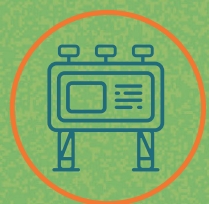




**2019**

# 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 42 organisations committed to making sure advertising is legal, decent, honest and truthful. EASA's membership is made up of 28 European SROs, and 13 advertising industry associations, including advertisers, agencies, the media and 1 digital pure play company. 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 2019<sup>1</sup>. It is based on data collected by the 27 European SROs in 25 European countries. Below are the key findings to remember from the report and last year's complaints.



**60,682 complaints related to 35,042 advertisements were received by 27 European SROs in 2019**



**The UK and Germany accounted for over 82% of all complaints received in Europe**



**Misleading advertising remained the predominant issue complained about at 58% followed by taste and decency issues at 18%**



**On average, SROs resolved 87% of received complaints within the first month and 94% within two months**



**Digital marketing communications remained the most complained about medium with 42% of complaints followed by audio-visual media services at 28% and outdoor advertising at 7%**



**Complaints against retail advertisements jumped to a record high 22.5%, followed by health and beauty products and services at 13% and leisure services at 11.5%**



**332 cross-border complaints were registered last year, increasing by 70% compared to 2018**



**95,252 requests for copy advice were submitted to the SROs in 2019**



**87,194 ads were pre-cleared by the three SROs providing this service**

<sup>1</sup> Data was collected by SROs from 01/01/2019 – 31/12/2019 and provided to EASA during summer of 2020.

## 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 27 SROs in 25 countries<sup>4</sup> (22 SROs from the EU27 as well as the SROs in Russia, Switzerland, Turkey, and the United Kingdom). EASA's network thus covers over 96% of the European Union's population and nearly 88% that of Europe's. It is important to note that 2019 is the first year that the Russian SRO, AMI RS, provides data for the annual report, as they joined only last year. Consequently, readers ought to bear in mind this as they analyse the report's graphs and tables.

The data collected by EASA identifies the issues which prompted complaints, the products and services 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 level. It is a method which relies on the calculation of the sum of the total complaints resolved by each SRO per issue, product, medium, or other category. Subsequently, the percentage has been computed in relation to the total number of complaints per category or section. Where appropriate, the European mean averages are also presented, which rely on an 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, service, etc. at national level. For national complaints data or further information please contact the [EASA secretariat](#).

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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 (among 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 2019.

<sup>4</sup> 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.

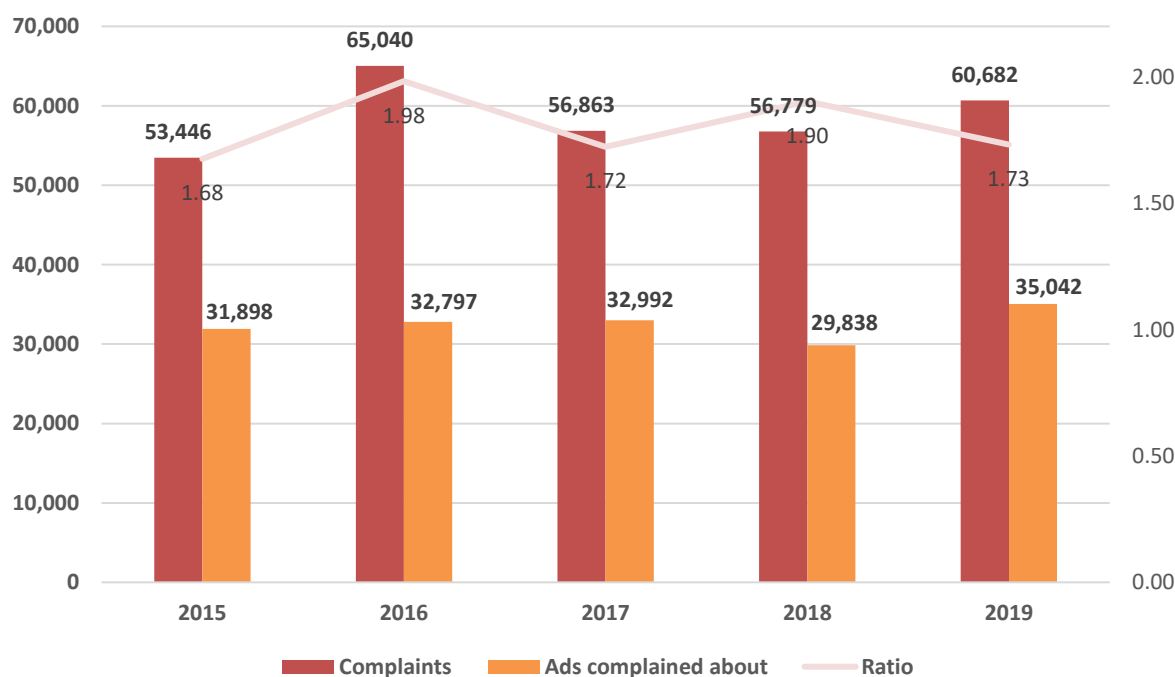
## 2 Complaints in Europe in 2019

### 60,682 complaints about 35,042 advertisements in Europe

In 2019, EASA's network of European self-regulatory organisations (SROs) received and dealt with a total of 60,682 complaints related to 35,042 advertisements. Last year saw one additional SRO feature in the statistics, as the Russian self-regulatory organisation AMI RS joined the network. Readers should thus bear this in mind when comparing 2019 figures with those of previous years.

The number of complaints increased by roughly 7% from the previous year, but the new figure stays within the overall trend of the past 5 years. The ratio of complaints to ads complained about was of 1.73.<sup>5</sup> This ratio has remained well above 1.5 for the past 4 years and reached close to 2019's level back in 2017. The ratio is shown in the graph below by the trend line.

Figure 1: Complaints received across Europe from 2015 to 2019



Source: EASA European SRO member statistics 2014-2019

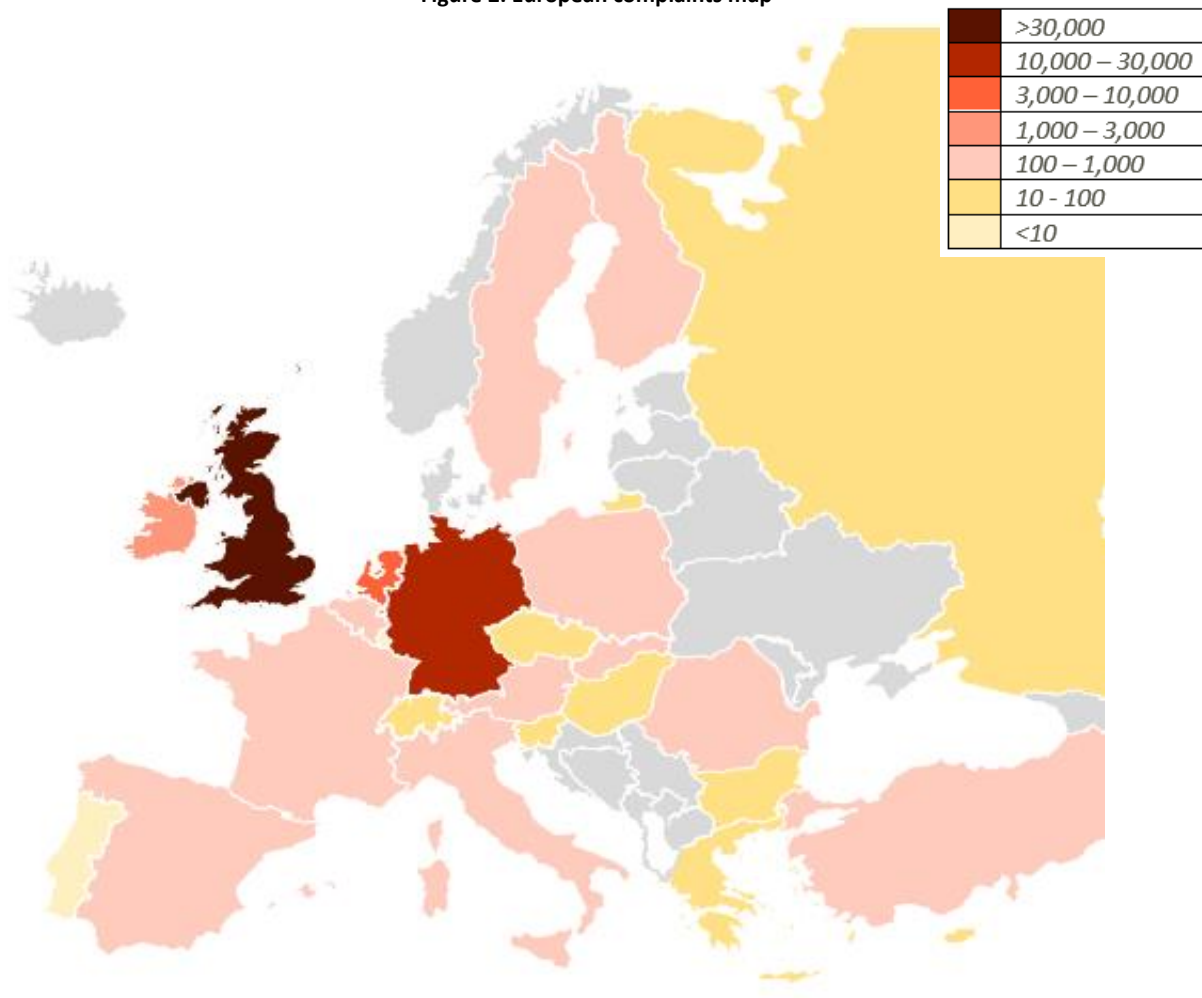
<sup>5</sup> Meaning that a potentially non-compliant ad was complained about almost twice on average

## 2.1 Complaints by Country

### *Consumers in the UK and Germany lodged most European complaints*

The map below in Figure 2 and Table 1 on the following page depicts a breakdown of complaints received in 2019 per country. The UK, in dark red on the map, received over 60% of all complaints, with Germany falling in second place registering 15% of complaints. The Netherlands also recorded a sizeable 7% of complaints followed by Ireland at 3%. The rest of the detailed breakdown can be found in the table below.

Figure 2. European complaints map



Source: EASA European SRO member statistics 2019



Table 1: Complaints per country across Europe from 2015 to 2019

Country/SRO	N°	2019	2018	2017	2016	2015
Complaints						
UK – ASA	1	37,056	33,727	29,997	30,570	27,183
DE – WBZ	2	3,636	10,943	9,280	10,185	10,920
DE – DWR		9,191	1,235	1,389	2,265	1,083
DE – Total		12,827	12,178	10,669	12,450	12,003
NL – SRC	3	4,255	2,944	3,618	3,696	4,240
IE – ASAI	4	1,858	1,682	2,101	1,329	1,221
IT – IAP	5	794	1,676	819	1,152	1,516
FR – ARPP	6	792	701	2,338	544	555
SE – Ro. <sup>6</sup>	7	621	2,106 <sup>7</sup>	3,467 <sup>8</sup>	3,962	3,956
PL – RR	8	488	293	323	707	692
BE – JEP	9	465	258	418	187	403
AT – ÖWR	10	338	316	504	308	248
ES – AUTOCONTROL	11	293	207	1,785	1,806	317
TR – RÖK	12	207	174	113	239	308
FI – MEN	13	161	101	96	89	125
RO – RAC	14	125	61	158	142	132
SK – SRPR	15	107	89	105	101	125
EL – SEE	16	77	106	78	98	88
RU – AMI RS	17	43	N/A	N/A	N/A	N/A
CZ – CRPR	18	40	36	25	61	68
BG – NCSR	19	34	32	52	33	46
CH – CSL/SLK	20	32	39	34	158	149
CY – CARO	21	24	22	70	15	19
SI – SOZ	22	16	17	22	25	18
HU – ÖRT	23	16	6	30	7,325	17
PT – ICAP	24	8	4	9	19	7
LU – CLEP	25	5	4	2	12	1

Source: EASA European SRO member statistics 2014-2019

<sup>6</sup> For the years 2017 and 2018, the reporting represents the cumulative number of other Swedish SR bodies dealing with consumer complaints

<sup>7</sup> 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.

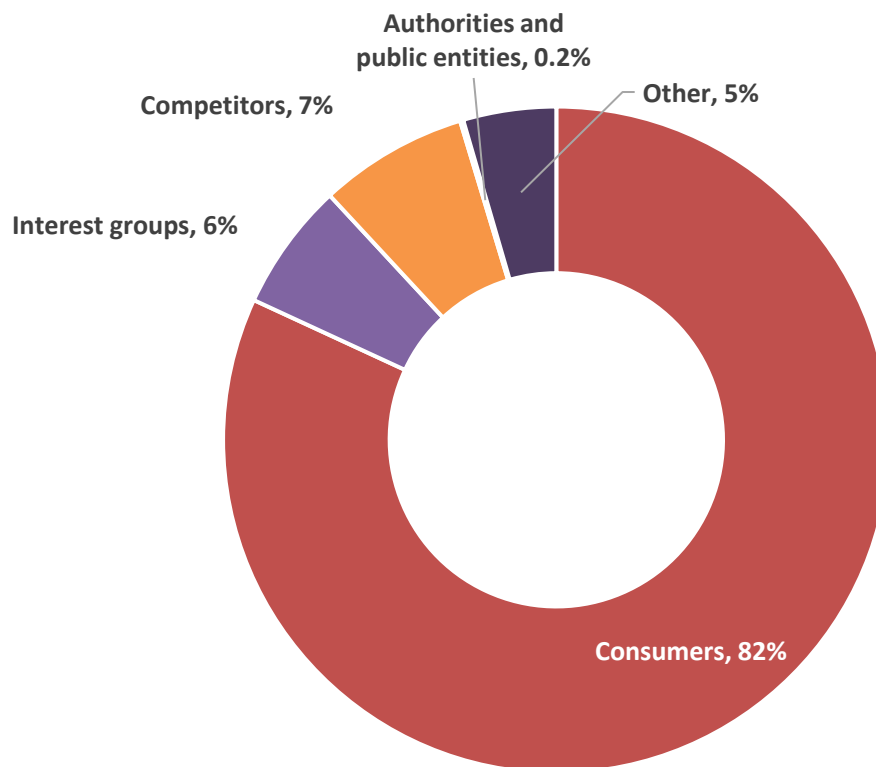
<sup>8</sup> In 2017, the complaints numbers in different Swedish self-regulatory organizations were the following: Reklamombudsmannen (Ro.) – 513; Alkoholgranskningsmannen (AGM) – 73; Etiska rådet för betaltelefoni – 1350; IGN – 34; DM Nämnden – 1426; Spelbranschens Etiska Råd (SPER) – 4

## 2.2 Source of Complaints Received

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

In 2019, 82% of complaints received by SROs were from consumers, 7% from competitors of other brands and advertisers, and 6% or less from interest groups authorities and other public entities. Other sources include professional associations, advertising agencies, newspapers, and political parties. (see Figure 3).

Figure 3: Source of complaints received across Europe in 2019 (European total average)



Source: EASA European SRO member statistics 2019

In comparison to 2018, when 87% of complaints were lodged by the general public, the share of complaints made by consumers remained stable.

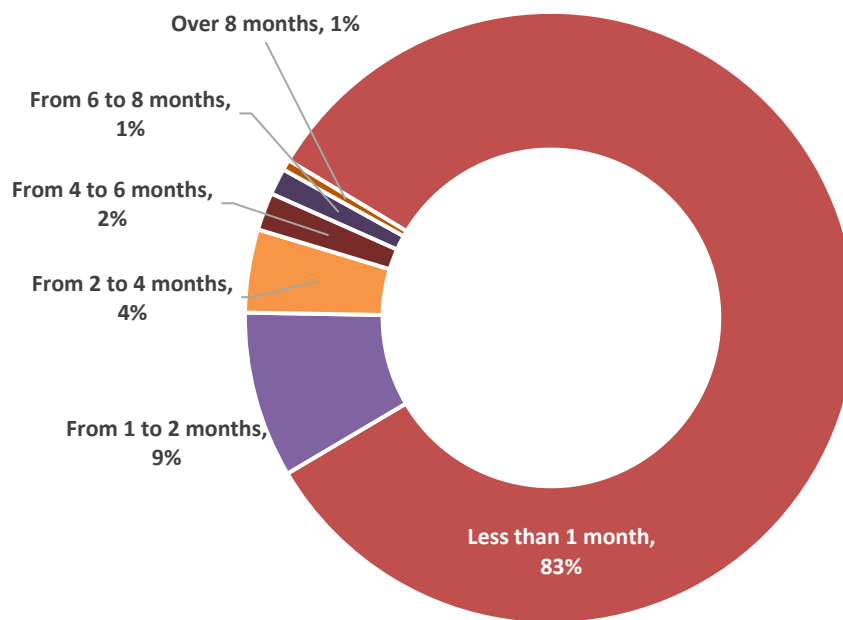
## 2.3 Speed of Complaint Resolution

### *Over 8 in 10 complaints were handled in less than one month*

The speed of complaints handling varies depending on the complexity of the case and the ease with which SROs can reach out to the relevant different parties. Simple cases are resolved within a few days, whereas more intricate cases will take longer if the secretariat requires additional time to gather the necessary information. If scientific substantiation of advertising claims is required, complaints may lead to a prolonged investigation.

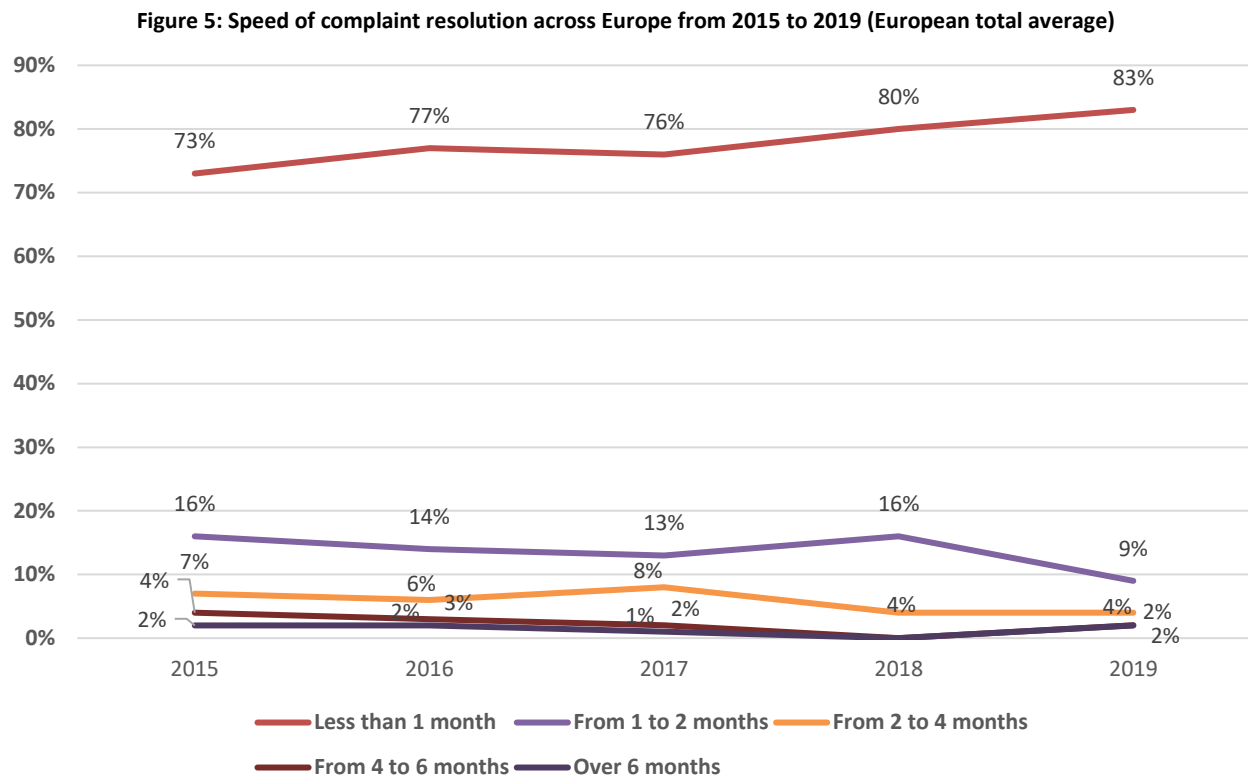
In 2019, SROs resolved nearly 83% of complaints received in less than one month, and 9% in the second month. The rest of the complaints were mostly solved within the subsequent two to four months with only a few (up to 4% altogether) taking additional time to be resolved.

Figure 4: Speed of complaint resolution across Europe in 2019 (European total average)



Source: EASA European SRO member statistics 2019

As illustrated in Figure 5, the European SROs' speed of complaint resolution has been steadily increasing for the past years. This is good news, as the faster complaints are handled, the quicker consumers will receive notification that their queries are being heard, treated properly, and advertisers contacted to possibly modify or withdraw an ad campaign.



Source: EASA European SRO member statistics 2019



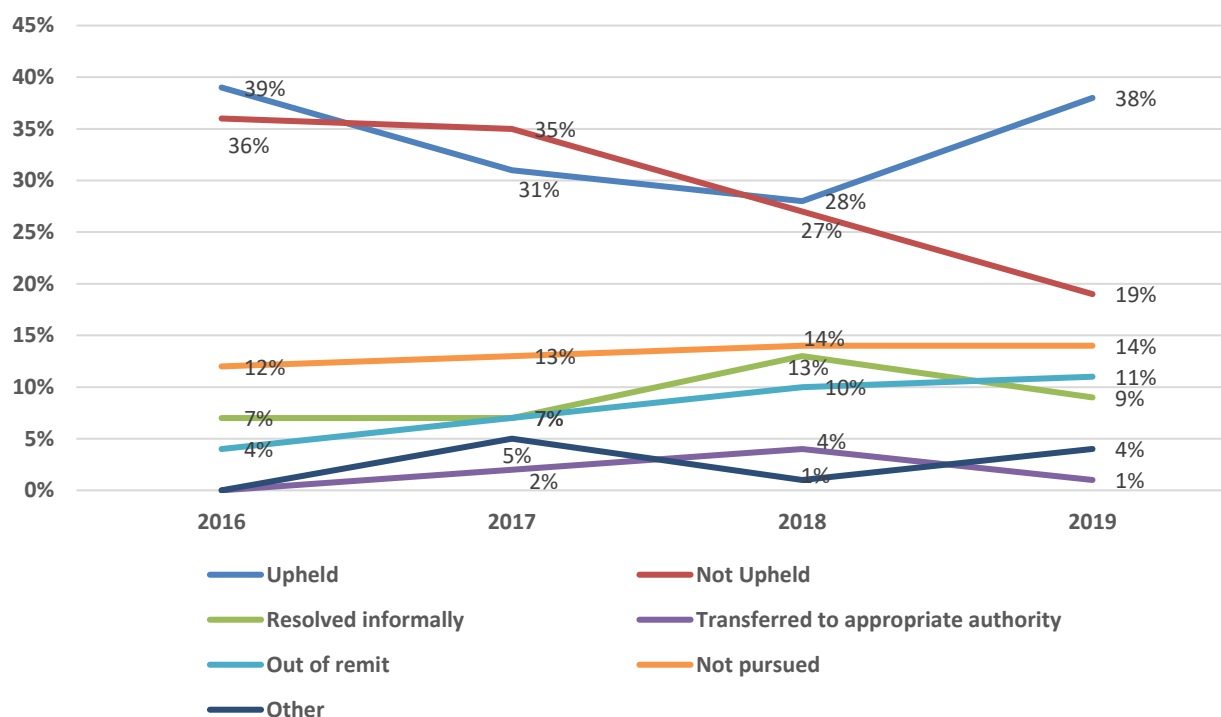
## 2.4 Outcome of Complaints Resolved

*On average, 40% of the resolved complaints were upheld,  
while 20% were not upheld and 14% were not pursued*

In 2019, on average, 38% of complaints were upheld by the SROs' juries. The responsible SRO's jury considered that the advertisements complained about in these cases, are in breach of the relevant national advertising codes. Conversely, about 19% of complaints were not upheld by SROs. The number of complaints which were not pursued due to a lack of adequate information remained at a steady 14%, increasing ever so slightly over the course of 3 years. The share of complaints that were received and were out of the SROs' remit also increased in the past few years to a high of 11%.

The graph below showcases how the different outcomes of complaints evolved since 2016. 2019 saw an increase in the number of complaints upheld in Europe, reaching a similar proportion as in 2016, yet with a record low in not upheld complaints.

Figure 6: Outcome of complaints across Europe from 2016 to 2019 (European mean average)



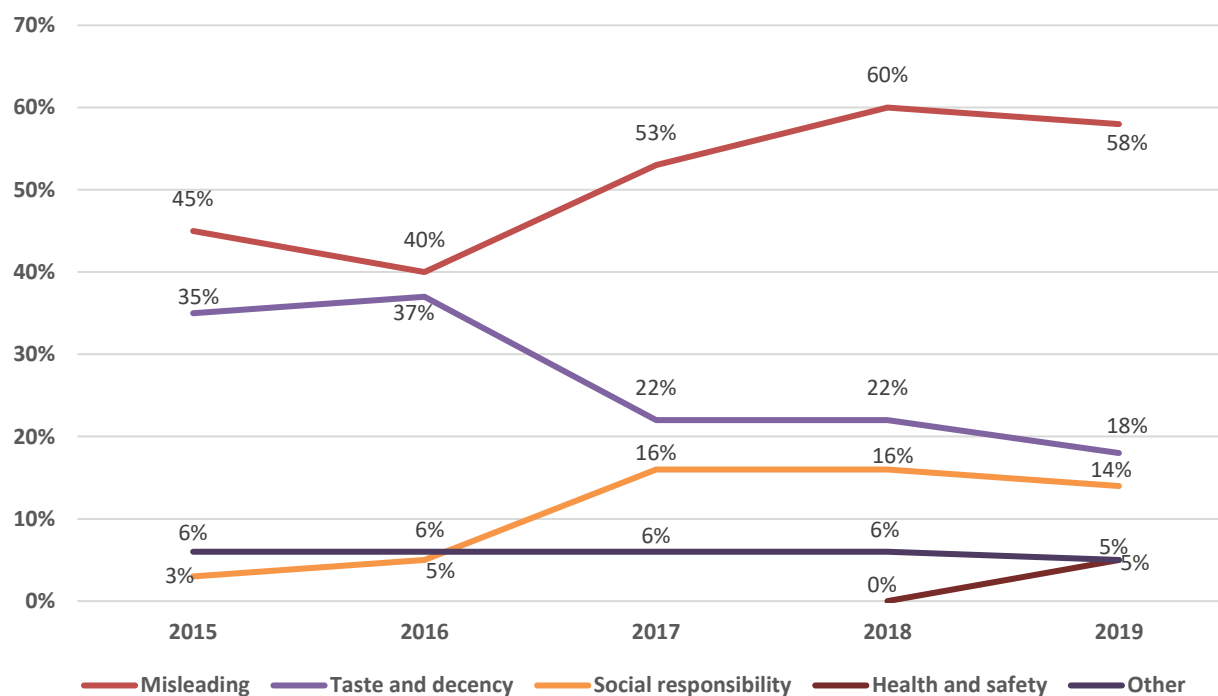
Source: EASA European SRO member statistics 2019

## 2.5 Issues Complained About

*In 2019, consumer concerns over misleading advertising remained similar to the previous year with 58% of complaints, whilst taste and decency saw a slight decrease to 18%*

The graph below illustrates the evolution over the past 4 years of the issues that complainants outlined in their queries. The trend that started for misleading advertising in 2016 continued through 2018 and seems to stabilise for 2019, with a slight decrease in complaints pertaining to this issue, by a couple of percentage points to 58%. Taste and decency remain the second most complained about issue across the past 4 years, dropping in 2019 to a low 18%. Social responsibility stabilised around 14% of complaints pertaining to issues relating to gender, discrimination, social status, etc. Health and safety issues also became an important topic of complaint for plaintiffs, with a considerable 5% of all complaints belonging to this category.

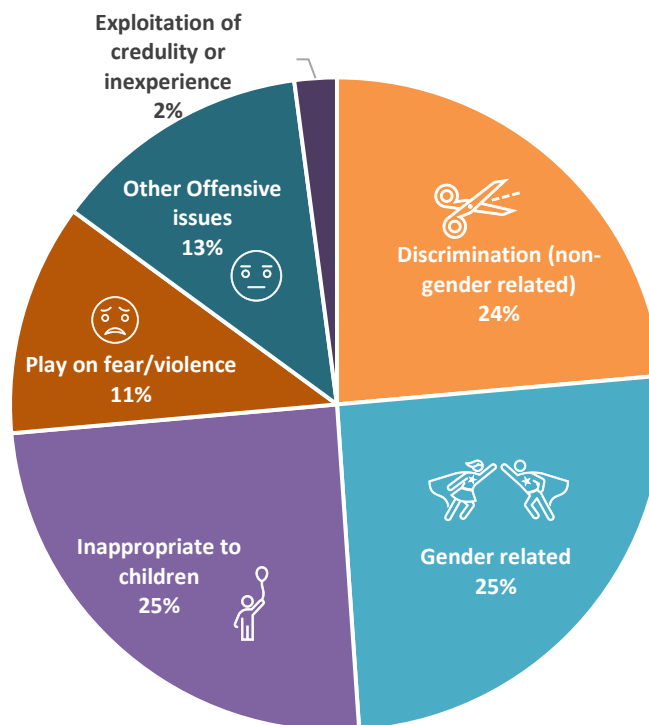
Figure 7: Issues complained about across Europe from 2015 to 2019 (European total average)



Source: EASA European SRO member statistics 2019

A further look into complaints concerning taste and decency and social responsibility reveals that most complaints in these categories were filed on grounds of general offensive content or on a wide variety of offensive issues. Such complaints often differ considerably across the countries due to local sensitivities and cultural narratives. Over a fifth of complaints across these two categories also referred to content and material that was deemed inappropriate to children by plaintiffs. The gender-related complaints make up a fifth of all social responsibility and taste and decency issues, down from 50% a year ago. Finally, only 5% of complaints recorded were against ads that played on fear or displayed violent content, and 1% exploited consumers' inexperience and credulity.

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



Source: EASA European SRO member statistics 2019

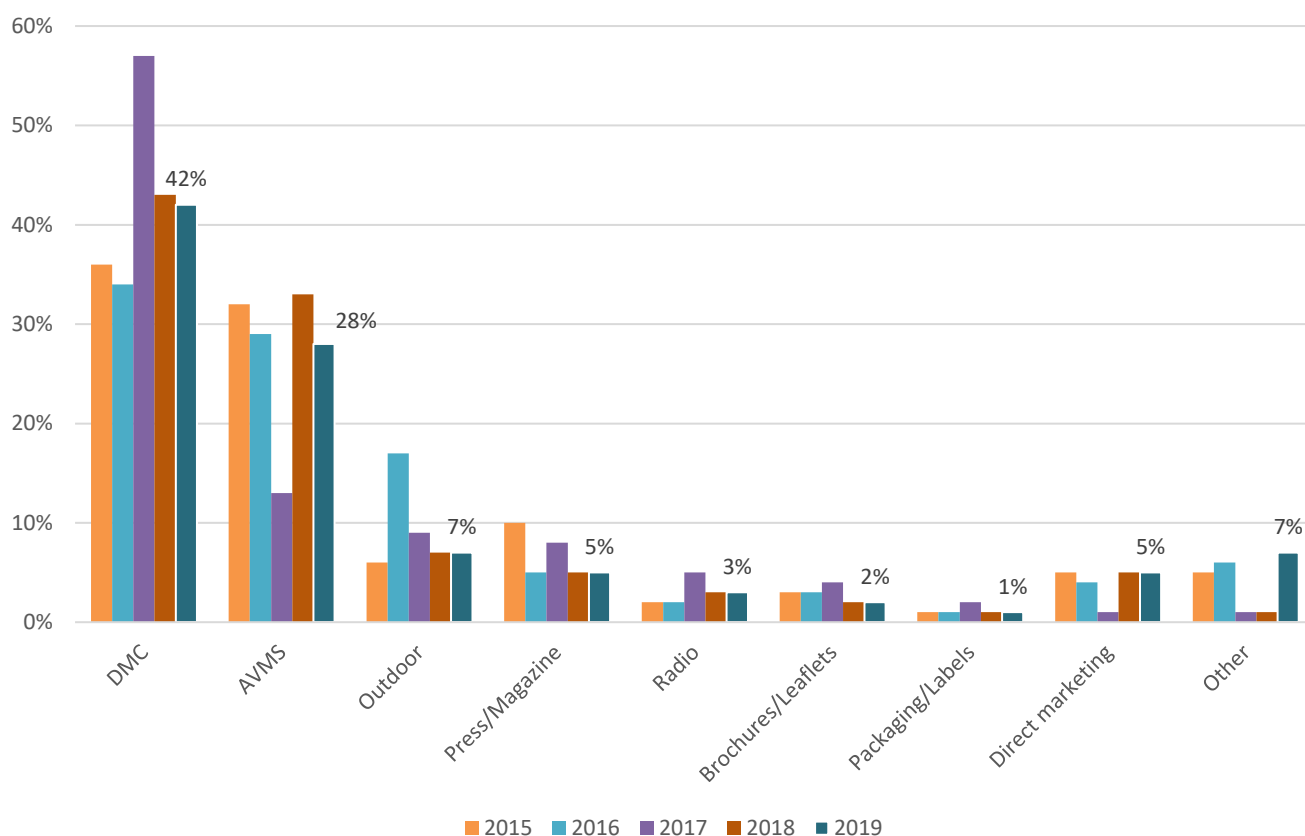
## 2.6 Media

### *Digital Marketing Communications remained the most complained about media*

Digital Marketing Communications (DMCs) accounted for the highest share of all complaints in Europe in 2019, with 42% of all complaints, following the past years' trend, as illustrated in the graph below. Such complaints included marketers' websites, display ads, online games, social media pages, influencer marketing, native advertising, in-app advertising, and other digital media channels.

Audio-visual media services ranked second, covering just under 28% of complaints. This is a decrease from 33% in 2018. Outdoor advertising ranks third again, as in previous years, and corresponding to roughly 7% of complaints, whilst direct marketing, press, radio, brochures, packaging, and cinema accounted for over 15% of all complaints together. Other media type, such as point-of-sale, increased this year to reach 7%.

Figure 9: Medium of complained about ads received across Europe from 2015-2019



Source: EASA European SRO member statistics 2015-2019



The evolution of these media categories over time is shown in the graph below. Digital marketing communications remained the medium with the highest complaints, with AVMS ads in the second position. Last year continued the general trend that has been set over the past 5 years.

The breakdown of the complaints per media, which triggered complaints between 2015 and 2019, is presented in Table 2 below.

**Table 2: Complaints per medium across Europe from 2015 to 2019 (European total average)**

<b>Media</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>
	<b>% of total complaints</b>				
<i>Digital Marketing Communications</i>	<b>42%</b>	43%	57%	34%	36%
<i>Audio visual media</i>	<b>28%</b>	33%	13%	29%	32%
<i>Outdoor</i>	<b>7%</b>	7%	9%	17%	6%
<i>Press/Magazines</i>	<b>5%</b>	5%	8%	5%	10%
<i>Radio</i>	<b>3%</b>	3%	5%	2%	2%
<i>Brochures / leaflets</i>	<b>2%</b>	2%	4%	3%	3%
<i>Packaging/ labels</i>	<b>1%</b>	1%	2%	1%	1%
<i>Direct marketing</i>	<b>5%</b>	5%	1%	4%	5%
<i>Other</i>	<b>7%</b>	1%	1%	6%	5%

Source: EASA European SRO member statistics 2015-2019

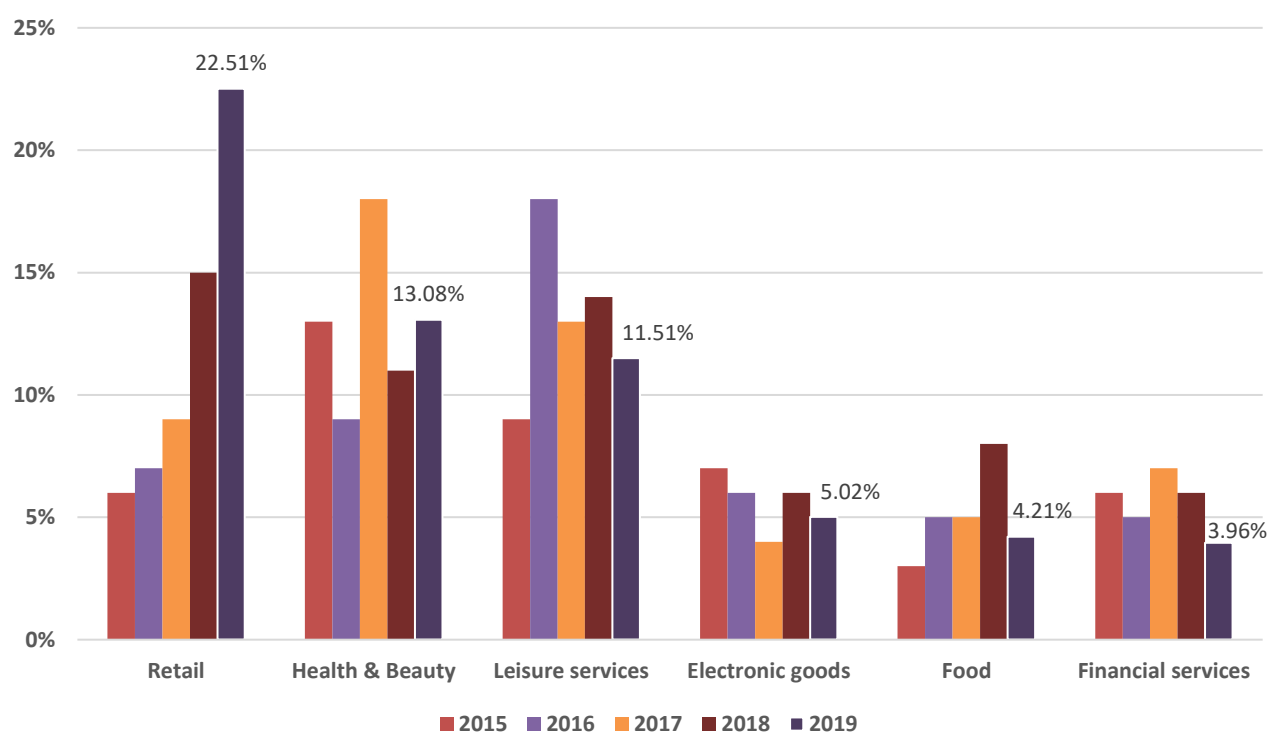
Moreover, two European SROs dealt each with one complaint pertaining to sponsorship, out of 15 which have it within their remit to handle such types of requests.

## 2.7 Complaints about Advertising for Products and Services

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

A comparison of the products and services that generated a significant number of complaints shows that the highest proportion of complaints in 2019 was filed against advertisements for retail products and services, accounting for over a fifth of all complaints. This is the highest share a sector has ever represented since 2014. The sector saw a 7-percentage point increase over one year, indicating that the larger number of consumers were unhappy with the content of ads from the retail industry. Health and beauty products and services accounted together for 13% of received complaints. Leisure services and products claimed over 11% of all filed complaints. Electronic goods saw a decrease to over 5% of complaints, as did food products reaching 4.2% and financial services claiming an average of 4% of complaints.

Figure 10: Complaints per products/services across Europe from 2015 to 2019 (European total average)



Source: EASA European SRO member statistics 2015-2019

SROs recorded complaints and requests for other sectors as well, such as household appliances, education services, energy, gambling, business directories, etc. However, these accounted each for less than 4% of complaints in 2019.

In the below illustration, the sectors are displayed according to the number of complaints targeting the specified sector. The biggest share of complaints, as mentioned in the previous paragraphs, targeted ads for retail services and products. The category “Other” includes a multitude of smaller sectors, products, and services that accounted for too small a percentage and would thus not display properly in the illustration. Such sectors include funeral services, transport of goods, crafts, parking services, train, sports, delivery, construction services, insurance, etc. Each of these sectors accounted for less than 2%.

**Figure 11: Share of complaints per products/services across Europe in 2019 (European total average)**



Source: EASA European SRO member statistics 2019

Some categories above contain sub-sections, detailing specific products and services that plaintiffs bring to the attention of SROs. Leisure services include, for instance, travel services, which account for half (50.9%) of all complaints in this sector, followed by entertainment activities claiming a further third (33.6%) of the total complaints in this sector of activity.

Requests filed under non-commercial sectors include ads by government institutions and social campaigns that account for nearly two-thirds (65.6%) of complaints under this category.

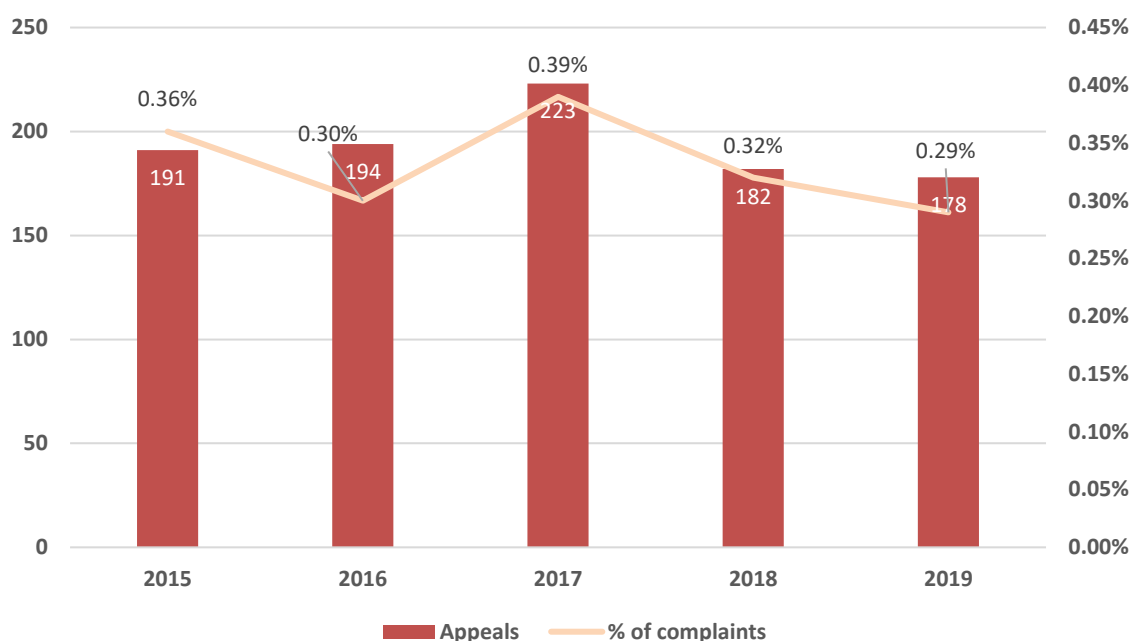
## 2.8 Appeals

### *In 2019 SROs' decisions were appealed less*

Appeals can be filed by both complainant and advertisers requesting a review of decisions taken by the jury or complaints committee, for instance, based on new available evidence. They are often dealt with by a different body than the jury responsible for the original decision.

SROs in Europe received and dealt with 2.2% fewer appeals than in 2018, continuing the past years trend the year before. The 178 appeals also constituted a smaller share of complaints than previous years with just under 0.3% of complaints having been submitted for appeals. The Figure 12 below shows just how the number of appeals evolved over the past 5 years and their representative share compared to the annual total number of complaints.

**Figure 12: Appeal and share of appeals (%) as part of total complaints 2015-2019**



Source: EASA European SRO member statistics 2014-2019

Furthermore, over half of all appeals in 2019 were lodged by advertisers, with another third being filed by the plaintiffs. Only a fraction of appeals was lodged by other entities (competitors, other media involved as a party).





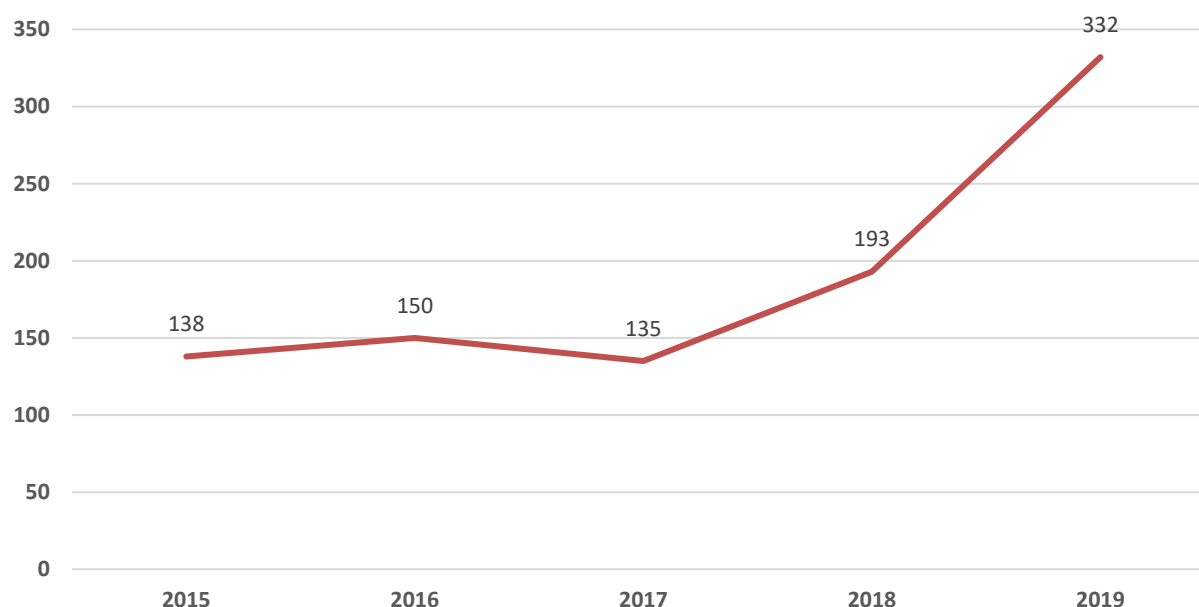
### 3 Cross-Border Complaints

*In 2019, EASA's SROs transferred 332 complaints, 70% more than in 2018*

Over the course of 2019, EASA was notified of a total of 332 cross-border complaints, which shows a 70% increase in transferred complaints in comparison to the year before. This rise was, however, spread unevenly across Europe.

The analysis of the annual statistics suggests that from 2015 up until 2017, the average number of cross-border complaints remained relatively stable. However, for the past two years, the numbers have been changing more significantly, revealing an increasing number of cross-border compliance issues addressed by SROs each year. As such, in the past six years, an average of around 190 cross-border complaints were treated annually by EASA's network.

**Figure 13: Cross-border complaints received/received and resolved between 2015 and 2019**



Source: EASA Annual Cross-Border Complaints Report 2014-2019

In 2019, advertisements from Ireland and the Netherlands generated the highest number of cross-border complaints, with 33% and 27% of total complaints respectively. Meanwhile, most cross-border complaints were lodged by UK consumers (88%). The visual representation of the CBC trends in terms of countries transferring complaints can be found in Figure 13 below.

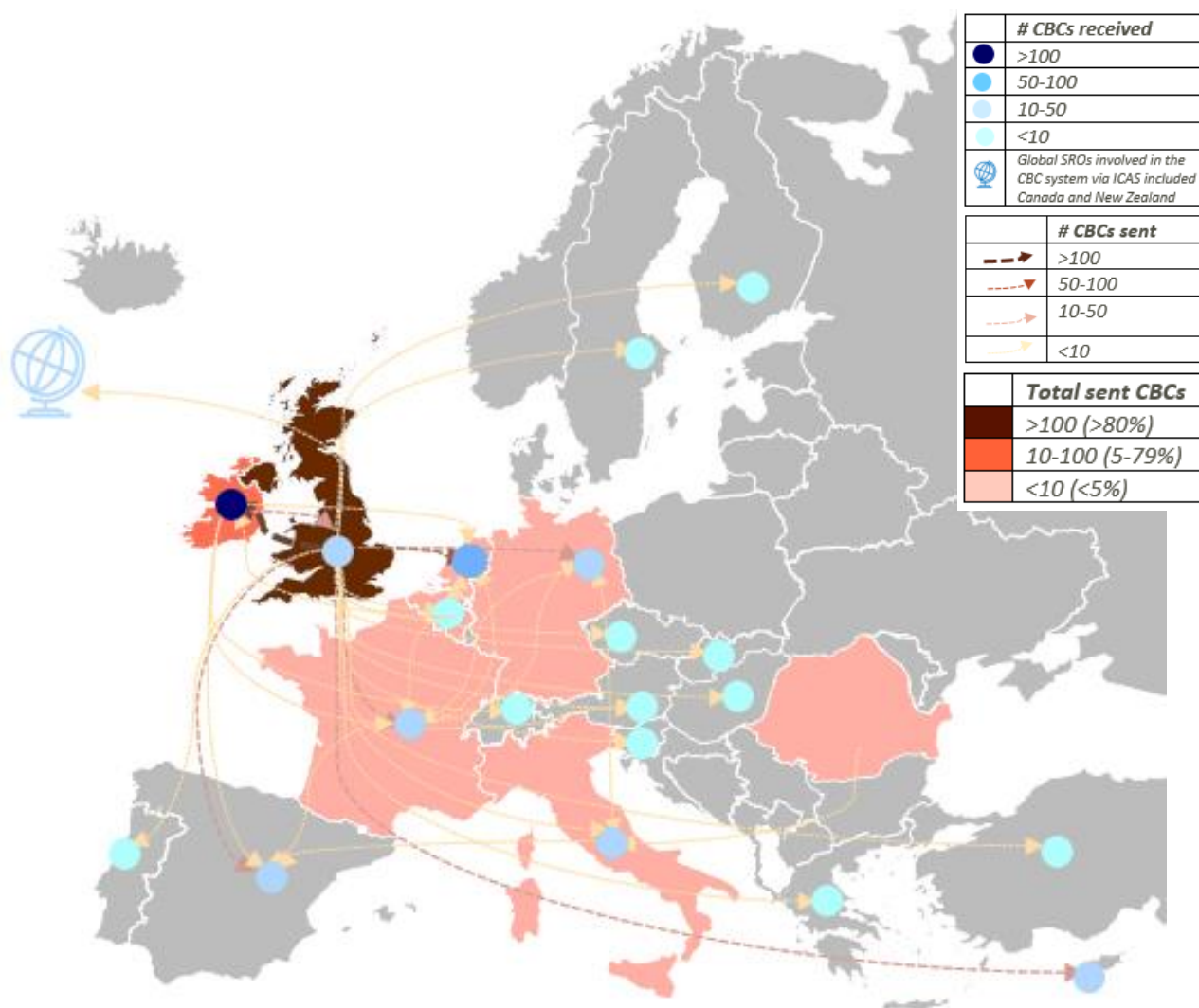
The most complained about issue was allegedly misleading advertising (over 84% of complaints) followed by issues regarding social responsibility and taste and decency (both at over 6% of complaints).

In terms of media, the majority of cross-border complaints concerned Digital Marketing Communications (89% of complaints). Direct marketing and Audio-visual media services were targeted in respectively 8% and 2% of total complaints.

Advertisements for leisure and tourism services<sup>9</sup>, including mostly those for hotels and holiday accommodation, prompted the highest number of cross-border complaints by sector in 2019 at nearly 54%, followed by retail and clothing and accessories each at 6.6%, food at 6%, and health & beauty services at under 6%.

In fact, of the leisure services, over half of all complaints for this industry were related to airline companies. The data for cross-border complaints thus indicates that in 2019, consumers in the UK and Ireland mostly raised cross-border advertising issues in relation to allegedly misleading claims from airlines companies in their digital marketing communications.

**Figure 14: Cross-border complaints' referral map: visual presentation of CBCs trend in Europe in 2019**



Source: EASA Annual Cross-Border Complaints Report 2019

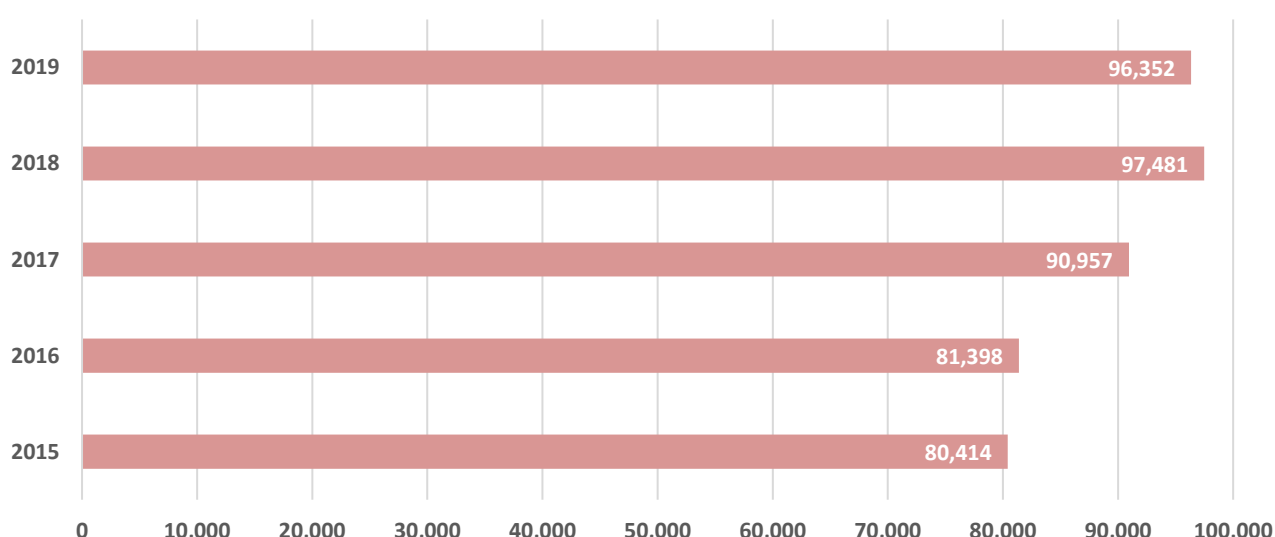
<sup>9</sup> This category includes hotels and holiday accommodation, travel and renting services, entertainment, sports and leisure activities and dating services

## 4 Copy Advice Requests

*The number of copy advice services provided remained within the general trend of the past 5 years*

Copy advice is provided by an SRO as a voluntary service for companies wishing to receive feedback on a confidential basis as to whether their ads meet the required advertising standards before they go ahead with the advertising project. The feedback is non-binding and does not guarantee that no complaints will be filed later once the ad is aired or published. Companies can ask for advice at any stage of the campaign development process. In 2019, 26 out of 27 SROs offered such a service across Europe.

**Figure 15: Copy advice requests across Europe from 2015 to 2019<sup>10</sup>**



Source: EASA European SRO member statistics 2015-2019

Figure 15 above illustrates the numbers of copy advice requests dealt with across Europe. The European SROs provided a total of 96,352 copy advice services in 2019 – a decrease of 1.2% compared to the previous year.

99% of copy advice requests dealt with by SROs in 2019 were handled within three days. Of those, 12% were dealt in less than 24 hours, an additional 10% in less than 48 hours, and 77% within 72 hours. Only a handful of copy advice requests were unresolved after the first three days of the requests being filed, with a mere 0.7% taking an additional four days and only 29 requests taking more than a week, representing 0.04%.

Table 3 presents a full overview of copy advice requests per country across Europe from 2015 to 2019. In 2019, most copy advice requests were received by AUTOCONTROL in Spain, accounting for nearly 42% of them, followed by the UK at just over a third of requests and France at around a fifth of such requests.

<sup>10</sup> Except Switzerland (CSL/SLK) as it is out of the SRO's remit, and except Russia (AMI RS) for 2019.

Table 3: Copy advice requests per country across Europe from 2015 to 2019

Country/SRO	N°	2019	2018	2017	2016	2015
		Copy Advice Requests				
<b>ES – AUTOCONTROL<sup>11</sup></b>	1	<b>39,971</b>	36,395	31,568	26,199	21,716
<b>UK – Total</b>	2	<b>32,343</b>	38,358	37,599	36,492	40,766
<i>UK – Clearcast</i>		29,323	32,100	32,431	32,653	35,000
<i>UK – ASA</i>		3,020	6,258	5,168	3,839	5,766
<b>FR – ARPP</b>	3	<b>21,674</b>	21,507	19,296	16,004	15,273
<b>DE – Total</b>	4	<b>1100</b>	14	1,220	1,325	1,426
<i>DE - WBZ</i>		1100	N/A	1,200	1,300	1,400
<i>DE - DWR</i>		0	14	20	25	26
<b>HU – ÖRT</b>	5	<b>634</b>	618	670	674	623
<b>IT – IAP</b>	6	<b>142</b>	170	171	187	142
<b>IE – ASAI</b>	7	<b>139</b>	126	135	165	63
<b>PT – ICAP</b>	8	<b>79</b>	75	61	85	81
<b>NL – SRC</b>	9	<b>75</b>	0	3	3	0
<b>TR – RÖK</b>	10	<b>59</b>	78	76	76	104
<b>BG – NCSR</b>	11	<b>39</b>	41	14	23	18
<b>RO – RAC</b>	12	<b>25</b>	20	32	29	30
<b>CY – CARO</b>	13	<b>22</b>	27	32	26	38
<b>SE – Ro.</b>	14	<b>18</b>	23	13	25	17
<b>BE – JEP</b>	15	<b>16</b>	20	16	14	30
<b>SK – SRPR</b>	16	<b>6</b>	2	5	3	5
<b>CZ – CRPR</b>	17	<b>5</b>	3	5	10	12
<b>SI – SOZ</b>	18	<b>4</b>	N/A	9	6	4
<b>FI – MEN</b>	19	<b>1</b>	1	1	4	0
<b>AT – ÖWR</b>	20	<b>0</b>	2	5	4	5
<b>EL – SEE</b>	20	<b>0</b>	1	1	1	6
<b>LU – CLEP</b>	20	<b>0</b>	0	0	0	0
<b>PL – RR</b>	--	N/A	N/A	30	39	53

Source: EASA European SRO member statistics 2015-2019

<sup>11</sup> AUTOCONTROL provides mandatory copy advice for companies who signed the PAOS Code (food advertising intended for children) and the Toys Code.



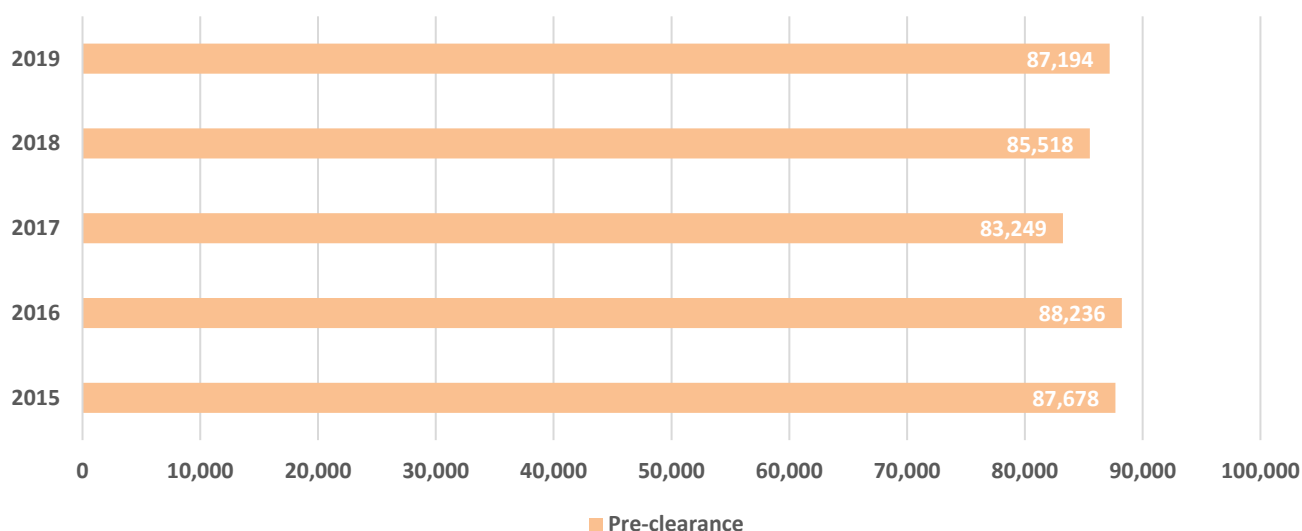
## 5 Pre-Clearance Requests

*87,194 ads were pre-cleared in 2019 by the three SROs providing this service*

In some European countries, certain categories of advertising, such as those appearing on TV and radio or alcohol advertisements, are subject to compulsory pre-clearance. This means that advertisements in those categories must be assessed by the national advertising self-regulatory organisation for compliance with the relevant statutory or self-regulatory code before they can be broadcast or published.

As showed in Figure 16 below, in 2019, a total of 87,194 advertisements were reviewed by SROs in the UK, France and Portugal (62,540 were pre-cleared by Clearcast; 24,320 by ARPP, and 334 advertisements were pre-cleared by ARP<sup>12</sup>).

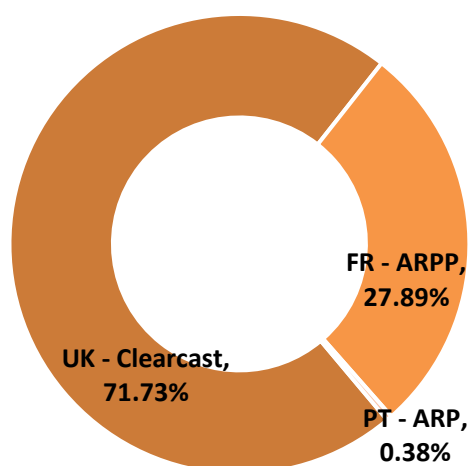
Figure 16: Pre-clearance requests across Europe from 2015 to 2019



Source: EASA European SRO member statistics 2019

Figure 17: Pre-clearance requests across Europe in 2019

Overall, the number of pre-clearance requests increased slightly by 2% compared to 2018.



<sup>12</sup> 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 elapsed 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 the 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.

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

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.

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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