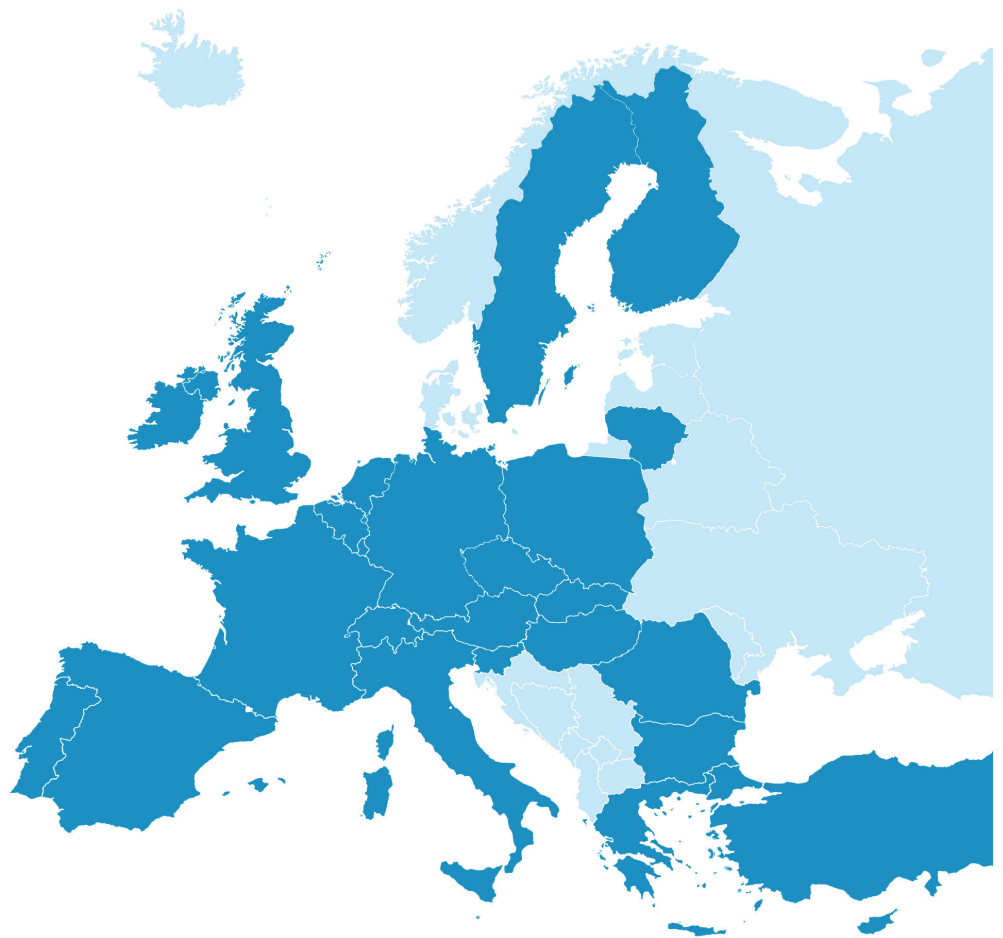


2015

# European Trends in Advertising Complaints, Copy Advice and Pre-clearance



## **EASA**

EASA - the European Advertising Standards Alliance is the single authoritative voice on advertising self-regulation. EASA promotes high ethical standards in commercial communications by means of effective self-regulation, for the benefit of consumers and business in Europe and beyond.

Effective advertising self-regulation helps ensure responsible advertising, meeting consumers' demand for honesty and transparency, regulators' demand for responsibility and engagement and businesses' demand for freedom to operate responsibly. EASA and its members have developed a robust and coherent system of advertising self-regulation that can respond effectively to new challenges.

EASA is not a Self-Regulatory Organisation (SRO) in itself, but acts as a co-ordination point for best practice in the implementation of self-regulation, as well as operational standards for its national SRO members. Part of EASA's role involves coordinating the cross-border complaint mechanism, EASA also collects and analyses top line statistical data on received and resolved complaints, as well as on copy advice requests and pre-clearance from its SRO members each year.

EASA was set up in 1992 to represent national self-regulatory organisations in Europe, in 2004 it developed into a partnership between national advertising SROs and organisations representing the advertising industry. Today, EASA is a network of 54 organisations committed to making sure advertising is legal, decent, honest and truthful. EASA's membership is made up of 38 SROs from Europe and beyond, and 16 advertising industry associations, including advertisers, agencies and the media. EASA is a not-for-profit organisation with a Brussels-based Secretariat. For further information please visit [www.easa-alliance.org](http://www.easa-alliance.org).

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# 1 Key Findings

This report shows the main trends in advertising complaints and requests for copy advice and pre-clearance made throughout 2015<sup>1</sup>.

- **53,446 complaints related to 31,898 advertisements were received in 2015 by EASA's 26 European SROs in 25 countries**
- **The UK and Germany accounted for 76% of all complaints received in Europe**
- **41% of complaints resolved were upheld, 28% were not upheld, while 8% were resolved informally**
- **Misleading advertising was the most complained about issue**
- **Advertisements for food, health and beauty products and telecommunication services were the most complained about on average**
- **Audiovisual Media Services were the most complained about medium on average but online ads received the highest share of complaints**
- **138 complaints were cross-border in nature**
- **80,414 requests for copy advice were submitted**
- **87,678 ads were pre-cleared by the 3 SROs providing this service before going live**

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<sup>1</sup> Data was collected by SROs from 01/01/2015 – 31/12/2015 and provided to EASA in 2016.

## 1.1 Methodology

Every year, EASA collects statistical complaint<sup>2</sup> data from the advertising self-regulatory organisations (SROs) in its membership. The present report covers data<sup>3</sup> from 25 SROs in 23 countries of the EU28 as well as SROs in Switzerland and Turkey.

The data collected by EASA identifies the issues which prompted complaints; the product/services sector that generated most complaints and the medium that carried the most complained-about ads. The annual collection and analysis of complaints data are a useful tool in determining and anticipating trends as well as in identifying any problematic sectors or issues.

The number of complaints received by individual SROs can vary greatly. To ensure a better balance, two different methods of data analysis are featured: firstly, the calculation of percentages based on aggregate complaints data and secondly, the calculation of the mean average.

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

The following example illustrates the different outcomes resulting from the use of the two methods: in 2015, 4,453 complaints across Europe concerned ads for electronic goods, which related to 6.65% of the total amount of complaints. However, using the European mean average only 2.38% of the complaints resolved by European SROs concerned this sector.

While the result of the first method can be skewed by countries receiving a large number of complaints (as 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 ads and only 900 about print ads, while a second SRO resolved 5 complaints about television ads and 25 about press ads, then the numbers of the latter do not carry any weight when the sum is made. Thus, SROs resolving more complaints might dominate the findings.

However, SROs resolving less 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 would account for 50% of all complaints resolved. This number would augment the European mean average, even though the portrayal of women in advertising may not necessarily give rise to many complaints in other countries. Where appropriate, the results of both methods have been used.

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<sup>2</sup> A complaint is defined as an expression of concern about an advertisement by a member of the public, a competitor or an interest group amongst others, which requires a response from an SRO. A complainant can raise one or more concerns about the ad within the same complaint.

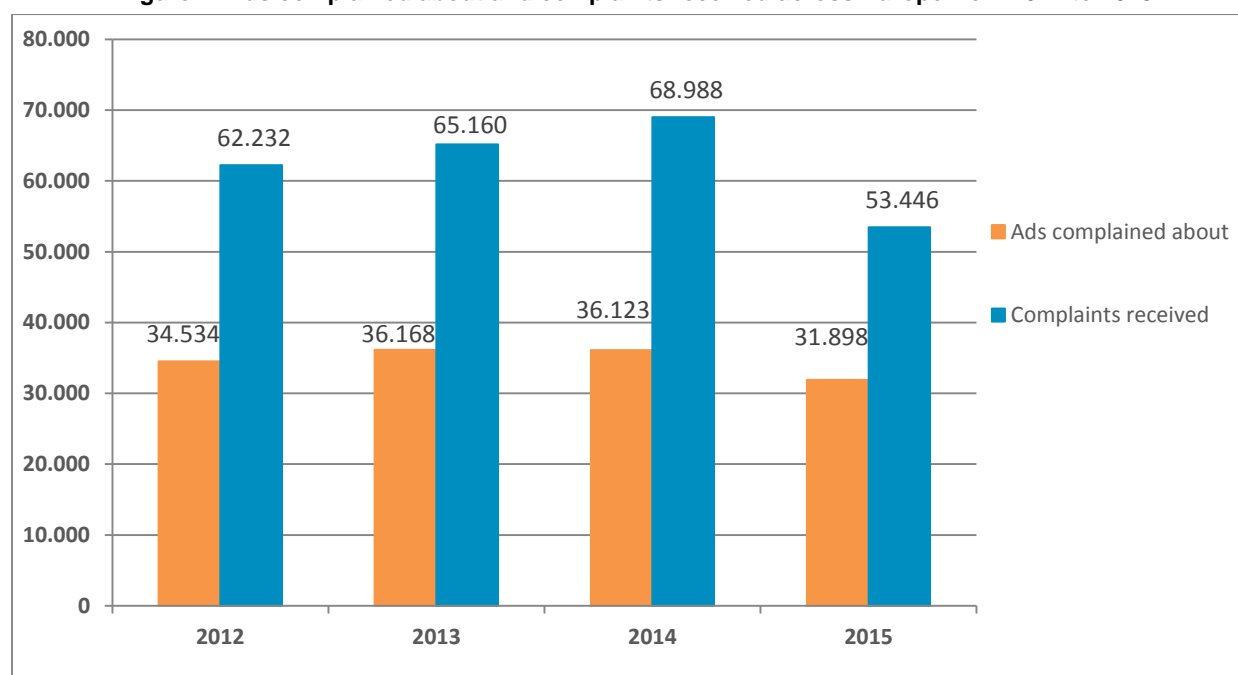
<sup>3</sup> The report covers data on complaints received and handled from 1 January to 31 December 2015.

## 2 Complaints in Europe in 2015

### *53,446 complaints about 31,898 advertisements*

In 2015, EASA's network of European self-regulatory organisations (SROs) received and dealt with a total of 53,446 complaints related to 31,898 advertisements. In addition, 49 own-initiative investigations were conducted.

**Figure 1: Ads complained about and complaints received across Europe from 2012 to 2015**



Source: EASA European SRO member statistics 2015

Although the number of complaints made to European SROs has been steadily increasing since 2012, 2015 saw a drop of 23% compared to the previous year. This decrease can be explained by a lower number of controversial campaigns which constitute a small number of advertisements that provoke high levels of complaints. The SROs in France, Poland and the UK, amongst others, where single ads triggered several thousands of complaints in 2014, have now handled substantially fewer complaints. In 2015, the two most complained about advertisements in Europe alone accounted for 4% of all complaints received, compared to 11% the year before.

Whilst SROs continue their consumer awareness raising activities, the industry is also provided with advice and training which help them advertise responsibly. In fact, 2015 was a record year in terms of the number of copy advice requests (80,414).

## 2.1 Complaints by Country

Table 1: Complaints per country across Europe from 2012 to 2015

Country/SRO	2012		2013		2014		2015	
	No	Complaints	No	Complaints	No	Complaints	No	Complaints
UK – ASA	1	31,298	1	30,266	1	37,073	1	27,183
DE – WBZ	2	13,100	2	12,730	2	12,130	2	10,920
DE – DWR		915		1,350		1,027		1,083
DE – Total		14,015		14,080		13,157		12,003
NL – SRC	3	4,115	6	3,483	4	3,245	3	4,240
SE – Ro. <sup>4</sup>	4	3,338	5	3,798	3	4,985	4	3,956
IT – IAP	13	236	3	4,851	8	954	5	1,516
IE – ASAI	6	2,275	7	1,231	7	1,394	6	1,221
PL – RR	5	3,367	4	4,379	6	2,488	7	692
FR – ARPP	8	625	9	450	5	3,171	8	555
BE – JEP	9	466	10	374	12	213	9	403
ES – AUTOCONTROL	14	160	11	256	11	308	10	317
TR – RÖK	7	826	8	896	10	517	11	308
AT – ÖWR	10	347	13	211	9	641	12	248
CH – CSL/SLK	12	297	16	130	13	173	13	149
RO – RAC	16	78	15	135	14	164	14	132
FI – MEN	17	75	19	54	18	46	15	125
SK – SRPR	11	308	12	222	15	156	15	125
GR – SEE	15	105	14	149	16	123	17	88
CZ – CRPR	18	68	17	70	17	66	18	68
BG – NCSR	16	78	18	58	19	39	19	46
CY – CARO	23	8	23	11	20	19	20	19
SI – SOZ	22	12	24	10	21	17	21	18
HU – ÖRT	19	39	21	18	23	12	22	17
LT – LRB	20	26	20	21	24	11	23	9
PT – ICAP	21	19	22	13	21	17	24	7
LU – CLEP	24	1	25	3	25	2	25	1

Source: EASA European SRO member statistics 2015

<sup>4</sup> Including other Swedish SR bodies.

## 2.2 The Most Complained About Ads

### *The two most complained about ads originated in the UK and France*

#### **The most complained about ad**

In 2015, the most complained about advertisement in Europe originated in the UK. The UK SRO, ASA, received 1,513 complaints about one TV and internet advertisement for Moneysupermarket.com Ltd, a price comparison website specialising in financial services.

- TV and online ad
- 1,513 complaints
- Not upheld

The TV and internet ad featured a man called Dave walking down a street and dancing to Don't Cha by the Pussycat Dolls whilst wearing denim shorts and high heeled shoes. ASA received complaints that the ad was offensive. Many complainants thought this was due to the man's clothing and dance moves and because they believed the content was overtly sexual.

While acknowledging that some viewers might have found the ad distasteful, ASA did not judge the ad to be offensive and in breach of the Code.





## The second most complained about ad

The second most complained about advertisement was a TV and cinema advertisement for Booking.com, a website for hotel reservations. The campaign generated 683 complaints and following its ruling the UK SRO, ASA, received additional complaints about this ad.

- TV and cinema ad
- 683 complaints
- Not upheld

The ad featured scenes of various people arriving at their holiday destinations with the voice-over interpreting people's enthusiastic reaction. This commentary involved a play on words where the word "booking" was seen to be used in the place of a swear word. For instance, "You got it right. You got it booking right." or "Look at the view, look at the booking view". The complainants found the ad to be offensive and encourage bad language amongst children by using the word "booking" in place of a swear word.

ASA did not uphold the complaints, judging that it was a light hearted play on words that could not be mistaken for an actual swear word. ASA also ruled that the ad was unlikely to encourage swearing amongst children; any children that did pick up on the joke were unlikely to have learned bad language through the ad itself.

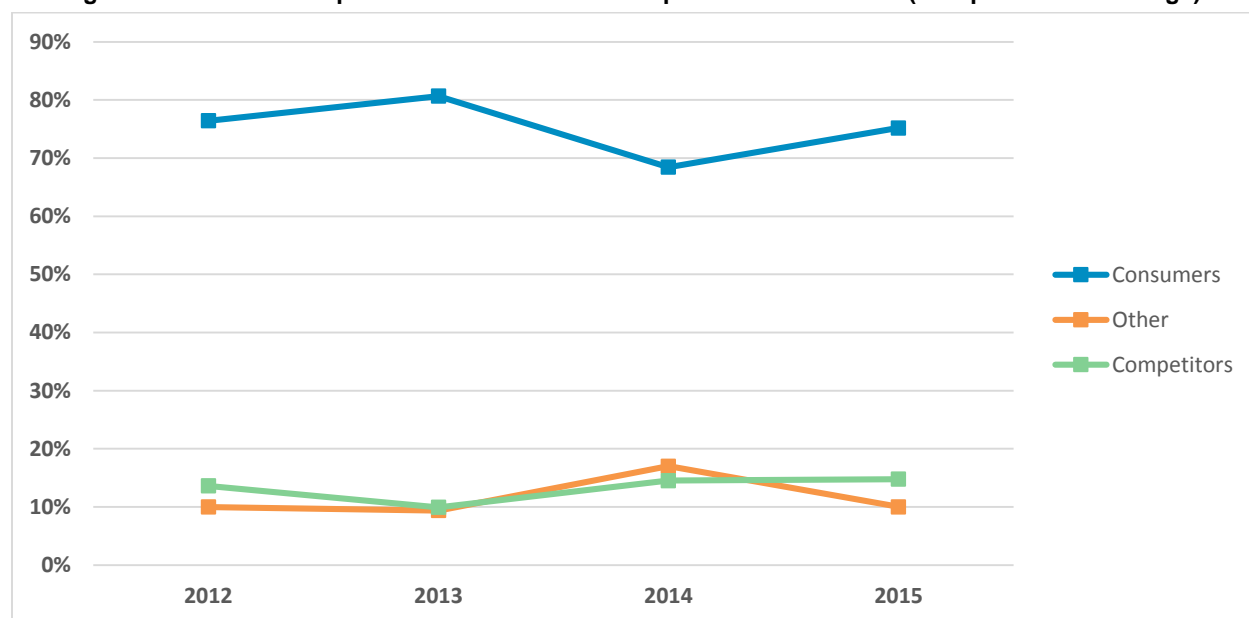


## 2.3 Source of Complaints Received

### *The majority of complaints were lodged by consumers*

In 2015, 75% of complaints received by SROs on average were from consumers. SROs did not only handle consumer complaints, but also complaints from competitors (15%) or other complainants, such as trade associations, interest groups and public entities (10%).

**Figure 2: Source of complaints received across Europe from 2012 to 2015 (European mean average)<sup>5</sup>**



Source: EASA European SRO member statistics 2015

Figure 2 shows that over the years the vast majority of complaints across Europe were lodged on average by consumers, which is even more evident with their number increasing slightly in 2015 going back to the level from 2012.

Competitor complaints and complaints by other entities constituted a large part of overall number of complaints in Cyprus, Germany, Greece, Portugal, Slovenia, Spain and Turkey.

<sup>5</sup> For France (ARPP) and Switzerland (CSL/SLK), no figures were available.

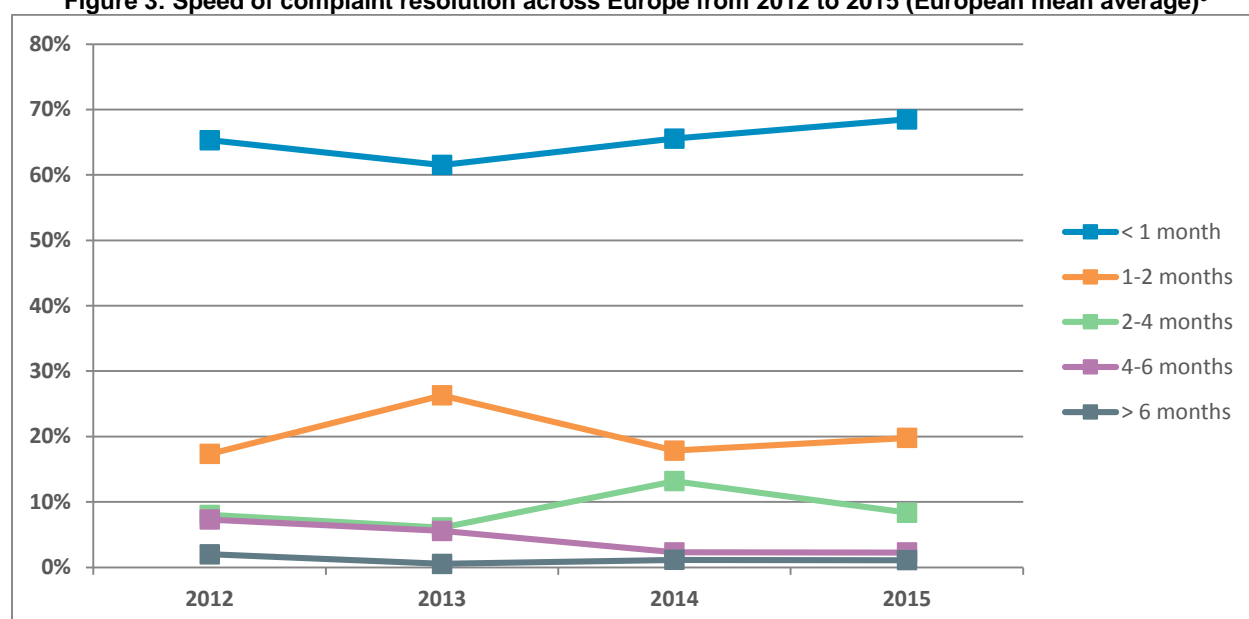
## 2.4 Speed of Complaint Resolution

### *The majority of complaints were handled in less than one month*

The speed of complaint resolution varies depending on the complexity of a case. Simple cases can be resolved in as little as three days, whereas more complex cases may take longer. If scientific substantiation of advertising claims is required, complaints may lead to a prolonged investigation.

In 2015, SROs resolved on average 68% of complaints received in less than one month. One fifth of complaints, 20%, were resolved within 1–2 months. Only a fraction of complaints, less than 1%, required an investigation period longer than 6 months.

**Figure 3: Speed of complaint resolution across Europe from 2012 to 2015 (European mean average)<sup>6</sup>**



Source: EASA European SRO member statistics 2015

Figure 3 illustrates the speed of resolution of complaints between 2012 and 2015. On average, complaints resolved within a month have kept on increasing since 2013. Conversely, complaints resolved within four months have decreased over this period of time.

<sup>6</sup> For France (ARPP), only complaints that were pursued are included. For Lithuania (LRB), no figures were available.

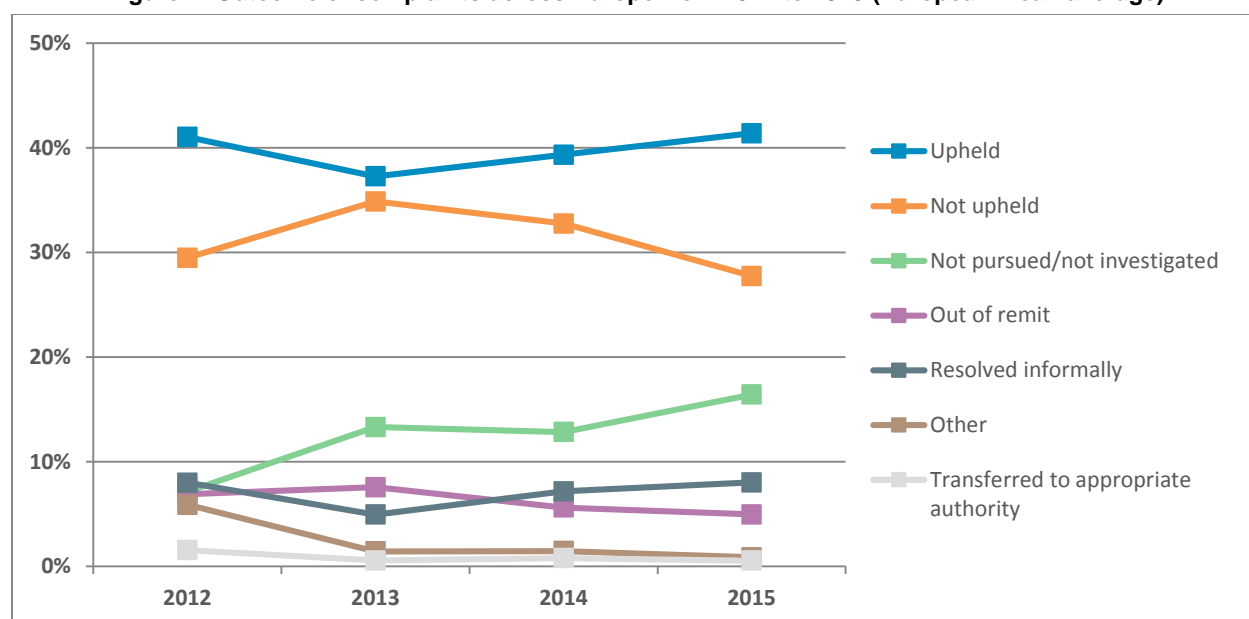
## 2.5 Outcome of Complaints Resolved

*On average, 41% of the resolved complaints were upheld,  
while 28% were not upheld*

In 2015, on average 41% of complaints resolved were upheld. In these cases the responsible SRO jury considered the advertisement complained about in breach of the advertising code. Conversely, 28% of complaints were not found to be in breach of the relevant advertising code and were therefore not upheld.

In addition, 16% of complaints fell into the “not pursued/not investigated” category. This means that complaints were initially assessed but could not be pursued further, for instance, because complainants did not provide enough information. A further 8% of complaints were resolved informally. Similar level of complaints, 5%, were found out of remit. Finally, less than 1% of complaints were referred to the appropriate regulatory body.

**Figure 4: Outcome of complaints across Europe from 2012 to 2015 (European mean average)**



Source: EASA European SRO member statistics 2015

Figure 4 shows the outcome of complaints between 2012 and 2015. Since 2013, level of upheld and not upheld complaints have been diverging, with the former latter going beyond and the latter below a third of complaints.

Complaints in the category of “not pursued/not investigated” while increasing since 2013, continue to rank third, accounting for 16% in 2015.

Complaints that were found out of remit, resolved informally and transferred to appropriate authority fluctuated in the recent years, however, their average number remained relatively low.

## 2.6 Issues Complained About

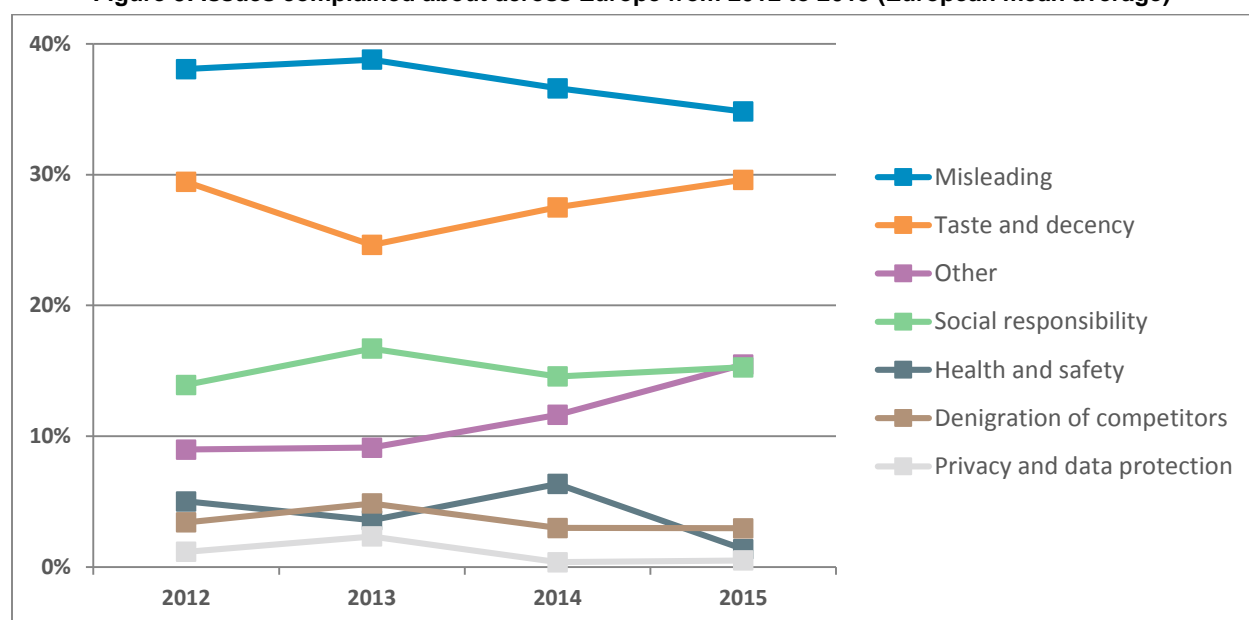
### *Misleading advertising continues to be the main issue complained about*

Most complaints (45%) concerned misleading advertising, out of which 17% related to price claims, 4% to health claims and less than 1% to environmental claims.

Over a third of all complaints related to taste and decency issues. Of all complaints classified under taste and decency, 26% were related to gender stereotyping and 16% were considered inappropriate to be seen by children. Offensive advertising prompted 2% of complaints.

Social responsibility issues provoked 3% of all complaints. These consisted mainly of complaints caused by alleged discrimination or denigration in ads (36%) and that supposedly were conveying inappropriate values to children (28%). A fifth of complaints classified under “social responsibility”, 19%, were caused by ads played on fear or condoned violent or anti-social behaviour.

**Figure 5: Issues complained about across Europe from 2012 to 2015 (European mean average)<sup>7</sup>**



Source: EASA European SRO member statistics 2015

Figure 5 illustrates the reasons for complaints between 2012 and 2015. On average, the share of complaints related to misleading advertising have been decreasing from 2012, although misleading advertising remains the most complained about issue across Europe. By contrast, the number of complaints about taste and decency have been rising and reached 30% in 2015.

As seen in the chapter on the most complained about advertisements, one campaign considered offensive or inappropriate can trigger thousands of complaints and, therefore, the issue of taste and decency ranks second. However, in proportion to misleading advertising, the share of advertisements considered as offensive is lower.

<sup>7</sup> For France (ARPP) and Switzerland (CSL/SLK), only complaints that were pursued are included. For Lithuania (LRB), no figures were available. For the Netherlands (SRC), only complaints that were handled by the Advertising Code Committee are included.

## 2.7 Media

*On average, Audiovisual Media Services were the most complained about medium in 2015*

**Table 2: Complaints per medium across Europe in 2015<sup>8</sup>**

Medium	Number of complaints	% of total number of complaints	European mean average
Audiovisual Media Services	14,638	31.55%	33.27%
Digital Marketing Communications	16,487	35.53%	21.59%
Outdoor	2,835	6.11%	17%
Press/magazines	4,650	10.02%	8.45%
Direct marketing	2,536	5.47%	6.41%
Radio	1,077	2.32%	4.72%
Brochures/leaflets	1,212	2.61%	3.19%
Other	2,487	5.36%	3.18%
Packaging	331	0.71%	1.85%
Teleshopping	13	0.03%	0.22%
Cinema	131	0.28%	0.11%
<b>Total</b>	<b>46,914</b>	<b>100%</b>	<b>100%</b>

Source: EASA European SRO member statistics 2015

Digital Marketing Communications (DMC) accounted for the highest share of all complaints resolved in Europe in 2015 with 36% of the total amount of complaints. Nearly a fourth of these complaints concerned marketer-owned websites (24%). Display advertisements ranked second with 2%. Marketer-generated buzz/viral advertising, online games and paid search ads provoked a fraction of all DMC complaints, all below 1%.

However, the mean average shows that despite the increase in the number of complaints about online ads, TV commercials are at the time being across Europe still under bigger scrutiny by consumers and competitors. Ads on Audiovisual Media Services accounted for nearly a third of complaints; 32% and 33% on average. Out of the complaints concerning TV ads, 96% were about linear services (linear television) and only 4% about non-linear services (e.g. video on demand).

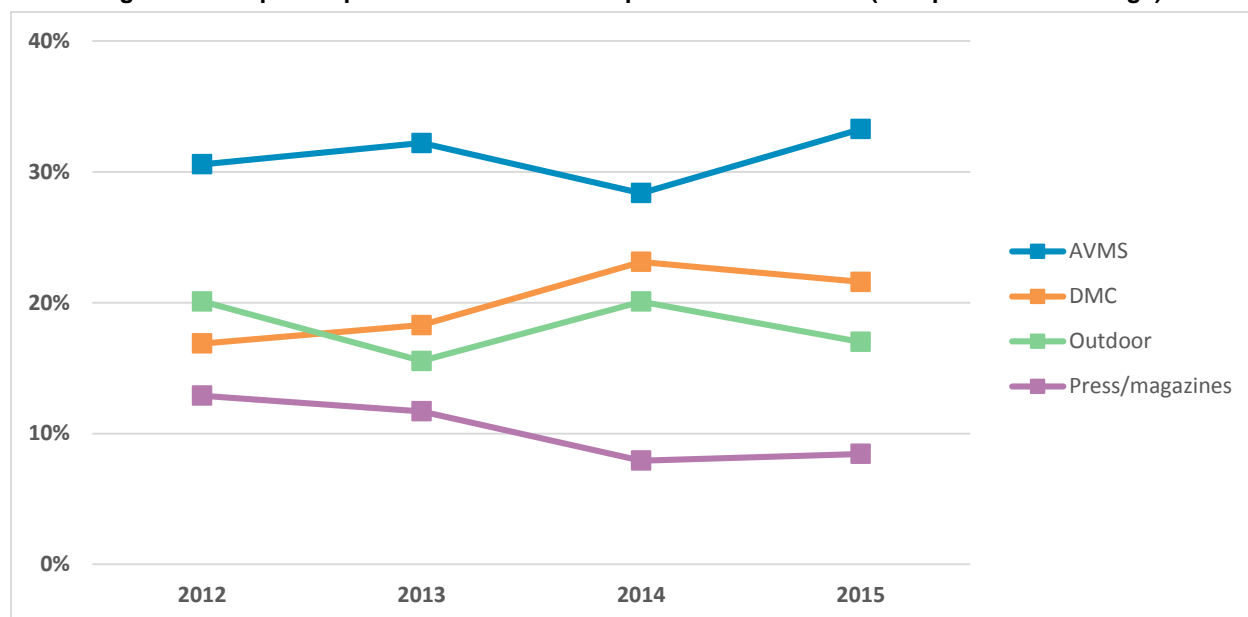
Ads in the press or in magazines prompted 10% complaints, whereas outdoor advertising ranked fourth with a share of 6% complaints.

<sup>8</sup> For France (ARPP) and Switzerland (CSL/SLK), only complaints that were pursued are included. For the Netherlands (SRC), only complaints that were handled by the Advertising Code Committee are included.

Advertisements received as direct marketing triggered 5% of complaints. Out of these, 63% were sent by e-mail, SMS or MMS; 21% were sent by post, whereas complaints regarding telephone marketing amounted to 7%.

Moreover, one European SRO resolved a complaint on sponsorship. While most European SROs have sponsorship within their remit, the ones that do not deal with such issues can forward the complaint to an arbitration panel set up specifically to that end in 2008 by EASA and the European Sponsorship Association (ESA).

**Figure 6: Complaints per medium across Europe from 2012 to 2015 (European mean average)<sup>9</sup>**



Source: EASA European SRO member statistics 2015

Figure 6 shows distribution of complaints per the four main media to generate complaints between 2012 and 2015. This includes complaints about advertisements on AVMS, DMC, outdoor advertising and in press/magazines.

On average, AVMS remains the most complained about medium over this period and while the share of complaints it receives fluctuated, it now returned to the level from 2013, accounting for a third of complaints. On the other hand, despite having been steadily on the rise in the recent years, DMC fell down for the very first time, to 22% in 2015.

Outdoor advertising continues to be the third most complained about medium, with 17% of complaints.

Complaints about advertisements in the press or in magazines remained stable in the last two years. In 2015 such ads provoked less than one tenth of complaints, 8%.

<sup>9</sup> For France (ARPP) and Switzerland (CSL/SLK), only complaints that were pursued are included. For the Netherlands (SRC), only complaints that were handled by the Advertising Code Committee are included.

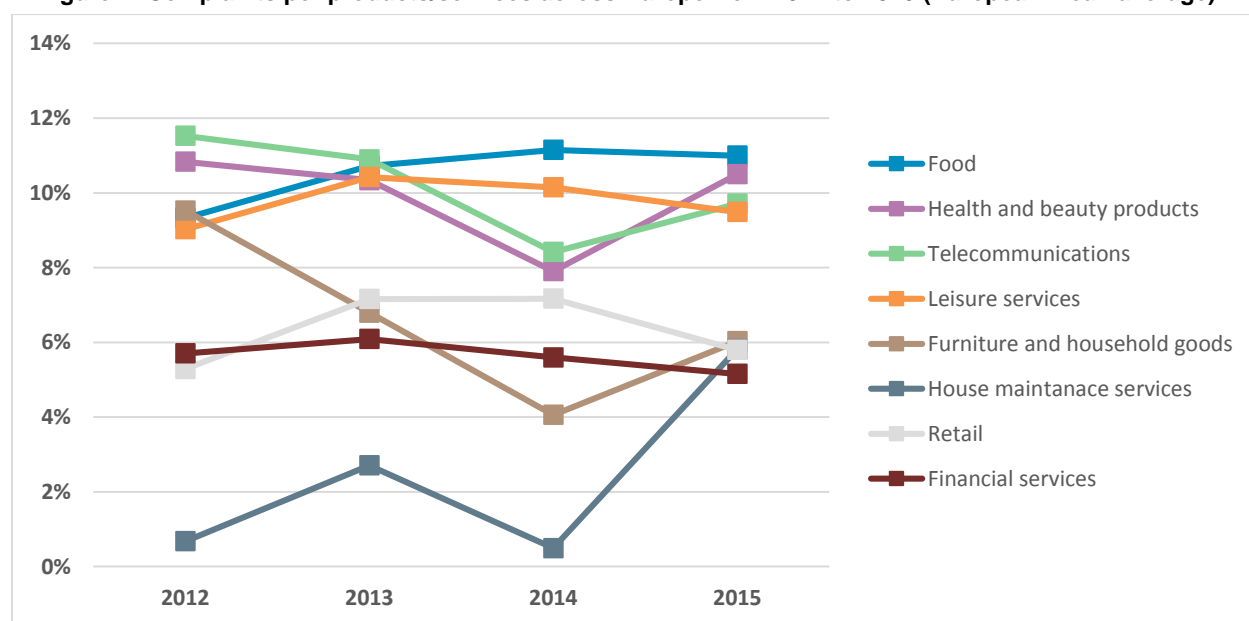
## 2.8 Complaints about Advertising for Products and Services

*On average, ads promoting food products, health and beauty products and telecommunication services were the most complained about*

A comparison of the European mean average of products and services that generated a significant number of complaints between 2012 and 2015 (Figure 7) shows that the number of complaints against advertisements for food products have remained stable, despite a slight decrease over the last year. In 2015 such complaints were the most common with 11%.

By contrast, complaints about ads for health and beauty products and telecommunications, which have been decreasing and dropped to the level of 8% in 2014, became more frequent again. In 2015, SROs registered on average 10% of such complaints. Ads about house maintenance services have also been more often complained about over the last four years.

**Figure 7: Complaints per products/services across Europe from 2012 to 2015 (European mean average)<sup>10</sup>**



Source: EASA European SRO member statistics 2015

SROs received 3,298 complaints about food advertising which equated to 11% on average or 3% of total complaints. The highest share of complaints were related to taste and decency and misleading advertising, both accounting for 32%. Social responsibility with 15% ranked third, followed by health and safety with 14%.

<sup>10</sup> For France (ARPP) and Switzerland (CSL/SLK), only complaints that were pursued are included. For the Netherlands (SRC), only complaints that were handled by the Advertising Code Committee are included.



Table 3 presents a full overview of complaints per product/service across Europe in 2015, including the number of complaints, percentage and European mean average.

**Table 3: Complaints per products/services across Europe in 2015<sup>11</sup>**

Products and services	Number of complaints	% of total amount of complaints	European mean average
Food	2,180	3.26%	11%
Health and beauty products	4,942	7.38%	10.50%
Telecommunications	4,121	6.15%	9.71%
Leisure services	6,218	9.29%	9.49%
Furniture and household goods	1,662	2.48%	6.03%
House maintenance services	1,129	1.69%	5.82%
Retail	4,307	6.43%	5.8%
Other services	4,592	6.86%	5.66%
Financial services	4,320	6.45%	5.16%
Other products	12,086	18.05%	4.38%
Non-commercial	2,169	3.24%	4.06%
Alcohol beverages	536	0.8%	3.08%
Clothing, footwear and accessories	1,704	2.54%	2.86%
Cars and motorised vehicles	2,028	3.03%	2.79%
Electronic goods	4,453	6.65%	2.38%
Books, magazines, newspapers, stationery	994	1.48%	1.78%
Gambling and lotteries	1,532	2.29%	1.74%
Transport services	831	1.24%	1.42%
Non-alcohol beverages	364	0.54%	1.26%
Energy, water and combustibles	840	1.25%	1.25%
Education services	257	0.38%	0.98%
Health and beauty services	3,767	5.63%	0.92%
Employment services	208	0.31%	0.86%
Real estate services	1,112	1.66%	0.38%
Business directories	11	0.02%	0.31%
Toys	168	0.25%	0.22%
E-cigarettes	428	0.64%	0.15%

<sup>11</sup> For France (ARPP) and Switzerland (CSL/SLK), only complaints that were pursued are included. For the Netherlands (SRC), only complaints that were handled by the Advertising Code Committee are included.

<b>Total</b>	<b>66,959</b>	<b>100%</b>	<b>100%</b>
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*Source: EASA European SRO member statistics 2015*

## 2.9 Appeals

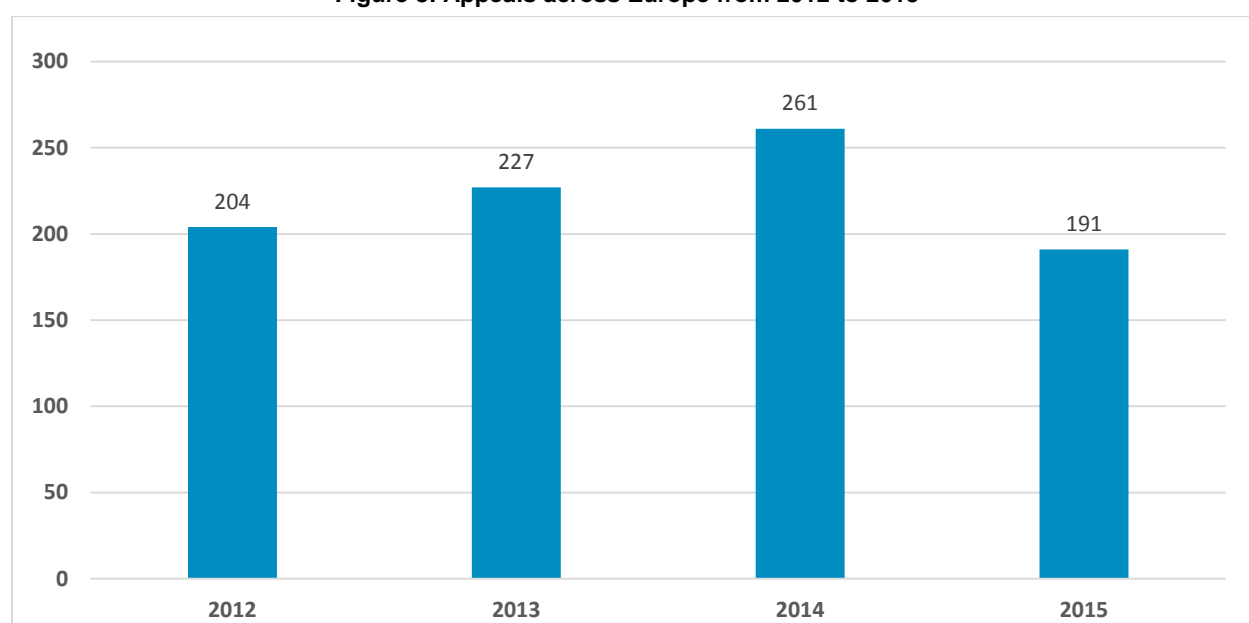
### *2015 showed a 28% decrease in appeals*

Both complainants and advertisers have the right to request a review of decisions taken by the jury or complaints committee, for example, when new evidence is available. Appeals are normally dealt with by a different body from the jury responsible for the original decision.

European SROs received a total of 191 appeal requests in 2015. The graph below illustrates the number of appeals per year from 2012 to 2015. While the number of complaints has been steadily increasing over the last four years, the number of appeals dropped by 28% in 2015.

As in the previous years, most appeals, 59%, were the result of competitor complaints and were filed by advertisers whose advertisement was found to be in breach of the advertising code. Consumers lodged 38% of appeals.

**Figure 8: Appeals across Europe from 2012 to 2015<sup>12</sup>**



Source: EASA European SRO member statistics 2015

<sup>12</sup> Except Germany (WBZ) and Switzerland (CSL/SLK).

### 3 Cross-Border Complaints

*In 2015, SROs received 138 cross-border complaints, 13% less than in 2014*

Out of all the complaints received by European SROs, 138 were cross-border complaints (CBC). Cross-border complaints are complaints about advertisements originating in media or from advertisers based in another country to that of the complainant. The EASA Secretariat coordinates these types of complaints through the EASA CBC system established in 1992.

In 2015, SROs received a total of 138 cross-border complaints, 13% less than in 2014<sup>13</sup>. Of all the cross-border complaints received, 111 were resolved over the course of 2015, and 27 were left for investigation in 2016 (see Figure 9).

Ireland and the Netherlands were the country of origin of advertisers/media that generated the highest number of cross-border complaints at 21% and 19% respectively; whilst the majority, 77%, of cross-border complaints were lodged by UK consumers.

The most complained about issue was allegedly misleading advertising (65% of complaints) followed by issues of taste and decency (20% of complaints).

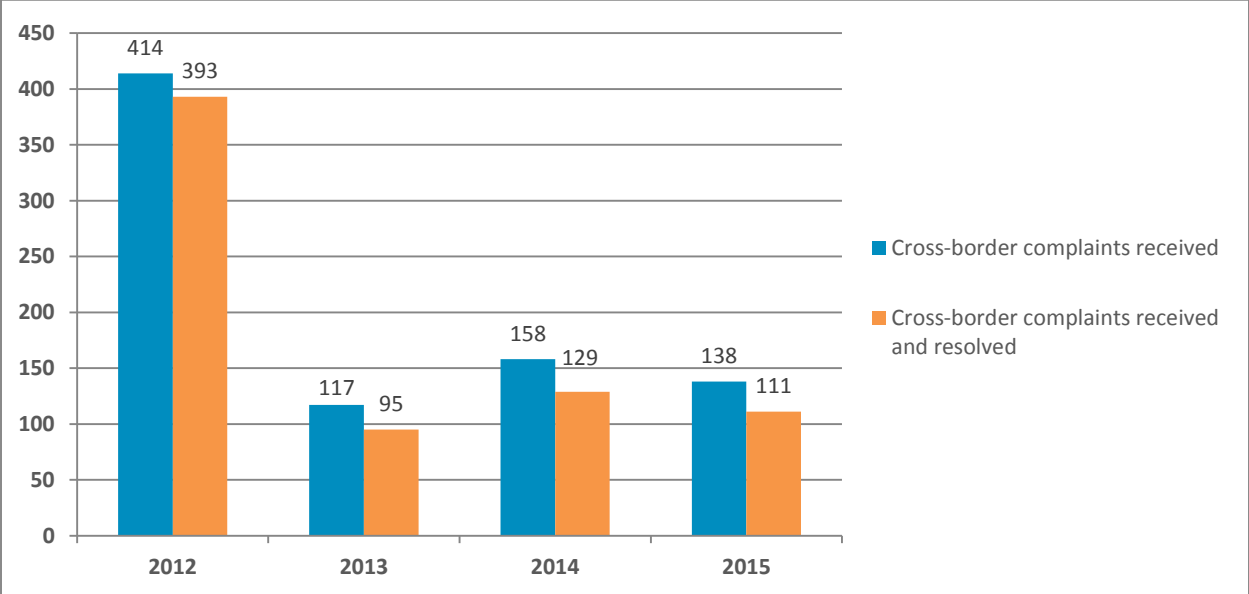
In terms of media, the majority of cross-border complaints concerned Digital Marketing Communications (83%).

Advertisements for leisure services, including mostly those for hotels and holiday accommodation, prompted the highest number of cross-border complaints by sector in 2015 at 23%, followed by gambling and lotteries with 14% of complaints, and clothing, footwear and accessories with 13% of complaints.

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<sup>13</sup> EASA Annual Cross-Border Complaints Report 2015 is available on [www.easa-alliance.org](http://www.easa-alliance.org).

Figure 9: Cross-border complaints received/received and resolved between 2012 and 2015



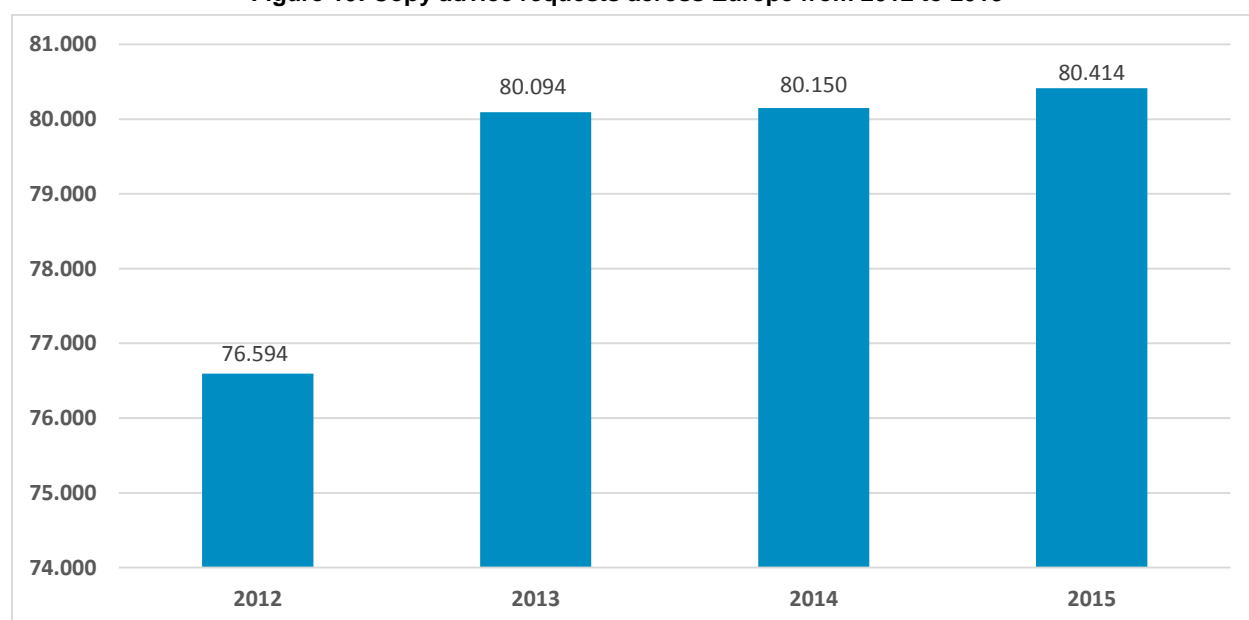
Source: EASA Annual Cross-Border Complaints Report 2015

## 4 Copy Advice Requests

*The number of copy advice requests continue to increase;  
Most are handled in less than three days*

When copy advice is provided by an SRO, it enables companies to request non-binding feedback on a confidential basis as to whether their ad meets required advertising standards before it goes live. Companies can ask for advice at any stage of the campaign development process. Currently, across Europe, 26 out of 27 of EASA's SROs offer copy advice.

**Figure 10: Copy advice requests across Europe from 2012 to 2015<sup>14</sup>**



Source: EASA European SRO member statistics 2015

As Figure 10 illustrates, across Europe, EASA's SRO members dealt with a total of 80,414 copy advice requests in 2015 – an increase of 0.3% compared to the previous year.

99.8% of copy advice requests dealt with by SROs in 2015 were handled within a week or less. Of those, 26% were dealt with in less than 24 hours, 7% in less than 48 hours and 67% within 72 hours. In less than 1% of cases, copy advice requests took more three days.

Table 3 presents a full overview of copy advice requests per country across Europe from 2012 to 2015.

<sup>14</sup> Except Switzerland (CSL/SLK).

Table 4: Copy advice requests per country across Europe from 2012 to 2015

Country/SRO	2012		2013		2014		2015	
	No	Requests	No	Requests	No	Requests	No	Requests
UK – ASA <sup>15</sup>	1	6,979	1	7,288	1	6,258	1	5,766
UK – Clearcast		33,460		35,546		35,055		35,000
UK – Total		40,439		42,834		39,097		40,766
ES – AUTOCONTROL	2	19,789	2	20,147	2	20,790	2	21,716
FR – ARPP	3	13,798	3	14,574	3	15,309	3	15,273
DE – DWR	4	23	4	34	4	55	4	26
DE – WBZ		1,397		1,400		1,500		1,400
DE – Total		1,420		1,434		1,555		1,426
HU – ÖRT	5	707	5	625	5	618	5	623
IT – IAP	6	111	6	136	6	133	6	142
TR – RÖK	7	98	8	64	7	111	7	104
PT – ICAP	9	36	9	44	8	69	8	81
IE – ASAI	8	45	7	66	9	57	9	63
PL – RR <sup>16</sup>	13	18	12	27	10	39	10	53
CY – CARO	12	19	14	16	11	27	11	38
BE – JEP	10	23	10	32	12	24	12	30
RO – RAC	11	20	11	30	13	22	12	30
BG – NCSR	10	23	13	20	14	21	14	18
SE – Ro.	21	0	19	3	15	16	15	17
CZ – CRPR	15	6	17	7	16	15	16	12
GR – SEE	15	11	17	7	19	6	17	6
SK – SRPR	19	2	20	2	18	7	18	5
AT – ÖWR	17	4	16	8	21	2	18	5
SI – SOZ	14	15	15	13	17	12	20	4
LT – LRB	17	4	21	0	23	No data	21	2
NL – SRC	16	5	18	5	20	4	22	0
FI – MEN	21	0	21	0	22	0	22	0
LU – CLEP	20	1	20	0	21	0	22	0

Source: EASA European SRO member statistics 2015

<sup>15</sup> Incorrect figure for the UK (ASA), 4,024 copy advice requests, was reported in 2014 European Trends in Advertising Complaints, Copy Advice and Pre-clearance.

<sup>16</sup> Incorrect figures for Poland (RR), 0 copy advice requests, were reported in 2013 and 2014 European Trends in Advertising Complaints, Copy Advice and Pre-clearance.

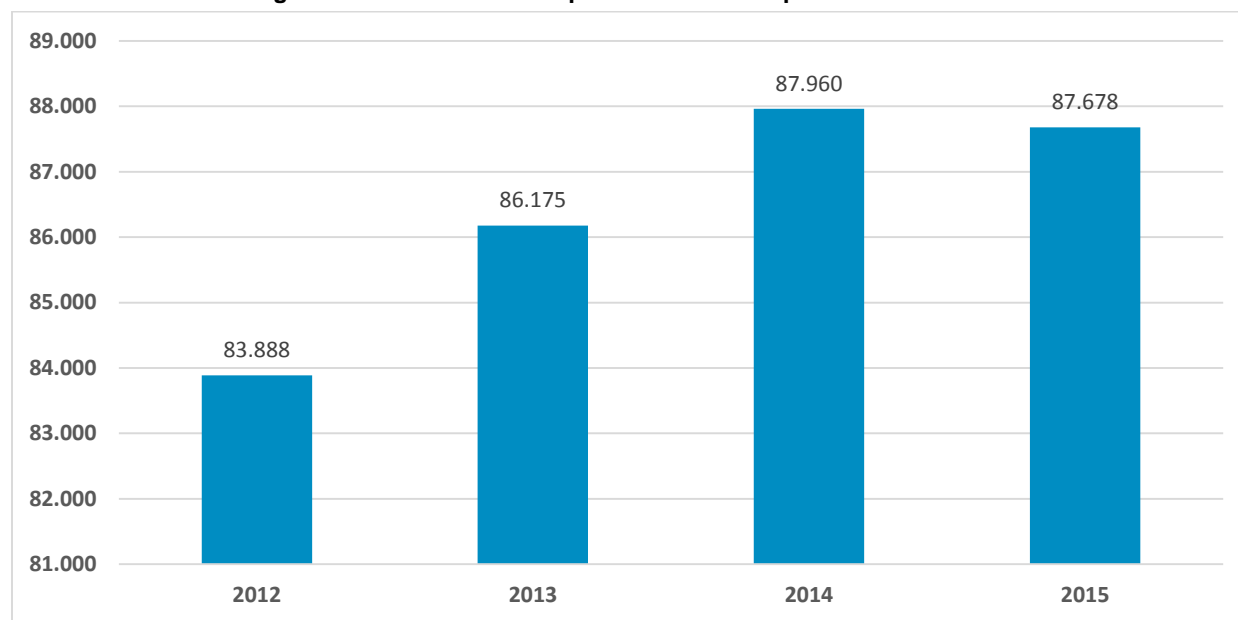
## 5 Pre-Clearance Requests

*87,678 ads were pre-cleared in 2015 by the 3 SROs providing this service*

In some countries, certain categories of advertising, e.g. TV and radio advertising or advertisements for alcohol, 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.

As showed in Figure 11 below, in 2015, a total of 20,646 TV advertisements were reviewed by ARPP in France and 67,000 by Clearcast in the UK. Moreover, in Portugal, ICAP pre-cleared 32 alcohol advertisements<sup>17</sup>. Therefore, in total 87,678 advertisements were reviewed within EASA's membership in Europe.

**Figure 11: Pre-clearance requests across Europe from 2012 to 2015**



Source: EASA European SRO member statistics 2015

Over the past couple of years the number of pre-clearance requests in France has remained relatively stable at around 21,000 per year. In the UK the number has grown from slightly more than 50,000 requests in 2008 to the level of 67,000 requests in 2014-15. After introducing the service in 2014, the number of requests registered by the Portuguese SRO tripled in 2015.

In majority of cases, 99%, ARPP and ICAP provided pre-clearance within 48 hours<sup>18</sup>.

<sup>17</sup> Following the 2014 agreement between ICAP in Portugal and two national alcohol associations and subsequent approval of the Self-Regulatory Code on Alcohol Beverages – Wine & Spirits, members of the alcohol associations are obliged to have their advertisements pre-cleared.

<sup>18</sup> For Clearcast, no figures were available.



## Annex A: Definitions and Key Terms

### 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. Cases include assessments and decisions taken by all competent SRO bodies, such as the SRO council/jury, the SRO complaints committee or the SRO secretariat

#### **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 or another body/institution 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 affect 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.

#### **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.

#### **Appeal**

Challenge to the complaints committee's decision either by the complainant or the advertiser, for example on the basis of new evidence. Appeals are normally considered by a different body from the jury which reached the original decision.

### Outcomes of Complaints

#### **Upheld**

Complaints that 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 that 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/not investigated**

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; or where not enough information was provided by the complainant or the requirements of complaint submission were not met.

#### **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, i.e. 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.

## **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.

A 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.

### **Social responsibility**

A marketing communication should respect human dignity and should not incite or condone any form of discrimination, neither denigrate any person or group of persons, firm, organisation, industrial or commercial activity, profession or product. Moreover, advertisements should be so framed as not to abuse the trust of people, exploit their lack of experience or knowledge and should not without justifiable reason play on fear or exploit misfortune or suffering.

A marketing communication should pay particular attention to advertising for children and 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 and should not undermine the authority, responsibility, judgment or tastes of parents, having regard to relevant social and cultural values. Advertising targeting children should not present prices in such a way as to lead children and young people to an unrealistic perception of the cost or value of the product, or imply that the product is immediately within the reach of every family budget;

### **Health and safety**

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.

### **Taste and decency**

Advertisements should not contain statements or visual presentations which offend prevailing standards of decency. Claims over taste and decency issues include complaints lodged in relation to alleged offensiveness, discrimination based on gender and inappropriate sexualisation as well as inappropriateness for children audience. This may include shocking images or claims used merely to attract attention, sexually offensive material, hostile or discriminatory content as well as content that might cause distress to children.

### **Denigration of competitors**

Advertisements should not make incorrect, false, unduly announcements to give bad effects to reputation, financial situation, business activities in goods and services of competitors of getting a competitive edge.

*Notes*

# 2015

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