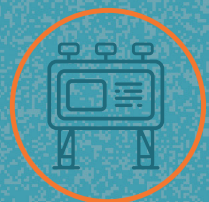
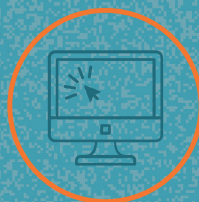
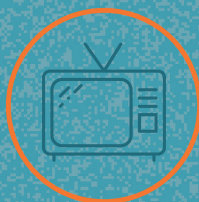
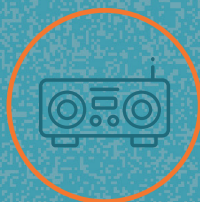
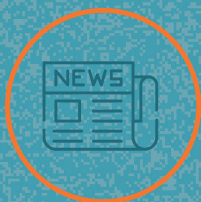


|
2018

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 13 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	5
1.1	Methodology	6
2	Complaints in Europe in 2018	7
2.1	Complaints by Country	8
2.2	Source of Complaints Received	10
2.3	Speed of Complaint Resolution	11
2.4	Outcome of Complaints Resolved	13
2.5	Issues Complained About	15
2.6	Media	17
2.7	Complaints about Advertising for Products and Services	19
2.8	Appeals	21
3	Cross-Border Complaints	22
4	Copy Advice Requests	24
5	Pre-Clearance Requests	26
	Annex A: Definitions and Key Terms	27
	General Definitions	27
	Outcomes of Complaints	27
	Nature of the Complaints	28

List of Figures

<i>Figure 1: Complaints received across Europe from 2014 to 2018</i>	<i>7</i>
<i>Figure 2. European complaints map</i>	<i>8</i>
<i>Figure 3: Source of complaints received across Europe in 2018 (European total average)</i>	<i>10</i>
<i>Figure 4: Speed of complaint resolution across Europe in 2018 (European total average)</i>	<i>11</i>
<i>Figure 5: Speed of complaint resolution across Europe from 2014 to 2018 (European total average)</i>	<i>12</i>
<i>Figure 6: Outcome of complaints across Europe from 2014 to 2018 (European mean average)</i>	<i>13</i>
<i>Figure 7: Issues complained about across Europe from 2014 to 2018 (European total average)</i>	<i>15</i>
<i>Figure 8: Distribution of complaints under the categories of taste and decency and social responsibility</i>	<i>16</i>
<i>Figure 9: Medium of complained about ads received across Europe in 2018</i>	<i>17</i>

<i>Figure 10: Complaints per products/services across Europe from 2014 to 2018 (European total average)</i>	<i>19</i>
<i>Figure 11: Appeal and share of appeals (%) as part of total complaints 2014-2018</i>	<i>21</i>
<i>Figure 12: Cross-border complaints received/received and resolved between 2014 and 2018 ...</i>	<i>22</i>
<i>Figure 13: Cross-border complaints' referral map: visual presentation of CBCs trend in Europe in 2018</i>	<i>23</i>
<i>Figure 14: Copy advice requests across Europe from 2014 to 2018</i>	<i>24</i>
<i>Figure 15: Pre-clearance requests across Europe from 2014 to 2018</i>	<i>26</i>

List of Tables

<i>Table 1: Complaints per country across Europe from 2014 to 2018.....</i>	<i>8</i>
<i>Table 2: Complaints per medium across Europe from 2014 to 2018 (European total average) ..</i>	<i>18</i>
<i>Table 3: Complaints per products/services across Europe in 2018.....</i>	<i>20</i>
<i>Table 4: Copy advice requests per country across Europe from 2014 to 2018.....</i>	<i>24</i>

1 Key Findings

This report shows the main trends in advertising complaints and requests for copy advice and pre-clearance made throughout 2018¹. It is based on data collected by the 27 European SROs in 25 European countries.

- **56,779 complaints related to 29,838 advertisements were received by the European SROs in 2018**
- **The UK and Germany accounted for a total of 80% of all complaints received in Europe**
- **Misleading advertising remained the most complained about issue (60% of complaints) but concerns over taste, offense and social responsibility remained high as well (38% of complaints)**
- **On average, SROs resolved 97% of received complaints within two months**
- **Digital marketing communications were most complained about medium (43% of complaints) followed by audio-visual media services (33% of complaints)**
- **Advertisements for retail, leisure services as well as health and beauty products and services were the most complained about**
- **192 complaints were cross-border in nature, showing a 42% increase from last year**
- **97,481 requests for copy advice were submitted to the SROs in 2018**
- **85,518 ads were pre-cleared by the three SROs providing this service**

¹ Data was collected by SROs from 01/01/2018 – 31/12/2018 and provided to EASA in 2019.

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 countries⁴ (22 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, available at national level⁵. 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. Where appropriate, the European mean averages are also presented, which rely on average share of complaints (in percentages) in each country.

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 2018.

⁴ Previous reports included figures for Lithuanian SRO – Lietuvos Reklamos Biuras (LRB) and Norwegian SRO - Matbransjens Faglige UtvalgNorwegian (MFU), but the data from these SROs were no longer available since 2017 and 2018 respectively.

⁵ For detailed breakdown per individual per category - please contact [EASA secretariat](#).

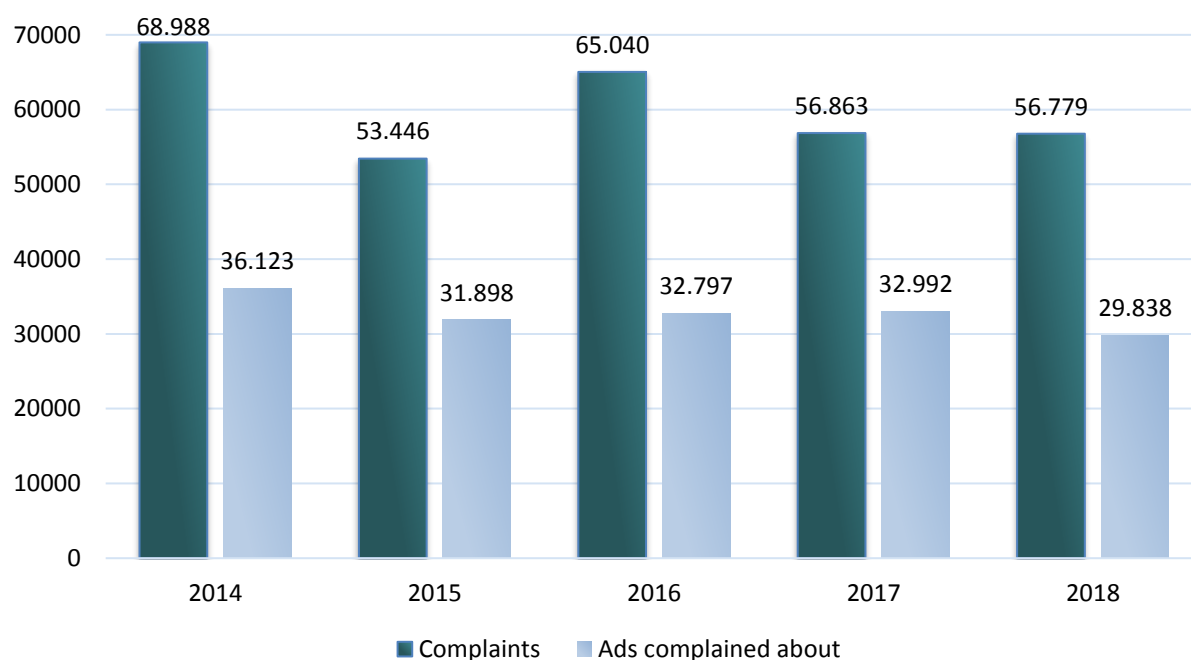
2 Complaints in Europe in 2018

56,779 complaints about 29,838 advertisements in Europe

In 2018, EASA's network of European self-regulatory organisations (SROs) received and dealt with a total of 56,779 complaints related to 29,838 advertisements. The number of received complaints remained relatively the same (0.1% decrease compared to 2017). (see Figure 1 below).

The overall number of complained about ads decreased by 10%, but it is important to note that data about number of complained about ads was not available in all countries⁶. Overall, the ratio of complaints and complained about ads remains stable for the past five years, with an average of 1.8 complaints per complained about ad⁷. As noted in the previous report some fluctuation in this regard are normal, particularly when there is a controversial ad campaign which attracted an unusually high number of consumer complaints, as it happened in 2016.

Figure 1: Complaints received across Europe from 2014 to 2018



Source: EASA European SRO member statistics 2018

⁶ Data on appeals received by the SROs was not available from Wettbewerbszentrale (WBZ) – one of two German self-regulatory organizations and Slovenska Oglaševalska Zbornica (SOZ) – Slovenian SRO

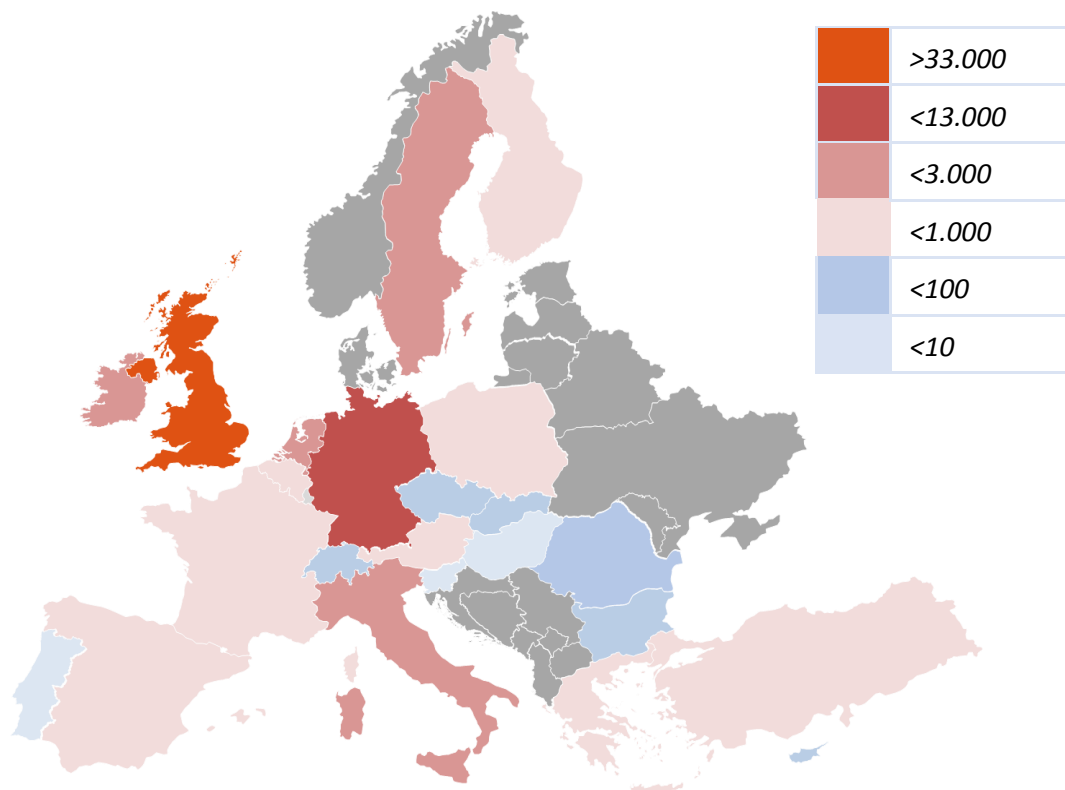
⁷ Year by year analysis of complaints/ads complained about ration reveals the following dynamic: 2014 -1.9; 2015 - 1.7; 2016 – 2.0; 2017 - 1.7; 2018 - 1.9.

2.1 Complaints by Country

Consumers in the UK and Germany lodged most European complaints

The map (Figure 2) and table (Table 1) below depict the breakdown of complaints received in 2018 per country. The map illustrates that around 59% of all consumer complaints in Europe were lodged by the British consumers (33,727 complaints). Consumers in Germany filed 12,178 complaints (21% of total complaints). The rest of a detailed breakdown can be found in the table below.

Figure 2. European complaints map



Source: EASA European SRO member statistics 2018

Table 1: Complaints per country across Europe from 2014 to 2018

Country/SRO	No	2018	2017	2016	2015	2014
		Complaints				
UK – ASA	1	33,727	29,997	30,570	27,183	37,073
DE – WBZ	2	10,943	9,280	10,185	10,920	12,130
DE – DWR		1,235	1,389	2,265	1,083	1,027
DE – Total		12,178	10,669	12,450	12,003	13,157
NL – SRC	3	2,944	3,618	3,696	4,240	3,245

SE – Ro ⁸	4	2,106⁹	3,467 ¹⁰	3,962	3,956	4,985
IE – ASAI	5	1,682	2,101	1,329	1,221	1,394
IT – IAP	6	1,676	819	1,152	1,516	954
FR – ARPP	7	701	2,338	544	555	3,171
AT – ÖWR	8	316	504	308	248	641
PL – RR	9	293	323	707	692	2,488
BE – JEP	10	258	418	187	403	213
ES – AUTOCONTROL	11	207	1,785	1,806	317	308
TR – RÖK	12	174	113	239	308	517
GR – SEE	13	106	78	98	88	123
FI – MEN	14	101	96	89	125	46
SK – SRPR	15	89	105	101	125	156
RO – RAC	16	61	158	142	132	164
CH – CSL/SLK	17	39	34	158	149	173
CZ – CRPR	18	36	25	61	68	66
BG – NCSR	19	32	52	33	46	39
CY – CARO	20	22	70	15	19	19
SI – SOZ	21	17	22	25	18	17
HU – ÖRT	22	6	30	7,325	17	12
PT – ICAP	23	4	9	19	7	17
LU – CLEP	24	4	2	12	1	2
NO - MFU ¹¹	25	N/A	30	161	10	1

Source: EASA European SRO member statistics 2018

⁸ The reporting represents the cumulative number of other Swedish SR bodies dealing with consumer complaints

⁹ In 2018 the complaints numbers in different Swedish self-regulatory organizations were the following: Reklamombudsmannen (Ro.) – 522; Alkoholgranskningsmannen (AGM) – 64; DM Nämnden – 1,501; SEEM Gambling – 19.

¹⁰ In 2017, the complaints numbers in different Swedish self-regulatory organizations were the following: Reklamombudsmannen (Ro.) – 513; Alkoholgranskningsmannen (AGM) – 73; Etiska rådet för betaltelefoni – 1350; IGN – 34; DM Nämnden – 1426; Spelbranschens Etiska Råd (SPER) - 4

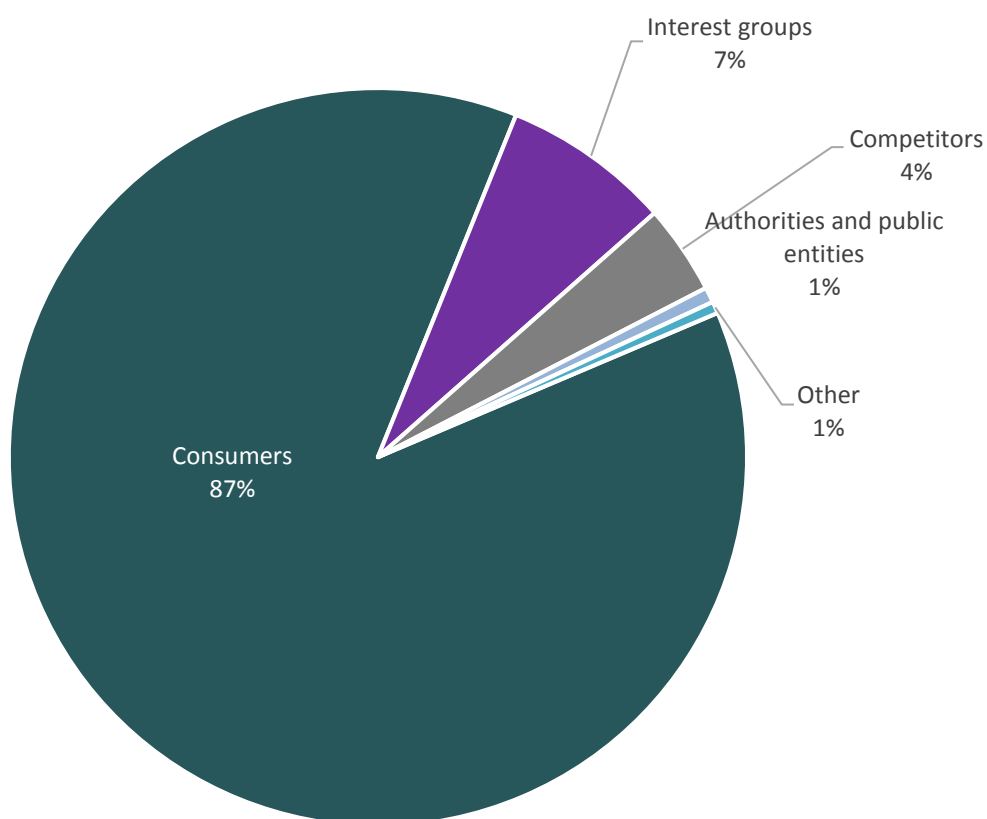
¹¹ Matbransjens Faglige Utvalg/Norwegian (MFU) is Norwegian Food and Drink Industry Professional Practices Committee (MFU) – an industry lead ad self-regulatory body established in 2013 and only working in the area of food and drink marketing aimed at children. MFU is not a member of EASA but it participates in selected EASA network activities.

2.2 Source of Complaints Received

The majority of complaints were lodged by consumers

In 2018, 87% of complaints received by SROs were from consumers, 7% from interest groups, 4% from competitors, and 1% from authorities and other public entities as well as other sources. (see Figure 3).

Figure 3: Source of complaints received across Europe in 2018 (European total average)



Source: EASA European SRO member statistics 2018

The share of complaints made by consumers has slightly increased in comparison to previous year when 81% of complaints were lodged by the general public. Meanwhile, less B2B complaints were handled by the SROs in 2018 (by 6 percentage points).

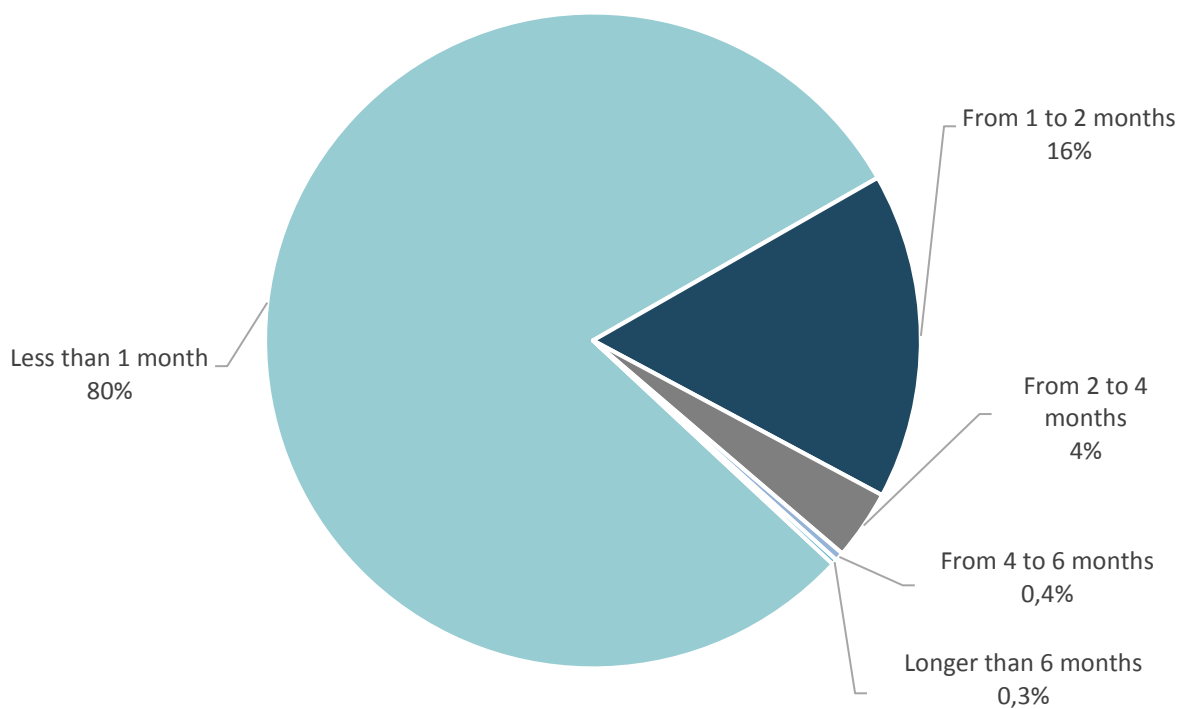
2.3 Speed of Complaint Resolution

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 2018, SROs resolved on average 80% of complaints received in less than one month. 16% of the complaints, were resolved within two months. Only a small fraction of complaints, less than 1%, required an investigation period of 4 months or longer. For an overview, see Figure 4.

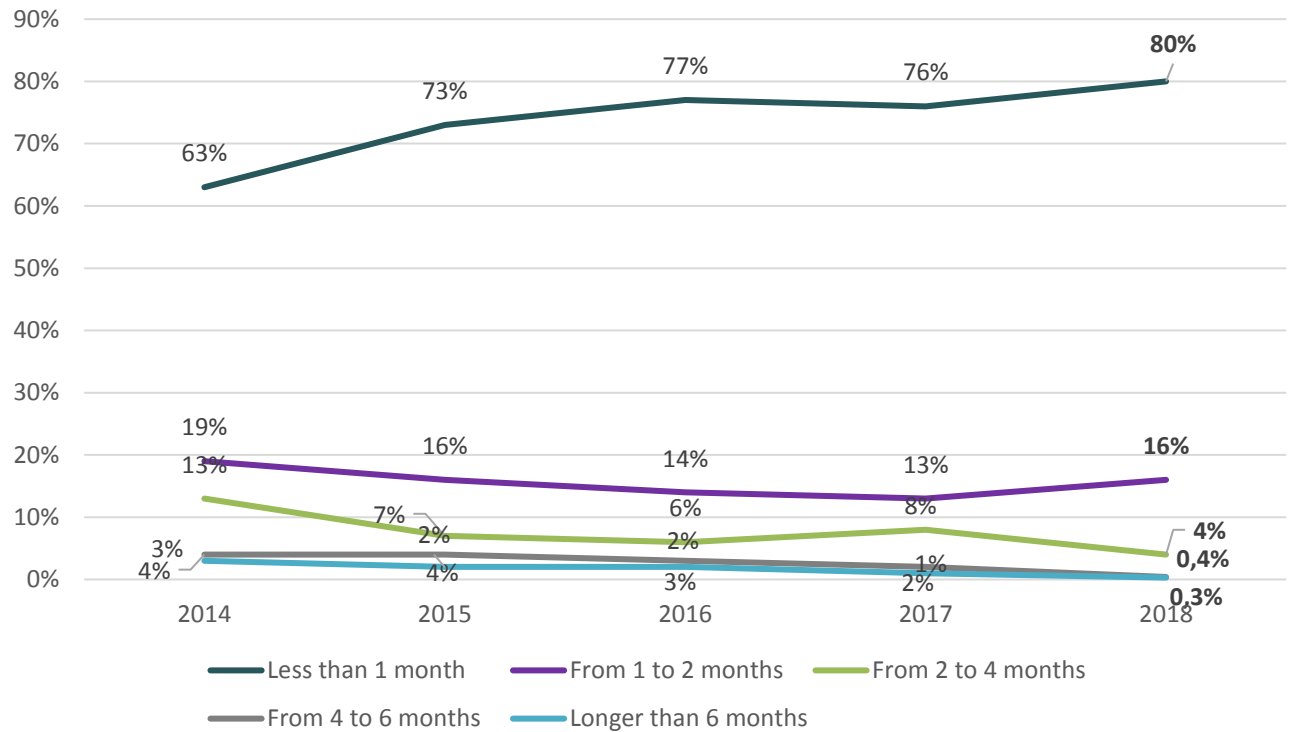
Figure 4: Speed of complaint resolution across Europe in 2018 (European total average)



Source: EASA European SRO member statistics 2018

As illustrated in Figure 5, the speed on complaint resolution in European SROs has remained similar to the tendencies of the recent years, with a slight increase in 2018.

Figure 5: Speed of complaint resolution across Europe from 2014 to 2018 (European total average)



Source: EASA European SRO member statistics 2018

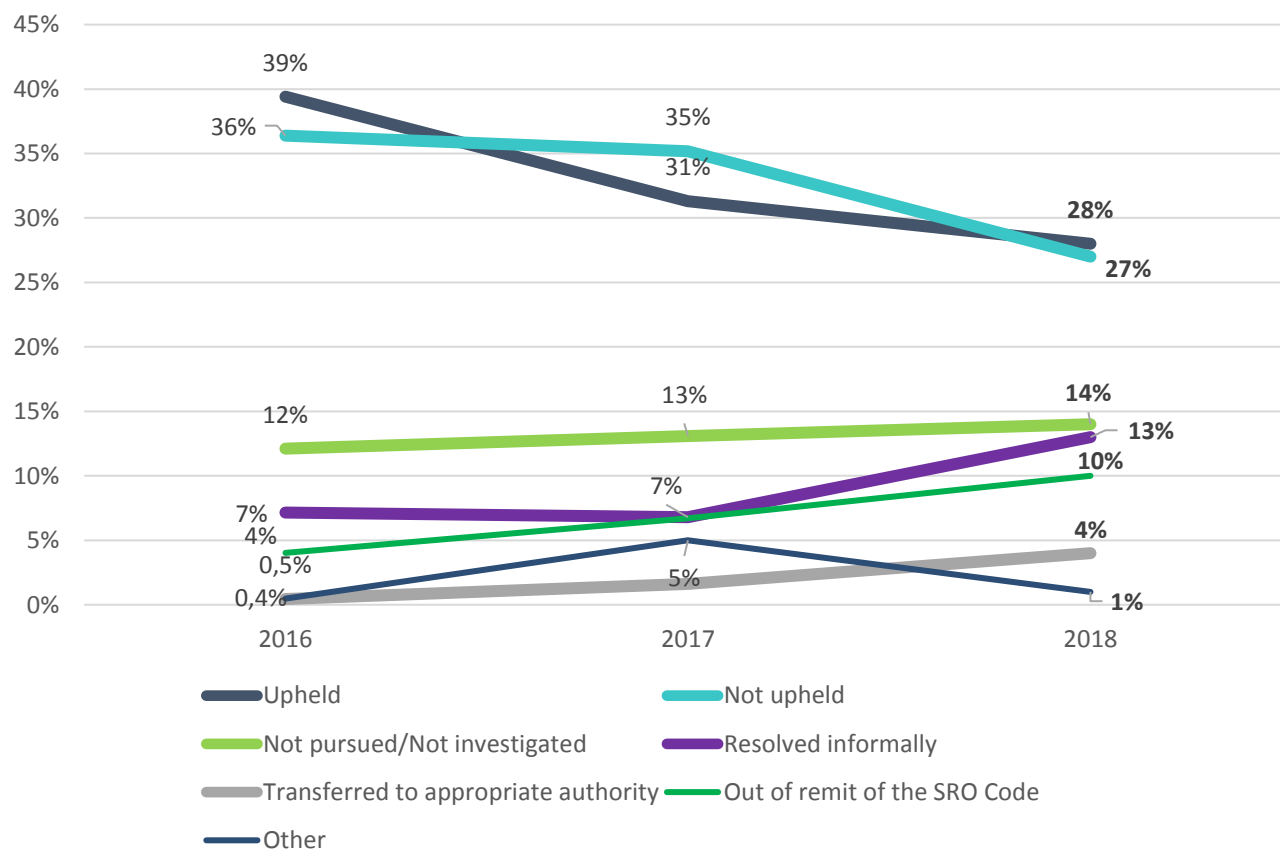
2.4 Outcome of Complaints Resolved

*On average, 28% of the resolved complaints were upheld,
while 27% were not upheld*

In 2018, on average 28% 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. Almost the same number of complaints, 27%, were found in compliance with the relevant advertising codes and were therefore not upheld.

In addition, 14% 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 13% of complaints were resolved informally and another 10% were found out of remit. Finally, around 4% of complaints were referred to the appropriate regulatory body.

Figure 6: Outcome of complaints across Europe from 2014 to 2018 (European mean average)



Source: EASA European SRO member statistics 2018

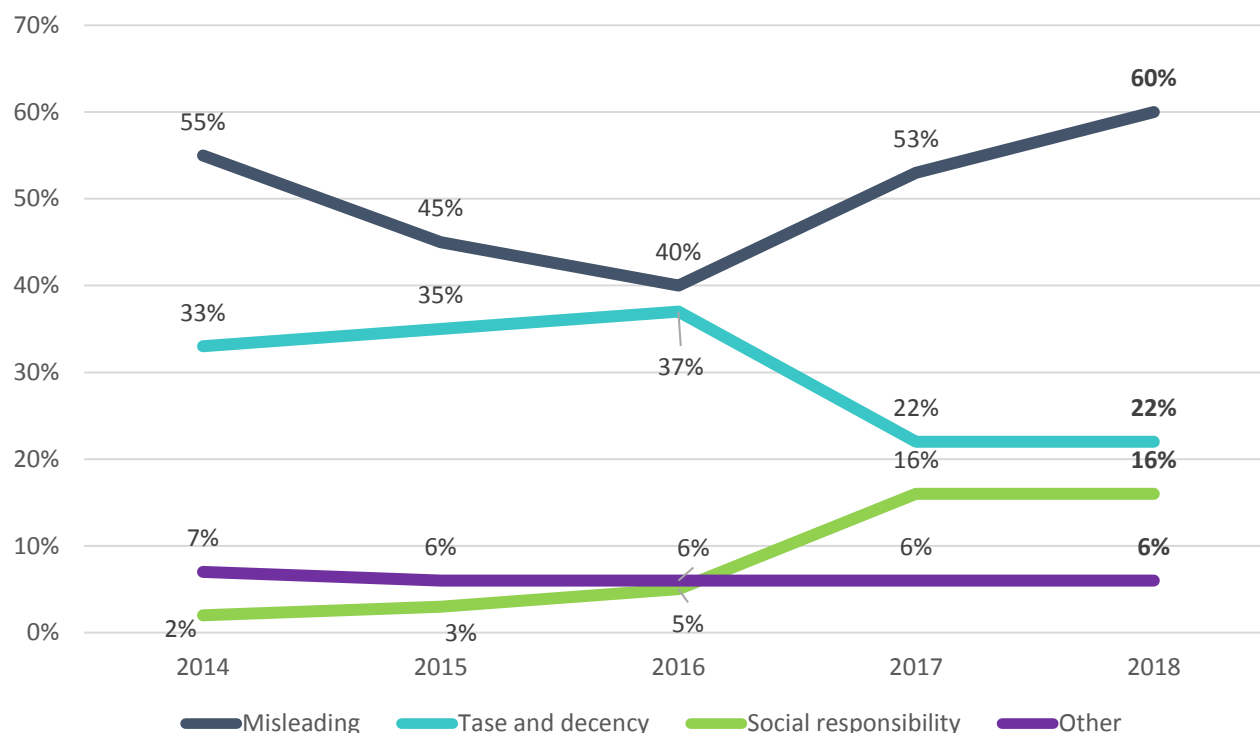
Figure 6 shows the dynamic of complaints' outcomes between 2014 and 2018. It illustrates relatively stable tendencies of outcomes of the complaints in the recent years which fluctuates to some degree on the annual basis due to the nature of complaints.

2.5 Issues Complained About

Consumer concerns over misleading advertising increased in 2018

Figure 7 illustrates the reasons for complaints between 2014 and 2018. Misleading advertising remained the biggest cause for concern in 2018 causing 60% of all complaints received and dealt with by the SROs. Interestingly, the complaints related to taste and decency issues and social responsibility triggered same share of complaints as last year – 22% and 16% of total complaints respectively. This illustrates continuation of stable statistics trends for multiple years in a row.

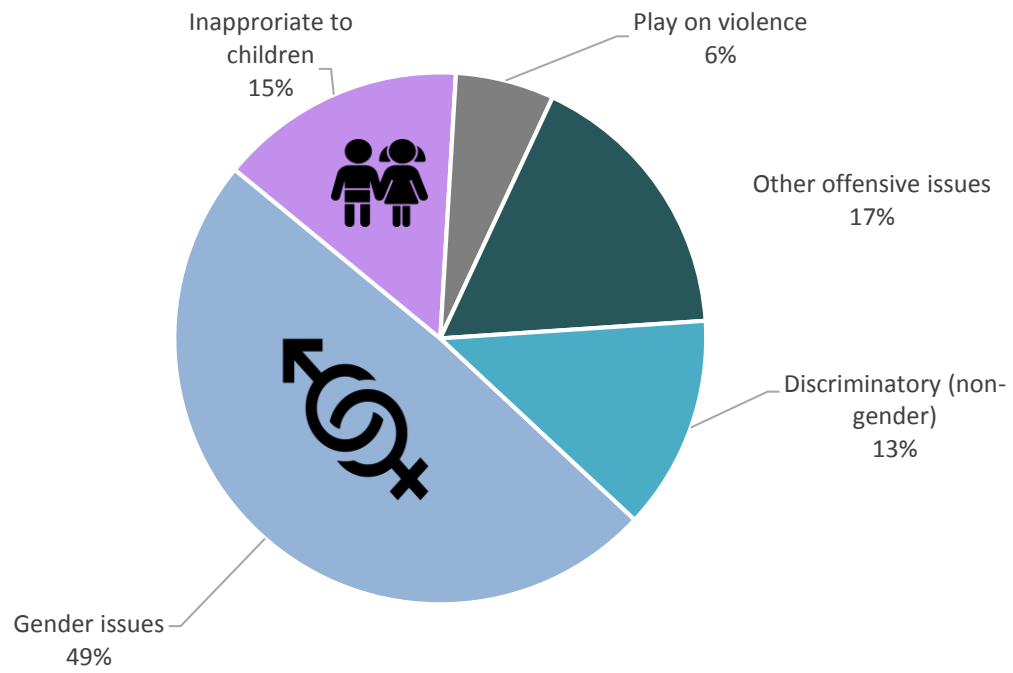
Figure 7: Issues complained about across Europe from 2014 to 2018 (European total average)



Source: EASA European SRO member statistics 2018

A further look into complaints concerning taste and decency as well as social responsibility, reveal that almost half (49%) of such concerns were related to gender depiction in advertising (e.g. harmful stereotyping, discrimination, objectification, body image). Other 15% concerned ads that were considered inappropriate to be seen by children; 13% were related to other types of discrimination (e.g. on the ground of race, religious beliefs); 6% were related to playing on violence and other 13% were associated to other types of offensive issues.

Figure 8: Distribution of complaints under the categories of taste and decency and social responsibility



Source: EASA European SRO member statistics 2018

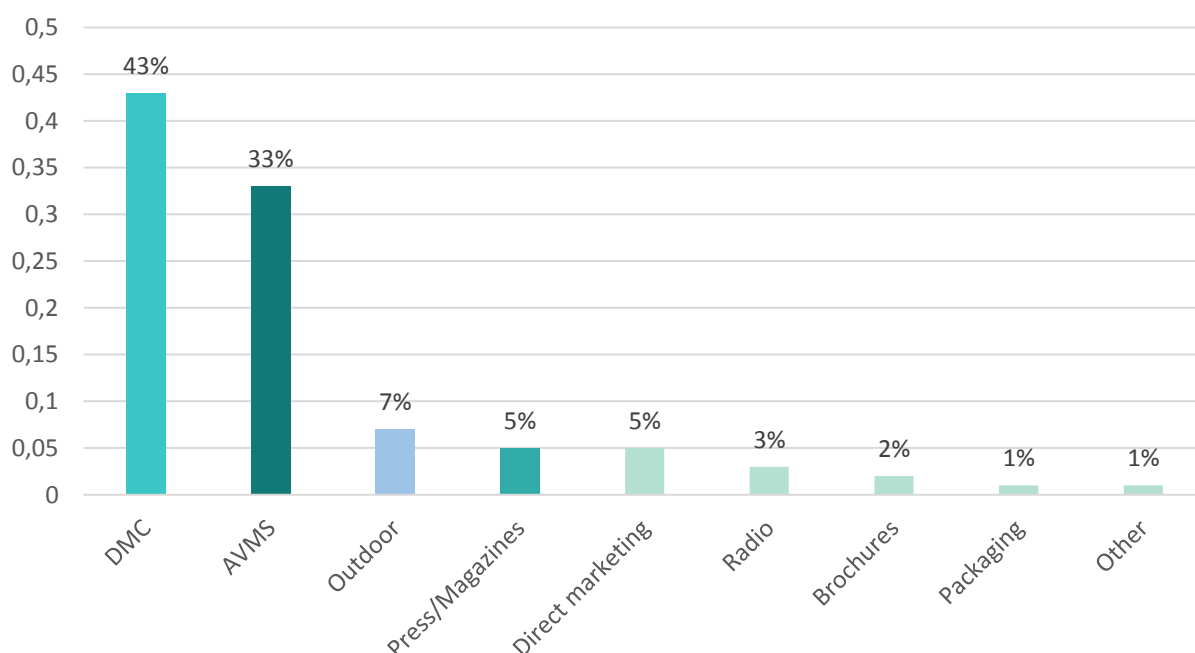
2.6 Media

Digital Marketing Communications were the most complained about media

Digital Marketing Communications (DMC) accounted for the highest share of all complaints in Europe in 2018 with 43% of the total amount of complaints but less than in 2017, when the share of DMC complaints was 57%. These complaints included media types such as marketers' websites, display ads, online games, social media websites, influencer marketing, native advertising, in-app advertising and other digital media channels.

Ads broadcast on audio-visual media services ranked second and increased their share of complains (following the unusually low number reported in 2017, i.e. 13%) with an overall 33% of all complaints. Outdoor advertising campaigns prompted 7% of all complaints while advertising in printed press/magazines and direct marketing accounted for 5% of overall complaints each. The advertisements on radio received 3% of complaints and brochure ads triggered 2% of all complaints.

Figure 9: Medium of complained about ads received across Europe in 2018



Source: EASA European SRO member statistics 2018

The breakdown of the complaints per media which triggered complaints between 2014 and 2018 is presented in Table 2 below.

Table 2: Complaints per medium across Europe from 2014 to 2018 (European total average)

Medium	2018	2017	2016	2015	2014
	% of total complaints				
<i>Digital Marketing Communications</i>	43%	57%	34%	36%	39%
<i>Audio visual media</i>	33%	13%	29%	32%	26%
<i>Outdoor</i>	7%	9%	17%	6%	6%
<i>Press/Magazines</i>	5%	8%	5%	10%	13%
<i>Direct marketing</i>	5%	1%	4%	5%	5%
<i>Radio</i>	3%	5%	2%	2%	2%
<i>Brochures / leaflets</i>	2%	4%	3%	3%	3%
<i>Packaging/ labels</i>	1%	2%	1%	1%	1%
<i>Other</i>	1%	1%	6%	5%	3%

Source: EASA European SRO member statistics 2018

Moreover, three European SROs (Germany, the Netherlands and Slovakia) resolved in total 4 complaints on sponsorship.

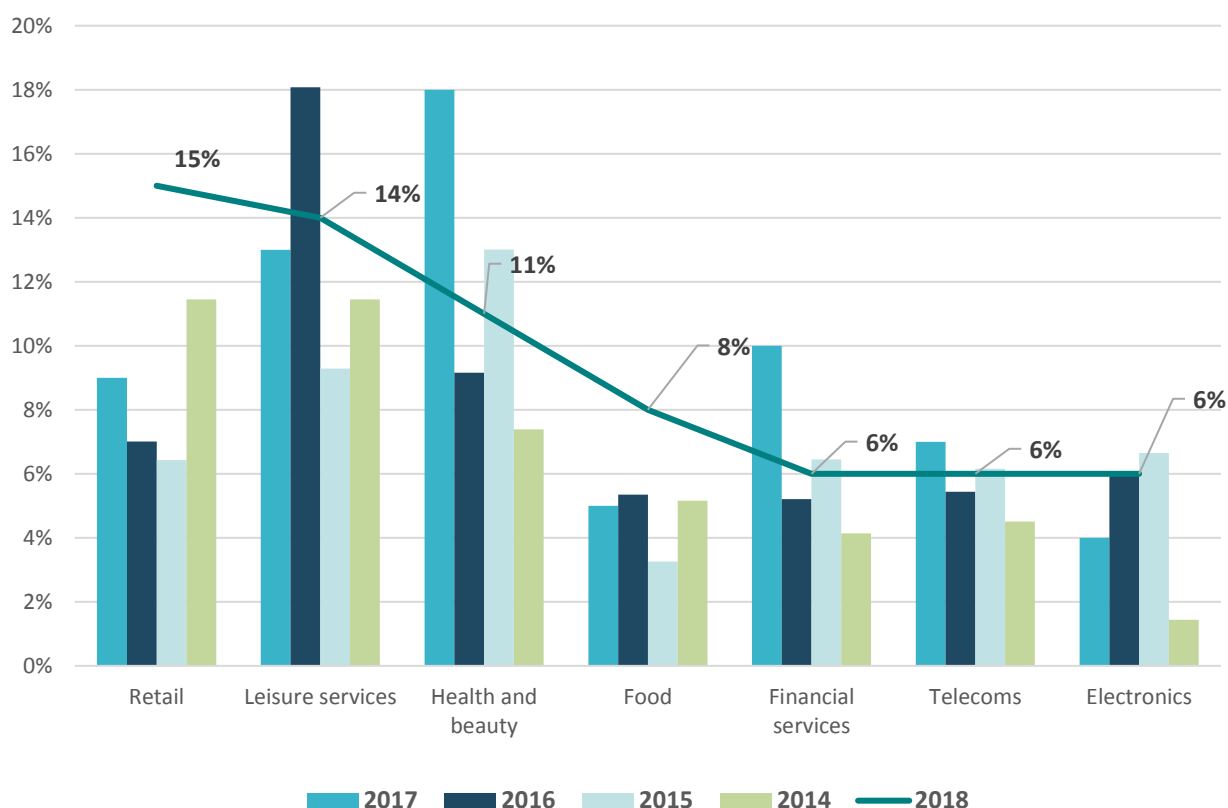
2.7 Complaints about Advertising for Products and Services

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

A comparison of the products and services that generated a significant number of complaints shows that the highest proportion of complaints in 2018 was received against advertisements for retail products and services (15%) which significantly increased in comparison to last year when only 9% of complaints were registered under this category (see Figure 10).

By contrast, complaints about ads for health and beauty products and services decreased to 11% from the previous 18%. Complaints about leisure services remained at the same level, around 14%. It was followed by complaints about ads promoting food (8%), business services (7%¹²), holiday and travel services (7%¹³), financial services (6%) and telecommunications and electronics (6%).

Figure 10: Complaints per products/services across Europe from 2014 to 2018 (European total average)



Source: EASA European SRO member statistics 2018

¹² Business service category introduced in 2018 questionnaire, therefore comparisons with previous year are not available.

¹³ Holiday and travel category introduced in 2018 questionnaire, therefore comparisons with previous year are not available.

Table 3 presents a full overview of complaints per product/service across Europe in 2018. The nature of complaints led to introduction of two new complaints sub-categories business services and holiday and travel, both of which generated 7% of complaints. The rest of the frequently complained about product and service categories (i.e. less than 5% and more than 1% of complaints) were furnishing and household maintenance (3%), cars and motorised vehicles (3%) and real estate (2%).

Table 3: Complaints per products/services across Europe in 2018

<i>Complaints by key sectoral groups</i>	<i>% of total complaints</i>
<i>Complaints regarding services</i>	55%
<i>Complaints regarding products</i>	45%
<i>Complaints by sectoral groups</i>	<i>% of total complaints</i>
<i>Retail</i>	15%
<i>Leisure services</i>	14%
<i>Health and beauty</i>	11%
<i>Food</i>	8%
<i>Business services</i>	7%
<i>Holiday and travel</i>	7%
<i>Non-commercial</i>	7%
<i>Financial services and business directories</i>	6%
<i>Telecommunications and electronics</i>	6%
<i>Furnishing and household maintenance</i>	3%
<i>Cars and motorised vehicles</i>	3%
<i>Real estate services</i>	3%
<i>Alcohol beverages</i>	1%
<i>Books, magazines, newspapers, stationery</i>	1%
<i>Clothing, footwear and accessories</i>	1%
<i>Other products and services</i>	8%

Source: EASA European SRO member statistics 2018

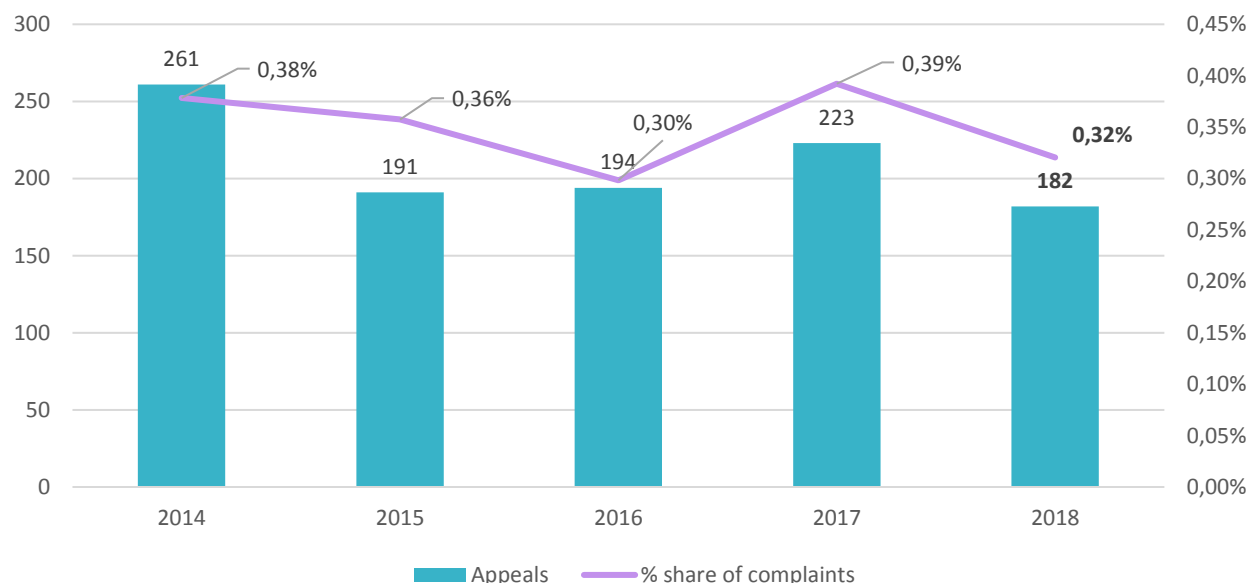
2.8 Appeals

In 2018 SROs' decisions were appealed less

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 slightly lower number of appeal requests in 2018¹⁴, which overall constituted 0.32% of total complaints. Figure 12 below shows the share of appeals per year from 2014 to 2018 and illustrates a relatively stable appeal statistics in Europe, with appeal requests fluctuating between 0.30% and 0.39% share of total complaints.

Figure 11: Appeal and share of appeals (%) as part of total complaints 2014-2018



Source: EASA European SRO member statistics 2018

Furthermore, slightly more than half (53%) of appeals in 2018 were lodged by the complainants and remaining 47% by the advertisers concerned.

¹⁴ Data on appeals received by the SROs was not available from Wettbewerbszentrale (WBZ) – one of two German self-regulatory organizations and Slovenska Oglaševalska Zbornica (SOZ) – Slovenian SRO

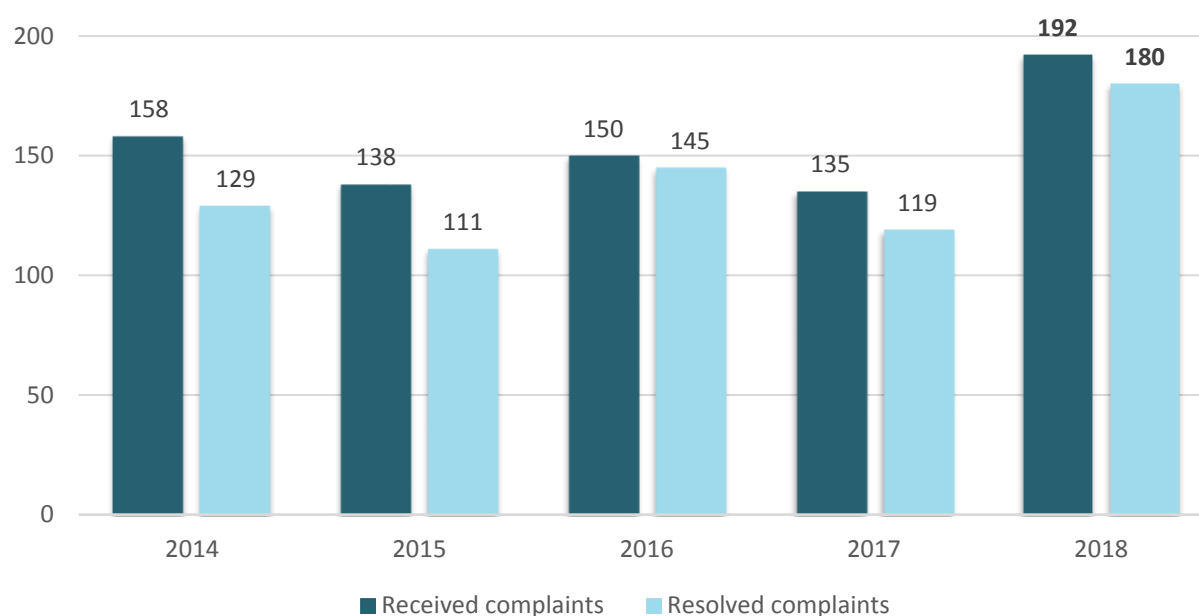
3 Cross-Border Complaints

In 2018, SROs received 192 cross-border complaints

Out of all the complaints received by European SROs, 192 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 co-ordinates these types of complaints through the EASA CBC system established in 1992.

In 2018, SROs received a total of 192 cross-border complaints, 42% more than in 2017¹⁵. Of all the cross-border complaints received, 180 were resolved over the course of 2018, and the remaining cases were resolved in 2019 (see Figure 12).

Figure 12: Cross-border complaints received/received and resolved between 2014 and 2018



Source: EASA Annual Cross-Border Complaints Report 2018

In 2018 advertisements from the Netherlands and Ireland generated the highest number of cross-border complaints, 24% and 18% complaints respectively. Meanwhile, most cross-border complaints were lodged by UK consumers (91%). The visual representation of the CBC trends in terms of countries transferring the complaints can be found in Figure 13 below.

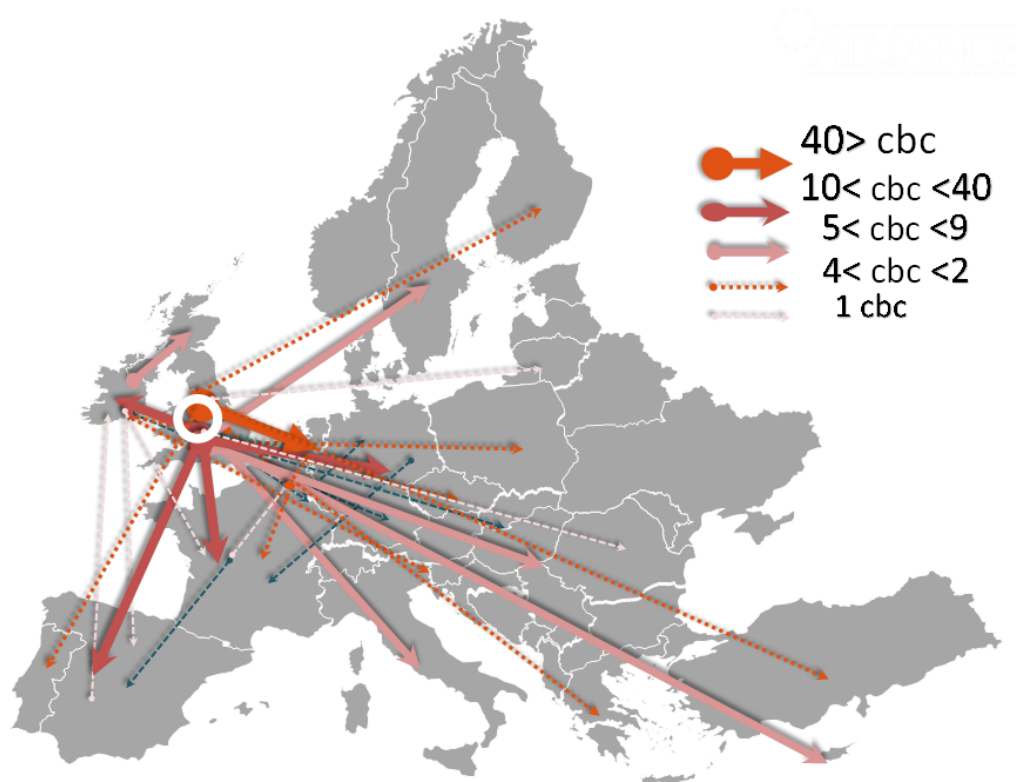
The most complained about issue was allegedly misleading advertising (82% of complaints) followed by issues regarding social responsibility (12% of complaints), and taste and decency (5% of complaints).

¹⁵ EASA Annual Cross-Border Complaints Report 2018 is available on [EASA website](#).

In terms of media, the majority of cross-border complaints concerned Digital Marketing Communications (84% of complaints). Direct marketing and Audiovisual media services received respectively 8% and 6% of total complaints.

Advertisements for leisure and tourism services¹⁶, including mostly those for hotels and holiday accommodation, prompted the highest number of cross-border complaints by sector in 2018 at 39%, followed by retail (14%) and clothing/ footwear products and gambling (7% of complaints each).

Figure 13: Cross-border complaints' referral map: visual presentation of CBCs trend in Europe in 2018



Source: EASA Annual Cross-Border Complaints Report 2018

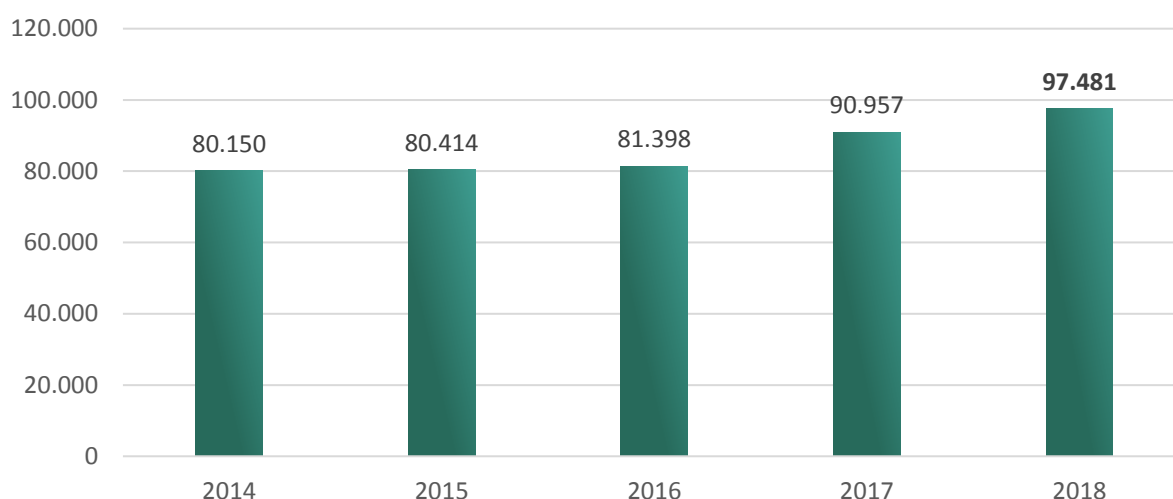
¹⁶ This category includes hotels and holiday accommodation, travel and renting services, entertainment, sports and leisure activities and dating services

4 Copy Advice Requests

The number of copy advice requests significantly increased in 2018; almost all requests were handled within 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, 25 out of 27 of EASA's SROs offer copy advice.

Figure 14: Copy advice requests across Europe from 2014 to 2018¹⁷



Source: EASA European SRO member statistics 2018

Figure 14 above illustrates the numbers of copy advice requests dealt with across Europe. The European SROs provided a total of 97,481 copy advice services in 2018 – an increase of 7% compared to the previous year.

97% of copy advice requests dealt with by SROs in 2018 were handled within three days. Of those, 15% were dealt within less than 24 hours, an additional 44% in less than 48 hours, and 39% within 72 hours.

Table 4 presents a full overview of copy advice requests per country across Europe from 2014 to 2018.

Table 4: Copy advice requests per country across Europe from 2014 to 2018

Country/SRO	No	2018	2017	2016	2015	2014
		Copy Advice Requests				
UK – ASA	1	6,258	5,168	3,839	5,766	6,258
UK – Clearcast		32,100	32,431	32,653	35,000	35,055

¹⁷ Except Switzerland (CSL/SLK) and Norway (MFU).

UK – Total		38,358	37,599	36,492	40,766	39,097
ES – AUTOCONTROL	2	36,395	31,568	26,199	21,716	20,790
FR – ARPP	3	21,507	19,296	16,004	15,273	15,309
HU – ÖRT	4	618	670	674	623	618
IT – IAP	5	170	171	187	142	133
IE – ASAI	6	126	135	165	63	57
TR – RÖK	7	78	76	76	104	111
PT – ICAP	8	75	61	85	81	69
BG – NCSR	9	41	14	23	18	21
CY – CARO	10	27	32	26	38	27
SE – Ro.	12	23	13	25	17	16
BE – JEP	13	20	16	14	30	24
RO – RAC	14	20	32	29	30	22
DE – DWR	15	14	20	25	26	55
CZ – CRPR	16	3	5	10	12	15
AT – ÖWR	17	2	5	4	5	2
SK – SRPR	18	2	5	3	5	7
FI – MEN	19	1	1	4	0	0
GR – SEE	20	1	1	1	6	6
DE – WBZ	21	N/A	1,200	1,300	1,400	1,500
PL – RR	22	N/A	30	39	53	39
SI – SOZ	23	N/A	9	6	4	12
NL – SRC	24	0	3	3	0	4
LU – CLEP	25	0	0	0	0	0

Source: EASA European SRO member statistics 2018

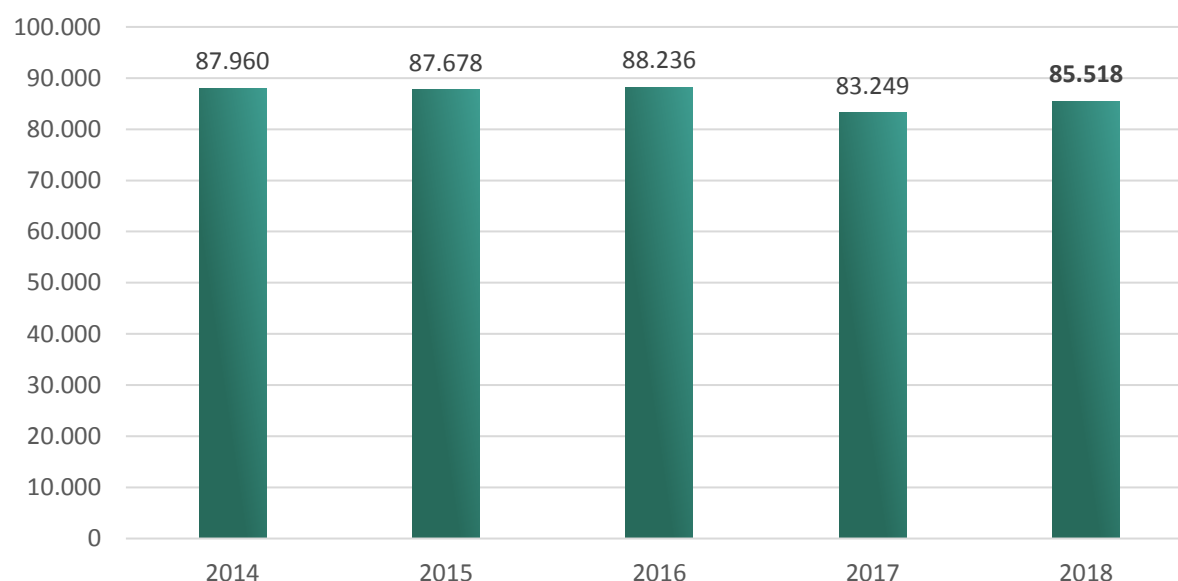
5 Pre-Clearance Requests

85,518 ads were pre-cleared in 2018 by the three 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 15 below, in 2018, a total of 85.518 TV advertisements were reviewed by SROs in the UK, France and Portugal (61,240 were pre-cleared by Clearcast; 24,0147 by ARPP, and 261 advertisements were pre-cleared by ARP¹⁸).

Figure 15: Pre-clearance requests across Europe from 2014 to 2018



Source: EASA European SRO member statistics 2018

Overall, the number of pre-clearance requests increased slightly (by 3%) compared to 2017.

¹⁸ The service of pre-clearance was introduced in 2014. Following the 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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