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News on advertising self-regulation | issue 1 - 2011

Dear Renée Brautigam,

Welcome to FOCUS, the public newsletter of the European Advertising Standards Alliance (EASA), a periodic update of the latest news, information and stories on advertising self-regulation in Europe and beyond.

The top stories in this first issue of 2011 focus on the area of digital marketing communications where great progress is being made in extending and strengthening self-regulation:

- * Digital Marketing Communications now in remit of almost all
- * Online Behavioural Advertising - addressing the privacy issue
- * Research: high levels of compliance on marketer-owned websites

In addition, this newsletter offers the latest news of advertising self-regulatory organisations and the advertising industry as well as a selected list of research/publications in the field.

Dr Oliver Gray - EASA Director-General

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Digital Marketing Communications: now in remit of almost all



Almost all self-regulatory organisations within Europe have adopted the [EASA Digital Marketing Communications Best Practice](#), which recommends that the remit of these organisations should be extended to include digital marketing communications ranging from paid search advertising to user-generated content endorsed by marketers.

This extension of remit is a real success story for both the advertising industry as well as the general public as now complaints on the content of, for example, advertising on marketer-owned websites as well marketer-endorsed user-generated content can be handled.

When the Best Practice was first published in October 2008, only eight of the 20 EU countries with a self-regulatory authority at that time dealt with digital marketing communications. Two years later this number has extended to 19 out of 22 EU countries that currently have such an organisation.

Online Behavioural Advertising - addressing the privacy issue



Online Behavioural Advertising, a practice that is based on a user's internet browsing activity with a specific device and allows brands to deliver adverts that reflect the user's interests, has been at the centre of a privacy debate for the past few years since MEPs, Commissioners and national governments argued over wording about "cookies" in the ePrivacy Directive adopted in 2009.

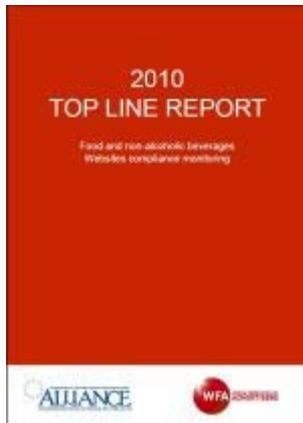
EASA and its industry members have since pushed forward advertising industry discussions on the subject focusing on a Best Practice Recommendation that provides for a European-wide icon to inform consumers when they are served online behavioural advertising as well as enforcement tools allowing consumers to exercise choices about online behavioural advertising.

On the one hand, linking directly from the icon, consumers will find a website (in all different national languages) explaining where the information comes from that is used to generate online behavioural advertising and provides the opportunity to opt out of online behavioural advertising. On the other hand, it provides the possibility for consumers to use the trusted route via advertising self-regulatory organisations should they still wish to complain about an ad that was sent to them using data collected on web viewing behaviour.

Following a letter in September 2010 from European Commissioner for the Digital Agenda Neelie Kroes commending the advertising industry for its efforts thus far but highlighting the need for more transparency and user-friendliness, EASA and its members have risen to the challenge and presented the [final draft of the Best Practice Recommendation on Online Behavioural Advertising](#) on 16 December 2010 to the European Commission at a dedicated Round Table.

The final draft of the Best Practice Recommendation has since been made public via EASA's website [for interested parties to comment upon](#) by 25 February. Following the next DGInfSO Round Table on 9 March, the recommendation is foreseen to be finalised, approved and adopted by the end of April 2011, with a twelve month roll-out via national industry associations and self-regulatory organisations. By May the official consumer website will become live in at least 10 European languages with a gradual roll-out of further languages later in the year. By mid 2012 it is foreseen that 70% of all online behavioural advertising will carry the icon that links to the consumer web tools.

Research: high levels of compliance on marketer-owned websites



EASA's report, which was made public in September 2010, focused entirely on digital marketing communications posted on marketer owned-websites in the food and non-alcoholic beverage industry.

The research shows that these marketer-owned websites have average compliance rates of 87%. 11% of ads on marketer-owned websites are currently under further investigation (for issues such as substantiating scientific claims), 1% was found to be in breach due to technical requirements and 1% was found to be in breach of the codes.

The monitoring exercise was undertaken in eight countries (Austria, Greece, Hungary, Italy, Netherlands, Poland, Sweden and the UK), thus providing a comprehensive coverage of markets, languages and levels of self-regulatory practice.

[Download the report](#)

News on advertising self-regulation

EUROPE

Bulgaria | NCSR adopts updated advertising code

Following industry-wide and public discussions, the National Council for Self-Regulation (NCSR), has expanded its advertising code on 4 November 2010 with the following chapters:

- Framework for Responsible Food Advertising with a special focus on HSSF food advertising in programmes for children, as recommended by the AudioVisual Media Services Directive.
- In co-operation with the Bulgarian Association of the Producers, Importers and Traders of Spirit Drinks (APITSD), NCSR has adopted Common Standards for Responsible Advertising of Spirit Drinks.

The updated advertising code took effect immediately.

France | Update of Internet Code

ARPP and the concerned advertising business have drafted a new Code update to supervise digital commercial communications, which includes the internet but also advertising on mobile phones for example. The protection of youngsters and the easy identification of each advertisement are at the heart of this Code update. Behavioural advertising and targeted advertising will also be supervised by this Code. This new code will replace the previously called Internet Code (2000 and 2005).

Netherlands | New definition of advertising

The Dutch self-regulatory body - Stichting Reclame Code (SRC) - has redefined the definition of advertising so that it includes all types of new marketing techniques. The new definition, which has come into force on 1 January 2011, better fits the guidelines of the Unfair Commercial Practices Directive, the Audio-visual Media Services Directive, the ICC Code as well as technological developments.

Sweden | Digital marketing communications now within remit

The Board of the Swedish self-regulatory organisation, Reklamombudsmannen (RO), has agreed at the beginning of October 2010 that it will formally extend its remit to include all digital marketing communications.

With the extension of remit in Sweden, the number of self-regulatory organisations in EU countries that deal with all types of online advertising has gone up from 18 to 19 out of 22 EU countries, or from 82% to 86%.

Turkey | New code rule related to subtitles

The Turkish advertising industry has agreed on a new rule relating to subtitles in advertising, which has been based on the rule put forward in the British CAP Code. The Turkish government is now in the process of writing this rule into the law.

UK | Green light given to digital remit extension

As of 1 March 2011 the digital remit of the British self-regulatory organisation, Advertising Standards Authority (ASA), will be extended significantly and apply to all marketing communications online, including the rules relating to misleading advertising, social responsibility and the protection of children. In summary, the new ASA remit will ensure the same high standards as in other media and will cover:

- Advertisers' own marketing communications on their own websites and;
- Marketing communications in other non-paid-for space under their control, such as social networking sites like Facebook and Twitter.

The remit is focused on "selling" messages in order to protect the right to freedom of speech online. For example, journalistic and editorial content and material related to causes and ideas - except those that are direct solicitations of donations for fund-raising - are excluded from the remit.

To raise awareness of the upcoming extension of remit the ASA has launched a B2B campaign that will

run until 27 February.

[Read more](#)

REST OF THE WORLD

CONARed meets in Rio de Janeiro

CONARed, a network of Latin American self-regulatory organisations, met for the fourth time, this time in Brazil on 6-8 October 2010. Representatives of self-regulatory organisations in Argentina, Brazil, Chile, Mexico, Paraguay, Peru and Uruguay were present.

The themes discussed were the status of advertising self-regulation in each country, standards of self-regulation as well as specific topics such as advertising for food and alcohol beverages in the region. On the occasion, Gilberto Leifert, president of Conar Brazil, was named Executive Secretary of CONARed for the period of October 2010 to October 2011.

The present self-regulatory organisations also signed a Charter pledging to continue to promote advertising self-regulation both in their own countries as well as in other Latin American countries that do not yet have any self-regulatory systems in place.

[Download the Charter](#) (translated into English)

Australia | Most 2010 complaints on sexuality and nudity in advertising, according to ASB

The Australian self-regulatory organisation - Advertising Standards Bureau (ASB) - published the top 10 complained about advertisements for 2010, a list which is dominated by billboard and television advertisements.

Seven of the ads in the 2010 top 10 list related to concerns about sex, sexuality and nudity. Three out of the ten ads have been upheld by the ASB complaints jury.

[Read more](#)

India | New ASCI's educational guidelines

After receiving a number of complaints on ads of educational institutions, the Advertising Standards Council of India (ASCI) has adopted a new advertising code for the education sector, which came into force on 1 December 2010.

The new guidelines discourage education institutions from claiming success in placements, student compensations, admission to renowned institutes, marks and rankings, and topper student testimonials unless every such claim is substantiated with evidence.

[Download the new ASCI guidelines](#)

New Zealand | New Code of Practice for prescription medicine marketing

A new Code of Practice to guide the marketing of prescription medicines in New Zealand has been released. The 15th edition of the Medicines New Zealand Code of Practice follows a review by industry experts, which included wide consultation with government agencies, healthcare professionals' associations and patient groups.

Subjects covered in the Code of Practice include Direct to Consumer Advertising, advertising to and interactions with healthcare professionals, provision of scientific information and the use of various forms of media.

Advertising industry news

IAB Europe condemns 're-spawning' as an illegal marketing practice

Re-spawning, a practice of automatically re-establishing a previously deleted cookie from a back up copy, is in IAB Europe's view an unacceptable practice as it circumvents the users' expressed choice not to have that cookie present on their machine. IAB Europe therefore considers re-spawning to be illegal under existing European and national EU Member States' Data Protection rules.

IAB Europe has called on all businesses and other bodies not to engage in re-spawning to bypass users' expressed choices, and to take measures to address and/or eliminate re-spawning when they learn of its use.

[Read more](#)

International action on alcohol advertising self-regulation

The ICAP 'Global Action on Harmful Drinking', a consortium of initiatives dedicated to helping reduce the harmful use of alcohol, has launched a website highlighting its work on alcohol advertising self-regulation.

This work is the result of a collective commitment made by the chief executives of major international alcoholic beverages producers to make a significant effort in the 2010-2012 time frame to address harmful drinking through a combination of global and local actions in key target countries.

[Global Actions Website](#)

2010 EU Pledge monitoring report out

EU Pledge companies, representing about two thirds of the EU food and drink ad spend, pledged in 2007 to change the way they advertise to EU children under the age of 12 on television, print, internet and in schools. They pledged:

- No advertising of products to children under the age of 12, except for products which fulfil specific nutrition criteria based on accepted scientific evidence and/or applicable national and international dietary guidelines.
- No communication related to products in primary schools, except where specifically requested by, or agreed with, the school administration for educational purposes.

Every year these company commitments are monitored and the 2010 report, put together by Accenture Media Management and BDRG Continental, reports close to 100% compliance rates for all media and 92% for in-school media.

It also reports on a significant reduction in children's exposure to television advertising for products that do not meet companies' nutritional criteria: -56% overall in 2009, comparing to 2005 base data, and -60% in 2010 compared to 2005. A substantial reduction in children's exposure to TV advertising for all

EU Pledge member companies' products (regardless of nutritional criteria) could also be noted: -30% overall in 2009 in comparison to 2005 data, and -36% in 2010 compared to 2005.

[Download the full 2010 EU Pledge monitoring report](#)

Check - Children's Ethical Communications Kit launched

This website project, developed by the Advertising Association (AA), Turner Media Innovations and other industry stakeholders in the UK, is a practical toolkit for anyone whose business involves marketing and communicating to children.

The website provides users with all of the existing regulations, legislation and guidance relating to marketing to children, sorted by the type of activity the user would like to be involved in. "Check" is fully supported by the official British regulatory bodies. It helps broaden understanding of regulations, maintain high ethical standards and ensure that all forms of marketing communications can be trusted.

www.check.uk.com

Notices & publications

Annual reports - self-regulatory organisations

Canada

[Annual report 2010 \(English\)](#)

Germany

[Annual report 2010 \(German\)](#)

Spain

[Annual report 2010 \(English translation\)](#)

UK

[Annual statement 2010 \(English\)](#)

Alcohol and food

ASA research: Food and Soft Drinks Compliance Survey 2009 published

The results of the CAP Compliance team have been published. The results show a 99.4% compliance for food and soft drinks advertising.

[Download the Food survey here](#)

Children

2009 Compliance Report on the Canadian Children's Food and Beverage Advertising Initiative

Advertising Standards Canada (ASC) released in September its second annual Compliance Report on the Canadian Children's Food and Beverage Advertising Initiative (CAI), covering 2009.

The 2009 Report confirms continuing compliance by companies participating in the CAI in meeting their programme commitments. It also documents:

- Changes to the children's advertising landscape since 2004;
- Actions taken to enhance and expand the scope of the programme;
- Reformulation of products to increase their nutritional value.

[Download the report](#)

Digital Marketing Communications

Research: Benefits of online advertising for consumers

IAB Europe presented in September 2010 the first systematic economic assessment of the benefits of online advertising for consumers. The report shows that consumers will enjoy services worth over 100bn Euros in 2010 (Europe and USA).

The scope of the study is to assess the economic value and intended to provide facts and figures to a rather heated privacy debate.

[Download the full report](#)

European statistics: ad complaints

Annual ad complaints statistics for Europe to come out

Every year EASA produces a report using annual complaint statistics provided by its self-regulatory organisation members. The 2009 Complaint Statistics Report for Europe is due to come out on 24 January.

[Read more](#)

Portrayal of gender

ARPP research: annual overview: the image of the human being - Dec 2010

Published in December 2010 this annual overview showed that in 2009 99.93% of all advertising depicting the human being was conform the code on the image of the human being and shows a steady decline in breaches since 2003. The breaches that did occur occurred in the press media as well as the internet.

[Download the full report \(in French\)](#)

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