaints resolved by each SRO per issue, product or medium, etc. Subsequently, the percentage has been calculated in relation to the total number of complaints. The second method, on the other hand, calculates the European mean of the complaints resolved across Europe with regard to a specific issue, product, medium etc.

The following example will illustrate the different outcomes resulting from the use of the two different methods: In 2010, a total of 8,581 complaints across Europe concerned the leisure and entertainment sector, which comes down to 17.07% of the total amount of complaints. Using the European mean average, however, only 11.34% of the complaints resolved by European SROs concerned the leisure and entertainment sector.

While the result of the first method can be skewed by countries receiving a large number of complaints, like in the example mentioned above, the result of the second method can be skewed by countries receiving a very small number of complaints.

Using the different methods, different conclusions can be obtained. For example, if an SRO resolved 10,000 complaints about television advertising and only 900 about print ads, while a second SRO resolved only five complaints about television ads and 25 about advertising in the press, then the numbers of the latter do not carry any weight when the sum is made. Therefore, SROs resolving large numbers of complaints might dominate the result.

However, SROs resolving a small number of complaints could influence the European mean average if, for example, 15 out of 30 complaints resolved concerned the portrayal of women, due to one controversial campaign. In this case, the portrayal of women accounts for 50% of all complaints resolved. This number would augment the European mean average, even though the portrayal of women in advertising did not give rise to many complaints in other countries. Where appropriate, the results of both methods have been used.

As mentioned before, the percentage composition of a small amount of complaints does not necessarily correctly reflect the issues and problems related to advertising in those countries. The more complaints lodged with an SRO, the more reliable the statistical data becomes.

Overall it is important to keep in mind the total number of complaints resolved by each individual SRO when interpreting the data.

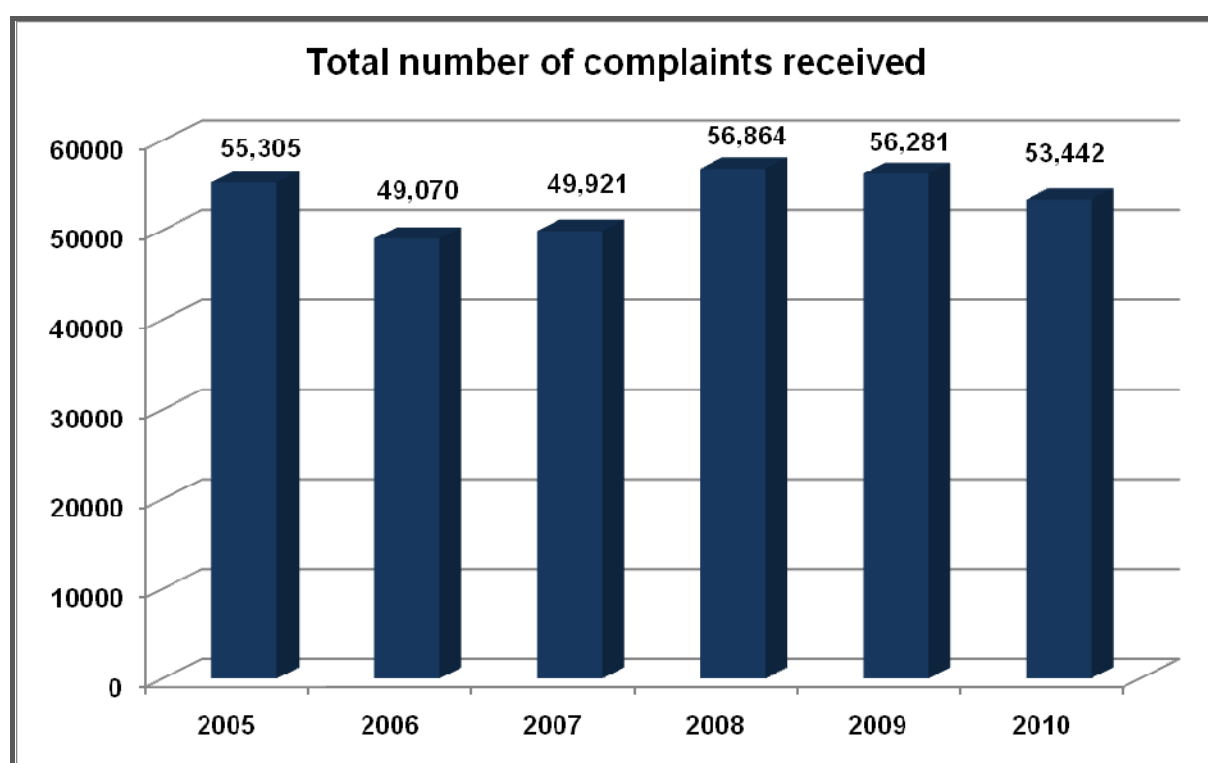
1. Complaints

1.1 Total number of complaints in Europe in 2010

European self-regulatory organisations received 53,442 complaints in 2010 and additionally dealt with 1,079 own-initiative investigations.

EASA's network of European self-regulatory organisations (SROs) received and dealt with 53,442 complaints in 2010. In addition, 1,079 'own-initiative' investigations were conducted. Until 2007 own-initiative investigations were counted as complaints, so that by this logic the total amount of complaints (and investigations) in 2010 would have been 54,521.

Figure 1: Total number of complaints received between 2005-2010 across Europe



Source: EASA SRO member statistics 2010

When comparing the complaint numbers of the last six years it becomes apparent that the level of complaints has remained relatively constant.

In 2005, 2008 and 2009 the numbers are higher due to controversial campaigns that caused many members of the general public to protest. In 2005, for example, an ad in the UK triggered a record amount of 1,671 complaints and several other campaigns received over 600 complaints². In 2008, a TV advertisement for a newspaper triggered 6,143 complaints in Turkey³.

² A TV ad of Yum! Restaurants (UK) Ltd t/a KFC received 1,671 complaints in the UK. The complaints were not upheld. See ASA Annual Report 2005.

³ The TV ad for the Turkish daily newspaper, Cumhuriyet (translated: republic), caused 6,143 people to complain because they felt the ad humiliated and discriminated against their religious beliefs. The SRO did not uphold the complaints.

Furthermore, Belgium was faced with a large number of complaints regarding the legibility and visibility of the mandatory notice regarding CO₂ emissions and fuel consumption on car advertising. In 2009, the UK had received a large number of complaints (1,204) about an advertising campaign by the Christian Party⁴ and about a car advertisement⁵ (1,070 complaints) - for more details see EASA's Statistics Reports from 2007, 2008 and 2009.

In 2010, the UK was again faced with several controversial advertising campaigns which triggered a large amount of complaints. However, the most complained about advertisement in 2010 originated from the Netherlands (for more information see page 19).

1.2 Complaints by country

The countries with the highest ad spend in Europe, the UK and Germany, account for the majority of complaints received and resolved in Europe. In total, 38,918 complaints (73% of all European complaints) were dealt with by the Advertising Standards Authority (ASA), the Deutscher Werberat (DW) and the Wettbewerbszentrale (WBZ) in 2010. The UK received 25,214 complaints, the largest share of complaints in Europe in 2010, followed by Germany with 13,704 complaints.⁶

As well as being the countries with the highest ad spend, the UK and Germany account for 73% (38,918 complaints) of all complaints received in Europe.

In 2010, the ASA (UK) received 25,214 complaints, 13% less than the number received in 2009. The complaints related to slightly fewer ads, representing a decline of 6% from 2009⁷. This decrease in the number of complaints can be partly explained by the fact that the ASA made clear on its complaint form that complaints about website content could not be investigated as they were still out of remit in 2010. It should be highlighted that the ASA extended its remit in terms of online advertising as of 1 March 2011.

The German SRO, *Wettbewerbszentrale*, dealt with fewer complaints in 2010, as the number of complaints about internet companies, such as online auction and shopping websites, had diminished.⁸

In the Netherlands, a campaign for a horror movie led to a record number of 2,404 complaints which almost doubled the number of complaints usually dealt with by the Dutch SRO, SRC. This placed the Netherlands, with a total of 5,893 complaints, third in rank of countries that received the highest share of complaints in Europe in 2010 (for more information on the controversial campaign, see page 19).

⁴ The slogan on the posters of the Christian Party 'There definitely is a God. So join the Christian Party and enjoy your life' was deemed offensive to atheists and considered misleading as its claims could not be substantiated. The SRO, however, considered the poster 'electioneering material' which is outside its remit.

⁵ The TV advertisements for Volkswagen provoked 1,070 complaints as they were considered inappropriate for children due to the violence shown in the commercials. The complaints were partially upheld.

⁶ The high number of complaints recorded in Germany can also be explained by the fact that the Wettbewerbszentrale has a more extended remit than most SROs. The Wettbewerbszentrale has the judicially authorised right to initiate legal action against those who infringe laws concerning unfair competition, and is dealing therefore also with complaints about, for example, prize competitions, price labelling or shop opening hours, among many other issues.

⁷ See the Annual ASA/CAP Report 2010.

⁸ Online companies improved in particular their terms and conditions with regard to distance selling.

The complaint numbers in Turkey were also almost doubled compared to the complaint numbers in 2009 due to a leaflet promoting the services of a telecommunication company that caused 481 complaints. It did, however, not reach the peak of 6,830 complaints dealt with by RÖK in 2009, where one ad alone had triggered more than 6,000 complaints.

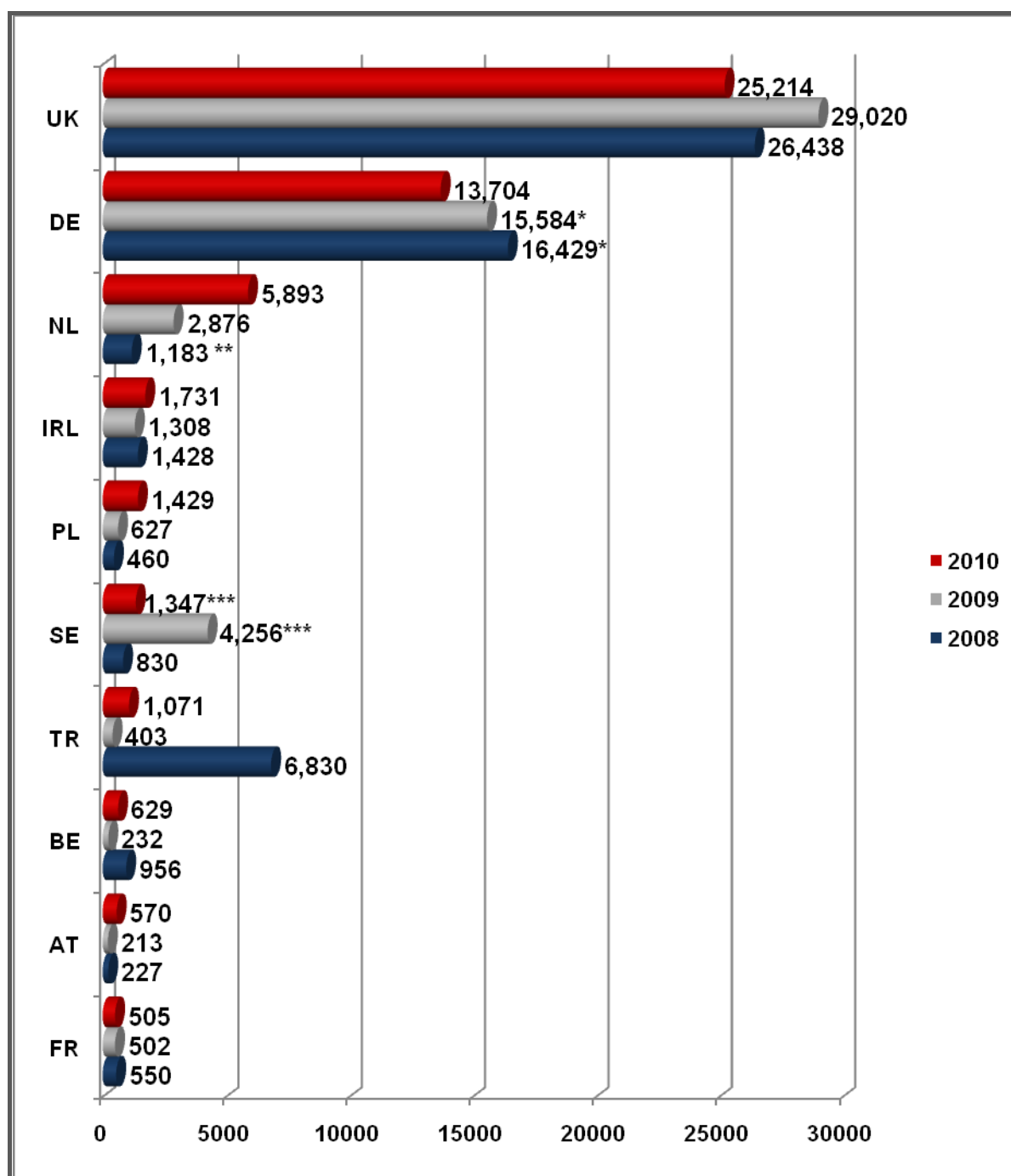
Controversial advertisements in Poland and Austria also increased the complaint numbers in 2010, while Belgium was faced again - as in 2008 - with a flood of complaints regarding the legibility and visibility of the mandatory notice of CO₂ emissions and fuel consumption on car advertising.

Fewer complaints were received in Greece due to the overall decrease in advertising expenditure caused by the economic crisis. For the Bulgarian SRO, 2010 was the first full year of operation which may explain the increase in the number of complaints received.

The Romanian SRO, RAC, received more complaints in 2010 which can be put down to effective cooperation with the authorities who transferred a significant number of complaints to RAC.

An extraordinary increase in consumer complaint numbers is often caused by controversial advertisements which mobilise many consumers or interest groups. Successful SRO awareness campaigns are also a likely cause for a rise in complaint numbers.

Figure 2: Complaints by country with more than 400 complaints in 2008, 2009 and 2010



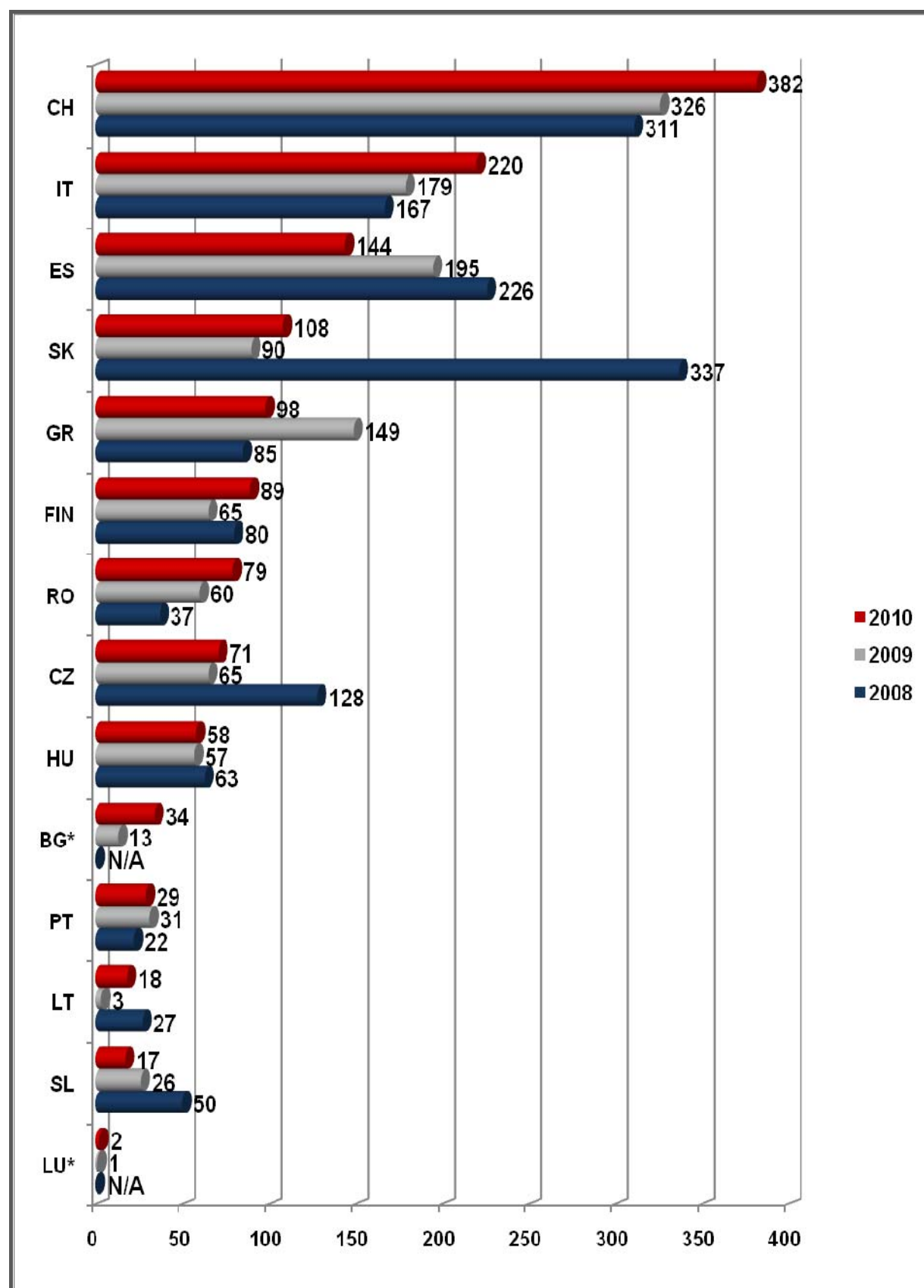
Source: EASA SRO member statistics 2010

* Based on estimates.

** The Dutch SRO, SRC, provided only case numbers in 2008. The number of complaints was estimated at 3,000.

*** Based on data from RO and other Swedish self-regulatory bodies.

Figure 3: Complaints by countries with less than 400 complaints in 2008, 2009 and 2010



Source: EASA SRO member statistics 2010

* The SROs established in Bulgaria and Luxembourg became operational in 2009.

Table 1: Ranking based on total number of complaints between 2008-2010 across Europe

Country / SRO	Rank in 2010	Complaints in 2010	Rank in 2009	Complaints in 2009	Rank in 2008	Complaints in 2008
UK						
ASA	1	25,214	1	29,020	1	26,438
Germany						
WBZ		12,797		15,000*		16,000*
DW		907		584		429
Total	2	13,704	2	15,584*	2	16,429*
The Netherlands						
SRC	3	5,893	4	2,876	5	1,183**
Ireland						
ASAI	4	1,731	5	1,308	4	1,428
Poland						
RR	5	1,429	6	627	9	460
Sweden						
RO (incl. other SR bodies)	6	1,347	3	4,256	7	830
Turkey						
RÖK	7	1,071	8	403	3	6,830
Belgium						
JEP	8	629	10	232	6	956
Austria						
ÖWR	9	570	11	213	12	227
France						
ARPP	10	505	7	502	8	550
Switzerland						
CSL	11	382	9	326	10	311
Italy						
IAP	12	220	13	179	14	167
Spain						
AUTOCONTROL	13	144	12	195	13	226
Slovak Republic						
SRPR	14	108	15	90	11	337
Greece						
SEE	15	98	14	149	16	85
Finland						
MEN	16	89	16	65	17	80

Country / SRO	Rank in 2010	Complaints in 2010	Rank in 2009	Complaints in 2009	Rank in 2008	Complaints in 2008
Romania						
RAC	17	79	17	60	20	37
Czech Republic						
CRPR	18	71	16	65	15	128
Hungary						
ÖRT	19	58	18	57	18	63
Bulgaria						
NCSR***	20	34	21	13	N/A	N/A
Portugal						
ICAP	21	29	19	31	22	22
Lithuania						
LRB	22	18	22	3	21	27
Slovenia						
SOZ	23	17	20	26	19	50
Luxembourg						
CLEP***	24	2	23	1	N/A	N/A

Source: EASA SRO member statistics 2010

* Based on estimates for complaints.

**The Dutch SRO, SRC, provided only case numbers in 2008 and this is the number used throughout the 2008 report as no breakdown was provided for the estimated number of complaints. The number of complaints was estimated at 3,000.

*** The Bulgarian SRO, NCSR, and the Luxembourgish SRO, CLEP, were only established recently in 2009.

Note: Clearcast (UK) is not included in this list as it does not resolve complaints; all complaints with regards to advertising in Britain are resolved by the UK SRO, ASA.

1.3 The most complained about ads in Europe in 2010

- Poster ad & trailer
- Sint (film)
- 2,404 complaints
- Not upheld

The most complained about ad in Europe in absolute numbers appeared in the Netherlands. The trailer and poster for the Dutch horror movie 'Sint', which provoked 2,404 complaints, depicted Sinterklaas (Saint Nicholas) on horseback wearing his traditional dress. However, in place of his face a skull was depicted.

As Sinterklaas plays a very important role in the life of Dutch children, comparable to Santa Claus in other countries, numerous parents complained to the Dutch SRO, SRC, as they considered the advertisement inappropriate for their children and likely to terrify them and provoke nightmares. SRC, however, considered that the images in the advertisements were too vague and, therefore, unlikely to harm young children. The complaints were not upheld on these grounds.



- Television ad
- Paddy Power (bookmaker)
- 1,313 complaints
- Not upheld

The second most complained about ad appeared on British Television and concerned the Irish bookmaker Paddy Power plc. The ad showed a game of football being played by two teams of blindfolded men. A cat was shown running on to the pitch before a player takes a kick, followed by the sound of a thud and a loud meow.

Viewers complained that this ad was offensive to blind people and could encourage animal cruelty. In total the ASA registered 1,313 complaints. Clearcast had cleared the advertisement before it was broadcasted, and defended its

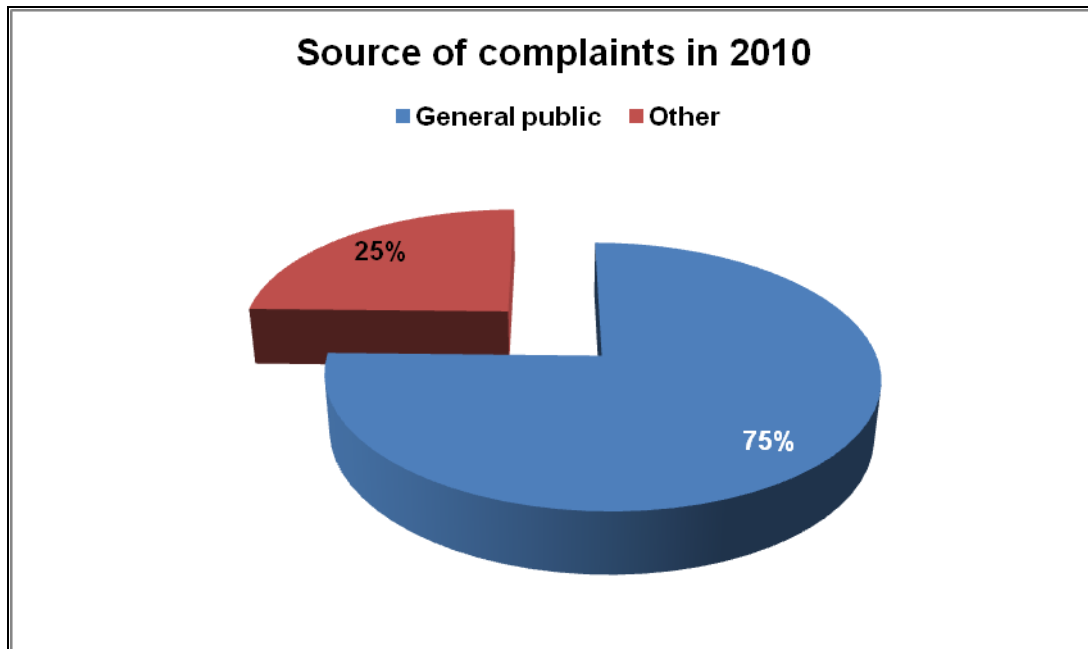
decision by highlighting that the ad was humorous and depicted a highly unrealistic situation, in the typical tongue in cheek style of Paddy Power ads. The advertiser had followed Clearcast's advice to seek the view of charities or organisations that represented the views of blind or partially sighted community, which Paddy Power had done. They had received very positive feedback from these organisations.

Clearcast's defence was seconded by ASA's decision. Despite the high number of complaints the ASA considered the situation depicted in the advertisement as surreal and unlikely to condone cruelty to animals or cause serious or widespread offence. The complaints were, therefore, not upheld.



1.4 Source of complaints in 2010

Figure 4: Source of total number of complaints across Europe⁹



Source: EASA SRO member statistics 2010

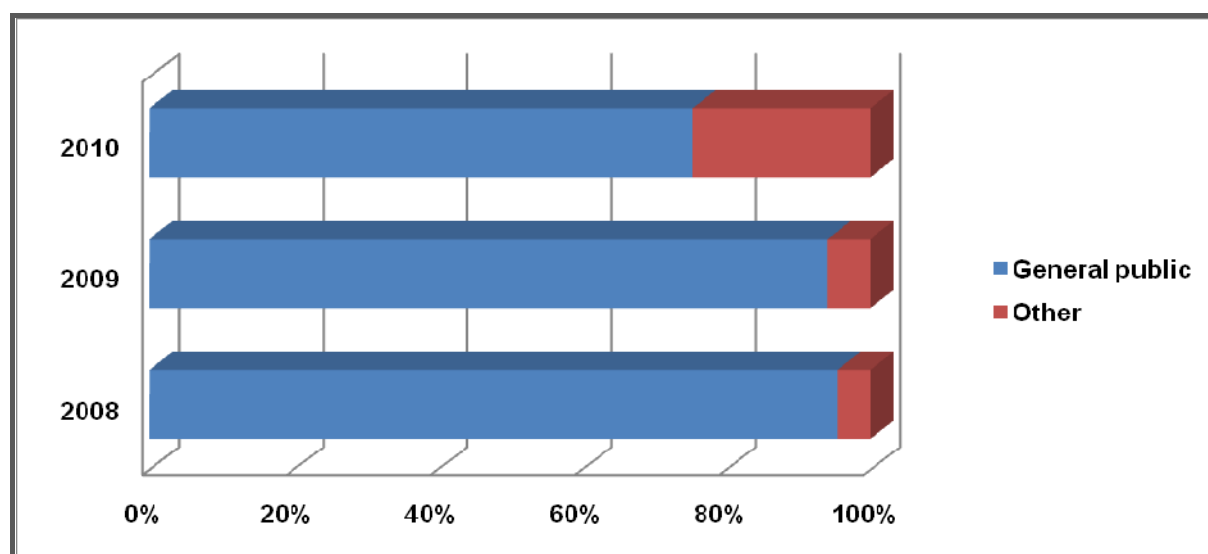
The overwhelming majority of advertising complaints are lodged by members of the general public.

In 2010, SROs registered 37,957 complaints lodged by members of the general public, a figure which amounts to 75% of the total amount of complaints.¹⁰

⁹ The figure shows the share of the total amount of complaints. On average, the public lodged 69.7% of the complaints and the non-public sector 29.8% of all complaints.

¹⁰ The total amount referred to in this section is 50,383 complaints because the French and the Dutch SRO could provide only the breakdown of the complaints that have been examined by the Jury and not of all the complaints received.

Figure 5: Source of total number of complaints received across Europe in 2008, 2009 and 2010



Source: EASA SRO member statistics 2010

The comparison of the percentage composition featured in figure 5 implies that in 2008 and 2009 more complaints were classified as general public complaints (95% in 2008 and 94%, in 2009), however, this does not mean that in 2010 less consumers complained than in previous years.

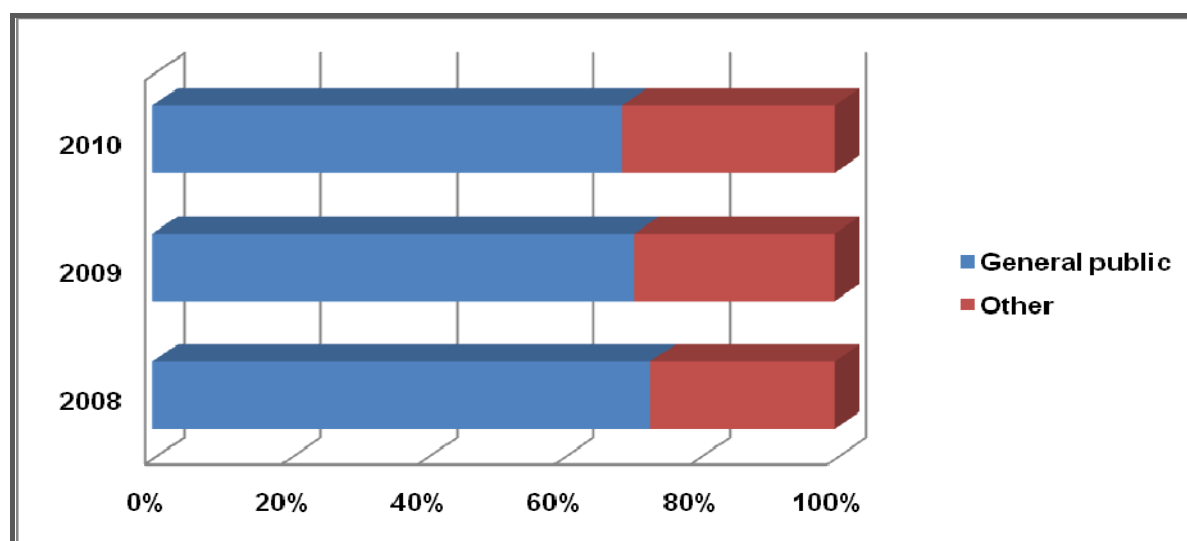
The difference in percentages is due to the fact that in 2010 the German *Wettbewerbszentrale* (WBZ) features for the first time in the detailed breakdown of the statistics. As this SRO deals only with issues of unfair competition, it receives most of its complaints from competitors or trade organisations. The roughly 10,000 German competitor complaints classified additionally as 'other' weigh in on the outcome of the European statistics.

The 'other' category¹¹ compiles complaints from competitors, trade associations, interest groups and public entities. 11,930 (25%) complaints were filed as 'other' in 2010, compared to 1,981 (5.6%) in 2009. The majority of these complaints were lodged by competitors (48%), trade associations and interest groups and a minority by public authorities and public entities.¹²

¹¹ The non-public sector includes competitors, interest groups, authorities and public entities. For the German SRO, WBZ, the complaints by interest groups were lodged by trade organisations.

¹² This estimate is based on data received by all SROs, except the British ASA which cannot provide a further breakdown of the complaint numbers.

Figure 6: Source of complaints (European mean average) received across Europe in 2008, 2009 and 2010

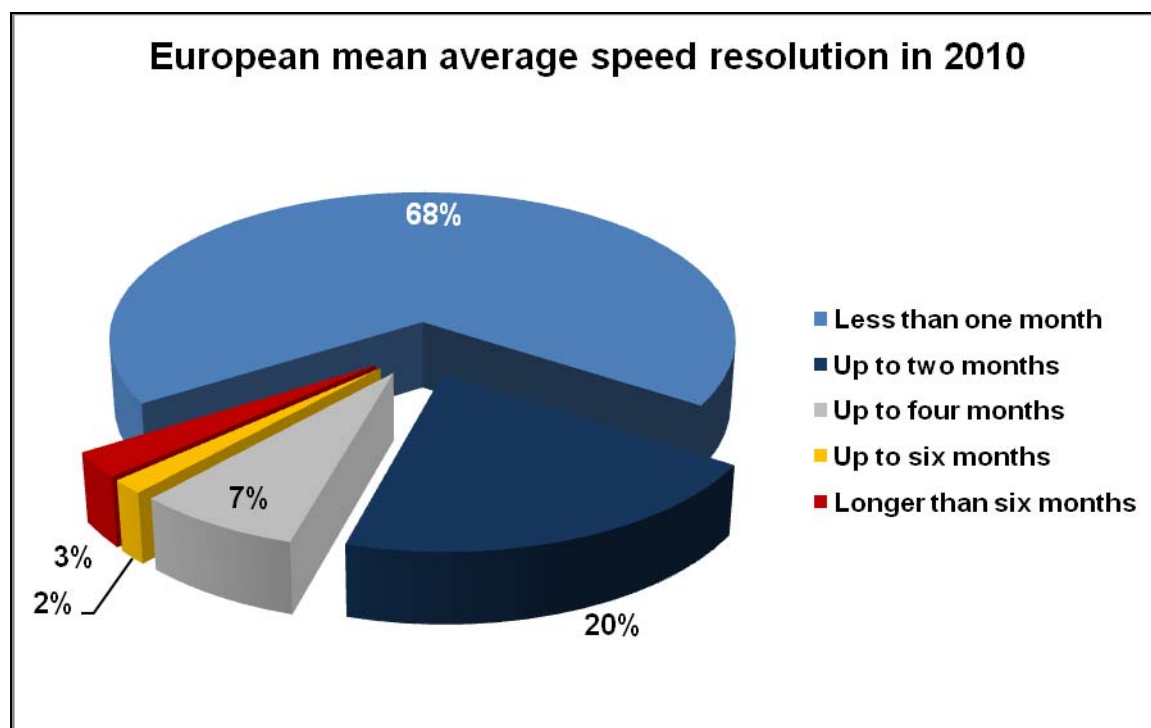


Source: EASA SRO member statistics 2010

This explanation is also backed by a comparison of the European mean averages. Despite the inclusion of the complaints handled by the WBZ, the average at European level in 2010 has remained similar to the averages in the previous years. While general public complaints accounted on average for 73% in 2008 and 71% in 2009, they accounted for 70% in 2010.

1.5 Speed in the resolution of complaints

Figure 7: European mean average speed of complaint resolution in 2010¹³

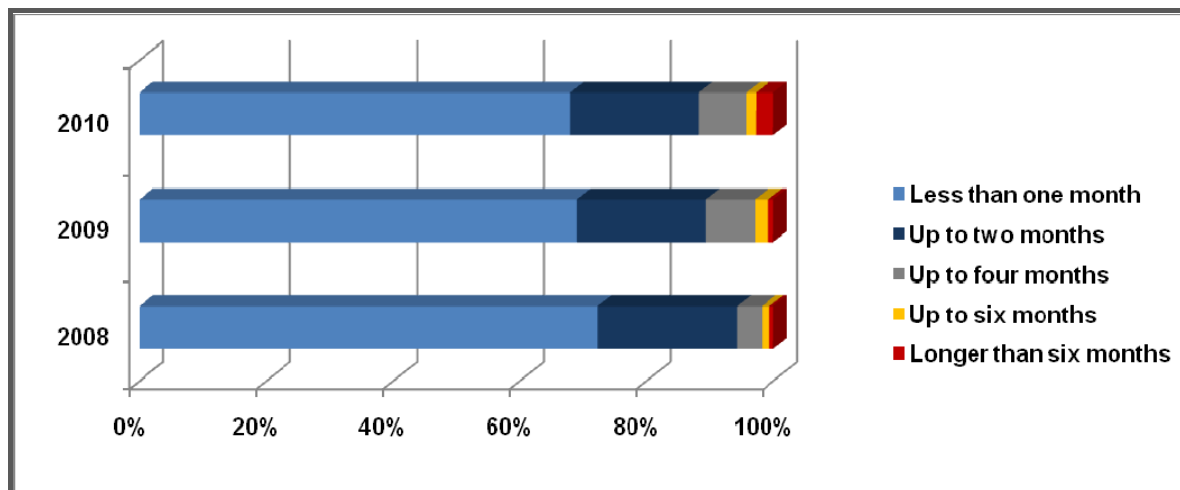


Source: EASA SRO member statistics 2010

¹³ Data from Germany (WBZ) is based on estimates. Switzerland and Finland are not included.

The speed in the resolution of complaints can vary depending on the complexity of a case. A simple case can be resolved in only three days. However, when it comes to more complex complaints, for example about the scientific substantiation of claims in advertising, the complaint can lead to a prolonged investigation which can last many months. In general, complaints from competitors tend to lead to longer complaint resolution times, as the complaints are often sophisticated and involve lawyers, who are also more likely to challenge SRO adjudications than members of the general public. This can considerably extend the complaint handling process.

Figure 8: Speed of complaint resolution in 2008, 2009 and 2010



Source: EASA SRO member statistics 2010

In 2010, SROs resolved an average of 68% of the received complaints in less than one month. This presents a slight decrease compared to the average of 69% in 2009 and 72% in 2008.

1.6 Outcome of resolved complaints

Table 2: Outcome of complaints based on data from all European SROs in 2010¹⁴

Outcome of complaints	Number of complaints	% of total amount of complaints	European mean average
Not upheld	12,896	24.42%	36.03%
Upheld	12,766	24.17%	35.18%
Other	12,030	22.78%	2.52%
Not pursued	8,726	16.52%	10.72%
Resolved informally	1,917	3.63%	5.98%
Out of remit	4,152	7.86%	8.63%
Transferred to appropriate authority	330	0.62%	0.94%
Total amount	52,817	100%	100%

In 2010, the number of resolved complaints that were upheld is relatively similar to the number of complaints that have not been upheld (12,766 upheld complaints versus 12,896 not upheld).

Also, nearly 23% of all complaints resolved fall under the category “other”. Out of the 12,030 complaints in this category, 11,783 complaints originate from the UK.

The British SRO - Advertising Standards Authority - has a relatively complex system in terms of registering complaints and outcomes. EASA has added one type of UK complaints under the category “other” which are not used in any other country, namely “complaints that are not investigated (after preliminary work)”.

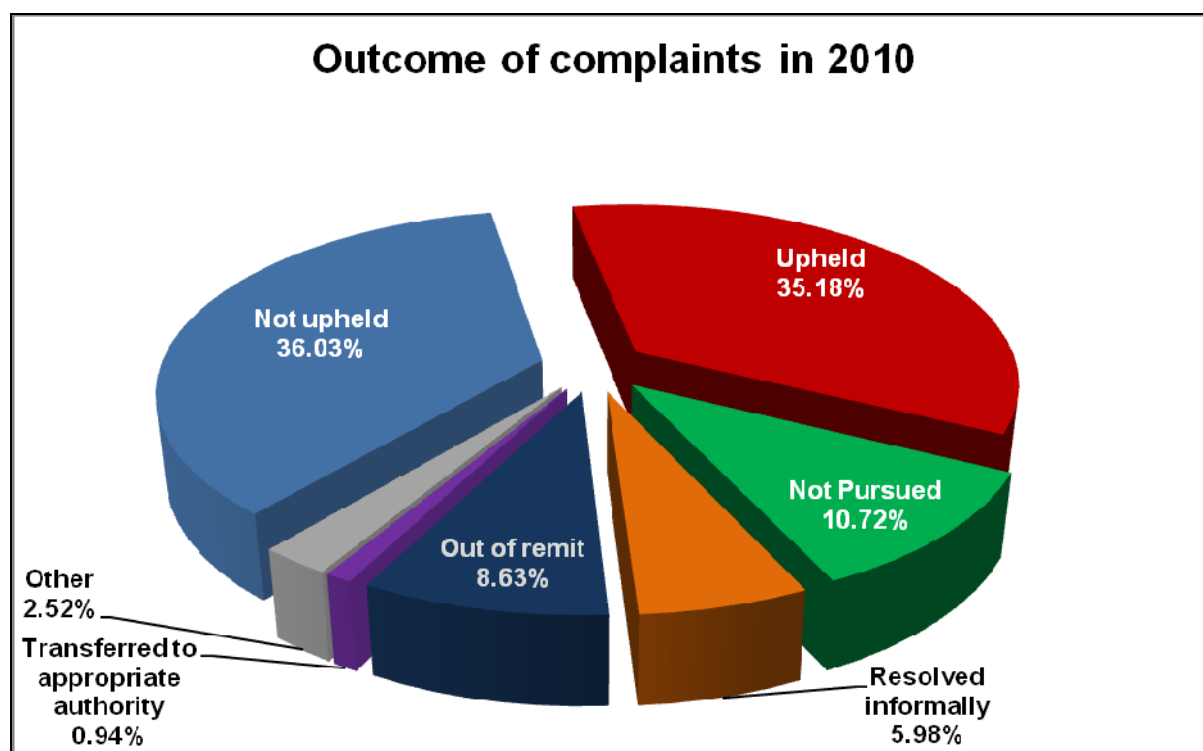
“Complaints that are not investigated (after preliminary work)” are complaints, where during the preliminary work, advertisers offer to change the ad, even though it may not yet breach the Advertising Code.

16.5% of all resolved complaints fall under the “not pursued” category, which amalgamates complaints that are within remit but could not be further pursued mainly because complainants did not provide enough information.

A more accurate picture about the outcome of complaints in Europe can be obtained when looking at the European mean averages (see pie chart below).

¹⁴ Finland and Austria provided the breakdown of case numbers in this section. The German Wettbewerbszentrale does not record the complaints that were resolved informally, that were out of remit and the complaints that were transferred to appropriate authorities.

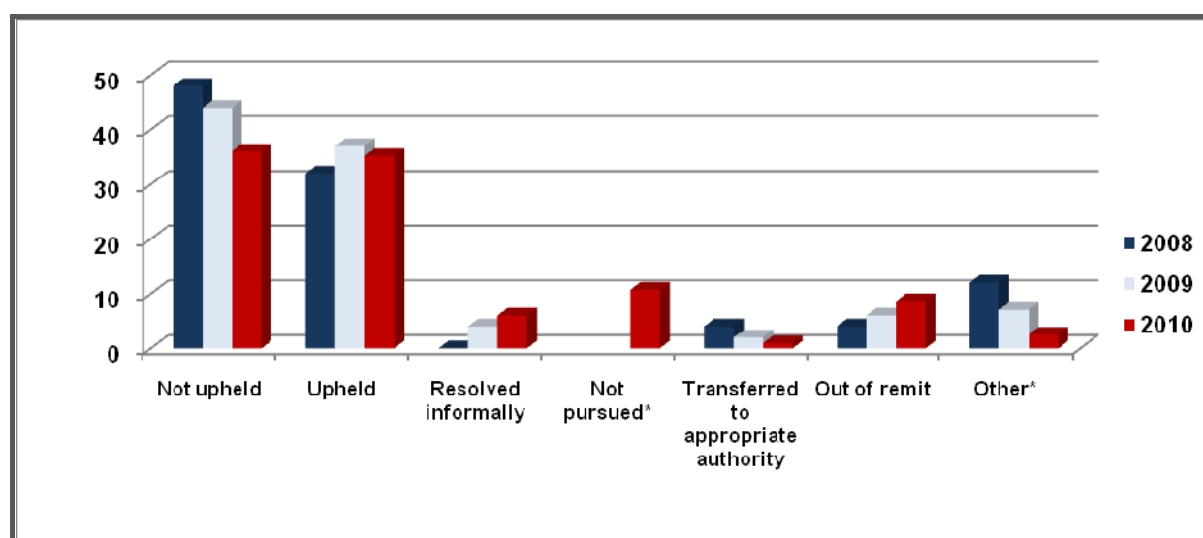
Figure 9: Outcome of complaints 2010 (European mean averages) based on data from all European SROs



Source: EASA SRO member statistics 2010

The European mean averages indicate that 36.03% of complaints resolved by the SROs across Europe in 2010 were not upheld. In these cases the SROs did not establish a breach of the provisions of the advertising self-regulatory codes. Over a third of complaints (35.18%) were upheld. 8.63% of complaints were considered out of remit of the national Advertising Code and, where possible, were referred to the appropriate regulatory body (0.94%).

Figure 10: Outcome of complaints in 2008, 2009 and 2010 (European mean averages)¹⁵



Source: EASA SRO member statistics 2010

¹⁵ The category 'Not pursued' was introduced in 2010 and includes complaints that were not investigated or were not handled by the SRO jury or committee.

When comparing the European mean averages of the outcome of complaints over the last three years it can be concluded that this has stayed fairly constant, with about a third of the complaints found in breach of the advertising codes and another third of complaints not upheld. It must be noted that a number of complaints that would have been classified as 'not upheld' or 'other' in previous years now fall under the category 'not pursued'.

1.7 Issues complained about

Table 3: Overall complaints per general issue as a share of total amount of complaints received in 2010 across Europe as well as the European mean average.¹⁶

Breakdown by issue	Number of complaints per issue	% of total amount of complaints per issue	European mean average
Taste and decency	21,825	34.81%	25.17%
Allegedly misleading advertising	20,805	33.18%	38.11%
Social responsibility	8,038	12.82%	18.41%
Safety and health	1,682	2.68%	3.09%
Other	10,356	16.52%	15.21%
Total amount	62,706	100%	100%

The above table illustrates the number of complaints resolved in Europe in 2010 per reason for complaint. In 2010, the largest share of complaints concerned taste and decency objections (34.81%, 21,825 complaints), while almost an equal amount of complaints was made against allegedly misleading advertising¹⁷ (33.18%, 20,805 complaints). Social responsibility issues amounted to 8,038 (12.82%) complaints in total and safety and health objections to 1,682 complaints (2.68%). 10,356 complaints (16.52%) were classified under the criterion 'other' which includes complaints about labelling and packaging as well as breaches of Sectoral Advertising Codes, breaches of legislation, comparative advertising, imitation of creative ideas and sustainable development.

When looking at the European mean average, the situation is different. Allegedly misleading advertising appears in 2010 as the main reason for complaints (38.11%) while taste and decency ranks second (25.17%). Issues of social responsibility (18.41%) and safety and health (3.09%) rank third and fourth respectively.

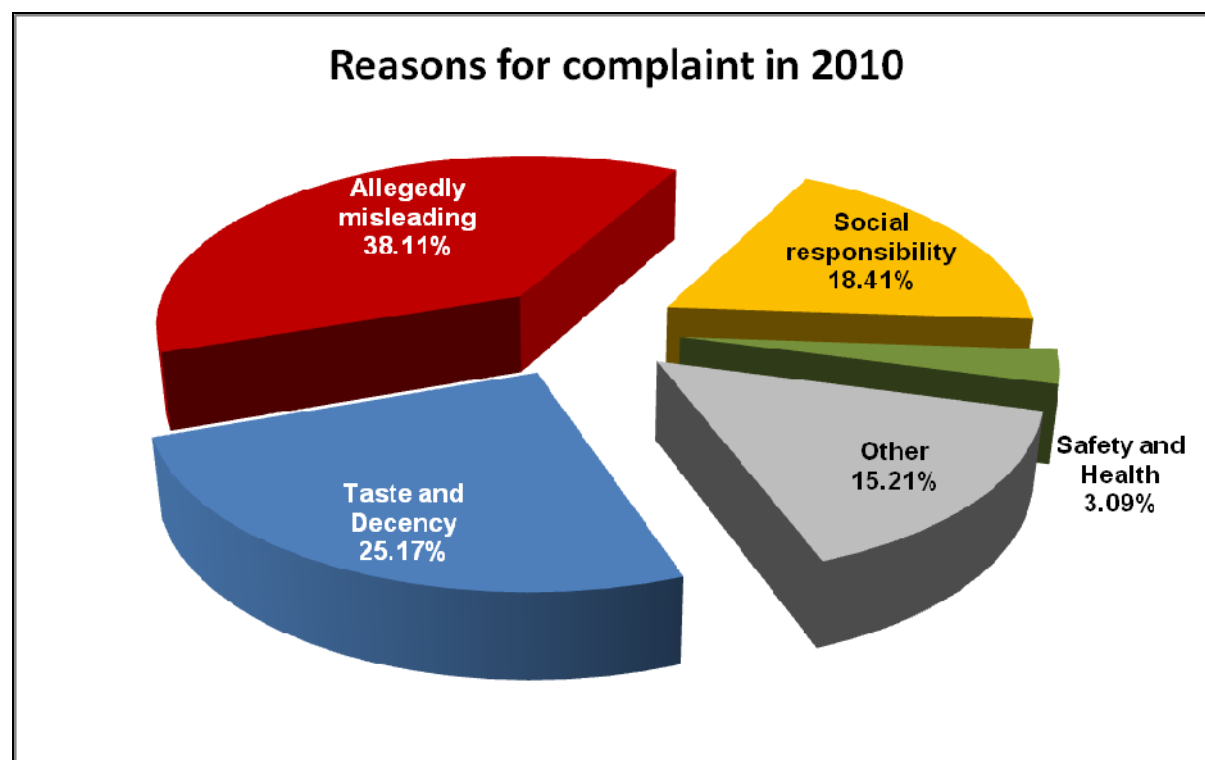
Although European SROs received more complaints about taste and decency issues in advertising in absolute terms, this does not mean that taste and decency is the biggest concern when it comes to advertising. A more detailed analysis shows that in fact a large part of these complaints are related to a small number of advertisements: the two most complained about advertisements in Europe alone accounted for almost 4,000 complaints, as was elaborated on page 19.

¹⁶ France provided estimates and Finland a breakdown of the number of cases. Definitions of each category can be found at the back of this report.

¹⁷ Misleading advertising refers to any claim, whether made expressly, by implication or omission, likely to lead consumers to suppose that the advertised goods or services, or the conditions (including price) under which they are offered, are materially different from what is in fact the case.

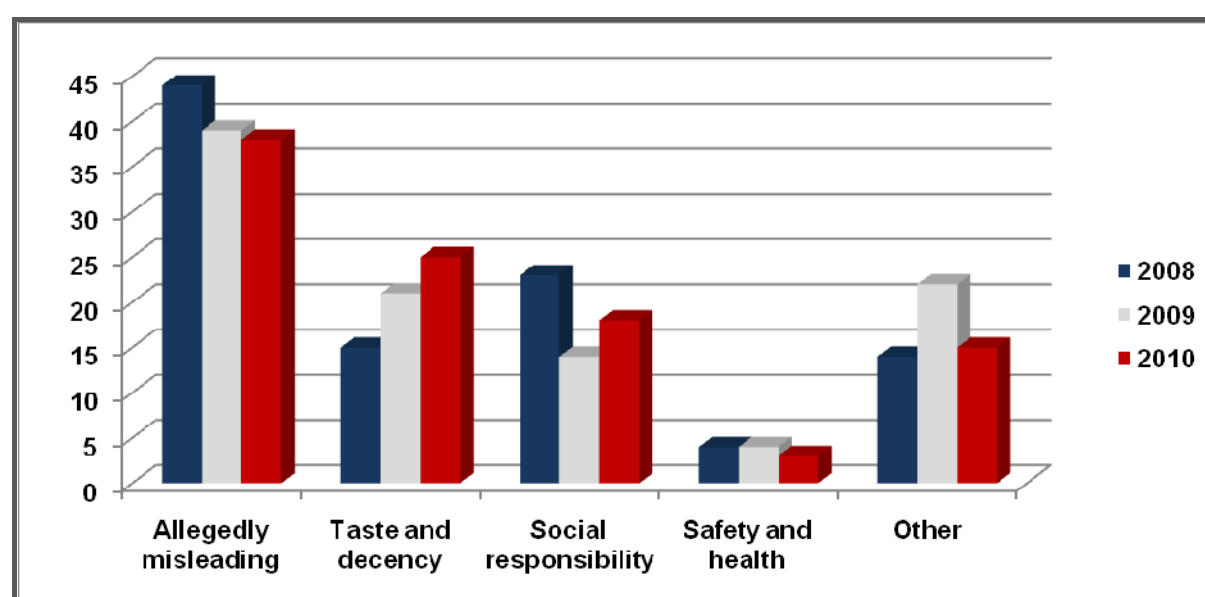
In 2010, approximately 3,500 ads generated 21,825 complaints about taste and decency. The 20,805 complaints on allegedly misleading advertising on the other hand related to approximately 10,500 advertisements. Allegedly misleading advertising is therefore the main issue for 2010, continuing the trend of previous years.

Figure 11: Reasons for complaints in 2010 (European mean averages)



Source: EASA SRO member statistics 2010

Figure 12: Reasons for complaints in 2008, 2009 and 2010 (European mean averages)



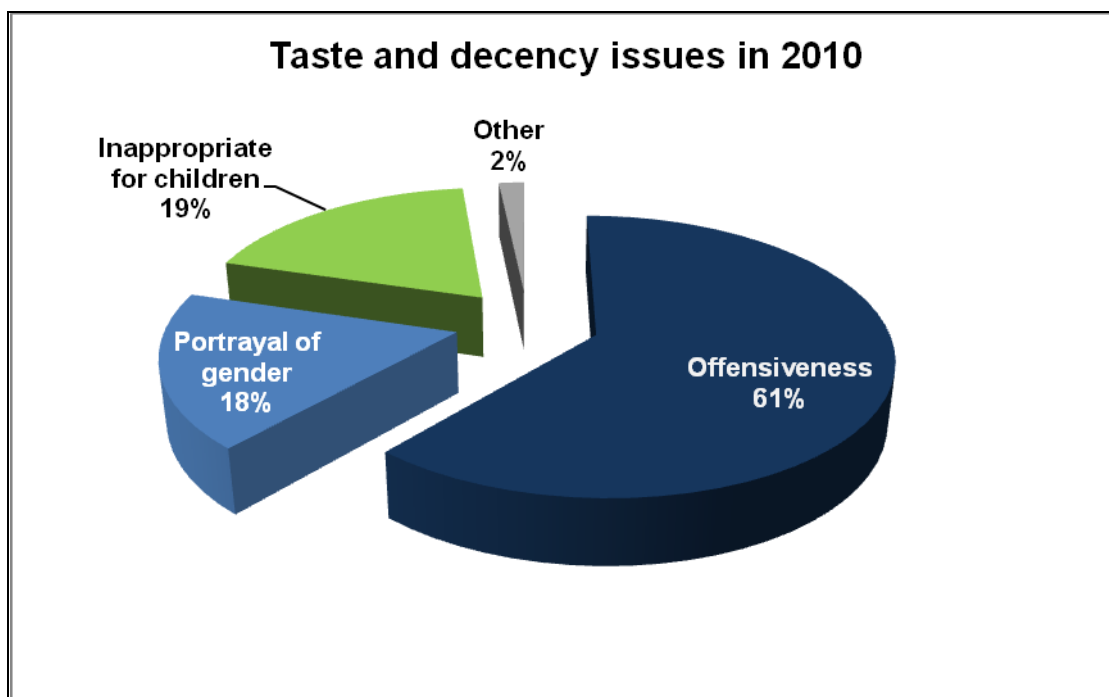
Source: EASA SRO member statistics 2010

The European mean average concerning the reason for complaints illustrates that allegedly misleading advertising remained in 2010 the main reason for complaint. However, complaint numbers related to taste and decency as well as social responsibility increased.

1.8 Breakdown of issues

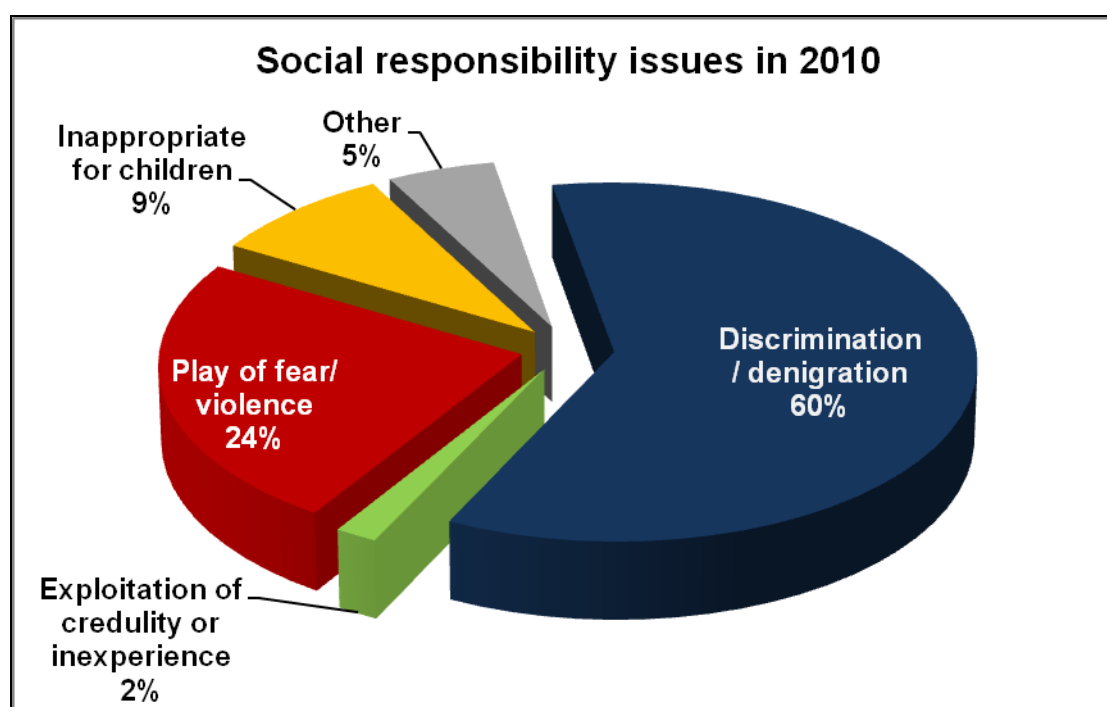
More than half of the complaints that fall under the category 'taste and decency' concerned advertising that is likely to cause offence. Of the 21,825 complaints concerning issues of taste and decency, 3,959 (18%) fell into the category 'portrayal of gender'. The complainants found the ads either sexually offensive or degrading to woman or men. A further 4,081 (19%) complaints were lodged because the ads were thought to cause distress to children and were therefore deemed inappropriate to be seen by them.

Figure 13: Reasons for complaints: 'taste and decency'



Source: EASA SRO member statistics 2010

Figure 14: Reasons for complaints: 'social responsibility'



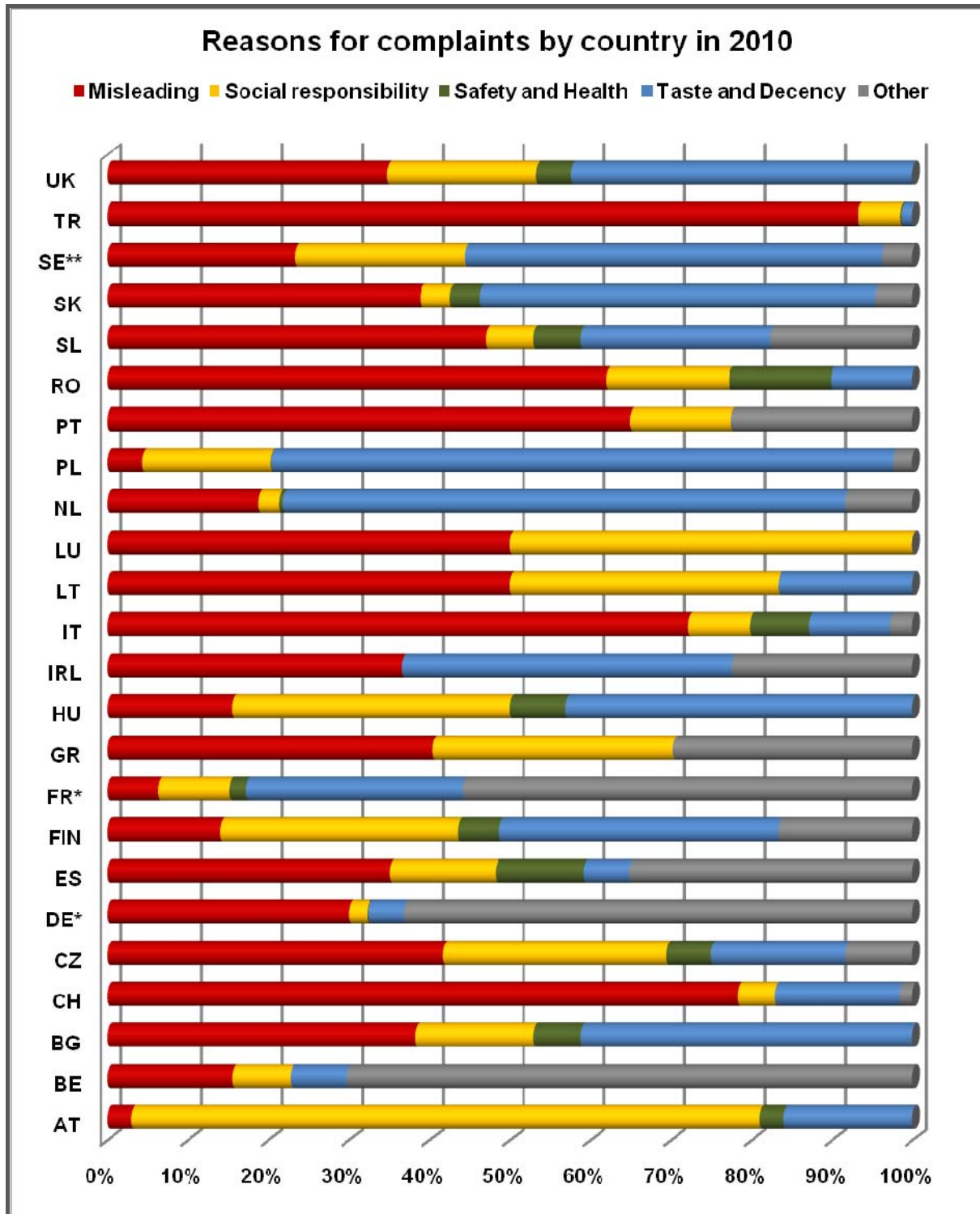
Source: EASA SRO member statistics 2010

Issues of discrimination or denigration concerned more than half of the allegedly socially irresponsible ads (4,823 complaints, 60%) scrutinised by SROs. Further grounds for complaint were ads that played on fear or condoned violent or anti-social behaviour (1,960 complaints, 24%). A further 699 complaints (9%) were investigated for the appropriateness of social values they convey to children and 145 complaints, (2%) were about ads that exploited the credulity or inexperience of consumers.

1.9 Issues complained about – breakdown by country

As the issues and reasons for complaints vary from country to country it is useful to have an overview of the issues complained about for each country separately (see figure 15 below).

Figure 15: Complaints per general issue in 2010



Source: EASA SRO member statistics 2010

*Based on estimates

**The numbers featured in this table for Sweden are based on the complaint figures of the Swedish SRO, RO, only.

When analysing the composition of the percentages by issue in every country it is extremely important to keep in mind the total amount of complaints resolved by each individual self-regulatory organisation (see pages 13-18).

In 2010, Turkey resolved the highest share of complaints related to allegedly misleading advertising with 982 out of 1,053 complaints (93%). As elaborated on page 13, 481 complaints were traced back to one single campaign for a telecommunication provider. Switzerland, with 78% (293 complaints) and Italy with 72.16% (604 complaints) show also a high percentage of complaints against allegedly misleading commercial communications.

The national share of complaints related to taste and decency in advertising was highest in Poland with 1,103 of the 1,429 resolved complaints (77.19%). More than half of these complaints related to issues regarding offensive advertising and the majority (818 complaints) were triggered by only three advertisements.

The Dutch SRO, SRC, received the second highest share of complaints 2,865 complaints (70%) about allegedly indecent advertising. 2,475 of these concerned advertisements inappropriate for children. Among those advertisements was the most complained about advertisement in 2010 for the film *Sint* which the general public felt was likely to cause distress to children (see page 19).

The Austrian SRO, ÖWR, received the highest share of complaints regarding social responsibility. 445 of the investigated 570 complaints (78%) concerned this issue, with 257 complaints about one single advertising campaign by a political party, whose campaign was deemed racist. In the majority of EASA SRO member countries, political advertising is not within remit.

The criterion “other” includes issues of legality or veracity of advertising or breaches of sectoral codes, which were mostly complained about in Belgium (70%), where breaches of the code on environmental advertising accounted for 69% of complaints. The German *Wettbewerbzentrale* also recorded a high number of complaints which fall under the category ‘other’, with issues being mainly unsolicited ads as well as transparency issues regarding the specific terms and conditions of the ads. In France, most complaints under ‘other’ are related to sustainable development issues.

1.10 Complaints about advertising for products and services

Using European averages, Electronics and ICT is the most complained about sector in Europe with 17.55%.

On average, the most significant sector complained about in Europe in 2010 was the electronic and information communication technology sector (such as telecoms, ICT products and internet) with 17.55%. Advertising for leisure and entertainment ranks second with 11.34%, while advertising for food and non-alcoholic beverages ranks third with 10.81%.

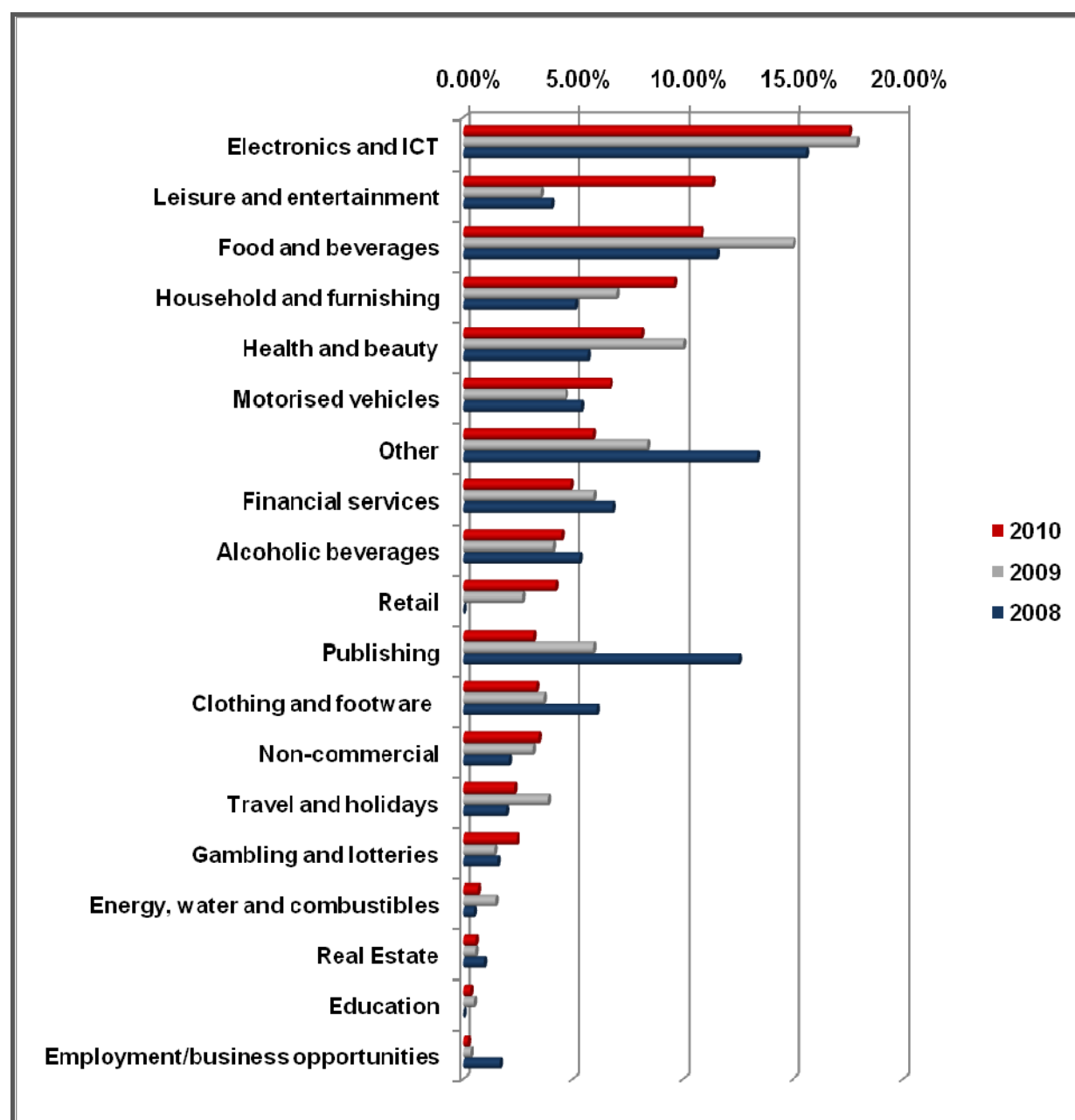
Complaints about electronic and information communication technology advertising were relatively high in most European countries, with the highest national share in Turkey (72.61%, 562 out of 774 complaints). As explained on page 13, the majority of these complaints were related to one ad for a telecommunications provider.

Table 4: Overall complaints per product/service in 2010 based on complaints data from all European SROs ¹⁸

Breakdown by product/service	Number of complaints	% of total amount of complaints	European mean average in 2010
Leisure and entertainment	8,581	17.07%	11.34%
Retail	5,399	10.74%	4.18%
Non-commercial	4,409	8.77%	3.43%
Health and beauty	4,085	8.13%	8.09%
Food and beverages	3,888	7.73%	10.81%
Household and furnishing	3,543	7.05%	9.59%
Gambling and lotteries	3,515	6.99%	2.43%
Electronics and ICT	3,390	6.74%	17.55%
Motorised vehicles	2,596	5.16%	6.67%
Travel and holidays	2,574	5.12%	2.31%
Financial services	2,180	4.34%	4.90%
Other	1,897	3.77%	5.89%
Publishing	1,345	2.68%	3.20%
Clothing and footwear	1,067	2.12%	3.33%
Energy, water and combustibles	540	1.07%	0.69%
Alcoholic beverages	462	0.92%	4.45%
Real Estate	413	0.82%	0.59%
Education	205	0.41%	0.31%
Employment/business opportunities	186	0.37%	0.20%
Total	50,275	100%	100%

¹⁸ The figures provided by France are based on estimates

Figure 16: European mean average per products/services in 2008, 2009 and 2010



Source: EASA SRO member statistics 2010

Ads for ICT products, food and beverages, leisure and entertainment as well as household products account on average for 50% of all complaints received in Europe.

A comparison of European mean averages shows that, although the number of complaints against advertisements for food and beverages and ICT products has decreased, they remain among the most complained about sectors. Furthermore, complaints about advertising for household and furnishing appear to have increased in recent years.

The high number of complaints about publishing in 2008 can be explained by a TV advertisement for a newspaper that had appeared in Turkey, and is therefore an exception (see statistics report 2008). The relatively high number of complaints about products related to leisure and entertainment can be attributed to the 2010 campaign for a Dutch horror movie (see page 19).

1.11 Complaints concerning sensitive or problematic products/services and sponsorship

The following section focuses on complaints about specific products and services, analysing the grounds for complaints in more detail. The selected sectors have been chosen either because they have been flagged by the European Commission as particularly problematic in terms of transparency and information for the general public (e.g. airlines/airfares, telecommunications and energy suppliers)¹⁹ or because the products, such as alcohol and food, are the focus of a specific EU regulatory discussion. Using the complaint figures as indicators, this section analyses if the advertising of one of these products/services is indeed thought to be problematic by members of the general public and others²⁰ alike and if so, why.

The more detailed breakdown of the data used in this section is based on the information provided by all European SROs, except the ÖWR (Austria), CSL (Switzerland), MEN (Finland) and SOZ (Slovenia).

¹⁹ See The Consumer Market Scoreboard, 2nd edition, by Directorate-General for Health and Consumers of the European Commission, 2009, pp 6, 18 and 19.

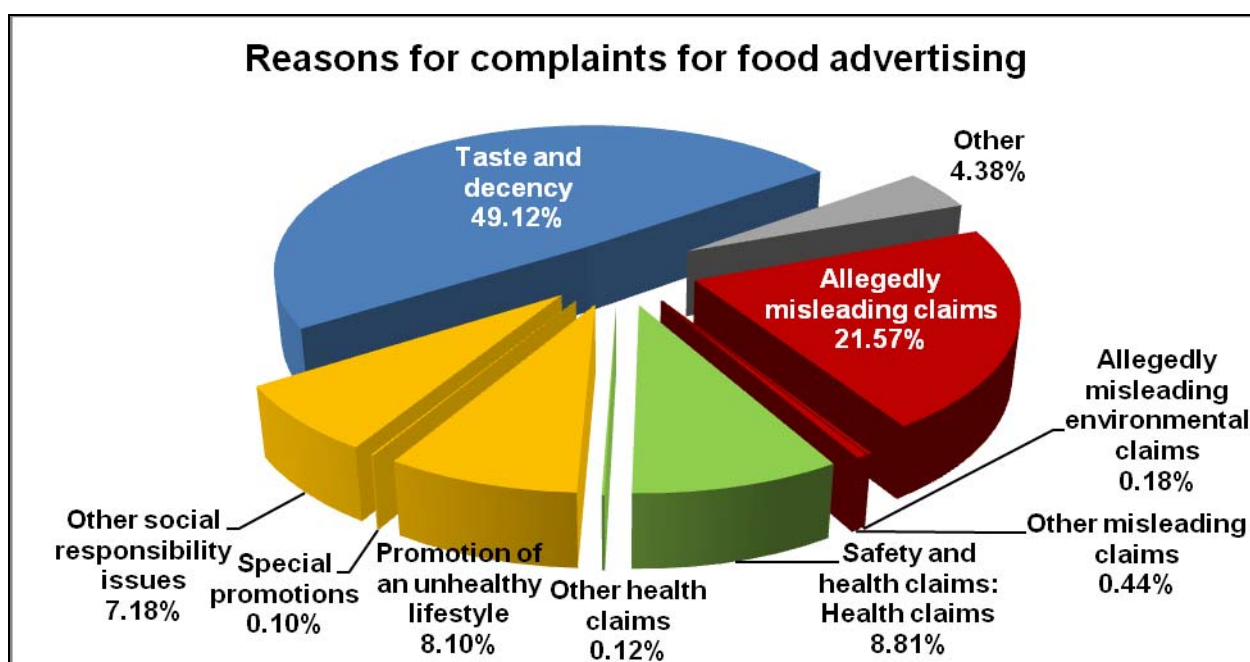
²⁰ The category 'other' includes competitors, interest groups, authorities and public entities.

1.11.1 Advertising for food (incl. non alcoholic beverages)

As outlined in the previous section, 3,888²¹ complaints were received in 2010 on food and non-alcoholic beverages which equates to 7.73% of the total amount of complaints. With a European mean average of 10.81% this sector represents a considerable amount of complaints.

The percentage breakdown regarding the reasons for complaint is as follows:

Figure 17: Percentage composition of the reasons for complaints for food and non-alcoholic beverages advertising in 2010 from all European SROs²²



Source: EASA SRO member statistics 2010

Almost 50% of the complaints about food advertising concerned taste and decency issues and are, therefore, not linked to health related issues. Slightly less than a quarter of the complaints were related to allegedly misleading claims and a further 9% to health and safety issues. Promotion of an unhealthy lifestyle accounted for the 8.10% of the complaints related to food advertising. A negligible amount of complaints concerned the use of special promotions (e.g. premiums or toys offered with the purchase of the product).

²¹ 91% of these complaints related to food advertising, while 9% represented advertising for non-alcoholic beverages like soft drinks, milk or water.

²² Except Austria (ÖWR), Switzerland (CSL), Finland (MEN), Slovenia (SOZ).

1.11.2 Advertising for alcoholic beverages

Complaints about alcoholic beverages ads represented 0.92% of the total amount of complaints and a European mean average of 4.45%. An analysis of the complaints registered reveals that 32% (146 complaints) concerned allegedly misleading advertising and a further 23% (104 complaints) represented taste and decency objections. The remaining half of the complaints related to social responsibility (27%), safety and health (11%) or other (7%) issues.

With only 52 complaints lodged in Europe in 2010 about the safety and drinking patterns in alcohol advertisements it is not apparent that alcohol advertisements are in general considered as particularly problematic when it comes to health issues. Social responsibility concerns are slightly higher. Out of the 121 complaints, 12 considered that the content was appealing to minors and a further 16 complained that minors were exposed to alcohol ads. 48 complaints objected to the promotion of sexual and social success through the ads.

On the whole, however, the level of complaints about alcohol advertisements does not seem to match the public debate on this subject.

Figure 18: Percentage composition of the reasons for complaints for alcoholic beverages advertising in 2010 based on data from all European SROs²³



Source: EASA SRO member statistics 2010

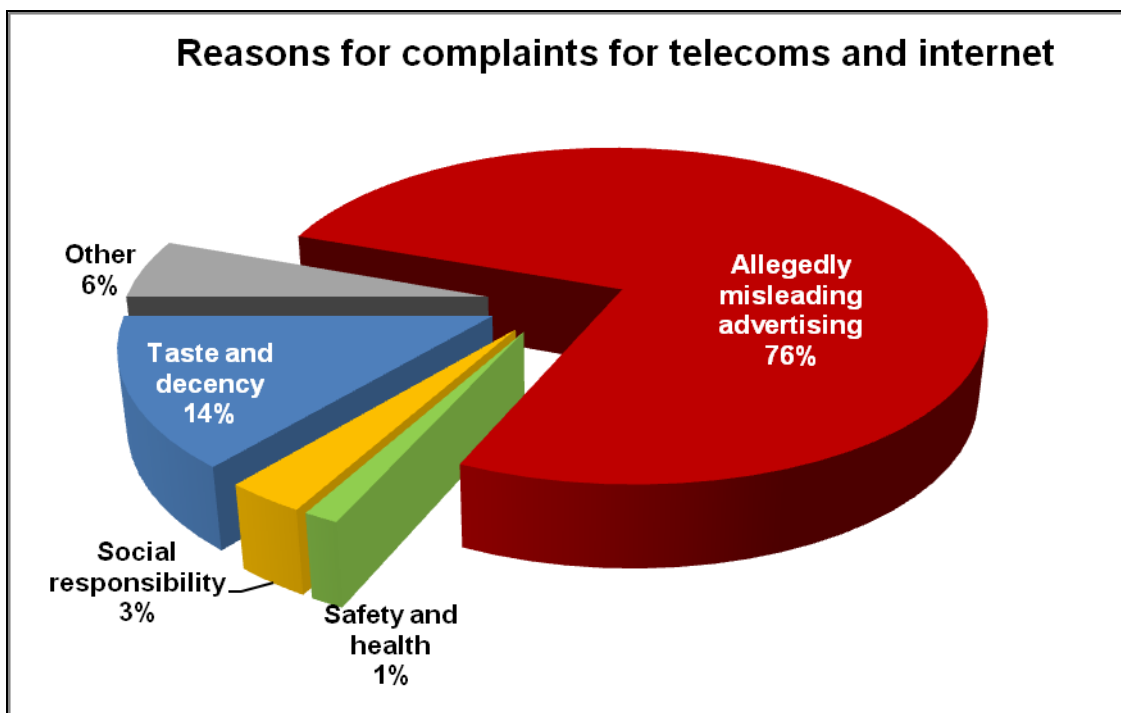
²³ except Austria (ÖWR), Switzerland (CSL), Finland (MEN) and Slovenia (SOZ).

1.11.3 Advertising for telecoms and internet services

The analysis of the complaints about advertising for products and services has revealed that electronics and ICT products are, at 3,390 complaints and with an average of 17.55%, the most complained about sector in Europe. Almost 90% of these complaints relate to advertising for telecommunications, television and internet products and services.

As three quarters of these complaints relate to allegedly misleading advertising, it can be concluded that in comparison with other sectors, a large number of ads for telecoms and internet are perceived by the general public and others²⁴ as being misleading. The complaint numbers, therefore, indicate that the telecoms and internet sector is indeed problematic in terms of transparency and that the information in their commercial communications is often regarded as being misleading.

Figure 19: Percentage composition of the reasons for complaints for advertising of telecoms and internet in 2010 based on data from all European SROs²⁵



Source: EASA SRO member statistics 2010

²⁴ The category 'other' includes competitors, interest groups, authorities and public entities.

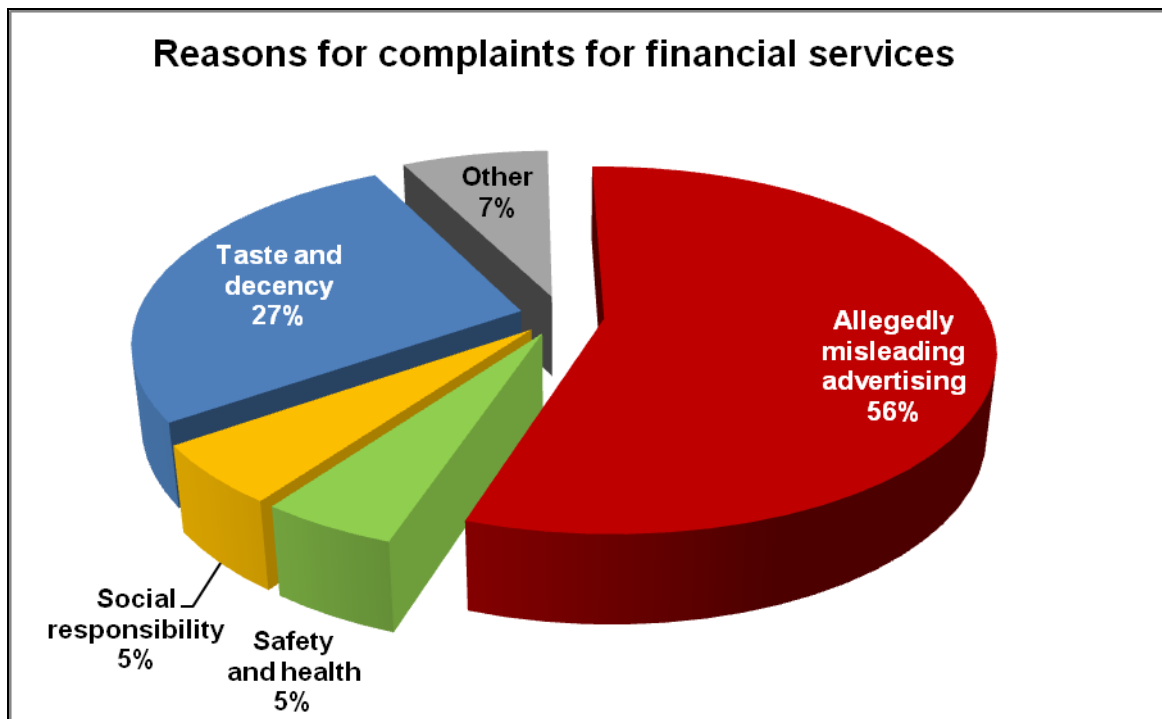
²⁵ Except Austria (ÖWR), Switzerland (CSL), Finland (MEN), Slovenia (SOZ).

1.11.4 Advertising for the financial/banking sector

Compared with advertising for telecommunications and internet products and/or services, complaints about marketing communications of the financial and banking sector are relatively low. 2,180 complaints, with a European mean average of 4.34% were lodged with advertising self-regulatory organisations in 2010.

The majority of these complaints (56%) related to allegedly misleading advertising, while almost a third concerned taste and decency issues.

Figure 20: Percentage composition of the reasons for complaints for advertising for financial services in 2010 based on data from all European SROs²⁶



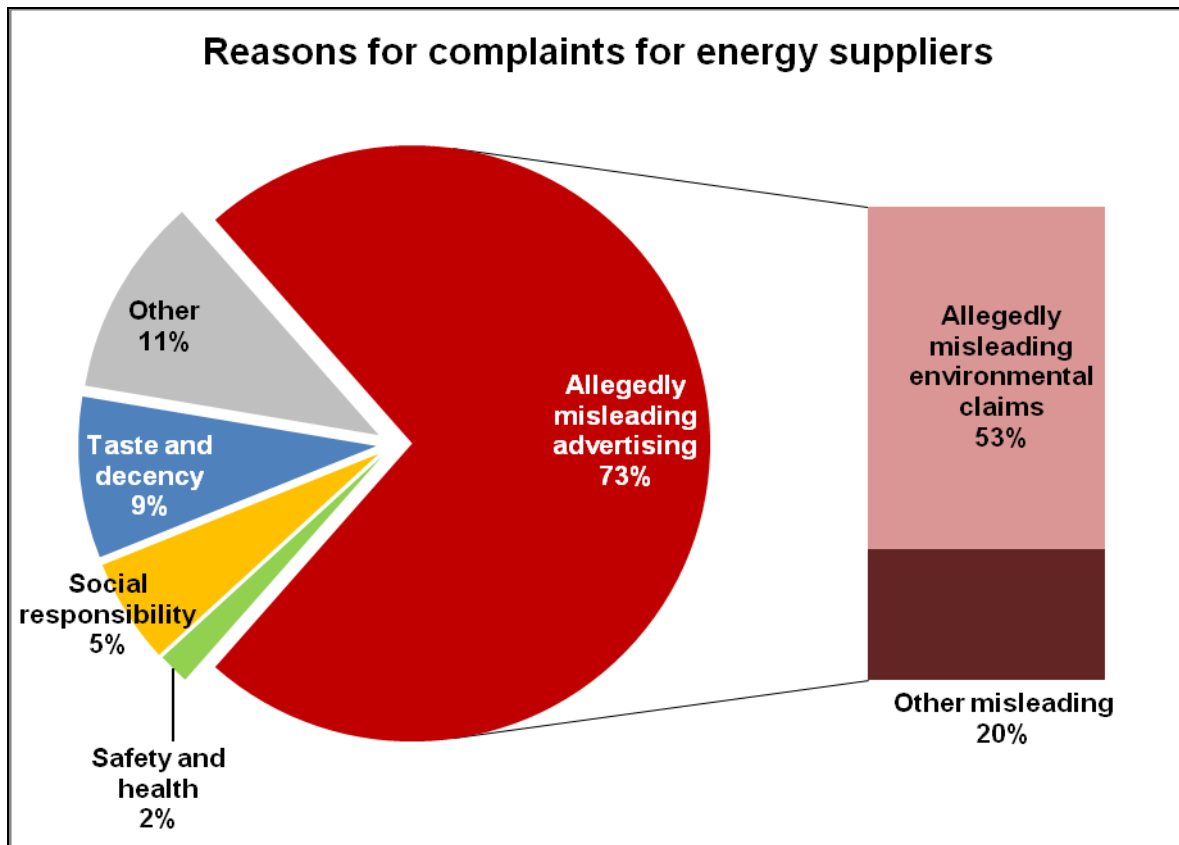
Source: EASA SRO member statistics 2010

²⁶ except Austria (ÖWR), Switzerland (CSL), Finland (MEN), Slovenia (SOZ).

1.11.5 Advertising for energy suppliers

In 2010, advertising self-regulatory organisations received 540 complaints about advertisements for energy suppliers which equates to an average of 0.69%. The majority of these complaints relate to allegedly misleading advertising (73%), out of which 53% concerned allegedly misleading environmental claims.

Figure 21: Percentage composition of the reasons of complaints for advertising of energy suppliers in 2010 based on data from all European SROs²⁷



Source: EASA SRO member statistics 2010

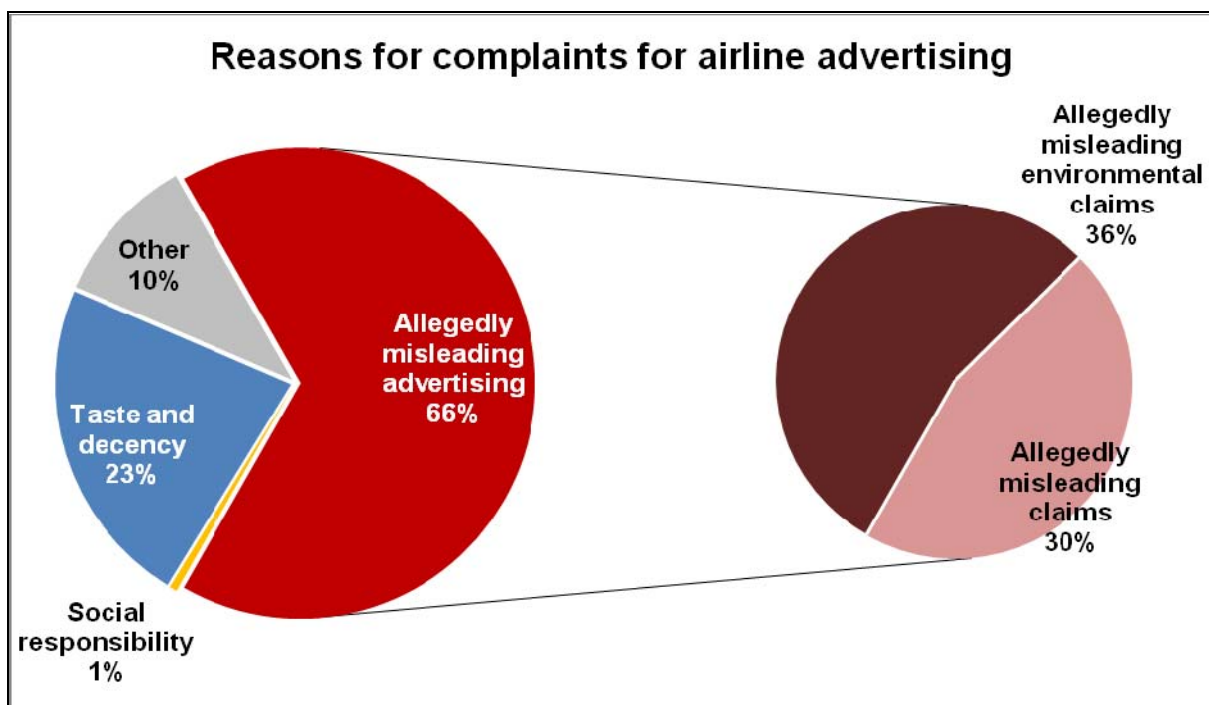
²⁷ Except Austria (OWR), Switzerland (CSL), Finland (MEN), Slovenia (SOZ).

1.11.6 Advertising for airlines

In 2008, the European Commission (EC) launched an EU wide 'Airline Sweep' investigation against misleading advertising and unfair practices on airline ticket selling websites. The results of the preliminary investigation showed a high number of irregularities. The subsequent EC investigation, however, showed that the majority of the websites had corrected these irregularities.

The analysis of the SRO complaint figures in 2010 reveals a low number of complaints about airline advertising. In total, 575 complaints were registered, out of which 381 (66%) were classified as allegedly misleading. Out of these, 36% were related to allegedly misleading environmental claims.

Figure 22: Percentage composition of the reasons for complaints for airline advertising in 2010 based on data from all European SROs²⁸



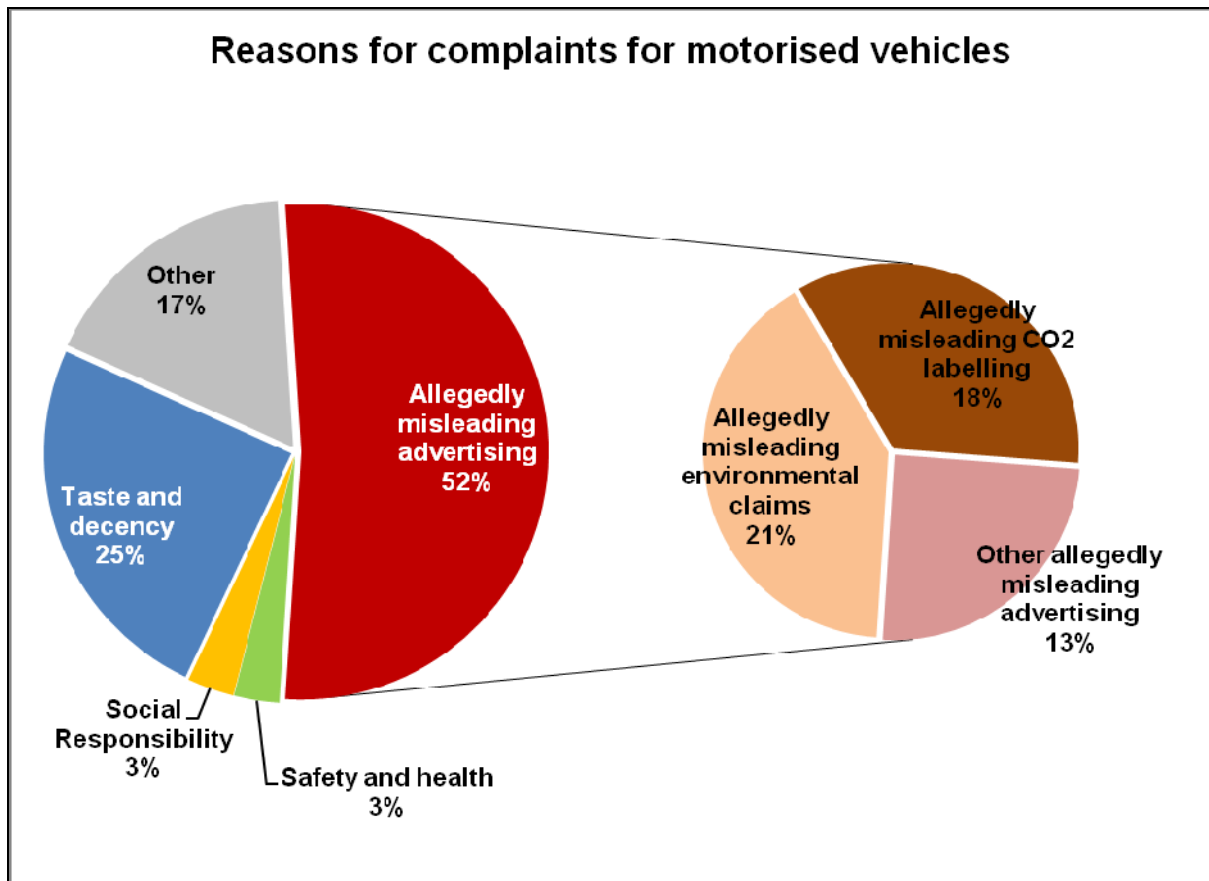
Source: EASA SRO member statistics 2010

²⁸ Except Austria (ÖWR), Switzerland (CSL), Finland (MEN), Slovenia (SOZ).

1.11.7 Advertising for motorised vehicles

Complaints classified under the heading 'motorised vehicles' amounted to 2,596 in 2010 which equates to 6.67% on average. Of the 2,596 complaints reported by the SROs, 52% concerned allegedly misleading claims or information, such as greenwashing (21%) or misleading CO₂ information (18%). A further 25% concerned taste and decency objections.

Figure 23: Percentage composition of the reasons for complaints for car advertising in 2010 based on data from all European SROs ²⁹



Source: EASA SRO member statistics 2010

²⁹ Except Austria (ÖWR), Switzerland (CSL), Finland (MEN) and Slovenia (SOZ).

1.11.8 Complaints on sponsorship

In 2010, 13 European SROs resolved 75 complaints on sponsorship, i.e. NCSR (Bulgaria), CSL (Switzerland), MEN (Finland), DW, WBZ (Germany), SEE (Greece), ORT (Hungary), LRB (Lithuania), SRC (the Netherlands), RR (Poland), ICAP (Portugal), RAC (Romania) and Autocontrol (Spain). In 2009, they dealt with 31 complaints.

Out of the 75 complaints resolved in 2010, 50 complaints concerned inappropriate sponsorship of a programme or broadcast while 20 complaints related to inappropriate sponsorship of an event, individual or a team.

Advertising self-regulatory bodies that do not formally deal with sponsorship issues can forward the complaint to an arbitration panel set up specifically to that end in May 2008 by EASA and the European Sponsorship Association (ESA).

1.12 Media where the advertisements complained about appeared

Table 5: Overall complaints per media platform as a share of total amount of complaints in 2010 across Europe³⁰

Breakdown by media	Number of complaints	% of total amount of complaints	European mean average in 2010
Audiovisual media services	16,804	32.16%	26.69%
Press/magazines	11,869	22.72%	19.41%
Digital marketing communications	8,136	15.57%	15.49%
Outdoor	3,947	7.55%	14.11%
Direct marketing	3,283	6.28%	6.46%
Brochures/leaflets	2,901	5.55%	7.69%
Cinema	2,618	5.01%	2.52%
Radio	1,450	2.78%	5.07%
Other	1,246	2.38%	2.57%
Total amount	52,247	100%	100%

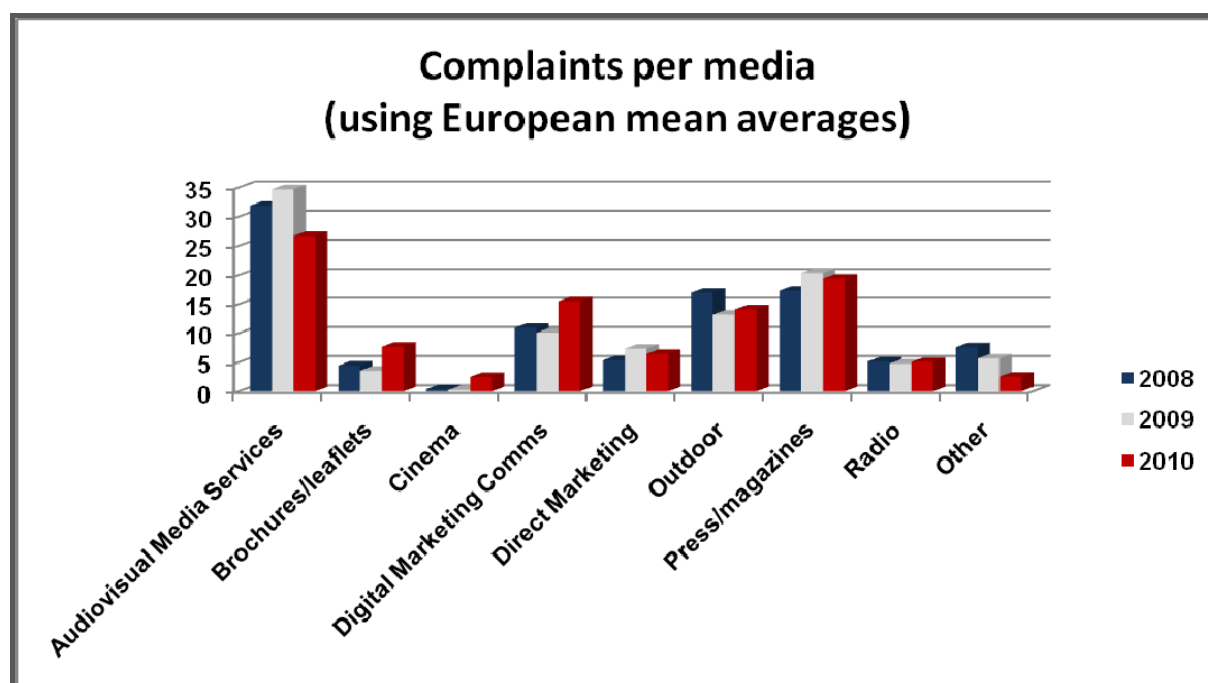
With 26.69% on average and 32.16% in absolute terms, the overwhelming bulk of complaints resolved in Europe in 2010 were about advertisements appearing on audiovisual media services (AVMS)³¹. Out of the 16,804 complaints, 16,735 complaints (99.6%) were about linear services (linear television) and only 69 complaints (0.4%) about non-linear services (e.g. video on demand). Press or magazine ads ranked second with a European mean average of 19.41%, followed by digital marketing communications (15.49%).

Audiovisual media services were the most complained about medium in 2010.

³⁰ The figures provided by Germany (WBZ) are based on estimates, Finland and Austria provided case numbers.

³¹ The definition of audiovisual media services can be found on page 60.

Figure 24: European mean averages of complaints per media platform in 2008, 2009 and 2010 across Europe



Source: EASA SRO member statistics 2010

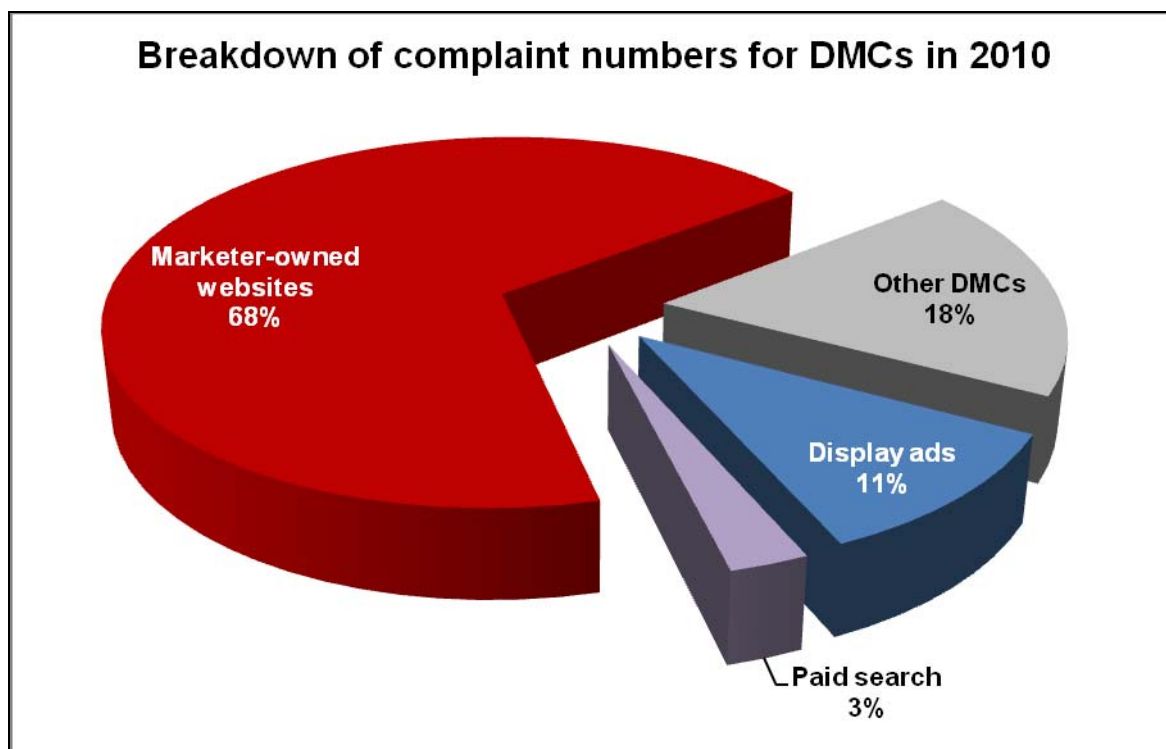
When comparing the results with previous years, it can be concluded that the majority of complaints relate to advertising on audiovisual media services and advertising in the press. While complaints about television advertisements declined in 2010, complaints about advertisements in the press remained relatively stable in the last three years. The number of complaints about digital marketing communications, however, has increased dramatically. Complaints in 2010, in absolute numbers, show an increase of more than 100% as opposed to 2009 (3,719 complaints). An increase of complaints about online advertising was expected as the majority of SROs have extended their remit in 2009 and 2010 to include all digital marketing communications as defined in the 2008 EASA best practice³². Furthermore, interactive advertising expenditure is expected to continue to grow incrementally over the following years and this mirrors the effect of the economic crisis in driving advertising to less expensive online means to distribute ads.

The majority of complaints about digital marketing communications (DMCs)³³ lodged with SROs in 2010 concerned marketer-owned websites (68%), followed by other DMCs (18%), and display ads (11%).

³² The EASA digital marketing communications best practice can be downloaded on the EASA website: <http://www.easa-alliance.org/page.aspx/97>.

³³ The definition of digital marketing communications can be found on page 60.

Figure 25: Breakdown of complaint numbers for digital marketing communications in 2010 from all European SROs³⁴



³⁴ Except Ireland and the figures provided by Germany (WBZ) are based on estimates.

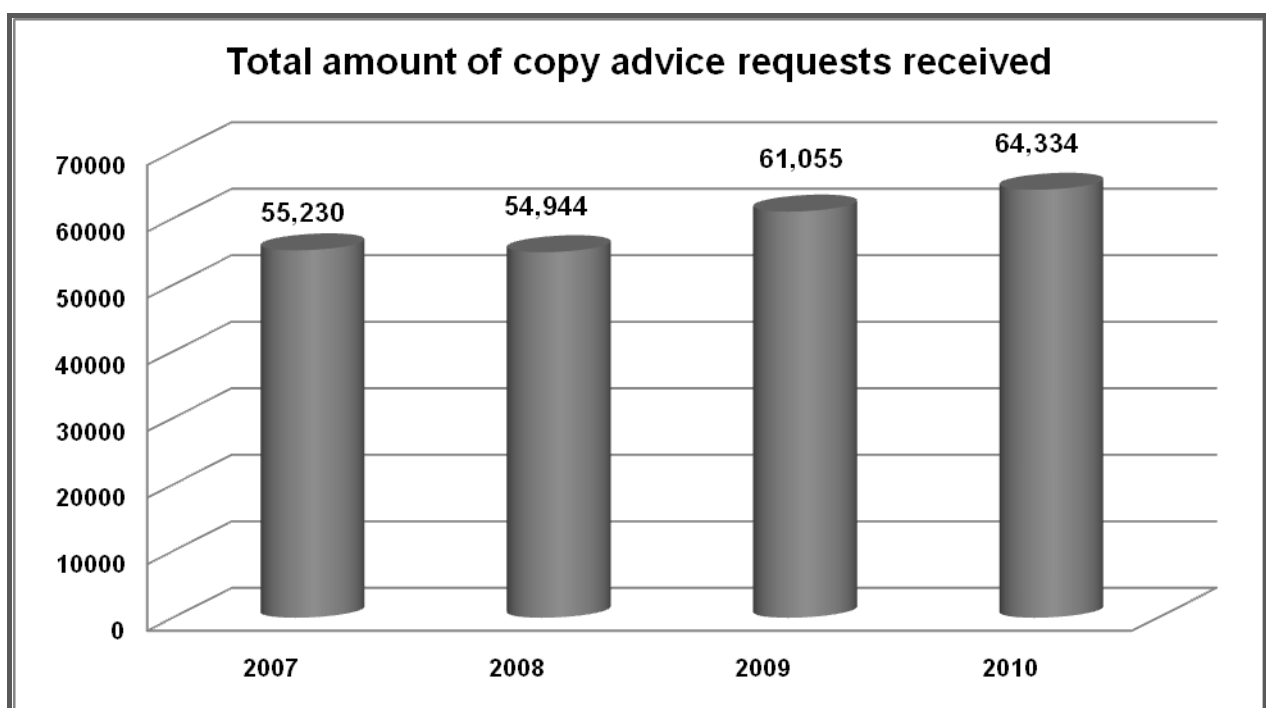
2. Copy Advice

European SROs received 64,334 copy advice requests in 2010

In 2010, 22 advertising self-regulatory organisations (SROs) provided copy advice. The German *Werberat*, the Romanian RAC, as well as Luxembourg's CLEP started offering this service in 2009.

Where SROs provide this service, companies can be proactive in their advertising campaigns by consulting, on a non-binding basis, the SRO in advance about whether their not-yet released ad meets required advertising standards.

Figure 26: Copy advice requests received in 2007-2010

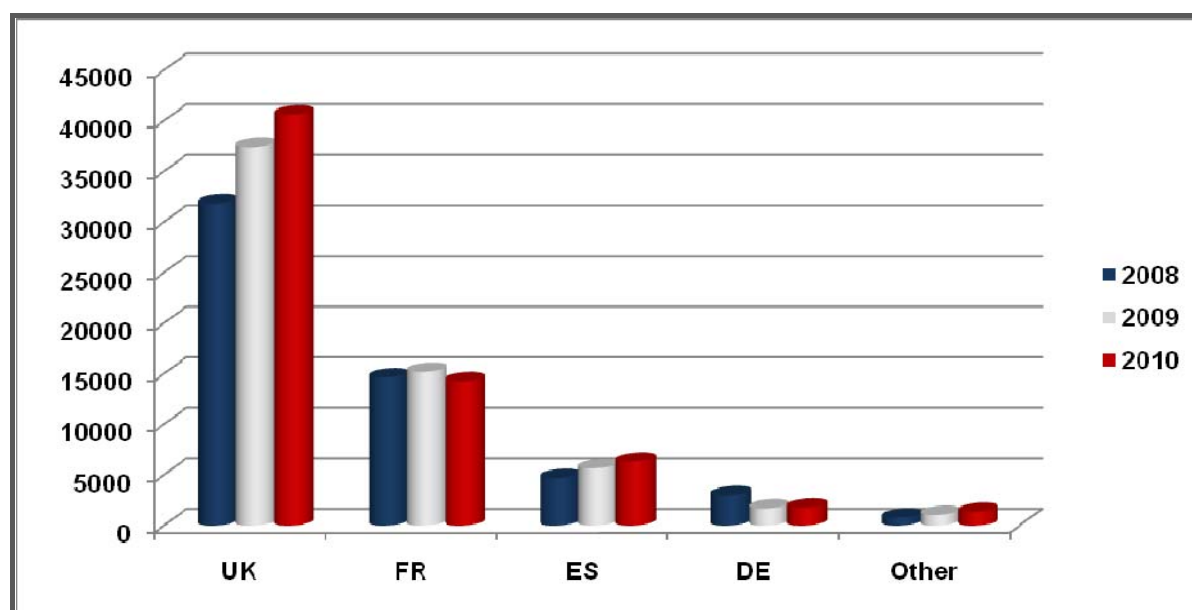


Source: EASA SRO member statistics 2010

Across Europe, EASA's SRO members have dealt with a total of 64,334 copy advice requests in 2010. 98% (62,988 requests) of the total copy advice requests received across Europe were in France, Germany (WBZ), Spain and the UK.

The number of copy advice requests rose by 5% in the previous year to 64,334 requests in 2010, probably as a result of increased promotion of the service by SROs.

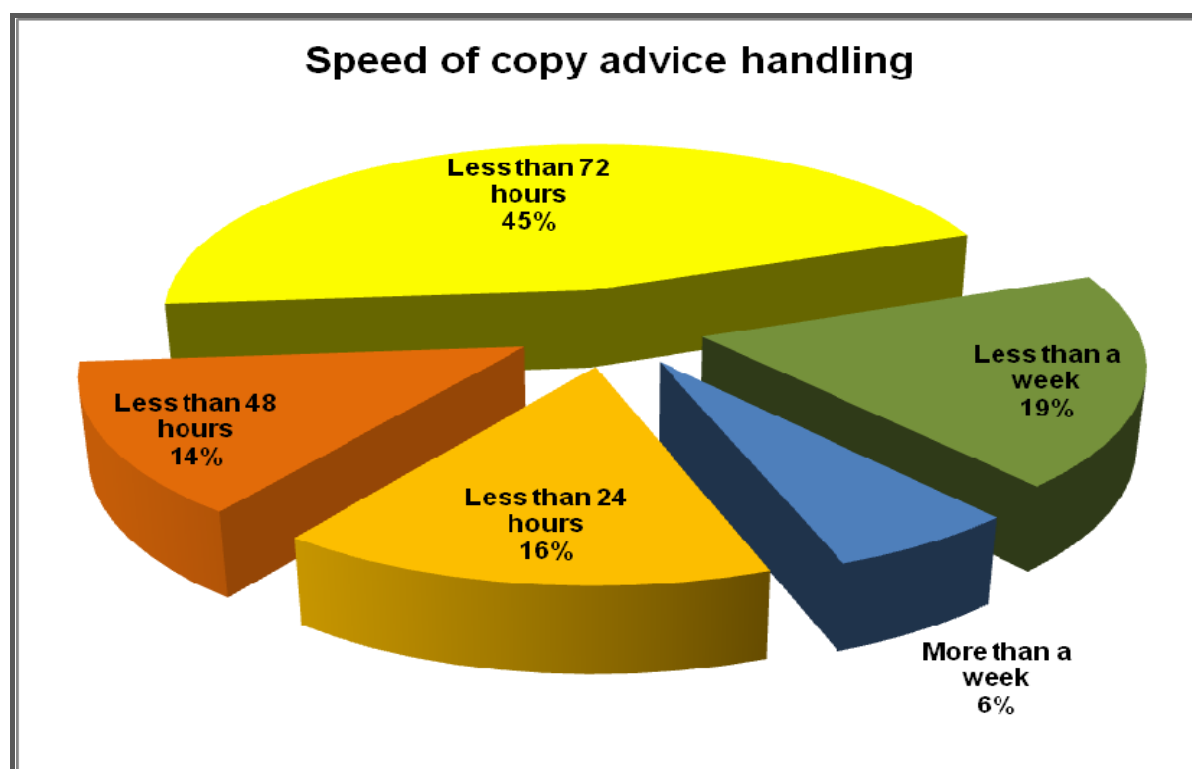
Figure 27: Copy advice requests per country in 2008, 2009 and 2010



Source: EASA SRO member statistics 2010

The analysis of the amount of time needed for SROs to provide copy advice in 2010 reveals that 75% of the requests are resolved within 72 hours, 14% of the requests in less than two days and 19% in less than a week. Only 6% of the copy advice requests dealt with by the SROs needed more than a week.

Figure 28: Speed in the handling of copy advice requests in 2010 based on data from all European SROs that provide copy advice³⁵



Source: EASA SRO member statistics 2010

³⁵ Except UK (ASA).

Table 6: Ranking based on total amount of copy advice requests 2008-2010 received across Europe

Country/ SRO	Rank in 2010	Copy advice requests in 2010	Rank in 2009	Copy advice requests in 2009	Rank in 2008	Copy advice requests in 2008	Rank in 2007	Copy advice requests in 2007
UK								
ASA		7,445		8,000*		4,268		4,376
Clearcast		33,172		29,428		27,558		28,829
Total	1	40,617	1	37,428*	1	31,826	1	33,205
France								
ARPP	2	14,258	2	15,195	2	14,636	2	14,820
Spain								
AUTOCONTROL	3	6,336	3	5,675	3	4,694	4	2,859
Germany								
DW		41		16		N/A		N/A
WBZ		1,736		1,700*		3,000*		3,731*
Total	4	1,777	4	1,716*	4	3,000*	3	3,731*
Hungary								
ÖRT	5	799	5	571	5	429	5	251
Italy								
IAP	6	183	6	139	10	40	7	56
Turkey								
RÖK	7	86	7	96	8	58	10	40
Ireland								
ASAI	8	81	8	67	6	92	6	101
Portugal								
ICAP	9	73	10	51	7	59	9	46
Belgium								
JEP	10	39	9	52	9	56	8	51
Poland								
RR	11	28	13	7	13	8	13	6
Romania								
RAC	12	18	14	6	N/A	N/A	N/A	N/A
Slovenia								
SOZ	13	15	12	11	11	20	12	19
Czech Republic								
CRPR	14	9	11	13	12	14	11	33
Austria								
OWR	15	7	16	3	14	5	15	3
Greece								
SEE	16	3	15	5	16	3	15	3
Slovak Republic								

Country/ SRO	Rank in 2010	Copy advice requests in 2010	Rank in 2009	Copy advice requests in 2009	Rank in 2008	Copy advice requests in 2008	Rank in 2007	Copy advice requests in 2007
SRPR	16	3	17	0	18	0	16	1
Finland								
MEN	17	2	17	0	18	0	16	1
Lithuania								
LRB	18	0	17	0	15	4	14	4
Luxembourg								
CLEP	18	0	17	0	N/A	N/A	N/A	N/A
Sweden								
RO	18	N/A	17	N/A	N/A	N/A	N/A	N/A

Source: EASA SRO member statistics 2010

* based on estimates

3. Pre-clearance

France and the UK pre-cleared 81,695 ads in 2010.

In some countries, certain categories of advertising, e.g. television and radio advertising or advertisements for alcoholic drinks, are subject to compulsory pre-clearance. This means that advertisements in those categories must be assessed by the advertising self-regulatory organisation (SRO) for compliance with the relevant statutory or self-regulatory code before they can be broadcast or published.

In 2010, a total of 21,600 television ads were reviewed by the ARPP in France, as well as 60,095 television ads by Clearcast in the UK, amounting to 81,695 ads reviewed in total. This constitutes an increase of 8% compared to 2009 when the ARPP and Clearcast received a total of 75,668 requests for pre-clearance.

In Ireland, all alcoholic drink advertisements must be approved by the Central Copy Clearance Ireland (CCCI), a self-regulatory body set up and funded by the alcoholic beverage industry in Ireland. The total number of submissions considered by CCCI in 2010 was 3,618, a decrease of 209 on the 2009 total of 3,827. The comparable figure for 2008 was 3,230.

Annex A: How an advertising self-regulatory system works

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

Basic elements of a self-regulatory system

A self-regulatory system consists of two basic elements:

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

The self-regulatory code or principles

The self-regulatory code or principles govern the content of advertisements. While individual national self-regulatory codes differ to meet identified needs, most are based on the Consolidated Code of Advertising and Marketing Communications Practice of the International Chamber of Commerce (the Consolidated ICC Code) and incorporate its basic principles. These require all advertising to be legal, decent, honest and truthful, prepared with a due sense of social responsibility and conforming to the principles of fair competition. The national code or principles apply to all forms of advertising. Additionally many SROs also ensure that advertising for products in a particular sector complies with a code which relates specifically to that sector. For example, specific codes may apply to alcoholic beverages, to food, to cars etc. These codes are drawn up by the sectors concerned and their implementation is negotiated with the SRO.

Applying and interpreting the code

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

The complaints committee / jury

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

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

The complaints committee or, as it is sometimes called, the jury, is responsible for authoritative interpretations of the code. It considers cases referred to it by the secretariat where a breach of the code is alleged. In some systems all complaints are referred to the complaints committee, while in others straightforward or non-contentious cases are dealt with by the secretariat and only disputed or uncertain cases are referred to the committee.

A complaints committee usually includes in its membership senior representatives of the three different parts of the advertising industry. In Europe, the majority of the complaints committee's members tend to be academics, consumer representatives and professionals

from outside the advertising industry rather than advertising practitioners. The complaints committee's chairman is in most cases independent and might, for example, be a retired judge, an eminent lawyer or a retired public servant.

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

Sanctions

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

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

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

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

The appeals jury

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

The importance of impartiality

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

Annex B: Definitions of terms and complaint categories

General definitions

Complaint

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

Case

A case is defined as an advertisement subject to assessment/investigation by the SRO jury.

Copy advice

Advice on (a) proposed advertisement(s) provided by a self-regulatory body, usually on a non-binding basis, as to whether or not it is compliant with the local advertising code.

Pre-clearance

Examination of an advertisement by a self-regulatory body as a compulsory precondition of publication or transmission.

Ban

A complete ban on advertising of the product/ issue concerned usually made by law.

Restriction

There are codes/ laws in place which significantly affects the advertising of the product/issue concerned.

Case handling duration

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

SR Code

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

Complainants

Consumer organisations

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

Competitors

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

Member of the general public

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

Own-initiative investigation (SRO)

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

Nature of the complaints

Misleading advertising

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

Marketing communication should not contain any statement, or audio or visual treatment which, directly or by implication, omission, ambiguity or exaggeration, is likely to mislead a member of the general public, in particular, but not exclusively, with regard to:

- characteristics of the product which are material, i.e. likely to influence the consumer's choice, such as: nature, composition, method and date of manufacture, range of use, efficiency and performance, quantity, commercial or geographical origin or environmental impact;
- the value of the product and the total price to be paid by the consumer;
- terms for delivery, exchange, return, repair and maintenance;
- terms of guarantee;
- copyright and industrial property rights such as patents, trade marks, designs and models and trade names;
- compliance with standards;
- official recognition or approval, awards such as medals, prizes and diplomas;
- the extent of benefits for charitable causes.

Social Responsibility

Discrimination/Denigration

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

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

Exploitation of credulity or inexperience

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

Inappropriate for children (social values)

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

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

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

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

Play on fear/ Violence

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

Taste and Decency

Taste and Decency

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

Inappropriate for children (Taste and decency)

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

Portrayal of gender

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

Offensiveness

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

Safety and health

Safety and health

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

Outcomes of complaints

Upheld

Complaints which are investigated by the SRO and adjudicated by the SRO jury are upheld if the jury decides that the marketing communication does breach the advertising codes. Subsequently the advertiser is asked to withdraw or change the advertisement to ensure it complies with the rules.

Not upheld

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

Not pursued

A complaint is not pursued if the SRO considers that there is no basis for investigation (e.g. the concern of the complainant would not be shared by most people) and subsequently dismisses the complaint

Resolved informally

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

Transferred to appropriate authority

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

Out of remit

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

Media**Audiovisual media services**

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

Cinema

Any advertising shown at movie theatres.

Digital marketing communications

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

Display ads

Display advertising appear on web pages in many forms, including web banners, pop-up ads, pop-under ads, skyscrapers etc. These ads can consist of static or animated images, as well as interactive media that may include audio and video elements.

Marketer generated or endorsed virals

Any advertisement that is propagated by members of the general public via e-mail, sms, mms or using social networking services etc. and that has been either generated or endorsed by the marketer. It does not include user-generated virals.

Paid search advertising

Online advertisements that show results from search engine queries. Search advertisements are targeted to match key search terms (keywords).

(Online) in-game advertising (IGA)

Refers to the use of computer and video games as a medium in which to deliver advertising.

Direct marketing

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

Outdoor

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

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

Radio

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

Products & Services**Alcoholic beverages**

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

Electronic and information communication technology (products and services)

ICT (information and communications technology - or technologies) is an umbrella term that includes any communication device or application, encompassing: radio, television, cellular phones, computer and network hardware and software, satellite systems and so on, as well as the various services and applications associated with them, such as videoconferencing and distance learning.

Employment/ Business opportunities

Including all complaints about recruitment ads and complaints about ads for business opportunities and homework schemes.

Energy, water and combustibles

Including all complaints about ads for the provision of electricity, water, gas, nuclear and all forms of renewable energy as well as petrol and engine oil.

Gambling and lotteries:

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

Health and Beauty

Includes food and beverages with health claims and products or services claiming to improve or maintain an individual's appearance.

Household and furnishing

Including advertisements about cleaning products, gardening services, electrical appliances, home improvements, etc.

Non-commercial

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

Publishing

Including complaints about ads for books and newspaper promotions or reader offers and directories.

Triple Play

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

Sensitive products (Alcoholic beverages)

Safety and drinking patters

For spirits ads: Please see EFRD Common Standards: art 1 (Misuse), 3 (Drinking and Driving) and 4 (Hazardous Activities, Workplace and Recreation)

For Wine ads: Please see EU Wine Communication Standards: art 2 (Misuse), art 5 (Drinking and driving vehicles and other potential hazardous recreational or work-related activities and 6 (Workplace)

For Beer ads: Please see Responsible Commercial Communications Guidelines for the brewing industry: art 1 (Misuse), art 3 (Driving) and art 4 (Association with hazardous activities).

Sexual and social success

For spirits ads: Please see EFRD Common Standards: art 9 (Social success) and art 10 (Sexual Success)

For Wine ads: Please see EU Wine Communication Standards: art 11 (Social Success) and art 12 (Sexual Aspects)

For Beer ads: Please see Responsible Commercial Communications Guidelines for the brewing industry: art 7.2. (social or sexual success)

Content of appeal to under aged

For spirits ads: Please see EFRD Common Standards: art 2 (Minors): especially art 2.1., 2.4 and 2.5

For Wine ads: Please see EU Wine Communication Standards: art 3 (Minors): especially art A and C

For Beer ads: Please see Responsible Commercial Communications Guidelines for the brewing industry: art 2.1 (Minors)

Placement of the ad/ Exposure to alcohol ads

For spirits ads: Please see EFRD Common Standards: art 2 (Minors): especially art 2.2

For Wine ads: Please see EU Wine Communication Standards: art 4 (Minors): especially art B

For Beer ads: Please see Responsible Commercial Communications Guidelines for the brewing industry: art 2.2 (Minors)

European Advertising Standards Alliance
Rue de la Pépinière 10A, 1000 Brussels, Belgium
info@easa-alliance.org
www.easa-alliance.org

2010