

# Advertising regulations assignment

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Advertising Regulation The strength of the self-regulatory system lies in both the independence of the ASA and the support and commitment of the advertising industry, through the Committee of Advertising Practice (CAP), to maintaining the high standards laid down in the Advertising Codes, which are designed to protect consumers. Today, the UK advertising regulatory system is a mixture of?? \* Self-regulation for non-broadcast advertising \* Co-regulation for broadcast advertising.

The ASA is the UK self-regulatory body for ensuring that all advertisements, wherever they appear, are legal, decent, honest and truthful. The protection of consumers is at the heart of the ASA's work. They aim to ensure that advertising does not mislead or offend. Advertising self-regulation in the UK The system is based on a contract between advertisers, agencies and the media that each will act in support of the highest standards in advertising. Compliance with the Codes and ASA adjudications is binding on all advertisers.

It is not a voluntary system. The system is both self-regulatory (for non-broadcast advertising e. g. press, poster, cinema, online) and co-regulatory (for TV and radio advertising). The Codes sit within a legal framework, which means that, where appropriate, they reflect the standards required in law, e. g. the Consumer Protection for Unfair Trading Regulations 2008 (CPRs) for misleading advertising. The Codes also contain additional protections that are not required under law e. g. rules related to taste and decency and social responsibility.

The ASA is responsible for administering five Advertising Codes and deals with more than 26, 000 complaints per year. Just one complaint can cause the ASA to launch an investigation and remove an advertisement, if the ad is found in breach of the Codes. For instance, if Bulldog’s TV ad, had a voiceover that said “ With up to 8 meg broadband, more people can play, e-mail, download and talk, together, all at the same time. With Bulldog, unlimited phone calls to your network friends are included. To find out more about Bulldog Broadband packages call now on 0800 or visit [bulldogbroadband.com](http://bulldogbroadband.com).

Bulldog Broadband and Phone. ” Onscreen text said “ Broadband speed is up to 8meg downstream. Subject to local availability and Bulldog phone line”. BT complained the TV ad was misleading because, due to the technical limitations of high speed broadband services, the maximum speed quoted would not be available to a significant number of people within the geographic areas in which the service was available. Figures were provided and showed that, as the length of line between a local exchange and a customer’s home increased the broadband speed that could be achieved by the customer decreased.

They said broadband speeds of 8 megabits per second (Mbps) or close to 8 Mbps could be achieved only by people who lived within 3 km of an exchange. Beyond that distance the achievable speed dropped rapidly because of unavoidable signal attenuation caused by line length and quality. The 35% of people who lived more than 3. 8 km from an exchange, for example, would get at best a 5 Mbps connection. They believed the prefix “

up to” was not an adequate indication that a large proportion of customers could not get a service close to the headline speed.

Members of the public also said the TV ad was misleading because the broadband speed quoted was not achievable for all users. One said their connection had never exceeded 5 Mbps and while others believed technical limitations would prevent users from achieving the headline speed. Bulldog however would then be given an opportunity to respond to any claims made against them therefore saying our ads were in line with previous ASA adjudications and CAP guidance, which required claims about broadband speeds to be preceded with the words “ up to”, to indicate that the top speed might not be achieved by users. Assessment

Complaints upheld The ASA noted Bulldog considered that the inclusion of the words “ up to” was an adequate indication to consumers that they might not achieve the top speed quoted in the ads and that their ads were in line with previous ASA adjudications and CAP guidance. We considered that “ up to” was an adequate qualification in ads for 1 Mbps and 2 Mbps services, where the user would not achieve the maximum speed because of factors such as the number of people on line but where the attainable speeds were close enough to those advertised so as not to affect the customers’ experience in any meaningful way.

We considered that the higher speed service was likely to be attractive to consumers because of the advertised headline speed and the potential capabilities that a connection of that speed could give users. We understood, however, that the speeds 8Mbps services could deliver were significantly

affected by signal attenuation, which was caused by distance from the exchange, and that as a result a significant proportion of consumers could not achieve speeds close to the headline speed.

We understood that users of an up to 8Mbps service could take advantage of capabilities such as video streaming, file sharing and online gaming but that there would be a noticeable degradation of quality of the service when speeds fell below 6Mbps. We therefore considered that “ up to” was not an adequate qualifier in ads for higher speed services, given the impact that signal attenuation could have on speed and performance. ASA concluded that the ads were misleading and asked Bulldog to amend them. The TV ad breached CAP (Broadcast) TV Advertising Standards Code rules 5.

(Misleading advertising), 5. 2. 1 (Evidence) and 5. 2. 3 (Qualifications). Action Bulldog will then be asked by the ASA to indicate prominently in future ads (for example in the body copy of non-broadcast ads) that top speeds varied significantly, in particular because of a user’s distance from their local exchange. The broadband speed must be preceded by the words ‘ up to’, in order to make it clear that a consumer can receive anything up to the advertised speed. The ad must contain a clear notice in the main body copy (i. e. ot in a footnote) that states that speeds vary significantly subject to a number of factors, such as distance from the exchange. The ad must also make clear where the service is available i. e. geographical limitations that might mean a headline speed is only available to those in, for instance, urban areas. The Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP) are the industry committees responsible for writing and maintaining the Advertising Codes. The

Committee members represent the three main parts of the advertising industry, namely the advertising agencies, media owners (e. . poster site owners, newspapers, broadcasters) and the advertisers themselves. CAP and BCAP also enforce the adjudications of the ASA. Interaction with the law Across the European Union (EU) there is a unified piece of consumer protection legislation to prevent the use of misleading or unfair trading practices. This law, called the Unfair Commercial Practices Directive, has been translated into UK law to make sure that we have the same rules as all the other countries in the EU. The ASA works within this legal framework to make sure that UK advertising is not misleading or unfair.

The ASA is able to refer advertisers who refuse to work with us and persistently make The ASA is considered the ' established means' for gaining compliance with both these pieces of legislation. This means that the law itself is not usually enforced formally through the courts; instead the ASA is first allowed to tackle any problems under the Advertising Codes. This approach works well in the overwhelming majority of cases. Broadly this means that the system is paid for by the industry, which also writes the rules, but those rules are independently enforced by the ASA.

The system is a sign of a considerable commitment by the advertising industry to uphold standards in their profession. All parts of the advertising industry ??? advertisers, agencies and media ??? have come together to commit to being legal, decent, honest and truthful in their ads. \* Advertising Standards authority - <http://www.asa.org>.

<http://www.asa.org.uk/Complaints-and-ASA-action/Adjudications/2006/9/Bulldog->

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[http://www. cap. org. uk/The-Codes. aspx](http://www.cap.org.uk/The-Codes.aspx) \* -