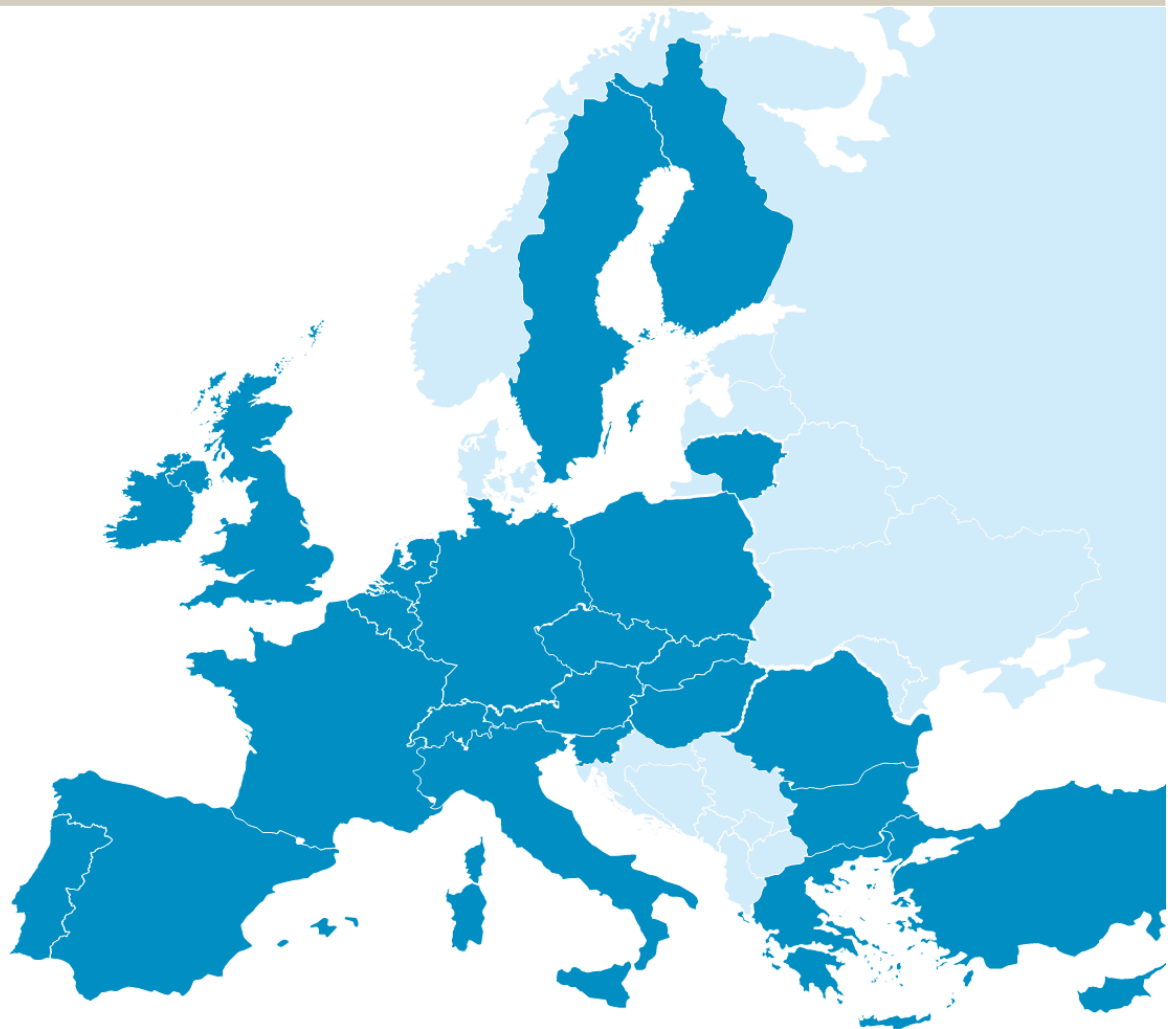


2016

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 in Europe. 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 SROs across Europe. In 2004, it developed into a partnership between the SROs and organisations representing the advertising industry. Today, EASA is a network of 41 organisations committed to making sure advertising is legal, decent, honest and truthful. EASA's membership is made up of 27 European SROs, and 14 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.

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Table of Contents

1	Key Findings.....	4
1.1	Methodology.....	5
2	Complaints in Europe in 2016	6
2.1	Complaints by Country	7
2.2	The Most Complained About Ads	8
2.3	Source of Complaints Received.....	11
2.4	Speed of Complaint Resolution	12
2.5	Outcome of Complaints Resolved.....	14
2.6	Issues Complained About.....	15
2.7	Media	17
2.8	Complaints about Advertising for Products and Services	19
2.9	Appeals	21
3	Cross-Border Complaints	22
4	Copy Advice Requests	24
5	Pre-Clearance Requests	26
	Annex A: Definitions and Key Terms.....	27

List of Figures

Figure 1: Ads complained about and complaints received across Europe from 2012 to 2016.....	6
Figure 2. Source of complaints received across Europe in 2016 (European total average).....	11
Figure 3 Speed of complaint resolution across Europe in 2016 (European total average).....	12
Figure 4 Speed of complaint resolution across Europe from 2012 to 2016 (European total average)	13
Figure 5: Outcome of complaints across Europe from 2014 to 2016 (European total average).....	14
Figure 6: Issues complained about across Europe from 2012 to 2016 (European total average).....	15
Figure 7. Distribution of complaints under the category of taste and decency issues	16
Figure 8. Medium of complained about ads received across Europe in 2016.....	17
Figure 9: Complaints per products/services across Europe from 2012 to 2016 (European total average).....	19
Figure 10: Appeals across Europe from 2013 to 2016.....	21
Figure 11: Cross-border complaints received/received and resolved between 2012 and 2015	22
Figure 12. Cross-border complaints' referral map: visual presentation of CBCs trend in Europe in 2016.....	23
Figure 13: Copy advice requests across Europe from 2012 to 2016.....	24
Figure 14: Pre-clearance requests across Europe from 2012 to 2016.....	26

List of Tables

Table 1: Complaints per country across Europe from 2012 to 2016	7
Table 2: Complaints per medium across Europe from 2012 to 2016 (European total average).....	18
Table 3: Complaints per products/services across Europe in 2016.....	20
Table 4: Copy advice requests per country across Europe from 2012 to 2016.....	25

1 Key Findings

This report shows the main trends in advertising complaints and requests for copy advice and pre-clearance made throughout 2016¹. It is based on data collected by the 27 European SROs in 25 European countries.

- **65,040 complaints related to 32,797 advertisements were received by the European SROs in 2016**
- **The UK and Germany accounted for a total of 66% of all complaints received in Europe, while the most complained about advertisement originated in Hungary**
- **Misleading advertising remained the most complained about issue (40% of complaints) but concerns over taste and decency continued to increase (37% of complaints)**
- **On average, SROs resolved 91% of received complaints within two months**
- **Digital Marketing Communications remained the most complained about medium (33% of complaints)**
- **Advertisements for leisure services, health and beauty products and retail were the most complained about**
- **150 complaints were cross-border in nature, showing a 9% increase from last year**
- **81,398 requests for copy advice were submitted to the SROs in 2016**
- **88,236 ads were pre-cleared by the three SROs providing this service**

¹ Data was collected by SROs from 01/01/2016 – 31/12/2016 and provided to EASA in 2017.

1.1 Methodology

Every year, EASA collects statistical complaint² data from the advertising self-regulatory organisations (SROs) in its membership. The present report covers data³ from 27 SROs in 25 countries (23 SROs from the EU28 as well as the SROs in Switzerland and Turkey).

The data collected by EASA identifies the issues which prompted complaints; the product/services sector that generated the 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 main method used for data processing is the calculation of the European averages based on aggregate complaints data. It is a method which relies 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 number of complaints.

The number of complaints received by individual SROs can vary greatly (see table 1, section 2.1). The European average is thus not necessarily mirroring the share of complaints per issue, medium etc. at national level. For national complaints data or further information please contact the [EASA secretariat](#).

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

³ The report covers data on complaints received and handled from 1 January to 31 December 2016.

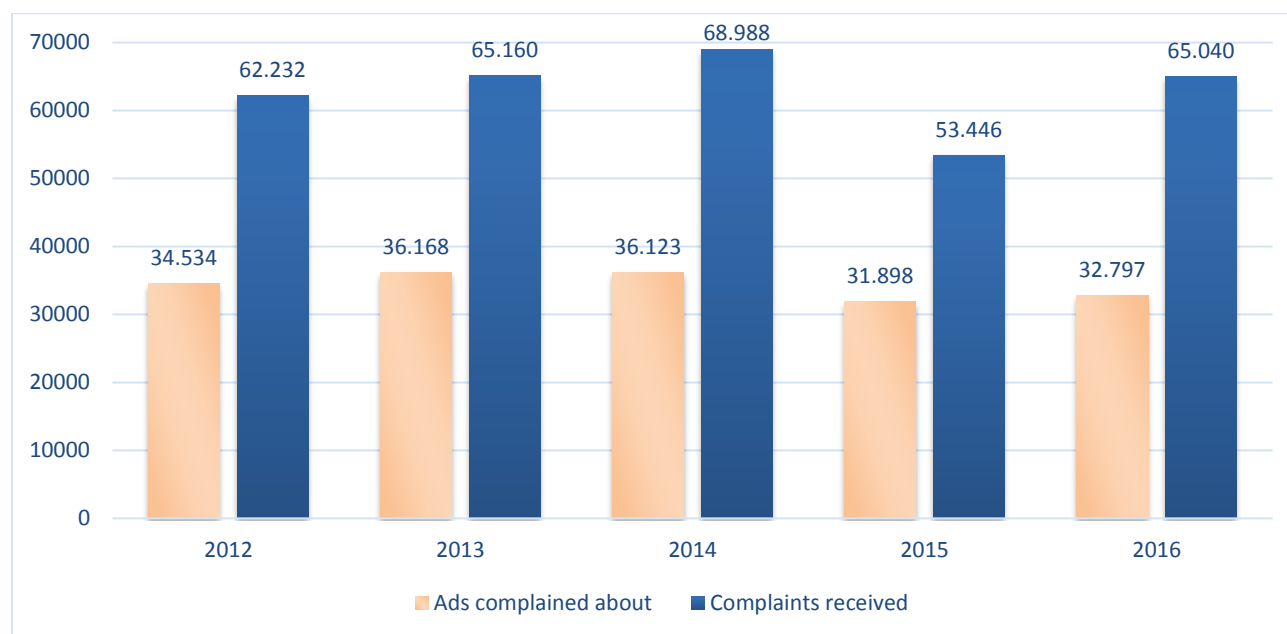
2 Complaints in Europe in 2016

65,040 complaints about 32,797 advertisements

In 2016, EASA's network of European self-regulatory organisations (SROs) received and dealt with a total of 65,040 complaints related to 32,797 advertisements. The number of received complaints increased by 22% compared to 2015 but is lower than the number of complaints received by the SROs in 2013 and 2014 (see Figure 1 below).

The number of complained about ads remained relatively stable (with a slight 3% increase). This seems to indicate that the number of complaints received in 2016 rose mainly due to controversial ad campaigns that caused more consumers to contact their local SRO. This is further confirmed by the fact that the top 10 most complained about ads in 2016 accounted for over 20% of the complaints received in 2016, while in 2015, the top 10 amounted to 7% of all complaints.⁴

Figure 1: Ads complained about and complaints received across Europe from 2012 to 2016



Source: EASA European SRO member statistics 2016

⁴ For more information on the top 10 most complained about ads please refer to section 2.2 of this report.

2.1 Complaints by Country

Table 1: Complaints per country across Europe from 2012 to 2016

Country/SRO	No	2016	2015	2014	2013	2012
		Complaints				
UK – ASA	1	30,570	27,183	37,073	30,266	31,298
DE – WBZ	2	10,185	10,920	12,130	12,730	13,100
DE – DWR		2,265	1,083	1,027	1,350	915
DE – Total		12,450	12,003	13,157	14,080	14,015
HU – ÖRT	3	7,325	17	12	18	39
SE – Ro. ⁵	4	3,962 ⁶	3,956	4,985	3,798	3,338
NL – SRC	5	3,696	4,240	3,245	3,483	4,115
ES – AUTOCONTROL	6	1,806	317	308	256	160
IE – ASAI	7	1,329	1,221	1,394	1,231	2,275
IT – IAP	8	1,152	1,516	954	4,851	236
PL – RR	9	707	692	2,488	4,379	3,367
FR – ARPP	10	544	555	3,171	450	625
AT – ÖWR	11	308	248	641	211	347
TR – RÖK	12	239	308	517	896	826
BE – JEP	13	187	403	213	374	466
CH – CSL/SLK	14	158	149	173	130	297
RO – RAC	15	142	132	164	135	78
SK – SRPR	16	101	125	156	222	308
GR – SEE	17	98	88	123	149	105
FI – MEN	18	89	125	46	54	75
CZ – CRPR	19	61	68	66	70	68
BG – NCSR	20	33	46	39	58	78
SI – SOZ	21	25	18	17	10	12
PT – ICAP	22	19	7	17	13	19
CY – CARO	23	15	19	19	11	8
LT – LRB	24	12	9	11	21	26
LU – CLEP	25	12	1	2	3	1

Source: EASA European SRO member statistics 2016

⁵ The reporting represents the cumulative number of other Swedish SR bodies dealing with consumer complaints (for more detailed information see footnote reference 6)

⁶ In 2016, the complaints numbers in different Swedish self-regulatory organizations were the following: Reklamombudsmannen (Ro.) – 513; Alkoholgranskningsmannen (AGM) – 58; Etiska rådet för betaltelefoni – 1250; IGM – 16; DM Nämnden – 2122; Spelbranschens Etiska Råd (SPER) - 3

2.2 The Most Complained About Ads

The most complained about ad in 2016 originated in Hungary

The most complained about ad

In 2016, the most complained about advertisement in Europe originated in Hungary. The Hungarian SRO, ÖRT, received 7,314 complaints about an outdoor advertising campaign promoting a TV programme called "Naked dates", which featured on billboards and city light stands.

The posters depicted naked women and men in slightly suggestive poses. The intimate parts of the models were overlaid with a text box reading "I like your eyes", "I have serious purposes", "I hope you want *more*" or similar phrases. Two weeks after the campaign was launched, a blog criticising the posters was published. An NGO started a petition inviting consumers to complain to the local SR body. 7,314 complaints were received by ÖRT as a result.

The ÖRT Jury noted that the complainants were mainly criticising the promoted TV programme, which is not within the remit of the SROs. The content of the posters themselves was not considered offensive, and therefore, the complaints were not upheld.

- Outdoor ad
- 7,314 complaints generated via an online petition
- Not upheld



The second most complained about ad

The promotion of the film "Lights out" ("Nunca apagues la luz") by Warner Bros Entertainment España was the second most complained about campaign in Europe. The TV advert showed actors (some of them minors) experiencing terror, fear or anguish while a lullaby was played. The complainants were concerned that the ad was not appropriate for children.

- TV ad
- 1,238 complaints
- Not upheld

The Spanish SRO, AUTOCONTROL, received 1,238 complaints through different platforms. The Advertising Jury of AUTOCONTROL deliberated the case and concluded that the TV advert had been solely broadcast within the watershed time stipulated by the Spanish law. Therefore, it did not uphold the complaints concluding that the advertiser had taken all necessary and legal precautions to prevent children from seeing the ad.



The third most complained about ad

The third most complained about ad - 'Gary the Bodyguard' - originated in the UK and received 1,063 complaints. It was a TV ad by the British advertiser Moneysupermarket.com Ltd (a price comparison website specialising in financial services). Furthermore, out of Europe's Top 10 most complained about ad campaigns, three different advertising campaigns by the same British advertiser were identified with an overall of 2,461 complaints triggered by their commercial communications. All three campaigns concerned TV ads broadcast in the UK and the complaints were submitted to the UK SRO, ASA.

The first campaign mentioned above featured 'Gary the Bodyguard's character dressed in a suit and sunglasses, dancing at a rally. The second ad showed another character, Dave, dressed in a suit jacket, denim shorts and high heels, and another character, Colin dressed in a fluorescent jacket and hard hat. They were joined by other men dressed in the same clothes and engaged in a gang dance-off (895 complaints received). The third ad, featured again characters Dave and Colin. This time the two characters were alone in an underground car park and each performed dance moves in a bid to out-do each other (503 complaints received). In all three described advertisements the complainants were concerned that the portrayed dance moves were overtly sexual (all three ads) and not suitable to be seen by children (first ad). Some complainants considered the ads as homophobic (second and third ads).

While acknowledging that some viewers may have found the dance moves (or the overall tone) in the ads distasteful, the ASA did not uphold any of the complaints, judging the ads would not provoke serious or widespread offence, nor would be seen as condoning or encouraging harmful discriminatory behaviour in real life to viewers. The ASA also noted that the majority of viewers would interpret the scenes as light-hearted and humorous.



“Garv the Bodyguard”



“Dave and Colin”



“Dave and Colin: the epic dance-off”



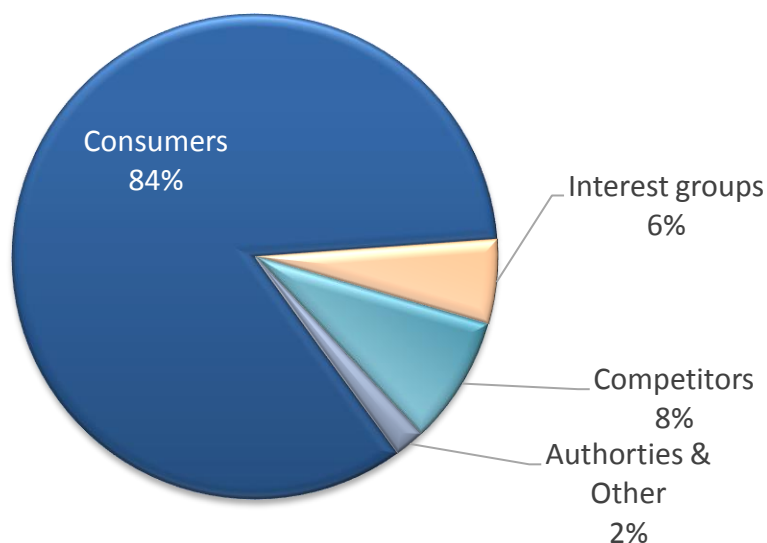
Overall, the top 10 most complained about ad campaigns in Europe triggered 13,309 complaints in 2016, which represents 20% of the total number of complaints received. 5 out of the 10 cases were upheld or partially upheld and 5 were found compliant with the advertising codes. It is also important to mention that all 10 campaigns were reported to the SROs because of a perceived breach of taste and decency, such as inappropriate gender portrayal (e.g. discrimination or sexualisation in 8 of the 10 campaigns) and inappropriateness to children (2 campaigns).

2.3 Source of Complaints Received

The majority of complaints were lodged by consumers

In 2016, 84% of complaints received by SROs were from consumers, 8% from competitors, 6% from interest groups and 2% by authorities or other public entities (2%) (see Figure 2).

Figure 2: Source of complaints received across Europe in 2016 (European total average)



Source: EASA European SRO member statistics 2016

The share of complaints made by consumers is comparable to previous years. Around 80% of the complaints registered by the European SROs are lodged by consumers.

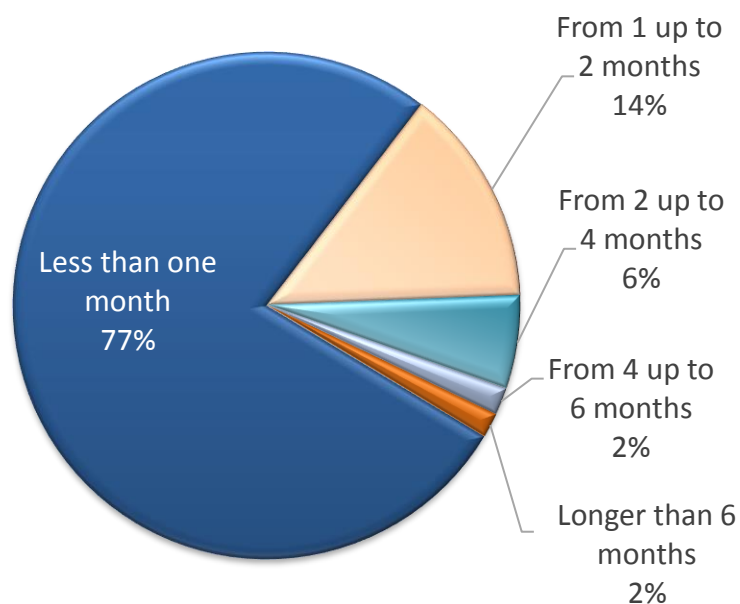
2.4 Speed of Complaint Resolution

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 2016, SROs resolved on average 77% of complaints received in less than one month. 14% of the complaints, were resolved within two months. Only a fraction of complaints, less than 2%, required an investigation period longer than 6 months. For an overview, see Figure 3.

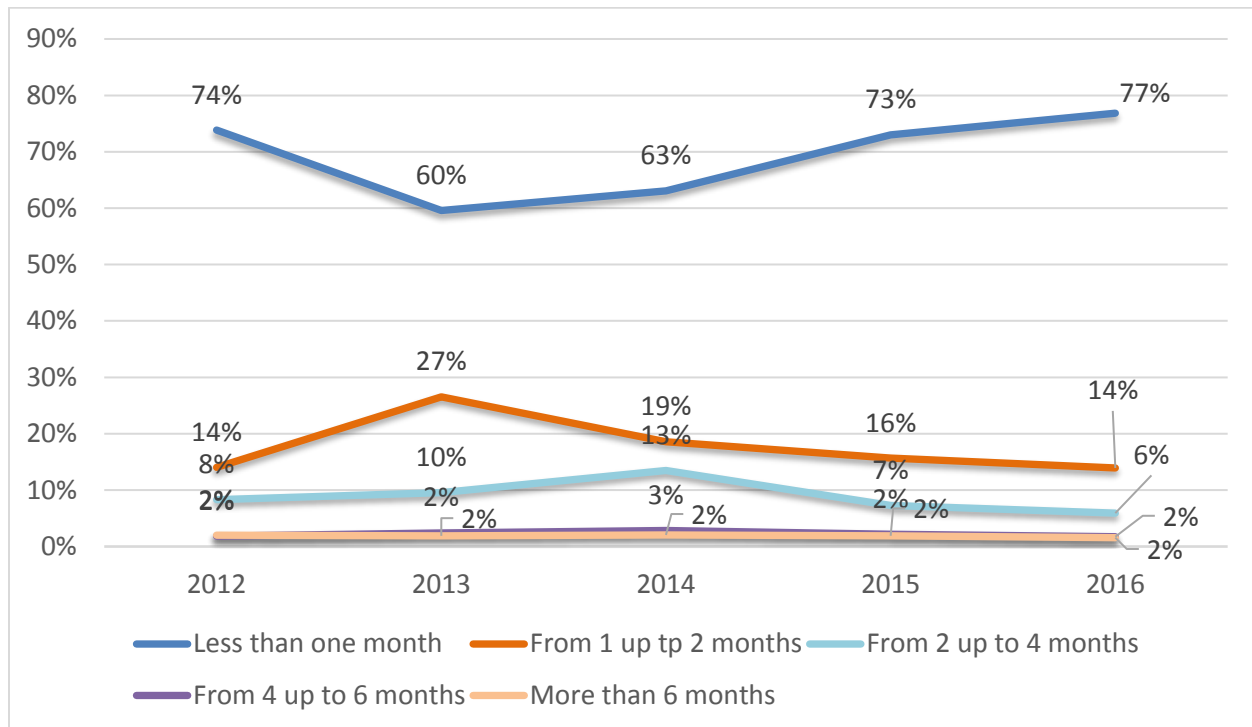
Figure 3: Speed of complaint resolution across Europe in 2016 (European total average)



Source: EASA European SRO member statistics 2016

As illustrated in Figure 4, the speed on complaint resolution in European SROs has kept increasing since 2013.

Figure 4: Speed of complaint resolution across Europe from 2012 to 2016 (European total average)



Source: EASA European SRO member statistics 2016

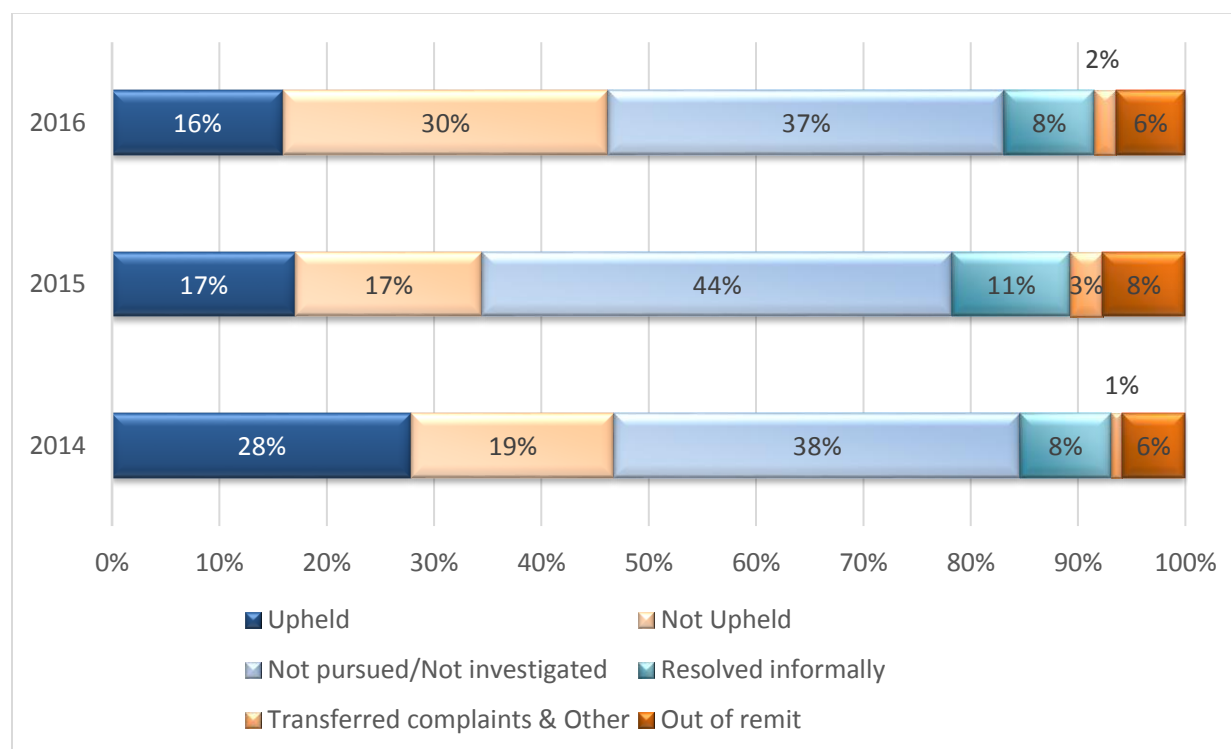
2.5 Outcome of Complaints Resolved

On average, 16% of the resolved complaints were upheld, while 30% were not upheld

In 2016, on average 16% of the resolved complaints were upheld. In these cases, the responsible SRO's jury considered the advertisement complained about in breach of the national advertising code. Conversely, 30% of complaints were not found to be in breach of the relevant advertising codes and were therefore not upheld.

In addition, 37% 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 sufficient information. A further 8% of complaints were resolved informally and 6% were found out of remit. Finally, less than 2% of complaints were referred to the appropriate regulatory body.

Figure 5: Outcome of complaints across Europe from 2014 to 2016 (European total average)



Source: EASA European SRO member statistics 2016

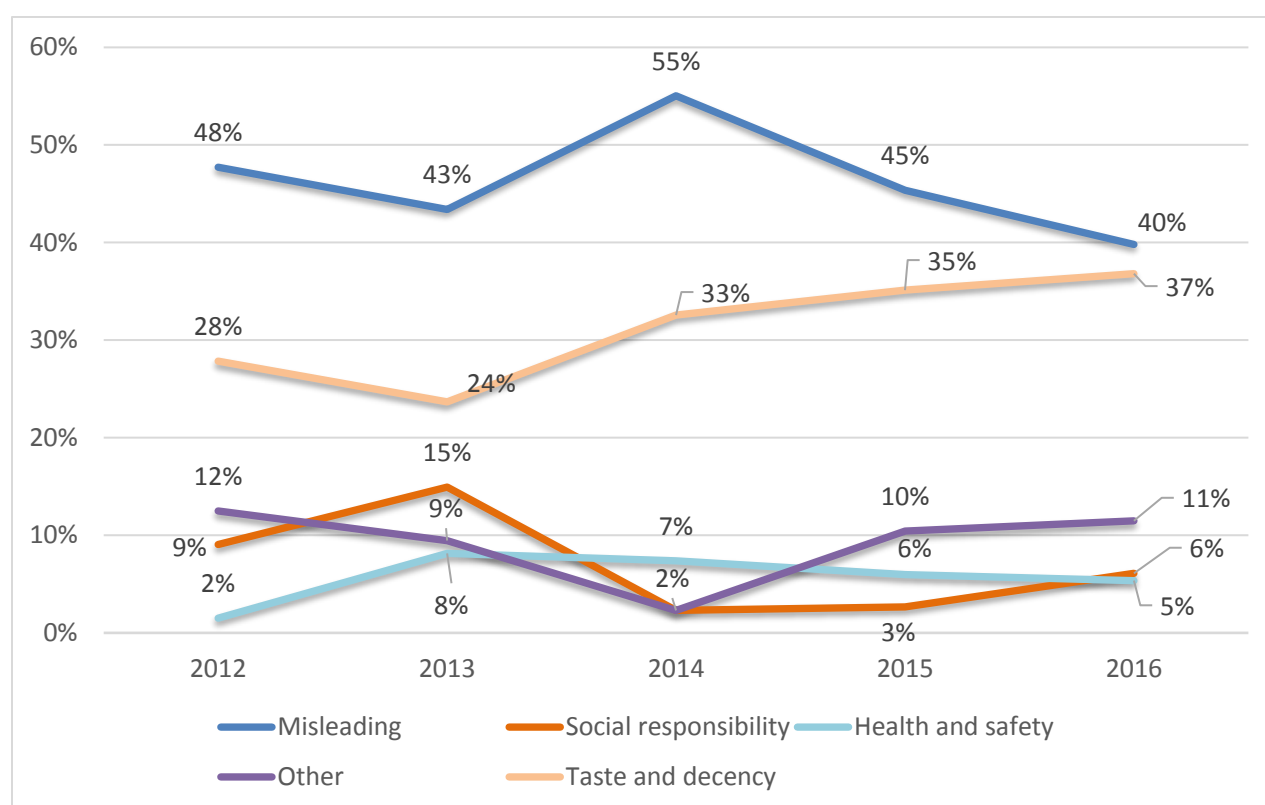
Figure 4 shows the dynamic of complaints' outcomes between 2012 and 2016. It illustrates that the level of non-upheld complaints increased by 13% in one year, the upheld complaints dropped by 1%, and the level of not pursued/not investigated complaints decreased by 7%.

2.6 Issues Complained About

Consumer concerns over taste and decency increased in 2016

Figure 6 illustrates the reasons for complaints between 2012 and 2016. As in previous years, misleading advertising remains the biggest cause for concern in 2016 causing 40% of all complaints received and dealt with by SROs. However, it is important to note that the proportion of consumer complaints related to misleading advertising continued to decrease in comparison to complaints about the taste and decency of ads. For the fourth consecutive year the number of complaints related to taste and decency issues kept on increasing and triggered an overall of 37% of all complaints in 2016.

Figure 6: Issues complained about across Europe from 2012 to 2016 (European total average)⁷



Source: EASA European SRO member statistics 2016

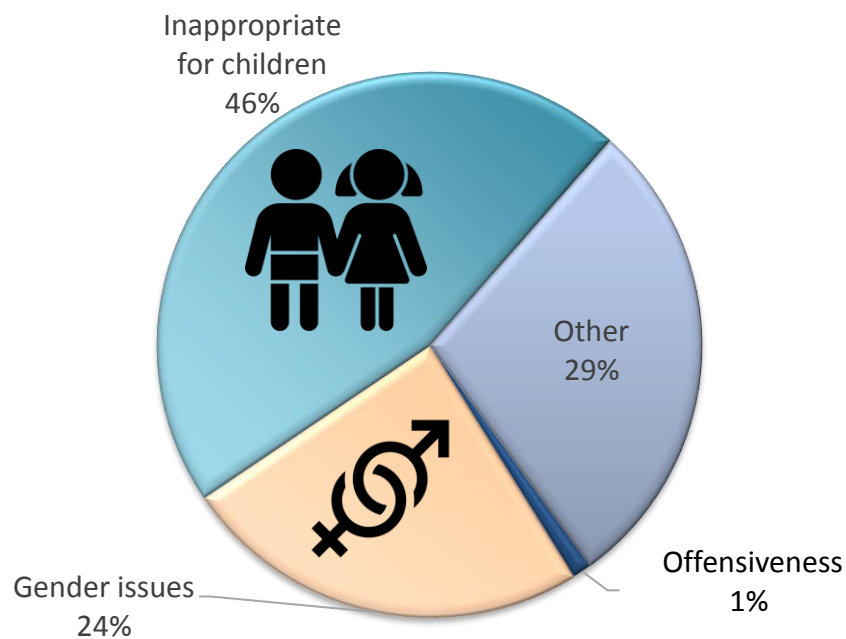
As illustrated by Figure 7, out of all complaints classified under taste and decency, 46% were considered inappropriate to be seen by children, and 24% were related to gender stereotyping, which reveals the most sensitive areas for consumers in Europe.

⁷ 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.

Social responsibility issues provoked 6% of all complaints. These consisted mainly of complaints that advertisements transmitted allegedly inappropriate values to children (48%) and that the ads played on fear or condoned violent or anti-social behaviour (20%). Discrimination or denigration in ads were registered in 19% of all the ads flagged as breaching social responsibility norms.

Finally, health and safety issues in advertisements prompted 5% of all complaints received and dealt with across Europe.

Figure 7: Distribution of complaints under the category of *taste and decency* issues



Source: EASA European SRO member statistics 2016

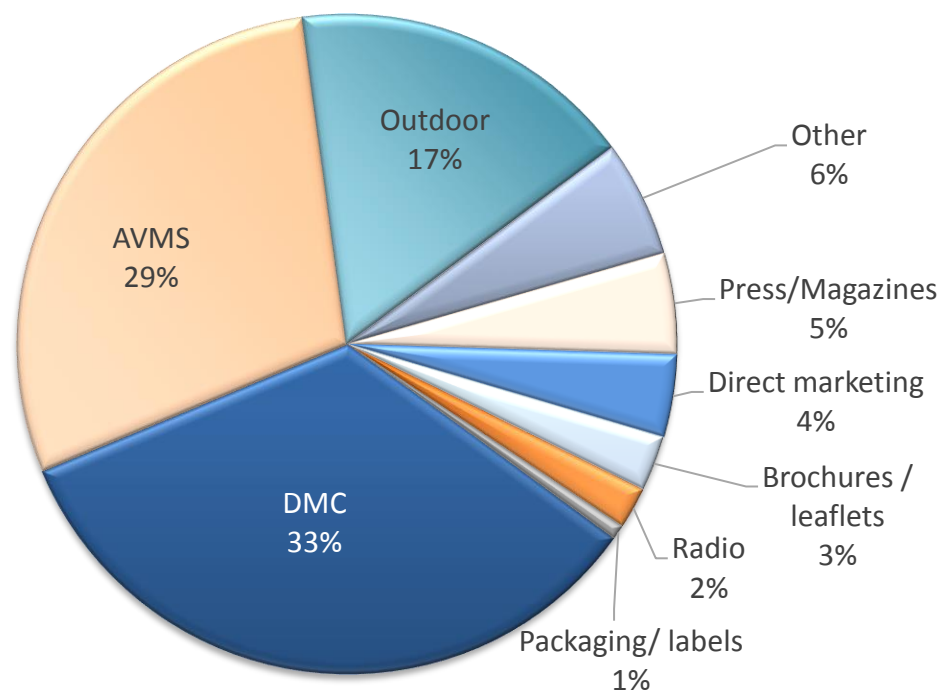
2.7 Media

Digital Marketing Communications were the most complained about medium

Digital Marketing Communications (DMC) accounted for the highest share of all complaints in Europe in 2016 with 33% of the total amount of complaints. These complaints included media types such as marketers' websites, display ads, online games, social media websites, in-app advertising and other digital media channels.

Ads broadcast on audio-visual media services ranked second (following the trend of 2015) with an overall 29% of all complaints. The majority of these complaints (90%) were about linear services (e.g. broadcasted television, radio) and the remaining (10%) about non-linear services (e.g. video on demand).

Figure 8: Medium of complained about ads received across Europe in 2016⁸



Source: EASA European SRO member statistics 2016

Outdoor advertising campaigns prompted 17% of all complaints. This was a significant increase in comparison to 2015, when 6% of the complaints were attributed to outdoor advertising, as illustrated by

⁸ 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 2. It is important to note that as mentioned in sections 2.2 and 2.6 of this report, the majority of these complaints (86%) regarded taste and decency issues and were linked to the [Hungarian](#) advertising campaign.

Finally, commercial communications in press and magazines triggered 5% of complaints, while advertisements received as direct marketing accounted for 4% of all complaints. Out of these 4%, 63% were sent by e-mail, SMS or MMS; 23% were sent by post, whereas complaints regarding telephone marketing amounted to 7%.

The breakdown of the complaints per media which triggered complaints between 2012 and 2016 is presented in

Table 2.

Table 2: Complaints per medium across Europe from 2012 to 2016 (European total average)⁹

Medium	2016	2015	2014	2013	2012
	% of total complaints				
<i>Digital Marketing Communications</i>	34%	36%	39%	31%	21%
<i>Audio visual media</i>	29%	32%	26%	32%	28%
<i>Outdoor</i>	17%	6%	6%	7%	10%
<i>Other</i>	6%	5%	3%	4%	11%
<i>Press/Magazines</i>	5%	10%	13%	13%	17%
<i>Direct marketing</i>	4%	5%	5%	5%	4%
<i>Brochures / leaflets</i>	3%	3%	3%	4%	4%
<i>Radio</i>	2%	2%	2%	2%	3%
<i>Packaging/ labels</i>	1%	1%	1%	1%	1%

Source: EASA European SRO member statistics 2016

Moreover, four European SROs (Germany, Greece, the Netherlands and Portugal) resolved in total 6 complaints on sponsorship.

⁹ 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.

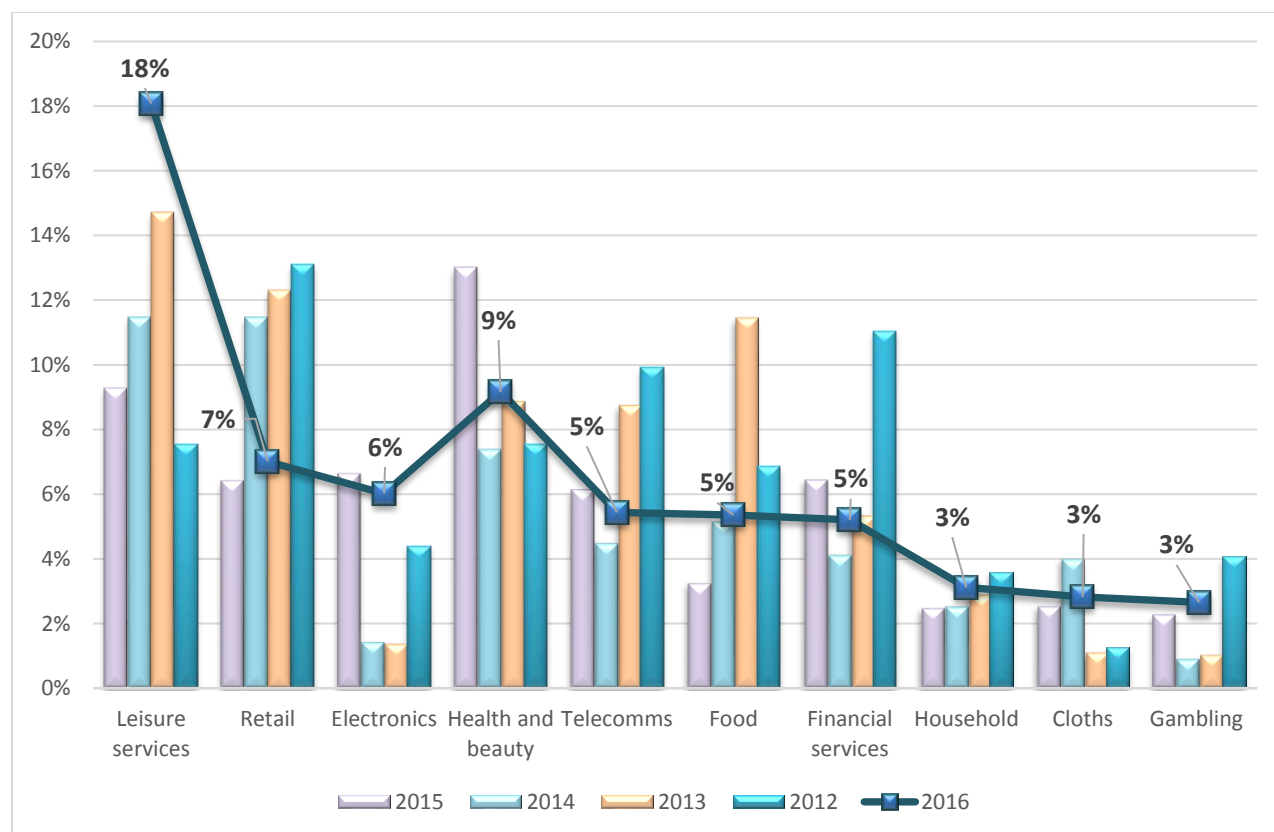
2.8 Complaints about Advertising for Products and Services

Ads for leisure services, health and beauty products and the retail sector were the most complained about

A comparison of the products and services that generated a significant number of complaints between 2012 and 2016 (see Figure 9) shows that the highest proportion of complaints was received against advertisements for leisure services (18%) which significantly increased in comparison to last year when 9% of complaints were registered under this category.

By contrast, complaints about ads for health and beauty products decreased to 9% from the previous 13%. It was followed by complaints about ads promoting retail services (7%) and electronics (6%) which remained around the same level as in 2015. The rest of the frequently complained about product and service categories were telecoms, food, financial services (with 5% of complaints each), followed by household, clothes and gambling (3%).

Figure 9: Complaints per products/services across Europe from 2012 to 2016 (European total average)¹⁰



Source: EASA European SRO member statistics 2016

¹⁰ 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 2016.

Table 3: Complaints per products/services across Europe in 2016¹¹

<i>Complaints by key sectoral groups</i>	<i>% of total complaints</i>
Complaints regarding services	51%
Complaints regarding products	49%
<i>Complaints by sectoral groups</i>	<i>% of total complaints</i>
Leisure services	18%
Retail	7%
Electronic goods	6%
Health and beauty	6%
Telecommunications	5%
Food	5%
Financial services	5%
Health and beauty services	3%
Furniture and household goods	3%
Clothing, footwear and accessories	3%
Gambling and lotteries	3%
Cars and motorised vehicles	2%
Non-commercial	2%
Energy, water and combustibles	2%
House maintenance services	1%
Transport services	1%
Books, magazines, newspapers, stationery	1%
Alcohol beverages	1%
Non-alcohol beverages	1%
Real estate services	1%
Other products	13%
Other services	9%

Source: EASA European SRO member statistics 2016

¹¹ 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.

2.9 Appeals

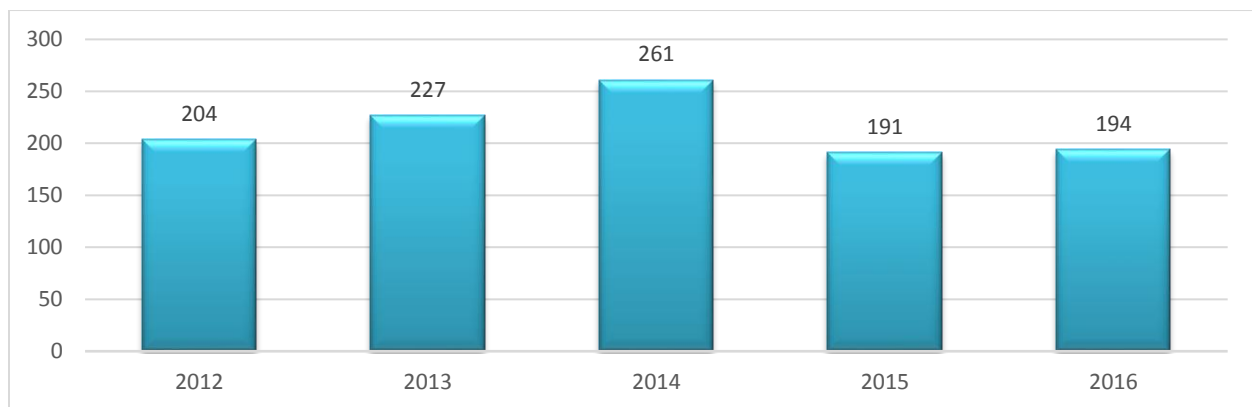
In 2016 the number of appeals remained stable

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 194 appeal requests in 2016. The graph below illustrates the number of appeals per year from 2012 to 2016. The number of complaints has decreased in 2015, and remained at a similar level in 2016.

Of the 194 appeals, about half were lodged by the advertisers concerned (52%), and the other half (48%) by the complainants.

Figure 10: Appeals across Europe from 2012 to 2016¹²



Source: EASA European SRO member statistics 2016

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

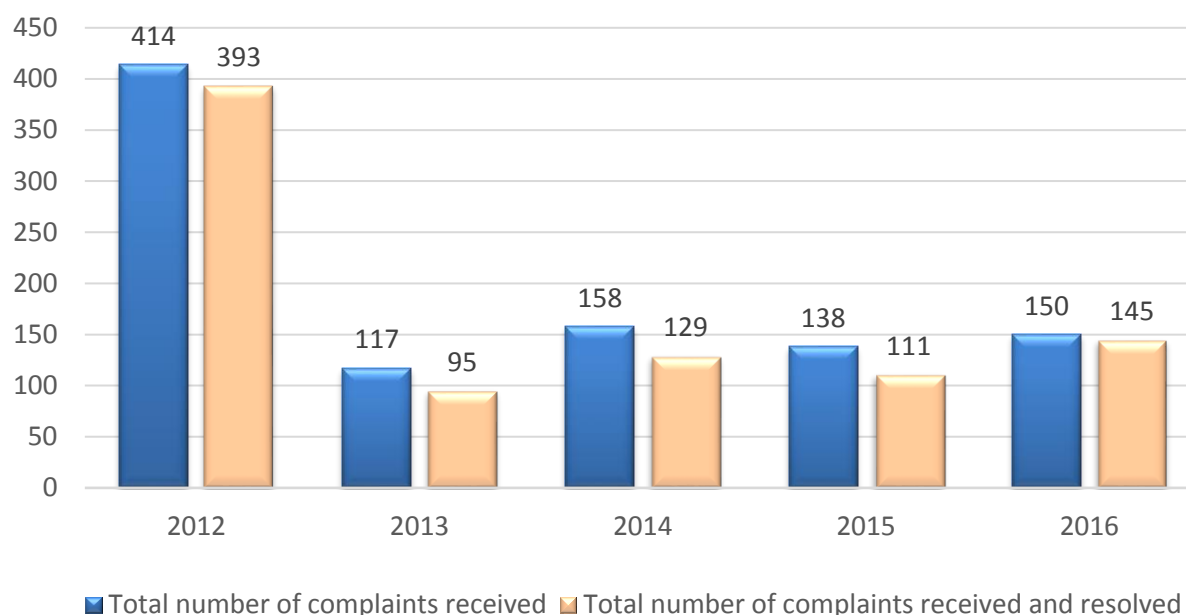
3 Cross-Border Complaints

In 2016, SROs received 150 cross-border complaints, 9% more than in 2015

Out of all the complaints received by European SROs, 150 were cross-border complaints (CBC). Cross-border complaints are complaints about advertisements originating in media or from advertisers based in another country than that of the complainant. The EASA Secretariat coordinates these types of complaints through the EASA CBC system established in 1992.

In 2016, SROs received a total of 150 cross-border complaints, 9% more than in 2015¹³. Of all the cross-border complaints received, 145 were resolved over the course of 2016, and 5 were resolved in 2017 (see Figure 11).

Figure 11: Cross-border complaints received/received and resolved between 2012 and 2015



Source: EASA Annual Cross-Border Complaints Report 2016

Ireland and the Netherlands were the country of origin of advertisers/media that generated the highest number of cross-border complaints at 23% and 17% respectively. Meanwhile, the vast majority of cross-border complaints were lodged by UK consumers (83%). The visual representation of the CBC trends in terms of countries transferring the complaints can be found in Figure 12 below.

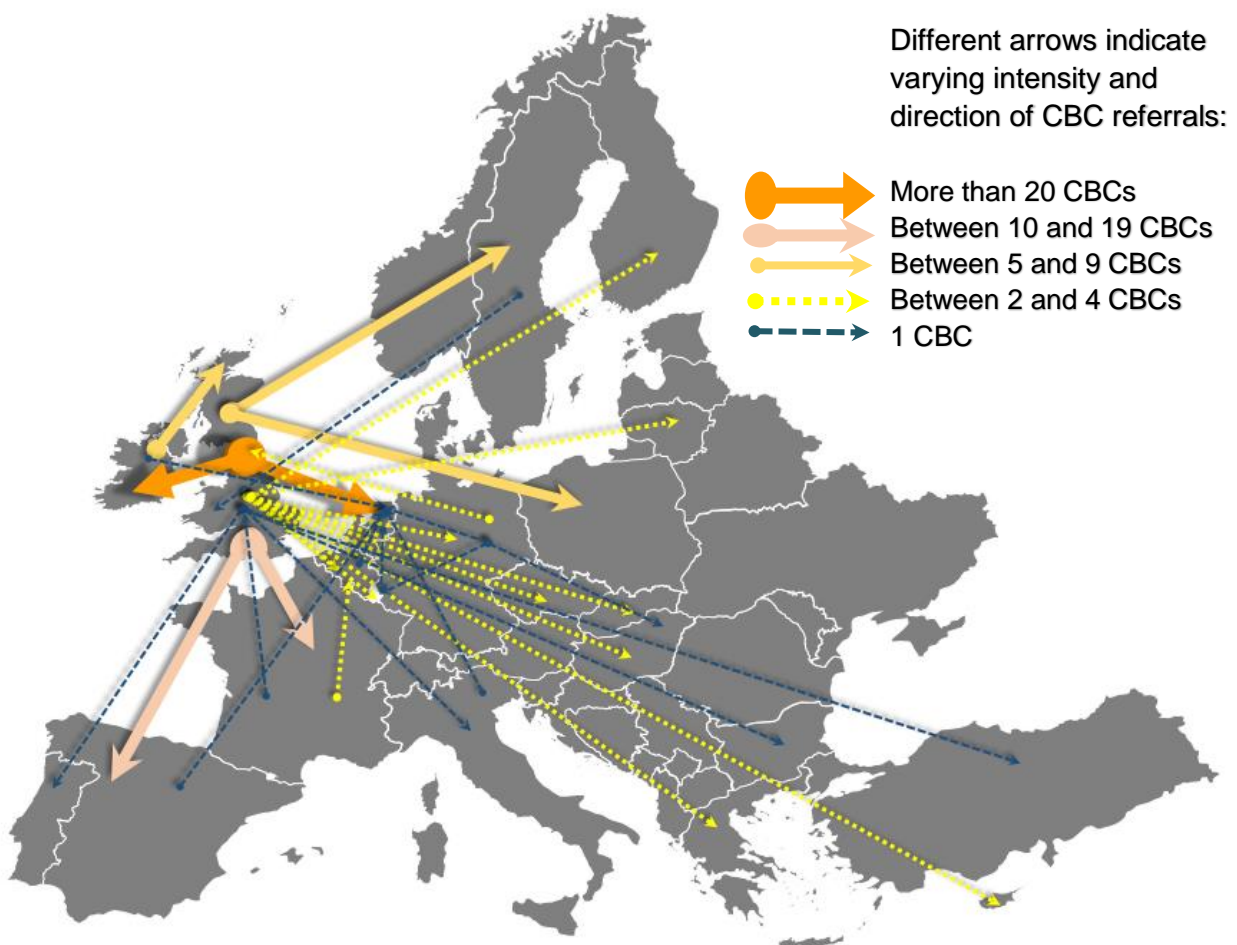
The most complained about issue was allegedly misleading advertising (82% of complaints) followed by issues of taste and decency (12% of complaints), which follow the trends of the previous years.

¹³ EASA Annual Cross-Border Complaints Report 2016 is available on [EASA website](#).

In terms of media, the majority of cross-border complaints concerned Digital Marketing Communications (76%).

Advertisements for leisure and tourism services¹⁴, including mostly those for hotels and holiday accommodation, prompted the highest number of cross-border complaints by sector in 2016 at 21%, followed by transport services with 19% of complaints, and electronic products with 13% of complaints.

Figure 12. Cross-border complaints' referral map: visual presentation of CBCs trend in Europe in 2016



Source: EASA Annual Cross-Border Complaints Report 2016

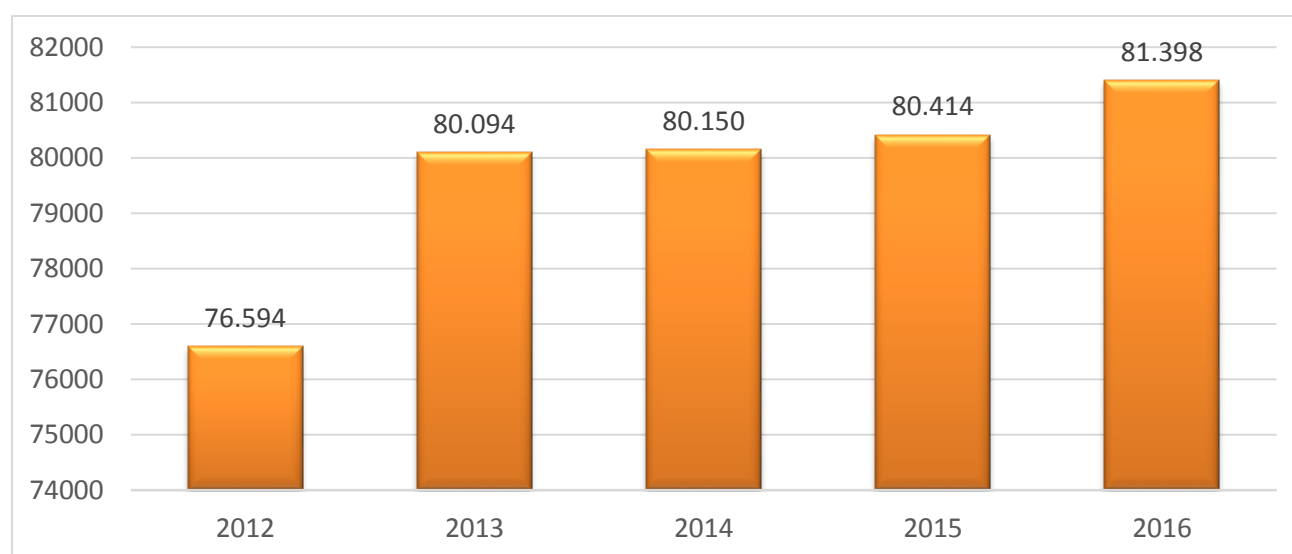
¹⁴ This category includes hotels and holiday accommodation, travel and renting services, entertainment, sports and leisure activities and dating services

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 13: Copy advice requests across Europe from 2012 to 2016¹⁵



Source: EASA European SRO member statistics 2016

Figure 13 illustrates the numbers of copy advice requests dealt with across Europe. The European SROs provided a total of 81,398 copy advice services in 2016 –an increase of 1% compared to the previous year.

95% of copy advice requests dealt with by SROs in 2016 were handled within a week or less. Of those, 9% were dealt with in less than 24 hours, an additional 25% in less than 48 hours, and 23% within 72 hours.

Table 4 presents a full overview of copy advice requests per country across Europe from 2012 to 2016.

¹⁵ Except Switzerland (CSL/SLK).

Table 4: Copy advice requests per country across Europe from 2012 to 2016

Country/SRO	No	2016	2015	2014	2013	2012
		Copy Advice Requests				
UK – ASA ¹⁶	1	3839	5,766	6,258	7,288	6,979
UK – Clearcast		32,653	35,000	35,055	35,546	33,460
UK – Total		36,492	40,766	39,097	42,834	40,439
ES – AUTOCONTROL	2	26,199	21,716	20,790	20,147	19,789
FR – ARPP	3	16,004	15,273	15,309	14,574	13,798
DE – DWR	4	25	26	55	34	23
DE – WBZ		1,300	1,400	1,500	1,400	1,397
DE – Total		1,325	1,426	1,555	1,434	1,420
HU – ÖRT	5	674	623	618	625	707
IT – IAP	6	187	142	133	136	111
IE – ASAI	7	165	63	57	66	45
PT – ICAP	8	85	81	69	44	36
TR – RÖK	9	76	104	111	64	98
PL – RR ¹⁷	10	39	53	39	27	18
RO – RAC	11	29	30	22	30	20
CY – CARO	12	26	38	27	16	19
SE – Ro.	13	25	17	16	3	0
BG – NCSR	14	23	18	21	20	23
BE – JEP	15	14	30	24	32	23
CZ – CRPR	16	10	12	15	7	6
SI – SOZ	17	6	4	12	13	15
FI – MEN	18	4	0	0	0	0
AT – ÖWR	19	4	5	2	8	4
LT – LRB	20	4	2	-	0	4
SK – SRPR	21	3	5	7	2	2
NL – SRC	22	3	0	4	5	5
GR – SEE	23	1	6	6	7	11
LU – CLEP	24	0	0	0	0	1

Source: EASA European SRO member statistics 2016

¹⁶ 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.

¹⁷ 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.

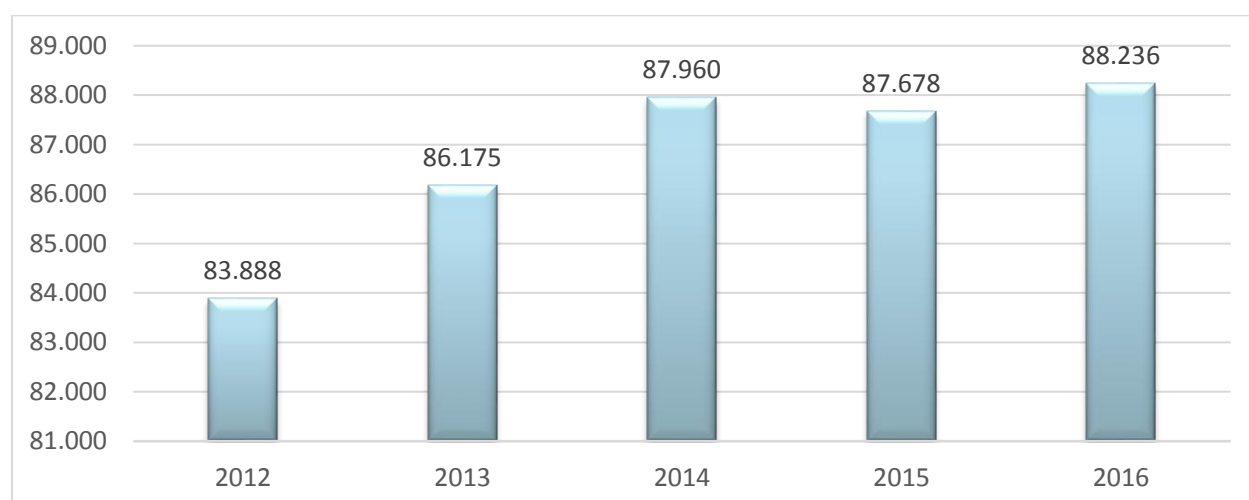
5 Pre-Clearance Requests

88,236 ads were pre-cleared in 2016 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 14 below, in 2016, a total of 88,236 TV advertisements were reviewed by SROs in the UK, France and Portugal (respectively 66,606 were pre-cleared by Clearcast; 21,580 by ARPP, and 50 alcohol advertisements were pre-cleared by ARP¹⁸¹⁹).

Figure 14: Pre-clearance requests across Europe from 2012 to 2016



Source: EASA European SRO member statistics 2016

Overall, the number of pre-clearance requests increased significantly since 2012. Over the past year the total number of pre-clearance services grew by 1%.

¹⁸ The service of pre-clearance was introduced in 2014)

¹⁹ 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.

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, 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 from publication or transmission.

Ban

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

Restriction

Codes/laws in place which significantly affect the advertising of the product/issue concerned.

Case handling duration

The time lapsed from the receipt of the complaint until the moment where 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 than 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 right 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 by omission, which is 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 in order to obtain a competitive edge.

Notes

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