

Annual Report

38th Annual Report 2018



THE OFFICIAL HERALDIC ACHIEVEMENT OF ASAI

The coat of arms or official heraldic achievement of the Advertising Standards Authority for Ireland was granted by the Chief Herald of Ireland and registered in his Office in April, 1983.

The design and composition of the arms graphically symbolise the sphere of influence as well as the function of ASAI.

The heraldic arrangement of the national tinctures enhanced by the wreathed cross is designed to suggest the packaging of goods on a nationwide basis, while the lion, traditional symbol of active vigilance, signifies the role of ASAI as overseer in relation to the advertising of those goods.

The shield, historically an emblem of defence, is symbolic of the protection afforded the consumer public by the ASAI, which seeks to establish and maintain principled advertising in Ireland.

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

ASAI

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Section 1 CHAIRMAN'S Statement

CHAIRMAN'S STATEMENT



Sean O'Meara, Chairman

I am very happy to report on another successful and progressive year for the ASAI.

Firstly, from an internal perspective, 2018 saw the ASAI continue to deeply engage in all our service offerings. In particular, there was a valuable increase with both our influence and strong contributions in the area of policy and Code: food advertising and concerns about obesity and children; non-alcohol beverages related to safety; mobile and broadband advertising and transparency; influencer marketing and recognisability. The requirement for ASAI contributions in these areas, all of national importance, are indicative of the place we hold as an acknowledged expert on setting standards for advertising. The engagement is also reflective of ASAI's continued co-operative and multi-disciplinary involvement with our stakeholders spanning Government Departments, State Agencies, representative bodies and advertisers.

Secondly, from an outward perspective, if there was one dominant issue ever-present in the commercial environment during 2018 it was the question of money. In a scenario of uncertainties, most advertisers were, understandably, working within a rationale of caution and postponement: the vexatious Brexit question was forever in the background, spreading nervousness.

Constantly, all advertising and media market predictions were reporting 'flat-at-best' outcomes for the year. We, at the ASAI, fully appreciate the stresses and pressures all advertisers work under. In many instances, advertising can be the second most expensive company outlay after salaries and wages. We understand that.

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The vast bulk of our income is derived through a small levy of 0.2% of advertising spend – 2 Euro in every 1,000 – which is collected as it goes through established advertising agencies and media planning companies.

However, advertising spend going directly to media providers does not carry such a levy. A small subscription is provided by the media owners themselves which does not compensate for the lack of application of the levy. Therefore, a significant inequitable anomaly exists. This situation is being addressed by the ASAI in 2019. However, in the meantime, I earnestly request all traditional media owners, national and regional to apply our small levy without delay. Any help needed will be willingly provided by our Executive.

Income generation is also being impacted by the move of advertising spend from traditional media to digital media, with digital advertising growing to an estimated 40% of media space. While more recently engaging in convivial dialogue with national and international Advertising Regulatory Bodies, digital media owners have, so far, declined to apply the levy. They operate their own internal 'policies', claiming that these are sufficient to regulate the ever-increasing advertising content they accept and carry. While all media owners are expected to ensure that they do not carry misleading or offensive advertising, in-house advertising codes cannot be and are not the equivalent of well-established independent, robust self-regulatory organisations such as the ASAI, with independent investigative and adjudicatory powers and processes.

True to both traditional and digital advertising media,

confidence and trust are the bedrock of sustainable advertising. Our legacy of strongly investing in a central role to foster maximum levels of trust in advertising is testament to the hard fought work of the organisation. We have achieved this, in part, through developing and implementing our Code, alongside interventions by vested and responsible long-time stakeholders.

In sheer contrast, these days, in the turbulent modern world, we see 'fake news' accusations woven into global society, with the resultant mistrust in instruments of Government, media and authority in general becoming a disconcerting trend. It is, therefore, imperative that advertising, marketing and all commercial communications do not fall into the trap of mistrust.

All interested parties should be co-operating, more than ever, with each other towards mutually beneficial objectives. Our common aim must be safeguarding and strengthening the long term protection provided by the ASAI Code for Irish consumers, society and the advertising industry itself.

Perhaps unwittingly, digital platform providers are becoming social engineers, changing and influencing long-held outlooks, perceptions, commitments and habits. They have entered the marketplace benefiting from a highly-established level of long-term trust present in advertising. While leveraging off that foundation of trust, they must surely, and in all equity, correspondingly play their part in contributing widely to sustaining trustworthy advertising regulation in a digital era.

As the advertising ecosystem evolves at pace, this naturally necessitates change: providers of digital platforms are now well-developed publishers and need to become recognised and active stakeholders within the advertising system. With the increasing growth of digital advertising, their individual and collective contributions are both warranted and vital. The ASAI needs to be properly funded from all media space within its expanding remit. Their contribution needs to be meaningful and sustainable, incorporating workable solutions for equitable levy collection on direct digital platform spend.

We know that what is needed at this time is to further strengthen the ASAI so that it can continue to expand its services, supports and contributions to the advertising ecosystem's advancement. Interventions such as effective tools for knowledge sharing to take account of newer entrants working in and associated with the advertising industry will be of increased focus. This vision is necessarily underpinned by appropriate extra internal resourcing and infrastructure development.

Throughout 2018, people of the highest calibre sat, voluntarily, on our Board, Complaints Committee and Working Groups. We, the industry and society at large, benefited enormously from their independent expertise and guidance to the ASAI, for whom I am proud to act as Chairman. My sincere thanks to them.

The comprehensive report that follows covers the major events of the year. The organisation's sterling performance in this regard is, of course, reflective of the continuing dedication and excellence of the entire Executive for which I and the Board are continuously indebted.

The outlook for the ASAI in 2019, and beyond, is very much a positive but demanding one, particularly when balanced equitably with meaningful and sustainable support from advertisers and their partners across all media platforms.

Sean O'Meara, Chairman Advertising Standards Authority for Ireland.

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HIGHLIGHTS SUMMARY

While the number of complaints received in 2018 was 22% lower than the extraordinary levels of 2017 (64% up on 2016), the number of advertisements complained about were 8% higher than in 2017 and 19% higher than 2016.

The ASAI continued to work with the Mobile Phone and Broadband taskforce, developing guidance for advertising by telecoms operators, which will be finalised in 2019.

ASAI continued its engagement with key stakeholders in the area of advertising related to blogging and influencers, holding an 'Inform and Engage' event for those stakeholders in April 2018. Key messages included the importance of transparency for brand reputation of both influencers and companies when co-creating marketing communication content. ASAI has continued to engage with the Department of Health on the implementation of the Voluntary Food Code. Contributions to the Environment and Social Committee of the British-Irish Parliamentary Assembly (BIPA) and to the Joint Oireachtas Committee on Children and Youth Affairs were made by ASAI staff during 2018.

In response to the increasing development of non-alcoholic beverages, ASAI is developing guidance for the advertising of this product category.

In 2018, the ASAI continued its outreach to industry practitioners, presenting on the ASAI and the Code. This important activity is aligned to the organisational strategy on stakeholder awareness of the Code and related services.

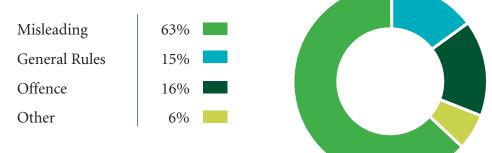
2.1 | Complaints Resolution

In 2018, the ASAI received 1,682 written complaints concerning 1,183 advertisements. This represents a decrease of just over 20% of complaints received compared to 2017. The number of individual advertisements that attracted complaints increased by 8% on the number of advertisements complained about in 2017 (1,183 compared

to 1,098).

At 1,183, the number of advertisements that received complaints is a very small proportion of the thousands of advertisements that were published during the year in all Irish media – TV, radio, online, newspapers, magazines, outdoor, brochures, leaflets and cinema.

2.2 Grounds of Complaint



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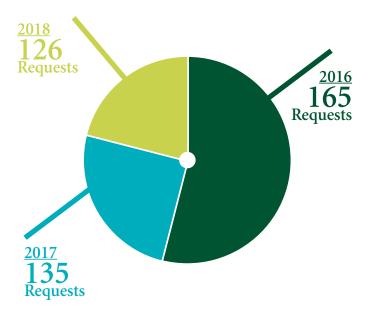
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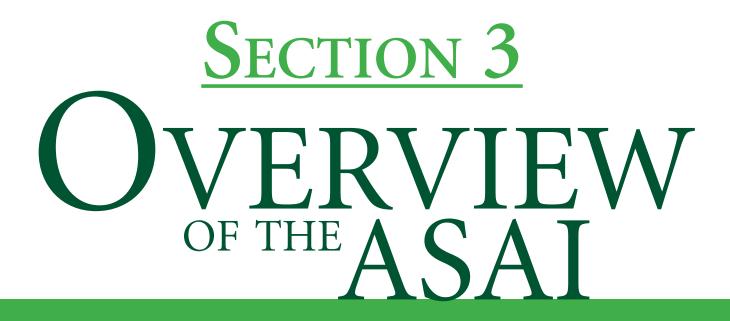
2.3 | Top Three Complaints



2.4 | Copy Advice

During 2018, 126 copy advice requests were submitted to the Executive. The number of requests, although lower than those received in 2016 were significantly higher than those received in previous years (63 in 2015). The ASAI has continued to promote the service to industry throughout the year as it is seen as an essential service that the ASAI can offer. A dedicated email address, copyadvice@asai.ie, was introduced for this service.





AN OVERVIEW OF THE ASAI

This is the 38th Annual Report of the Advertising Standards Authority for Ireland (ASAI), for the year 2018.

The ASAI is the independent self-regulatory body set up and financed by the advertising industry (advertisers, advertising agencies and media) and is committed to promoting the highest standards of advertising and sales promotion, in the public interest. The ASAI Code is supported by all major advertisers and agencies and all major media, including broadcast, outdoor, digital and the print media.

The ASAI, since its foundation in 1981, has built up an extensive body of expertise in the regulation of commercial advertising in all Irish media. The ASAI recognises the importance of continually ensuring that the remit of the Code applies to all commercial marketing communications, including those in developing media. At its most basic, the Code's remit follows where marketing communications go.

In line with the continuous evolution of the form of marketing communications and the mediums in which they are placed, we have been expanding the jurisdiction of the ASAI. Apart from traditional media (cinema, outof-home, print, radio and television) always having been in scope, over the years editions of the Code have been extended to include email marketing, and marketing communications on advertisers' own websites, paid-for and non-paid for advertising on third-party sites. Remit therefore includes marketing communications on thirdparty non-paid-for space online, such as advertisers' own posts (and those of their brand ambassadors) on their social media platforms.

The 7th and current edition of the Code encompasses Online Behavioural Advertising (OBA). These rules provide for a high level of consumer transparency and choice regarding OBA.

Reflective of the ASAI's key and central role as regulator for the advertising industry, we pride ourselves on our strong relationships with many key stakeholders. We engage with a multiplicity of cross-sectoral stakeholders, representative of the depth and breadth of the Code. Key areas currently are matters concerning children, food and non-alcoholic beverages, alcoholic drinks and health and beauty.

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A significant part of the ASAI's work in upholding advertising standards is the resolution of complaints from consumers, competitors and interested parties. Such complaints also help to keep the Authority informed of the current concerns and societal shifts and trends regarding advertising. Information and statistics on how complaints are resolved by the ASAI is provided on page 24.

In carrying out its function of enforcing the highest standards in advertising, the ASAI also carries out scheduled and structured monitoring. ASAI proactively supports advertisers and the advertising industry in publishing Code-compliance copy. We provide expert service through free, confidential and non-binding copy advice on the compliance of proposed advertising. This dedicated service is now provided at **copyadvice@asai.ie**

ASAI proactively promotes it services, particularly to the industry and consumers, through prominent media channels. Such initiatives underpin a key objective in outreach activities in the pursuance of all marketing communications being legal, decent, honest and truthful. Further information on services available are detailed on page 13.

3.1 ASAI Code

CODE OF STANDARDS FOR ADVERTISING AND MARKETING COMMUNICATIONS

The ASAI Code is based on the principles established by the International Chamber of Commerce (ICC), which asserts that all advertising and promotions must be legal, decent, honest and truthful and must be undertaken with a sense of social responsibility. On an ongoing basis, the work of implementing the provisions of self-regulatory codes is being enhanced and supported by the development of Best Practice Guidelines, in all areas of complaints examination, by the European Advertising Standards Alliance (EASA).

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

Knowledge of the Code amongst industry practitioners is a key element in maintaining the compliance levels with the Code and, during the year, the ASAI presented to advertisers, agencies and media on the provisions of the Code.

In order to assist in the interpretation of the Code, the ASAI has developed Guidance Notes on

- Alcohol Advertising
- Food and Non-Alcoholic Beverages Advertising
- Recognisability in Advertising

These Guidance Notes are published on the ASAI website.

The FSAI Guidance Note on the Use of Food Marketing Terms, which supports Section 8 of the ASAI Code, is also published on the ASAI Website. This guidance was published by the FSAI following extensive food industry engagement and ASAI collaborated with the FSAI in its introduction.

The collaboration with the FSAI is consistent with the ASAI's approach to work with other regulatory bodies to achieve the best outcomes for the public and the advertising industry, ensuring that marketing communications do not mislead, for the benefit of all.

3.2 | Scope of the Code

It has always been the intention of the Code to follow where advertising goes. In recognition of continuously emerging innovations in the presentation of marketing communications, each Code review endeavours to set Code rules that are future proofed where possible. This ensures that all marketing communications, regardless of the platform, including industry innovations incorporating new technologies and digital marketing developments, comply with the standards set by the Code.

The Code summary extract below is indicative of the breath of media channels covered by the Code, designed in the interests of consumers in particular to promote high advertising standards being served in the broadest of contexts.

> "The Code applies to marketing communications including the following:

Newspapers, magazines; posters in public places, idigital screens; brochures, leaflets, emails texts.

Broadcast on television, radio, cinemas, DVD, Blu-ray.

Online advertisements in paid-for space (including banner or pop up advertisements and online video advertisements);

Paid-for search listings; preferential listings on price comparison sites; viral advertisements; in-game advertisements; commercial classified advertisements; advergames that feature in-display advertisements; advertisements distributed through web widgets and online sales promotions and prize promotions. Promotional marketing and sales promotions.

Advertorials.

Advertisers' own websites, that are directly connected with the supply or transfer of goods, services, facilities, opportunities, prizes and gifts or which consist of direct solicitations for donations."

3.3 | The ASAI's Remit, Services and Supports

POLICY

The ASAI works throughout the year on policy matters, most typically concerning interpretation and application of the Code towards emerging marketing communications and advertising content trends. Policy positions are grounded in standards, set out in the Code, underpinned by the aim that all marketing communications should be legal, decent, honest and truthful.

We engage with a broad spectrum of stakeholders, most particularly those in the media, representative bodies, Government Departments and State Agencies, in the conduct of our regulatory tasks. These agencies include the Competition and Consumer Protection Commission (CCPC), the Commission for Communications Regulation (ComReg), and the Food Safety Authority of Ireland (FSAI).

Allied to the ongoing exponential growth in digital marketing, online marketing and social media marketing, the ASAI increasingly seeks to deepen its strong relationships with global providers in this space.

ADVISORY CORPORATE SERVICES

The ASAI, whether proactively offering its expertise or on being approached, participates on external projects and periodically contributes to developing and reviewing specific advertising standards in various sectors.

COMPLAINTS INVESTIGATION AND ADJUDICATION

The ASAI accepts complaints from any person or body who considers that a marketing communication may be in breach of the Code and such complaints are investigated free of charge.

COMPLAINTS PROCESS:

The identity of individual complainants remains confidential. Anonymous complaints are not pursued and all complaints must be in writing (by post or by using an online complaints form).

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In the case of competitive and interested party complaints, the complainant must agree to their identity being disclosed in order for the ASAI to investigate the complaint. Competitive complaints are investigated where the interests of consumers are involved. However the ASAI is not an arbitration service for disputes between commercially interested parties. Interested party complainants are not competitive complainants, but neither are they acting as a consumer.

The ASAI Executive initially assesses complaints against the provisions of the Code and, where an investigation is warranted, will invite comments from the advertisers. Where a potential breach of the Code is identified or where a precedent case is involved, the matter is referred to the Independent Complaints Committee for adjudication.

COPY ADVICE

ASAI provides a valuable pre-publication copy advice service on proposed marketing communications' compliance with the Code. This service is available to all those involved with advertising – advertisers, their agencies and the media.

Copy advice is free and given on a confidential basis. The advice is non-binding on both the requester and on the ASAI; while the requester does not have to accept the advice of the ASAI Executive, neither does the Independent Complaints Committee, should the marketing communication subsequently come before them for adjudication. However, where the service has been utilised, marketing communications are less likely to contravene the Code in any substantial way.

MONITORING

The ASAI conducts monitoring exercises of individual marketing communications to assess compliance with

the Code requirements. Such exercises can be conducted on specific media or a mix thereof and incorporates both traditional and digital media. They can also be focused on a particular industry or area of economic activity. Initially, this is carried out on an informal basis with the advertiser/ promoter being asked for comments within a specific period. Failure to respond to the Compliance Monitor's request for information may result in the matter being escalated to a formal investigation.

The ASAI Monitoring Service also monitors compliance with the adjudications of the Complaints Committee.

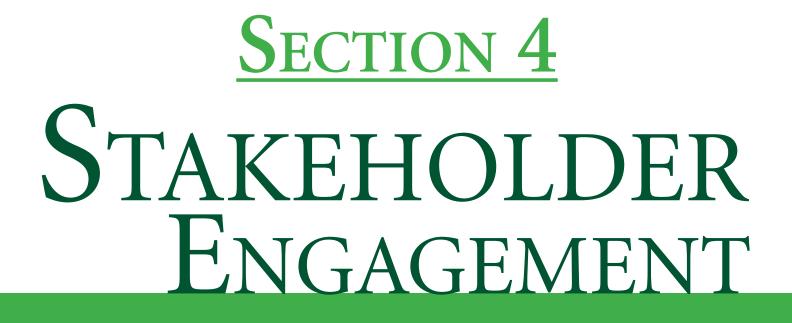
COMPLIANCE

Where a complaint is formally adjudicated upon by the Complaints Committee, the Executive takes appropriate steps to ensure that advertising found in breach of the Code is amended or withdrawn. The Executive continues to experience an exceptionally high compliance level with adjudications, testament to the recognition of ASAI in championing the highest standards in advertising content.

Awareness, Knowledge Enhancement and Empowerment

The ASAI strives to ensure that there is a high level of awareness of the role of and importance of standards in advertising. The ASAI Executive is available to present to advertisers, agencies and media on the provisions of the ASAI Code and how they are applied with a view to enhancing practitioner knowledge and empowering them in effective use of the Code.

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STAKEHOLDER ENGAGEMENTS

The Code has been developed primarily in the interests of consumers and society as a whole. The ASAI has a long history of inclusiveness and collaboration through engagement with and having due regard for stakeholder interests. Full revisions of the Code are therefore subject to broad consultation, including public interest groups.

Interim reviews and revisions of industry/sectoral Code sections or section changes that may impact on one sector are the subject of consultation confined to key stakeholders.

Matters relating to policy are considered with appropriate interest parties. Engagements are broad ranging, taking account of the wide range of sectors specifically covered by the Code. ASAI regularly engages with Government Department and State agencies, such as the Competition and Consumer Protection Commission.

The exponential growth in digital advertising has led the ASAI to engage further with the associated platform providers. The equitable application of and support for the Code is an imperative for the ASAI.

Broad consumer awareness of the Code and its application – primarily through complaints and adjudication precedents – has always been a priority for the ASAI. The continuing effectiveness of the Code facilitates the prevalence of high standards in advertising.

4.1 | Industry Awareness of the ASAI

The ASAI's effectiveness as a regulatory body depends on the practical and active support of advertisers, agencies and the media. The ASAI recognises the importance of ensuring that all of those employed in the relevant agencies and the media are aware of the ASAI and the Code.

The ASAI therefore continues to actively seek opportunities to present on the Code to key stakeholders, particularly those involved in the advertising industry, ensuring the widest awareness of the Code and its provisions.

4.2 | Public Awareness of the ASAI

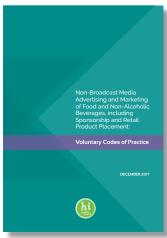
The ASAI Code stipulates that it should be implemented primarily in the interests of consumers. Indeed, a primary function of the ASAI – the examination of complaints – depends on the public being aware not only of the ASAI's existence but also of its role. Consequently, public awareness of the ASAI is vital to its successful operation. In considering the role self-regulation might play in the future regulation of advertising, a high level of public awareness is also considered by the EU Commission to be of great importance.

The ASAI wishes to continuously increase levels of awareness of the organisation and, in particular, of the services offered. This is done partly through the publication of the adjudications of the independent Complaints Committee, which are regularly carried in the media, in trade publications and on the ASAI website.

The ASAI regularly posts on Twitter and is increasing its profile on LinkedIn, with both platforms offering an opportunity to reach out and communicate with a wider audience.

4.3 | ASAI's Engagement Highlights in 2018

VOLUNTARY FOOD CODE



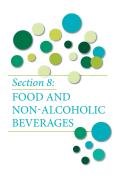
In 2015, the Minister for Health set up a working group to develop codes of practice for food advertising and marketing for non-broadcast media, for sponsorships by the food industry, and for food and beverage product placement in the retail sector. The focus of the Codes was to be on high fat, salt and sugar foods. The ASAI participated

as a key member of the Working Group, and completed their work in 2017.

The voluntary Codes of Practice for the advertising and marketing of food and non-alcoholic drinks were launched in February 2018 by Minister of State for Health Promotion, Catherine Byrne TD.

The Codes set out Principles for Governance. At the time of the launch of the Codes, the implementation and monitoring procedures had not yet been developed. In the interest of upholding the highest advertising standards and maintaining best practice, the ASAI continues to consult with the Department of Health and other key stakeholders on implementation and support of the new Codes.

ASAI CODE AND CHILDHOOD OBESITY



During the year, the ASAI made significant contributions to forums convened on the matter of childhood obesity. The Environment and Social Committee of the British-Irish Parliamentary Assembly (BIPA) invited the ASAI to attend a hearing in April 2018 concerning the subject, partly to collate expert subject matter contributions on food related advertising. The Committee, comprised of parliamentarians from Westminster, the Oireachtas, and the devolved institutions, had prepared a recent report into Childhood Obesity. By way of a followup to this report, the Committee reconvened for a hearing of supplementary evidence at Government Buildings to conclude its work.

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The ASAI was invited to and attended a meeting of the Joint Committee on Children and Youth Affairs in July 2018 for further discussion on the subject 'Tackling Childhood Obesity'. The ASAI made valuable contributions which formed part of an ongoing enquiry by the Joint Committee. Contributions at the same meeting were also made by the Broadcasting Authority of Ireland and Food and Drinks Ireland.

ALCOHOL ADVERTISING

The framework for the regulation of alcohol advertising in Ireland is one of the most robust in Europe. The ASAI Code provisions ensure that marketing communications for alcohol products do not glamorise them, do not encourage over-consumption or immoderate consumption, and, very importantly, ensure that they do not appeal to children. The number of marketing communications found in breach of the Code by the independent Complaints Committee continues to be is very low, and has been so since the introduction in 2003 of CopyClear, a service which pre-vets all marketing communications in Ireland against the ASAI Code.

In addition to the provisions of the ASAI Code, alcohol marketing communications must comply with the rules set down in the Alcohol Marketing, Communications, and Sponsorship Codes of Practice. The aim of these Codes is to limit the exposure of young people to advertising and include provisions on where and when alcohol marketing communications can appear. The ASAI provides secretarial and executive services to the Alcohol Marketing Communications Monitoring Body, which was set up by the Department of Health in 2006 to oversee compliance with the Codes.

The Public Health (Alcohol) Act 2018 introduced legislation

concerning restrictions on marketing communications for alcohol products. The initial impact of the statue comes into effect in November 2019 and broadly is anticipated to be fully effective over a subsequent three year period. The ASAI Code will be amended appropriately to take full account of the changes imposed by the Act. The Code will continue to play a vital role in alcohol advertising in areas not covered by the Act, such as digital advertising.

NON-ALCOHOL PRODUCT VARIANTSThe prevalence of non-alcoholic beverages on the market is increasing. This market increase has coincided with the introduction of the Public Health (Alcohol) Act. In recognition of this trend, it is important, from an advertising perspective, that marketing communications are clear from the outset that the products are non-alcoholic. In addition, in the public interest and for the protection of children, care is needed to ensure that they are not addressed to, nor contain content, that is primarily of interest to children.

The ASAI consequently has developed Guidelines for publication in 2019 following a standard consultative process with key stakeholders.

MOBILE AND BROADBAND ADVERTISING

The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and the Department of Communications, Climate Action and Environment established a Mobile Phone and Broadband Taskforce to identify measures that could deliver significant improvements in access to highquality mobile and broadband services throughout Ireland. The Taskforce reported in December 2016¹ and made 40 recommendations across a number of areas.

Recommendations No. 32 related to the ASAI. It stated: "The Taskforce recommends that the Advertising Standards Authority review advertising in this area. The Taskforce also recommends that operators review their own advertising to ensure they are not creating a false or misleading impression, and also that any consumer who feels they have been misled contact Advertising Standards Authority to enable them to investigate" The ASAI willingly engaged to co-operate with the Taskforce to carry out the Review, consistent with our approach to engage with stakeholders in the interests of consumers and society.

During 2017, at the request of the ASAI, the telecoms operators provided circa 450 marketing communications that had been published between October 2016 and March 2017 across a range of media. These marketing communications were reviewed against the ASAI Code with a particular focus on speed, availability and fibre claims.

Meetings with a range of telecoms operators were held where the operators presented on the technologies they used and their capabilities and limitations, and on consumer expectation and knowledge.

The ASAI submitted a Report to the Taskforce in January 2018. The Report recognised that guidance for the telecoms operators in a number of key areas would be helpful. An extensive consultative process followed with strong and positive engagement from key providers. To conclude the process, draft Guidelines will be shared with key stakeholders in 2019 prior to roll out of the new Guidelines.

DIGITAL ADVERTISING

The standards that apply in traditional media apply to marketing communications carried in digital media. The remit of the ASAI is very broad in this area and the ASAI continues to report that, with the exception of a small number of individual advertisers, all others are fully compliant when accepting the adjudications of the Complaints Committee or, indeed, advice from the ASAI Executive in relation to their digital marketing communications, including those on social media platforms. In the past number of years, influencers have come to the fore in fronting campaigns on behalf of advertisers and have, themselves, become digital publishers. While advertisers are ultimately responsible for their marketing communications, influencers acting as agents must comply with the Code rules also. Consequently, content that influencers publish which meet the criteria for determining what is marketing communication, is subject to the Code.

^{1:} https://www.dccae.gov.ie/en-ie/communications/publications/Documents/66/Taskforce%20Report.pdf

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INFLUENCERS, BLOGGERS AND #DISCLOSURE

The advertising eco-system is a dynamic one, with new media and new participants continually evolving and engaging in the industry. Advertisers are co-creating content with individuals – people who have their own blogs, their own digital presence and their own social media followings.

Where the advertisers have direction over the content and where they provide compensation (either by payment or in kind), that content is, for the purposes of the Code, a marketing communication. It must therefore comply with all the Code rules, including the rules for recognisability, principally that consumers should know when they are being advertised to.

Aware that bloggers and reviewers are not part of the traditional advertising eco-system and would not have an in-depth knowledge of the Code, the ASAI has in the last three years been focusing on providing information and guidance in this area. The ASAI Guidance Note on Recognisability in Marketing Communications, which was launched in 2016, was promoted in 2017 through our social media activity and has been shared and discussed with the Irish Bloggers Facebook Community. There has been widespread media coverage of the Guidance Note. In addition, the ASAI has engaged regularly with bloggers, advertisers, advertising agencies, blogger agencies and blogger management companies.

ASAI BESPOKE EVENT FOR INFLUENCERS

In April 2018, ASAI held an information forum event for brands, bloggers and agencies. An estimated 100 guests attended the event, entitled 'Inform and Engage', which took place at the Facebook European HQ, Dublin. Key messages were shared in associated press releases and video.

The ALA

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FAQ's her

Mag - The ASAI last week

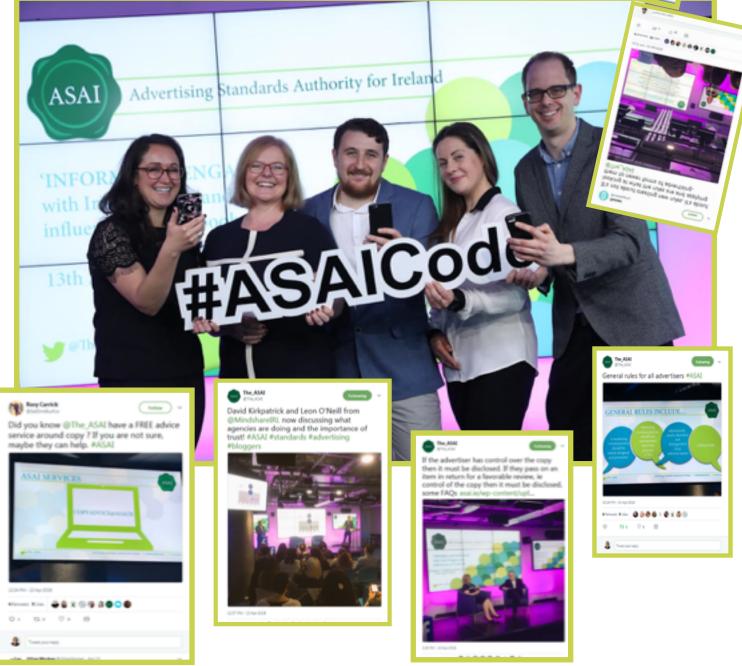
and Isfluencers and launched addition guidance in the form of FAQ's

Inform and Engage' event at Facebook International HQ, Dublin for Irish Blogger

Read our

Both during and immediately following the event, attendees engaged prolifically on social media covering the event, key information and the application of the relevant rules for commercial advertising content.

The ASAI will continue to engage with and support these interest groups to ensure the highest possible standards of advertising in Ireland, regardless of the medium involved.



4.4 | European Connections



Set up in 1992 by the ASAI and 15 other European advertising self-regulatory organisations, the European Advertising Standards Alliance (EASA) promotes responsible advertising through best practice in selfregulation, for the benefit of consumers and business. There are now 27 advertising self-regulatory organisations and 14 industry associations in membership of EASA, which is the unified voice for advertising self-regulation in Europe. Industry associations active in Europe form part of the membership.

EASA's lobbying work on policy at EU level is vital to the development and continuation of advertising selfregulation and, where appropriate, contributing to legislative and policy developments in these critical areas. It further supports the development of the system of advertising self-regulation through the drafting of best practice guidelines for all aspects of the work of advertising self-regulators.

Under the Cross Border Complaints system operated by the EASA, a complaint received by the ASAI, or other national advertising self-regulatory body, concerning an advertisement published in another member country is referred to the appropriate national regulatory body for consideration under their code. This ensures that a consumer can have redress in the case of misleading or offensive advertising originating anywhere in Europe.

While the numbers of cross-border complaints across Europe are low, being 135 in 2017 and 193 in 2018, it is a valuable resource for members of the public in any European country to have their complaints dealt with, regardless of where the advertising appeared.

ASAI plays an active role in the EASA with its Chief Executive a member of both the Board of Directors and its Executive Committee. The Executive Committee is responsible for the EASA's day-to-day management and policy decisions during the periods between meetings of the



International Council for Ad Self-Regulation

ASAI

In 2016, the EASA's existing network of international Self-regulatory Organisations was developed into an International Council on Ad Self-Regulation (ICAS) – an international platform to promote effective advertising selfregulation worldwide.

The aim of the ICAS is to unite global Self-Regulatory Organisations (SROs) and international industry associations to form a powerful Council that will facilitate the establishment of new SROs in emerging markets, help empower them, and provide a platform to discuss and work on solutions regarding the global challenges faced by the advertising industry.



There are now 30 members in ICAS, including SROs from Europe, Asia Pacific, North America, South America and South Africa, along with the World Federation of Advertisers and other industry bodies. The ASAI is delighted to also support and be part of the initiative.



ASAI ANNUAL REPORT 2018



The key stakeholders in the European digital advertising community, including the EASA and the IAB Europe, launched the European Interactive Digital Advertising Alliance (EDAA) in Brussels in October 2012.

The EDAA is responsible for the administration and granting of licences for the use of an interactive icon to businesses operating in the delivery of Online Behavioural Advertising (OBA). Through use of the icon, consumers can obtain information on data collection and how it can be controlled. This service includes linking to a 'one-stop shop' website www.youronlinechoices.eu, and is available in 35 languages.

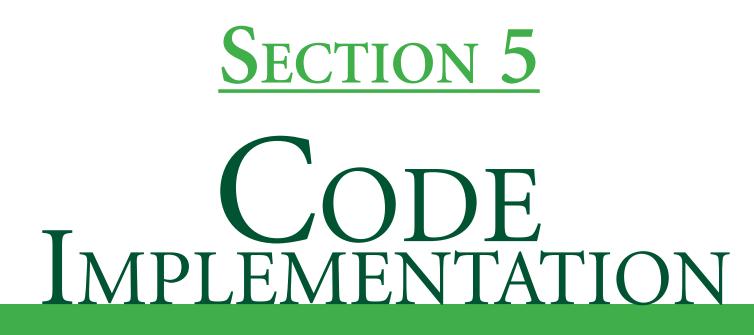
In 2014, the EASA organised a number of webinars on OBA self-regulation in Europe and they are also available on the

EDAA's website, www.edaa.eu.

With the implementation of the General Data Protection Regulation in May 2018, EDAA and its industry partners are ideally positioned to adapt and challenge the status quo in today's GDPR world: to innovate, to push self-regulation to a new level, to help user's online advertising experience through transparency, and to build greater levels of trust through education and tools working hand in hand with the advertising self-regulatory organisations at national level.

With the GDPR now in effect, EDAA continues to provide value to consumers and businesses alike by developing its core of Self-Regulatory Best Practice. Priorities will focus on developing the AdChoices Icon through greater transparency, an interstitial enriched with additional elements enabling the industry to have a direct dialogue with users, and broader application of the Icon across the digital advertising ecosystem. The overarching ambition is to strengthen self-regulatory value and complementarity through greater transparency via the icon, control and education.

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2018 COMPLAINTS UNDER THE CODE

5.1 Complaints Resolution

In 2018, the ASAI received 1,682 written complaints concerning 1,183 advertisements. This represents a decrease of just over 20% of complaints received compared to 2017. The number of individual advertisements that attracted complaints increased by just under 8% on the number of advertisements complained about in 2017 (1,183 compared to 1,098).

At 1,183, the number of advertisements that received complaints is a very small proportion of the thousands of advertisements that were published during the year in all Irish media – TV, radio, online newspapers, magazines, outdoor, brochures, leaflets and cinema.

	2018			2017	2016		
	Complaints	Ads	Complaints	Ads	Complaints	Ads	
Carried forward from previous period	560	341	218	201	285	248	
Received during period	1,682	1,183	2,148	1,098	1,308	995	
Resolved in Period	1,747	1,114	1,806	958	1,375	1,042	
Brought forward to next period	495	410	560	341	218	201	

The significant increase in the number of complaints received in 2017 resulted in more open complaints being brought into 2018 than had been into 2017. While 218 complaints were carried forward from 2016 into 2017, 560 were carried forward from 2017 to 2018. In 2018, we received 1,682 complaints and dealt with 1747, leaving 495 in respect of 410 advertisements to be carried

HOW COMPLAINTS ARE DEALT WITH

After an initial evaluation, and investigation where appropriate, complaints are either dealt with informally by the ASAI Executive or submitted to the Independent Complaints Committee for formal adjudication. The decision on how the complaint will be processed depends on whether or not the marketing communications in question are likely to be in breach of the provisions of the Code. Most complaints are suitable for dealing with informally, using well-established and recognised procedures. The Complaints Committee reviews a sample of complaints dealt with informally by the Executive at each Committee meeting. Further details on the complaints dealt with by the independent Complaints forward to 2019.

While not as high as complaint levels in 2017 with nearly 30% of complaints relating to four advertisements, at 1,682, 2018 complaint levels continue to show an increase over previous years.

Committee are set out in the section of this report on the Complaints Committee.

When a significant number of complaints are received about one advertisement on the same grounds, for example, that the advertising is misleading or offensive, the ASAI Executive will assess whether further complaints on the same basis can inform the decision making process. If it considers that further complaints on the same basis are not necessary, an information notice to that effect is posted on the ASAI website. The ASAI is aware of the need to balance the understandable desire of consumers to have their individual complaint heard with the need for the effective use of available resources.

RESOLUTION OF COMPLAINTS

	<u>2018</u>	<u>8</u>	<u>2017</u>	7	<u>2016</u>	
	Comple	aints Advertisements	Compla	aints Advertisements	Compla	ints Advertisements
Additional information requested but not provided	242	233	232	214	217	213
Out of Remit						
Media/matter out of remit	220	129	283	78	59	48
Cross-border complaint	26	26	276	33	15	13
	246	155	559	111	74	61
Preliminary Assessment of Advertisement						
Complaint withdrawn	20	20	22	22	22	22
More appropriate for another Body	40	22	18	15	19	18
No basis under Code	339	287	272	255	283	249
No evidence of offence	61	42	59	38	100	78
Previously adjudicated	42	29	101	32	29	19
	502	400	472	362	453	386
Investigation by Secretariat						
Formal - Referred to Complaints Committee	343	83	190	86	233	126
Informal - Resolution by Secretariat	414	355	353	319	398	350
	<u>757</u>	438	543	_ 405	631	_ 476
TOTAL	1,747	1,226	1,806	1,092	1,375	1,136

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

For example, in the case of one advertisement, fifteen complaints were submitted to the Complaints Committee but were not upheld, while a further six complaints about the same advertisement were received after the Committee adjudicated on the advertisement and the complainants were advised that the Committee had found that the advertisement was not in breach of the Code. In this case, the advertisement was recorded in 'Preliminary assessment of advertisement – Previously adjudicated'; and 'Formal – referred to the Complaints Committee'.

When analysing the complaints statistics for the 2018 report, an anomaly in our reports was uncovered. Depending on the volume of complaints received during the final working week of the year, we may not register some complaints until the beginning of the following year, always reflecting the date they were received. The report however looked to the date they were logged. As a result, for example, some 47 complaints received in 2017 were not reported in the Annual Report 2017 as being received in that year. For this year's report, we have rerun and corrected the figures for 2017 and 2016.

GROUNDS OF COMPLAINT

In 2018, as in previous years, the main area of complaint related to advertising being misleading: 63% of the Code sections raised were those with a provision relating to misleading advertising.

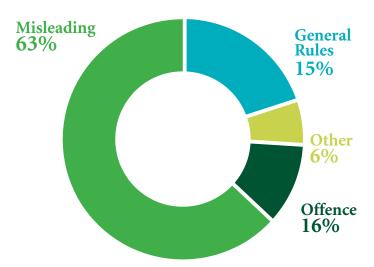
The general rules of the Code which relate to areas such as responsibility, portrayal of persons in advertising, recognisability of advertising, depictions of unsafe practices and anti-social behaviour, gave rise to 15% of complaints with those relating to offence at 16%.

However, there is a wide range of other issues covered by the Code provisions that were raised by members of the public; including concerns about promotional marketing

COMPLAINTS BY SECTOR

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

practices, alcohol advertising, children, food and nonalcoholic beverages, gambling, health and beauty claims, online behavioural advertising, e-cigarettes and employment advertising.



SECTOR	2018	2017	2016
Food & Beverages	289	115	126
Leisure	222	130	159
Telecommunications	192	189	248
Health & Beauty	166	128	110
Non-Commercial*	158	448	40
Travel/Holidays	103	79	79
Household	100	96	124
Motoring	100	87	99
Clothing / Footwear	79	33	33
Financial	76	101	67
Business	37	36	19
Alcohol	26	24	27
TV / Audio / Video	20	17	27
Computers	18	19	20
Property	17	30	22
Publishing	12	16	27
Education	11	12	15
Agriculture	9	8	1
Employment / Business Opportunities	9	10	10
Miscellaneous	103	228	122
	1,747	1,806	1,375

* Examples of 'Non-Commercial' includes advertising for not-for-profit bodies that does not have a commercial element (such as charity advertising with no fundraising element) or advertising by other organisations advocating on policy issues.

INTRA-INDUSTRY COMPLAINTS

Advertisements must not only be legal, decent, honest and truthful, but must also respect the principles of fair competition generally accepted in business. Section 4.34 of the ASAI Code states that: "Marketing communications should not unfairly attack, discredit or denigrate other businesses or their products, trademarks, trade names or other distinguishing marks."

While comparisons are allowed (for example, between an advertiser's goods or services and those of competitors) they must be fair and the consumer must not be misled.

Generally, competitor complaints are made under the Code rules relating to substantiation, truthfulness, prices, comparisons and denigration.

In 2018,

- 16* complaints were carried forward
- 51 complaints were received
- 53 complaints were resolved and
- 14 complaints were brought forward to 2018

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*A complaint which had been closed in 2017 was subsequently reopened.

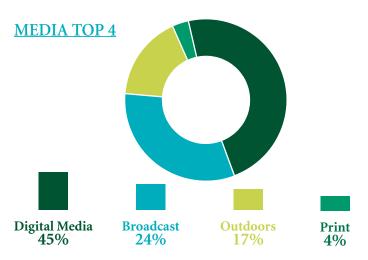
The Complaints Committee formally adjudicated upon nine intra-industry complaints relating to nine advertisements, five of which were found to have breached the Code rules.

Complaints by Media

MEDIA	2018	2017	2016
Digital Media	948	1,141	586
Broadcast	516	479	354
Outdoor	350	219	118
Print	91	79	71
Brochures / Leaflets	58	61	74
Cinema	12	15	14
Direct Marketing	50	12	10
Other	95	102	57
	2,120	2,108	1,284
BROADCAST	516	479	354
Radio	159	125	127
Television	357	354	227

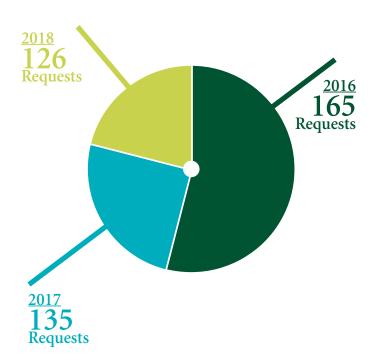
The number of media mentioned in relation to complaints is greater than the number of complaints in the year. This is because complainants often mention multiple media when they describe where they saw or heard the marketing communication concerned. ASAI captures all the media they mention.

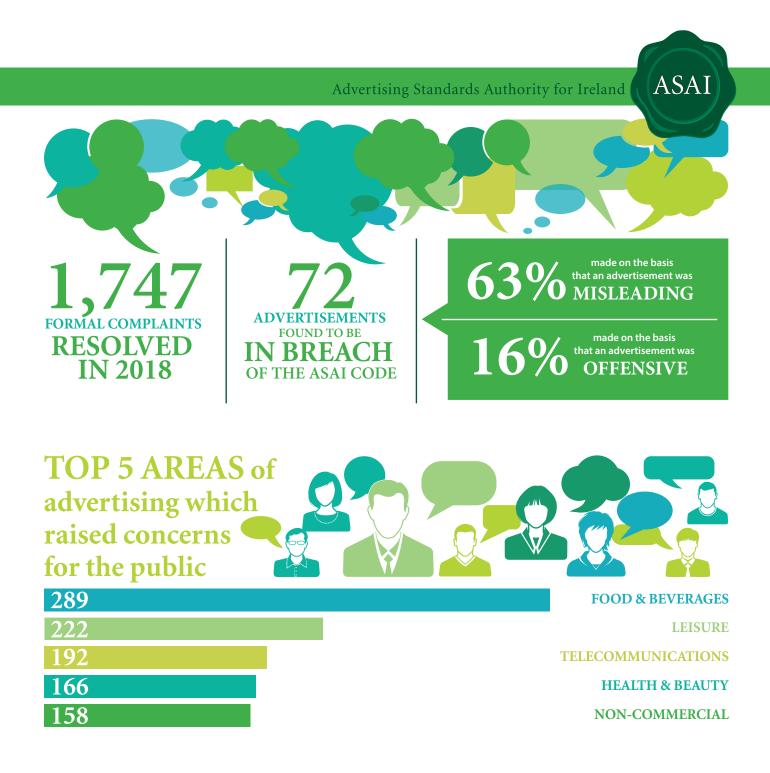
In 2018, following the trend evident in earlier years, digital media gave rise to the largest block of complaints. As a proportion of all complaints it has been increasing steadily; in 2010, it represented 22% of total complaints compared to 45% in 2018.

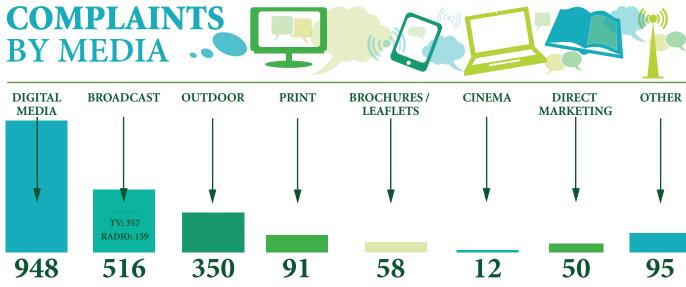


5.2 | Copy Advice

During 2018, 126 copy advice requests were submitted to the Executive. The number of requests, although lower than those received in 2016, were significantly higher than those received in previous years (63 in 2015). The ASAI has continued to promote the service to industry throughout the year as it is seen as an essential service that the ASAI can offer. A dedicated email address, **copyadvice@asai.ie**, was introduced for this service.







Section 6 Structure of the ASAI

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THE STRUCTURE OF THE ASAI



The work of the ASAI is centred on the ASAI Code.

There are four constituent parts; the **Board of Directors**, the independent **Complaints Committee**, the independent **Review Panel** and the **Executive**. Each has clearly defined responsibilities and duties.

The **Board**, as well as being responsible for the governance and finances of the Authority, own the Code of Standards on behalf of the industry; they are responsible for ensuring that it is up-to-date and relevant. They do not have any role, however, in deciding on whether a breach of the Code has occurred. That is the role of the independent **Complaints Committee** who assess compliance with the Code and adjudicate on complaints submitted to it by the Executive of the ASAI.

The **Complaints Committee** comprises a blend of persons with and without a background in the industry. The structure of the Committee ensures that the majority of members are not employed in, nor have a background in, the advertising industry. These non-industry members have an interest and expertise in relevant areas such as consumer protection, child and adolescent welfare, the sciences, and community issues. The Committee at present comprises an independent Chairperson and thirteen members. The composition of the Complaints Committee and the participation of the independent members ensures the objectivity of the complaint investigation procedure and provides assurance that the system is operated with special regard to the interests of consumers. The members of the Complaints Committee, each acting in an individual capacity, consider each case on its merits taking account of the characteristics of the likely audience, the media by means of which the marketing communication is communicated, the location and context of the marketing communication, the nature of the advertised product, and the nature, content and form of any associated material made available or action recommended to consumers.

The current Complaints Committee includes academics, social workers, public servants and representatives from the advertising industry. The majority of Committee members are independent of the advertising industry. The Committee is chaired by Professor Bairbre Redmond, Provost of Universitas 21.

The adjudications are enforced through the co-operation of the media members of the ASAI whom we regard as the 'gatekeepers' for the Code. Media members should not carry advertisements that are in breach of the ASAI Code. Details of the adjudications are regularly carried in the media and on our website (www.asai.ie). The **Review Panel** can, on request by one of the parties to a complaint, review a decision of the Complaints Committee where they consider whether the application for review meets specific criteria (further information is available on page 38)

The **Executive** and the staff of the ASAI service the Board, the Complaints Committee and the Review panel. They are responsible for implementing the Board strategy, defining and shaping Policy within the remit and spirit of the Code and managing operations. Operations includes the vital role of assessing complaints to determine whether a case for investigation exists and, where it does, seek comments from the advertisers and, where appropriate, bring cases to the Complaints Committee for formal adjudication.

The Executive also provides copy advice on proposed advertising and carries out the ASAI's monitoring programme to ensure compliance with the Code.

ASAI BOARD MEMBERS 2018

ADVERTISER MEMBERS	AGENCY MEMBERS	MEDIA MEMBERS
Catherine Bent CB Consultancy	Tania Banotti Chief Executive,	Ros Dalton Adclearance,
CD Consultancy	IAPI	RTÉ
Resigned April 2018	Resigned April 2018	Resigned April 2018
Barry Dooley	Ken Kerr	Colin Leahy
Chief Executive,	Account Director,	Managing Director,
AAI	BBDO Dublin	Exterion Media
Eoin Doyle	Kate O'Leary	Siobhan Lennon
Director of Marketing, Glanbia	Managing Partner, Mindshare Ireland	Chief Executive, Sunday Business Post
		Sunday Dusiness Post
Aidan Power	Charley Stoney	Suzanne McElligott
Director of Customer,	Chief Executive,	Chief Executive,
Brand & Marketing,	IAPI	IAB Ireland
KBC bank	Joined June 2018	
Elizabeth Sheehan	Dave Winterlich	Johnny O'Hanlon
Innovation Director,	Chief Strategy Officer,	Director,
Lucozade Ribena Suntory	Dentsu Aegis	Local Ireland
Joined April 2018		
		Anthony Whittall
		Commercial Head TV Operations

Commercial Head TV Operations, RTÉ

Joined April 2018

Scott Williams Chief Executive, Q102

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7.1 | Chairperson's Statement



Bairbre Redmond, Chairperson, Complaints Committee

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

The Committee formally considered 83 advertisements during 2018. In addition, 72 informal complaints dealt with by the Executive were reviewed by the Committee. The actual number of advertisements assessed by the ASAI in 2018 was 1,114.

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

A number of the members of the Complaints Committee, having provided invaluable input over many Committee meetings, stood down in 2018. On behalf of the Committee, I wish to thank them for their insights and dedication during their tenure. We welcomed a new member to the Committee and look forward to new additions also.

Finally, as always. I would also like to thank the Executive and the Board of the ASAI for their work and support in the last year.

Bairbre Redmond

Chairperson, Complaints Committee

7.2 The Role of the Complaints Committee

The role of the independent Complaints Committee is:

- (a) To consider and adjudicate on complaints submitted by the public, by a member of the ASAI, by a government department or by any other person, or body of persons, in the light of the ASAI Code.
- (b) To initiate corrective action where necessary and to issue appropriate directives.
- (c) To notify the Board of the ASAI when the corrective action or directive is not complied with or is ignored.

The Complaints Committee may vary in size from 11 to 15 members, including the independent Chairperson. It comprises people with a background in advertising and others with no connection with the industry. The composition of the Complaints Committee is designed to ensure the objectivity of the complaints investigation procedure and to provide assurances that the system is operated with special regard for the interests of consumers. The members of the Committee act in an individual capacity and consider each case put before them on its particular merits in the light of the requirements of the ASAI Code.

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Members of the Complaints Committee are set out on page 37.

While the Executive of the ASAI may resolve cases informally when the circumstances do not justify or require referral to the Complaints Committee, the Committee retains the right to review any of these cases and to request that they be put before them for adjudication.

The Complaints Committee met formally six times during 2018. The Committee's adjudications are published regularly in the media and are posted on the ASAI website.



7.3 Analysis of Adjudications by the Complaints Committee

Of the 83 advertisements considered by the Committee, complaints in relation to 72 were upheld and eleven were

found not to be in breach of the provisions of the Code. As in previous years, the principal reason advertisements were found to be in breach of the Code was because they were considered to be misleading.

Resolution of Complaints by Complaints Committee

	2018 Complaints	Advertisements	2017 Complaints	Advertisements	2016 Complaints	Advertisements
Submitted to the Committee	343	83	190	86	234	129
Upheld / In Breach Not Upheld / Not in Breach	312 31	72 11	138 50	75 9	189 42	102 24
Statement	0	0	2	2	3	3

Investigated Advertisements – Outcome by Sector

SECTOR	Investigated	In Breach	Not In Breach
Health & Beauty	17	17	
Leisure	13	13	
Telecommunications	11	7	4
Food & Beverages	7	4	3
Household	5	4	1
Motoring	5	4	1
Business	4	4	
Property	4	4	
Travel/Holidays	4	4	
Clothing / Footwear	2	2	
Alcohol	2	1	1
Financial	2	1	1
Education	1	1	
TV / Audio / Video	1	1	
Miscellaneous	5	5	
	83	72	11

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7.4 | Members of the ASAI Complaints Committee 2018

Chairperson: Prof. Bairbre Redmond

Non-industry members

Prof. Barbara Dooley – Deputy Registrar & Dean of Graduate Studies UCD
Ms. Lisa Garavin – Social Worker
Mr. Les Kennedy – Retired Civil Servant
Mr. Michael O'Keeffe – Chief Executive, Broadcasting Authority of Ireland
Ms Mary McLoughlin – Retired Civil Servant | Resigned July 2018
Mr. Tom Morgan – Senior Investigator, Office of the Ombudsman
Prof. Dermot Walls – Assoc. Prof. DCU

Industry members

Ms Fiona Ankers – Adclearance RTE | Resigned March 2018 Ms. Lisa Buckley – Communications & Marketing Manager, Newsbrands Ireland | Joined December 2018 Mr. Declan Fahy – Head of Digital Sales, Independent News & Media Mr. Finbarr Hayes – Account Director, Javelin Group Ms. Ann-Marie Lenihan – Chief Executive, Newsbrands Ireland | Resigned December 2018 Ms. Denise Manning – Adclearance RTE | Joined March 2018 Ms. Edel McCabe – Director, Publicis Dublin Ms. Kate Scott – Senior European Marketing Manager, Goldstar Europe

Section 8 Review Panel

REVIEW PANEL

The ASAI Review Panel comprises a Chairman and two ordinary members. The Chairman of the panel is independent of the advertising industry and the ASAI. One ordinary member has a background in the advertising industry and the second ordinary member has a consumer background.

Parties to a complaint may seek a review of a decision of the Complaints Committee. The Review Panel will consider whether the application for review meets specific criteria one of the following three grounds:

 New, fresh or additional relevant evidence has become available, which could have a significant bearing on the Decision concerned (in such cases, an explanation as to why such evidence was not previously available and/or provided, will be required).

• The Decision concerned was clearly and manifestly in error having regard to the provisions of the Code, was wholly irrational, or clearly made against the weight of the evidence before the Complaints Committee at the time of the making of the Decision.

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• There was a substantial flaw in the process by which the Decision was reached.

The Review Panel can refer the case back to the Complaints Committee for reconsideration by the Committee. The Committee have the final decision as to whether an advertisement is in breach of the Code or not.

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

In 2018, there was one request for review, (compared to no requests received in 2017). The Review Panel assessed the request for Review but did not consider that it had met any of the three grounds set out in the Code.

8.1 Review Panel Members 2018

Mr. Pat Whelan, Chairman Ms. Mary Rose Tobin, Ordinary Member – consumer background (retired 2018)

Ms. Mary McLoughlin, Ordinary Member – consumer background (appointed 2018) Mr. Terry Leonard, Ordinary Member – advertising industry background.



A NEW HOME FOR REGULATION



ASAI previously relocated in 2010 to Ferry House, Lower Mount Street to avail of the commercially favourable office rental at that time.

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In line with ASAI's prudent cost management in its trading capacity as a Not For Profit organisation, and following the natural termination of the lease at Ferry House, ASAI moved offices to a conveniently located and non-serviced Georgian property at Herbert Street, Dublin 2 to capitalise on favourable prevailing lease terms.

Accommodation facilities at Herbert Street enable the ASAI to host a great variety of functions, in-house at no cost, such as the annual AGM.

7 Herbert Street, Dublin 2, D02 K838

Tel: 353-1-6137040 Email: standards@asai.ie Or visit our website at www.asai.ie