



2020

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 businesses 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 acts as a co-ordination point for best practice sharing 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 topline 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.

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1 Key findings

This report shows the main trends in complaints lodged with SROs against advertisements, the copy advice services, and pre-clearance provided to ads throughout 2020¹. It is based on data collected by the 28 European SROs in 26 European countries. Below are the key findings to remember from the report and last year's complaints.



54,065 complaints related to 30,178 advertisements were received by 28 European SROs



The UK and Germany accounted for over 80% of all complaints received in Europe



Misleading advertising remained the predominant issue complained about at 56% followed by social responsibility issues at 15%



On average, SROs resolved 84% of received complaints within the first month and 94% within two months



Digital marketing communications remained the most complained about medium with 46% of complaints followed by audio-visual media services at 35% and outdoor advertising at 5%



Complaints against retail advertisements jumped to a record high 24%, followed by leisure services at 15% and health and beauty products and services at 13%



337 cross-border complaints were registered last year, increasing by 1.5% compared to 2019



97,664 requests for copy advice were submitted to the SROs



74,159 ads were pre-cleared by the SROs providing this service to the industry



6% of complaints were lodged against ads with COVID-19-related content

¹ Data was collected by SROs from 01/01/2020 – 31/12/2020 and provided to EASA during the summer of 2021.

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 28 SROs in 26 countries⁴ (22 SROs from European Union Member States as well as the SROs from Russia, Serbia, Switzerland, Turkey, and the United Kingdom). EASA's network thus covers over 96% of the European Union's population and nearly 88% of that of Europe's. It is important to note that 2020 is the first year that the Serbian SRO, NAESO, provides data for the annual report, as they joined only in 2020. The Russian SRO, AMI RS, joined in 2019, and their first input in this report dates back only to 2020. 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 the 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 categories. 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 the 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 2019.

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

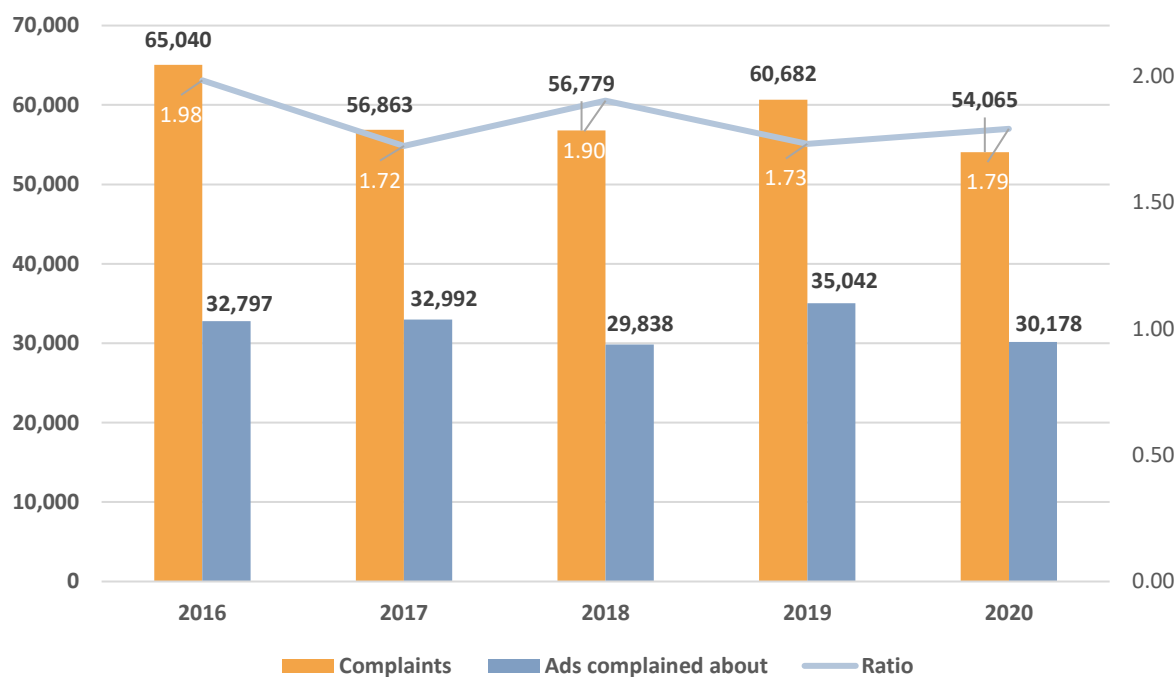
2 Complaints in Europe in 2020

54,065 complaints about 30,178 advertisements in Europe

In 2020, EASA's network of European self-regulatory organisations (SROs) received and dealt with a total of 54,065 complaints related to 30,178 advertisements. Last year saw one additional SRO feature in the statistics, as the Serbian self-regulatory organisation NAESO joined the network. Readers should thus bear this in mind when comparing 2020 figures with those of previous years.

The number of complaints decreased by roughly 11% from the previous year, but the new figure stays within the overall trend of the past 5 years. This may be a consequence of the pandemic's impact on the advertising industry in the spring of 2020. The ratio of complaints to ads complained about was 1.79.⁵ This ratio has remained above 1.7 for the past 5 years. The ratio is shown in the graph below by the trend line.

Figure 1: Complaints received across Europe from 2016 to 2020



Source: EASA European SRO member statistics 2016-2020

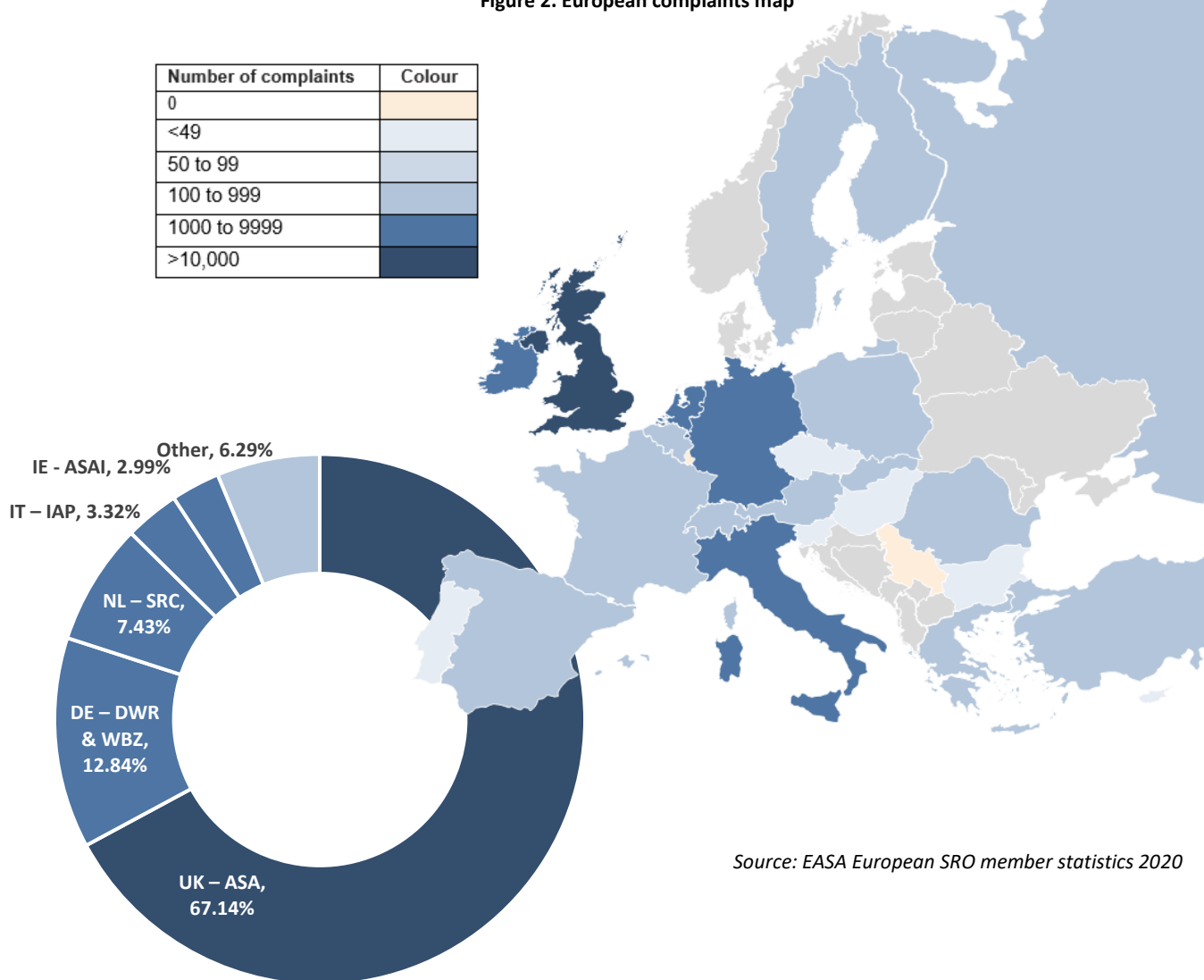
⁵ Meaning that a potentially non-compliant ad was complained about almost twice on average

2.1 Complaints by country

Consumers in the UK, Germany, Ireland, Italy, and the Netherlands accounted for 94% of lodged complaints

The map below in Figure 2 and Table 1 on the following page depicts a breakdown of complaints received in 2020 per country. The UK, in dark blue on the map, received over 67% of all complaints, with Germany falling in second place registering close to 13% of complaints. The Netherlands also recorded a sizeable 7% of complaints followed by Italy and Ireland at 3% each. The rest of the detailed breakdown can be found in the table on the following page.

Figure 2. European complaints map



Source: EASA European SRO member statistics 2020

Table 1: Complaints per country across Europe from 2016 to 2020

Country/SRO	N°	2020	2019	2018	2017	2016
UK – ASA	1	36,297	37,056	33,727	29,997	30,570
DE – WBZ	2	5,600	9,191	10,943	9,280	10,185
DE – DWR		1,343	3,636	1,235	1,389	2,265
DE – Total		6,943	12,827	12,178	10,669	12,450
NL – SRC	3	4,015	4,255	2,944	3,618	3,696
IT – IAP	4	1,797	794	1,676	819	1,152
IE – ASAI	5	1,614	1,858	1,682	2,101	1,329
FR – ARPP	6	714	792	701	2,338	544
SE – Ro. ⁶	7	688	621	2,106 ⁷	3,467 ⁸	3,962
AT – ÖWR	8	411	338	316	504	308
ES – AUTOCONTROL	9	239	293	207	1,785	1,806
PL – RR	10	221	488	293	323	707
TR – RÖK	11	202	207	174	113	239
RU – AMI RS	12	150	43	N/A	N/A	N/A
FI – MEN	13	132	161	101	96	89
BE – JEP	14	123	465	258	418	187
CH – CSL/SLK ⁹	15	110	139	104	140	158
RO – RAC	16	102	125	61	158	142
EL – SEE	17	84	77	106	78	98
SK – SRPR	18	79	107	89	105	101
CZ – CRPR	19	38	40	36	25	61
HU – ÖRT	20	31	16	6	30	7325
BG – NCSR	21	28	34	32	52	33
CY – CARO	22	22	24	22	70	15
SI – SOZ	23	14	16	17	22	25
PT – ARP	24	11	8	4	9	19
LU – CLEP	25	0	5	4	2	12
RS – NAESO	25	0	N/A	N/A	N/A	N/A

Source: EASA European SRO member statistics 2016-2020

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

⁷ 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.

⁸ 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

⁹ CSL/SLK's figures for 2017, 2018, and 2019 have been amended in December 2021, to reflect the reality of the number of received complaints, as opposed to only the actionable complaints.

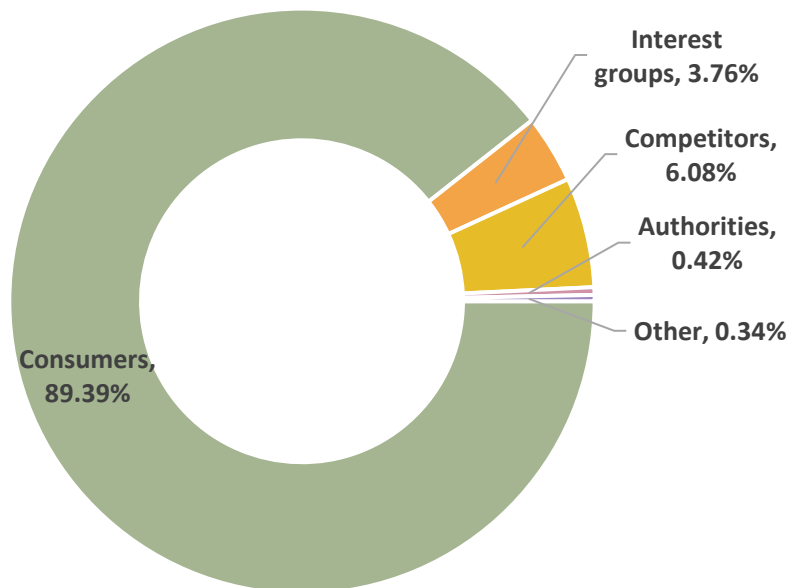
2.2 Source of complaints received

The majority of complaints were lodged by consumers

In 2020, 89% of complaints received by SROs were from consumers, 6% from competitors of other brands and advertisers, and 4% or less from interest groups authorities and other public entities. By comparison, in 2019, 82% of complaints were lodged by the general public. Other sources include professional associations, advertising agencies, newspapers, and political parties. (see Figure 3).

The trend has not changed over the past 5 years, with consumers lodging between 80% to 90% of all complaints in Europe, and the other actors remaining a small portion at less than 10% each every year.

Figure 3: Source of complaints received across Europe in 2020 (European total average)



Source: EASA European SRO member statistics 2020

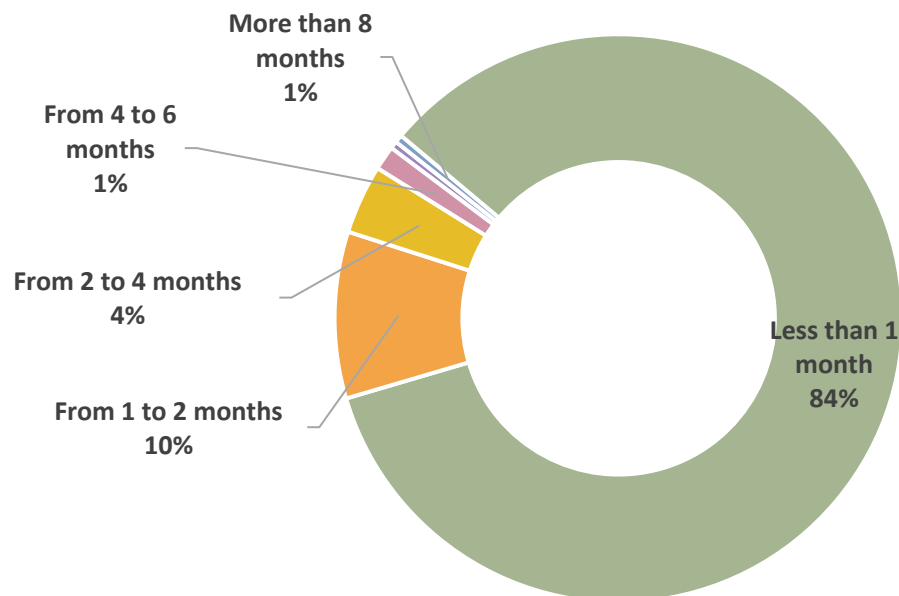
2.3 Speed of complaint resolution

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.

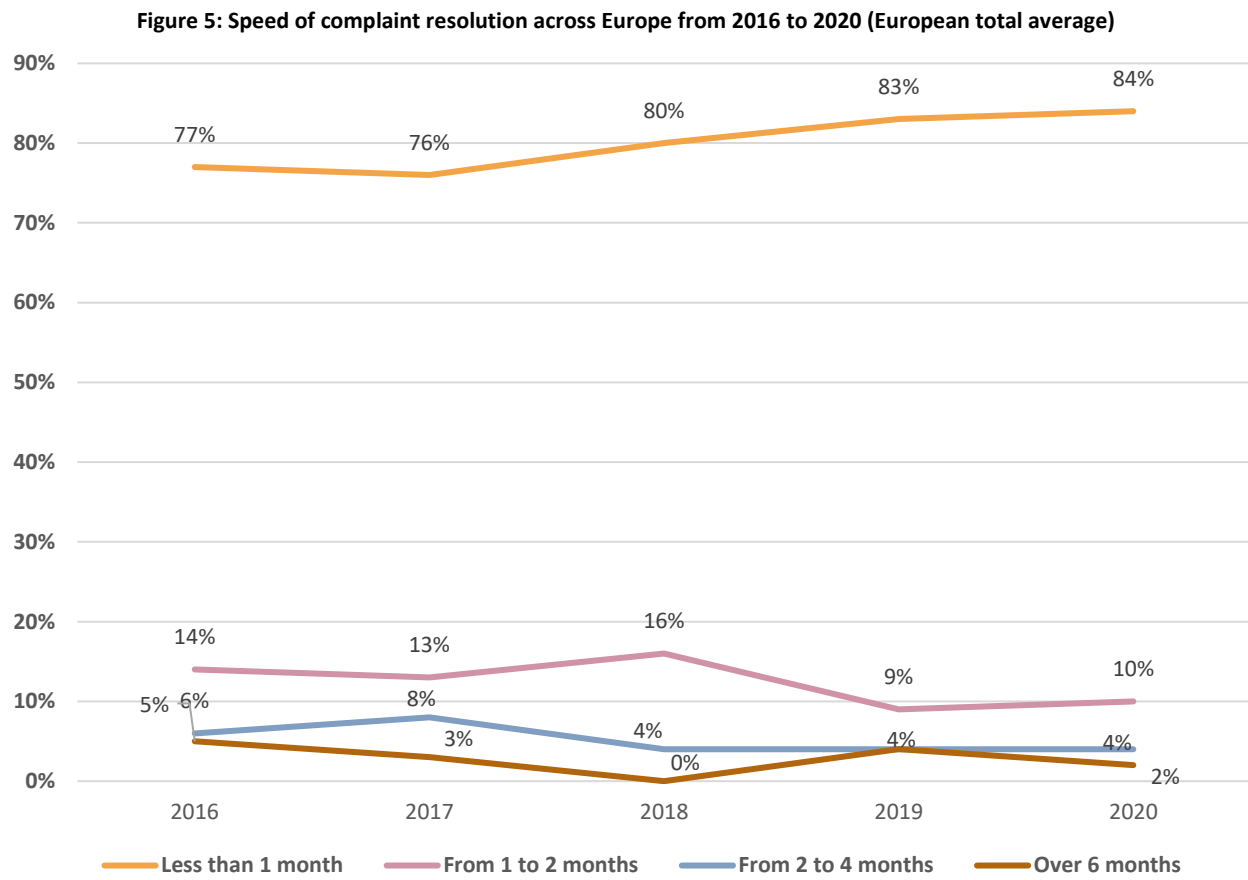
In 2020, SROs resolved over 84% of complaints received in less than one month, and 10% within the second month. The rest of the complaints were mostly solved within the subsequent two to four months (4%) with only a few (up to 2% altogether) taking additional time to be resolved.

Figure 4: Speed of complaint resolution across Europe in 2020 (European total average)



Source: EASA European SRO member statistics 2020

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 2020

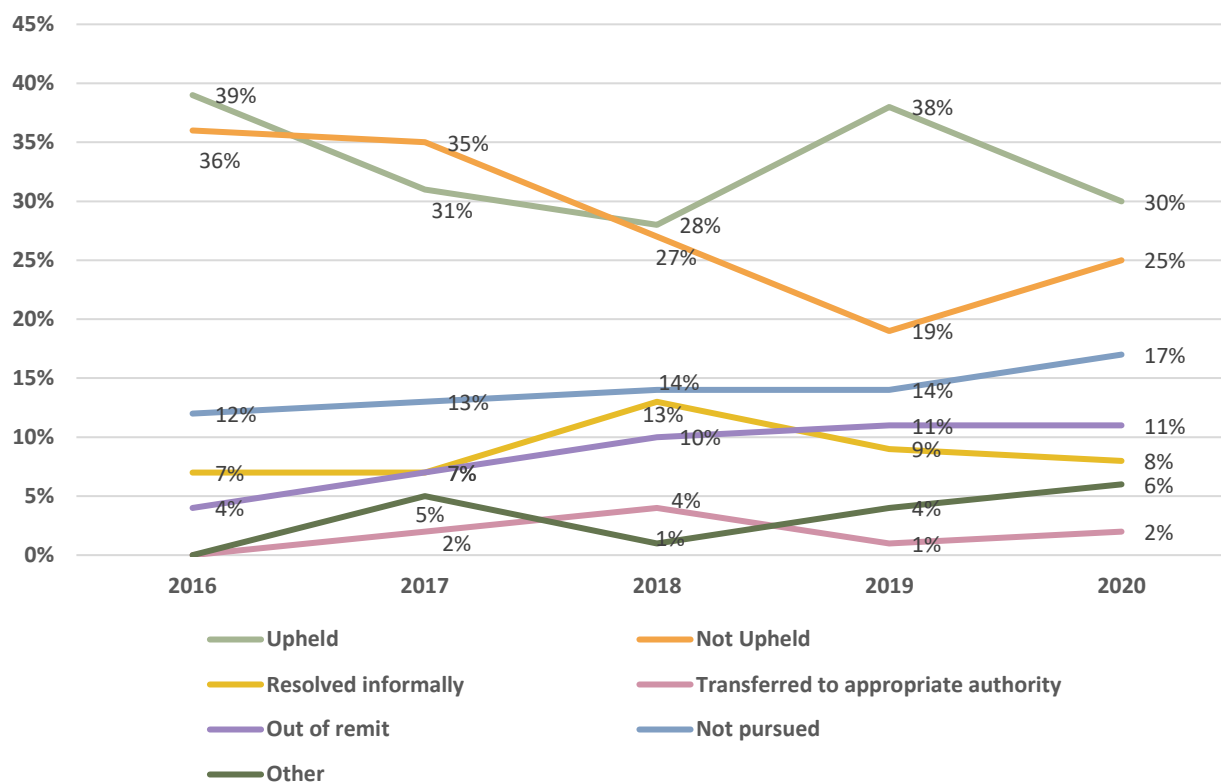
2.4 Outcome of complaints resolved

*On average, 30% of complaints were upheld,
while 25% were not upheld and 19% were not pursued*

In 2020, on average, 30% 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 25% of complaints were not upheld by SROs. The number of complaints that were not pursued due to a lack of adequate information or unsubstantial reasons for complaining increased by 3 points to 17%. The share of complaints that were received and were out of the SROs' remit remained at the same level as the previous year at 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. However, 2020 recorded an increase in not upheld complaints, dropping the share of upheld ones. The proportion of complaints that were resolved informally noticed also a drop of a few points. Complaints that were resolved informally were cases that were solved before the SROs' jury or complaints committee could take a decision, by mediating between the advertiser and the plaintiff towards a satisfactory solution for the latter

Figure 6: Outcome of complaints across Europe from 2016 to 2020 (European mean average)



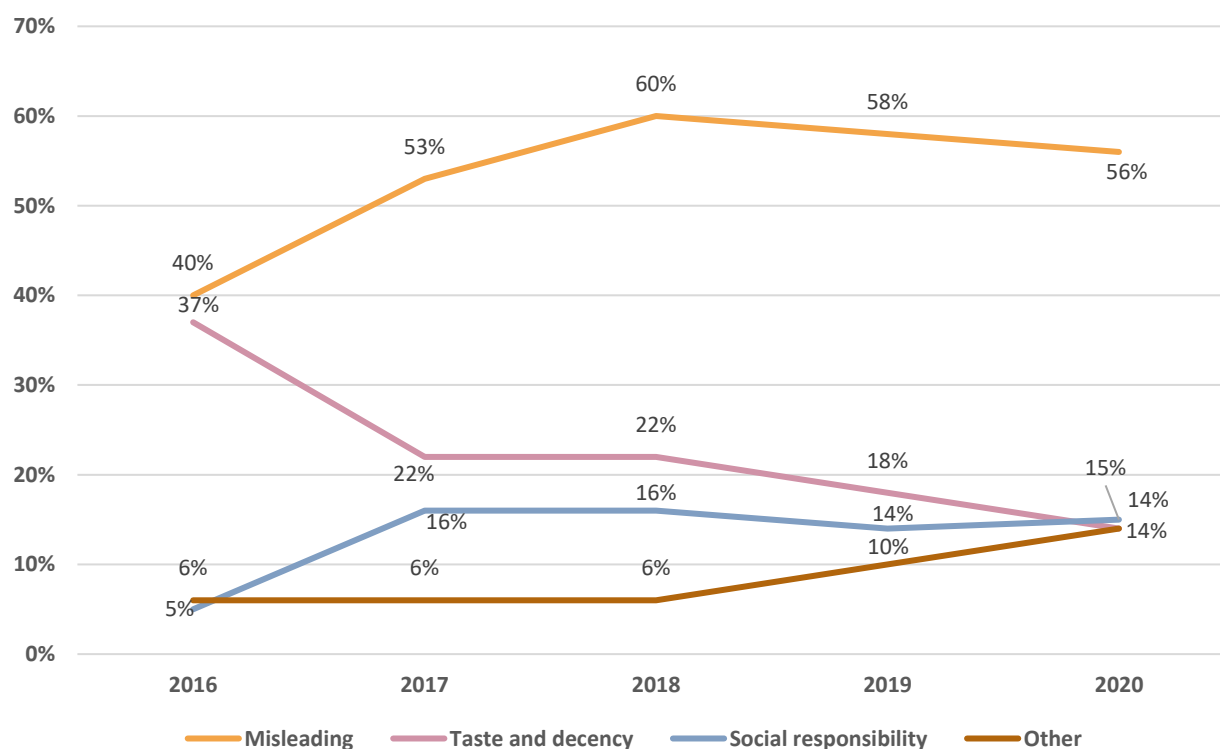
Source: EASA European SRO member statistics 2019

2.5 Issues complained about

In 2020, consumer concerns over misleading advertising remained similar to the previous year with 56% of complaints, with social responsibility in second place at 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 only to record a gentle decrease through 2020 to 56%. Social responsibility issues, which encompass gender and non-gender discrimination, inappropriate content for children, exploitation of credulity, and play on fear and violent content, have recorded a slight increase reaching 15% of complaints in 2020. Taste and decency issues noticed a continuing decrease over the past 4 years reaching 14%. Other categories, aggregating together 14% of complaints, relate to issues surrounding breaches of market rules (for SROs whose remit extends to include legislation), incitement to illegal behaviour, covert advertising (issues of transparency), unsatisfactory substantiation of claims, comparative advertising, and other irresponsible content.

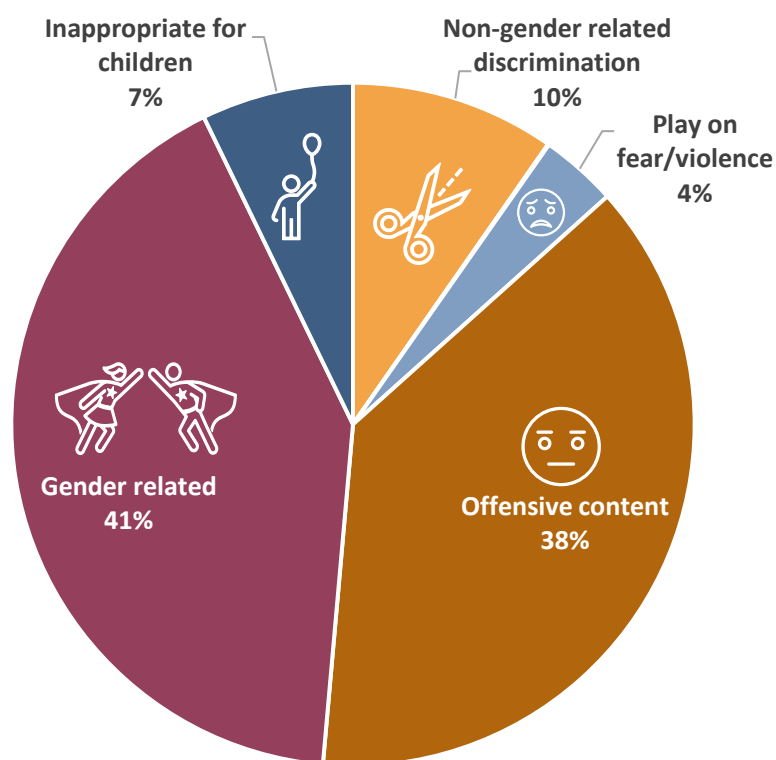
Figure 7: Issues complained about across Europe from 2016 to 2020 (European total average)



Source: EASA European SRO member statistics 2020

A more detailed look into complaints concerning taste and decency and social responsibility reveals that 41% of these complaints across the two categories were filed on grounds of gender-related issues in the advertisements' content. Such complaints often differ considerably across the countries due to local sensitivities and cultural narratives. However, they all had in common the fact that consumers took issue with either the depiction of gender roles, objectification of gender, violence against a gender, the portrayal of the human body, discrimination based on gender. 38% of complaints referred to content and material that was deemed simply offensive content. A tenth of complaints lodged related to other forms of discrimination, based on religion, political affiliation, age, or social status, whereas 7% of cases had issues with the content depicted as being inappropriate to children. Finally, only 4% of complaints related to ads that played on fear or depicted violence.

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



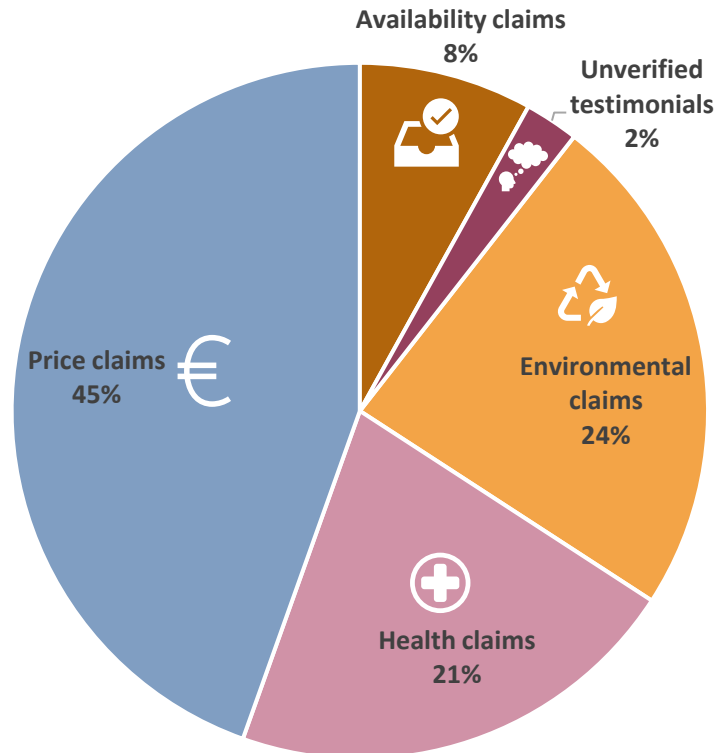
Source: EASA European SRO member statistics 2020

Comparing these figures with the previous year, we note a considerable increase in complaints relating to gender, as 2019 recorded 25% of such cases. Similarly, complaints pertaining to general offensive content only accounted for 13% in 2019. Ads that were inappropriate to children, conversely, saw a particular decrease from 25% the prior year. Non-gender related discrimination also decreased from 24%, and content that played on fear and violence fell from 11%. We can conclude that there has been a shift towards discriminatory content, according to plaintiffs, in ads between 2019 and 2020, with more complaints pertaining to discrimination, whether relating to gender or not, and a substantial decrease in complaints relating to inappropriate content for children.

It is also relevant to look in more depth into the category of misleading advertising, as it contains certain distinct classifications. Though the below graph outlines the major trends in the complaints lodged with SROs in the category of misleading advertising, these sub-classifications are not necessarily reflected in all SROs' complaints' handling procedures, as each organisation has their categories and handling processes. Nonetheless, across Europe, the most misleading claims related to the price indicated for a particular product or service, with 45% of complaints in this category. This also includes price gauging, price exaggeration, or an ambiguous price estimation. This is followed by 24% of complaints lodged on grounds of misleading advertising relating to environmental claims, and 21% for health claims.

Finally, 8% of complaints related to availability claims – such as an ad promoting a product that is unavailable when consumers want to purchase it – and 2% pertaining to unverified testimonials – such as ads featuring consumer or experts testimonials that have not been backed by either scientific proof or have been paid by the brand to testify for them.

Figure 9: Distribution of complaints under the category of misleading advertising



Source: EASA European SRO member statistics 2020

2.6 Media

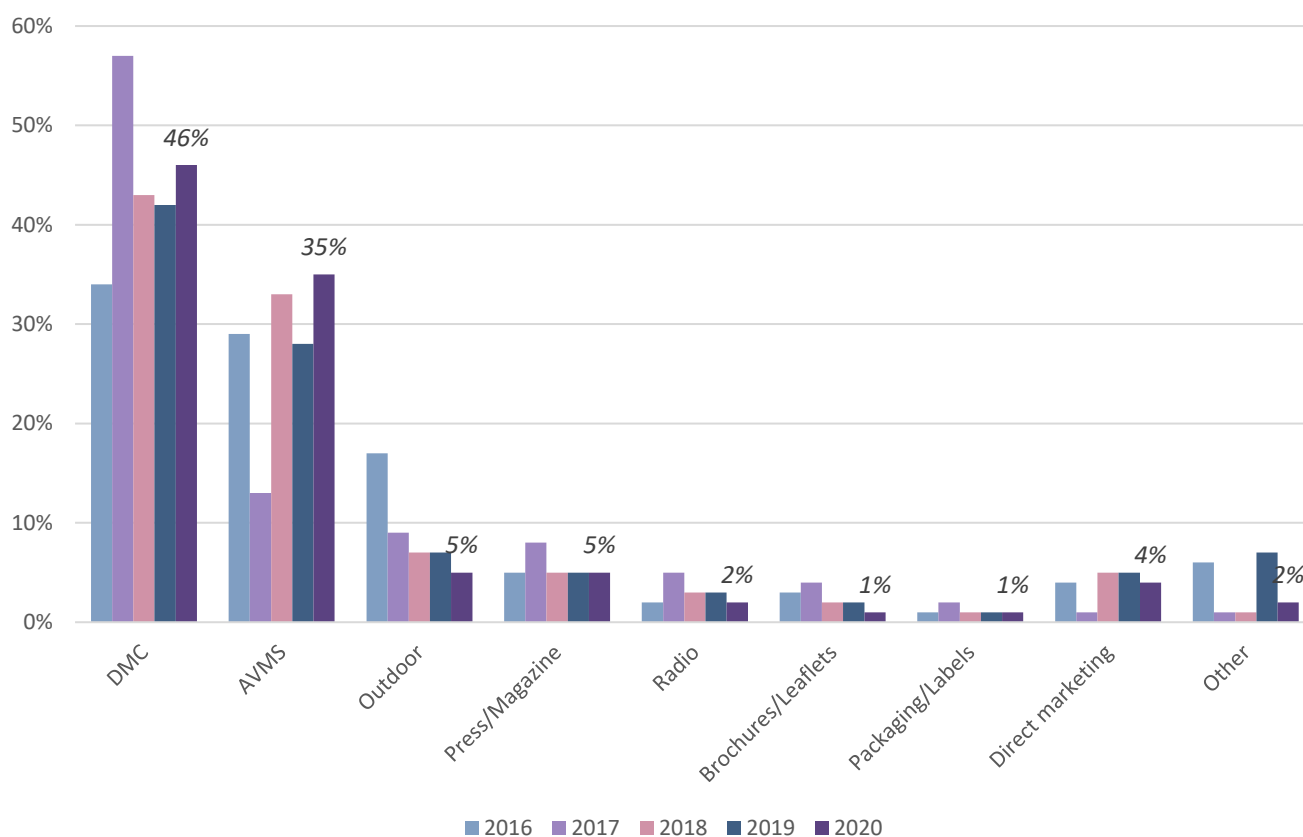
Digital Marketing Communications remained the most complained about media, followed by Audio-Visual Media

Digital Marketing Communications (DMCs) accounted for the highest share of all complaints in Europe in 2020, with 46% of all complaints, following the past year's 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 (AVMS) ranked second, covering 35% of complaints. Outdoor advertising ranks third again, as in previous years, and corresponds to roughly 5% of complaints, whilst direct marketing, press, radio, brochures, and packaging accounted for over 13% of all complaints together. Other media types, such as point-of-sale, cinema, and teleshopping reached 2% in 2020.

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.

Figure 10: Medium of complained about ads received across Europe from 2016-2020



Source: EASA European SRO member statistics 2016-2020

The breakdown of the complaints per media, which triggered complaints between 2016 and 2020, is presented in Table 2 below in more detail.

Table 2: Complaints per medium across Europe from 2016 to 2020 (European total average)

Media	2020	2019	2018	2017	2016
<i>Digital Marketing Communications</i>	46%	42%	43%	57%	34%
<i>Audio visual media</i>	35%	28%	33%	13%	29%
<i>Outdoor</i>	5%	7%	7%	9%	17%
<i>Press/Magazines</i>	5%	5%	5%	8%	5%
<i>Radio</i>	2%	3%	3%	5%	2%
<i>Brochures / leaflets</i>	1%	2%	2%	4%	3%
<i>Packaging/ labels</i>	1%	1%	1%	2%	1%
<i>Direct marketing</i>	4%	5%	5%	1%	4%
<i>Other</i>	2%	7%	1%	1%	6%

Source: EASA European SRO member statistics 2016-2020

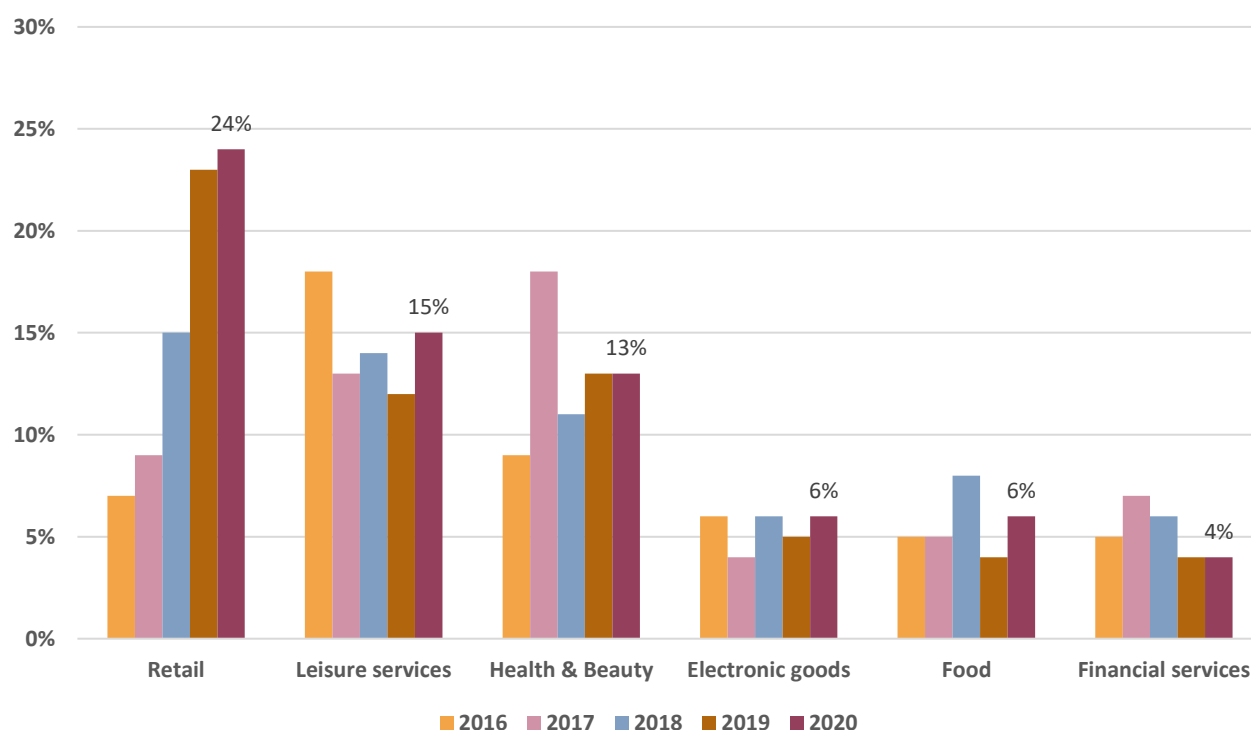
2.7 Complaints about advertising for products and services

Ads for retail, leisure services, and health & beauty 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 2020 was filed against advertisements for retail products and services, accounting for about a quarter of all complaints. This is the highest share a sector has ever represented since 2016. This may be indicating that a larger number of consumers were unhappy with the content of ads from the retail industry in particular markets. Leisure services and products claimed 15% of all filed complaints. Health and beauty products and services accounted together for 13% of received complaints, similar to the previous year. Electronic goods saw an increase to 6% of complaints, as did food products reaching 6% and financial services claiming an average of 4% of complaints.

The following graph below indicates the share of the products and services advertised in the ads complained about, and on the next page is an infographic displaying the shares of other products and services in more detail.

Figure 11: Complaints per product/service across Europe from 2016 to 2020 (European total average)



Source: EASA European SRO member statistics 2016-2020

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 2020.

In the illustration below, the sectors are displayed according to the share of received 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, transportation of goods, crafts, parking services, trains, sports, delivery, construction services, toys, educational programmes, insurance schemes, etc. Each of these sectors accounted for less than 2%.

Figure 12: Share of complaints per product/service across Europe in 2020 (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, entertainment and sports activities, which account for 78% of all complaints in this sector, followed by travel services claiming 18% of this sector. It is noteworthy to mention that in 2019, travel services made up half of the complaints in this sector, and entertainment activities only a third.

Requests filed under non-commercial sectors include ads by government institutions and social campaigns by NGOs that account for nearly all complaints (98%) of complaints under this category.

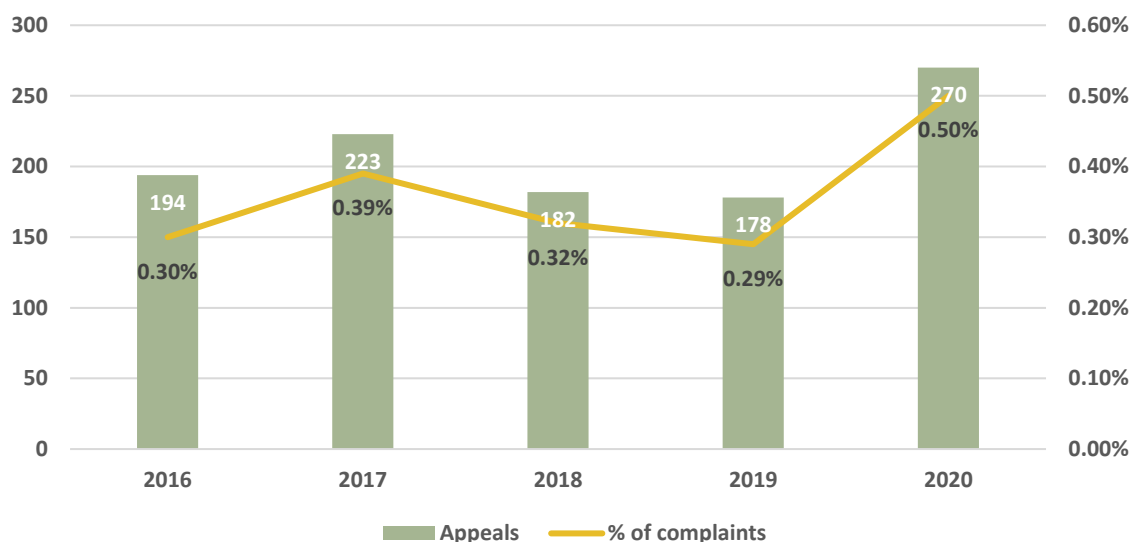
2.8 Appeals

In 2020 SROs' decisions were appealed more by 52%

Appeals can be filed by both complainants and advertisers requesting a review of decisions taken by the jury or complaints committee. An appeal may only be lodged with the SRO under strict rules such as based on newly available evidence or a proven issue with the adjudication procedures in the first instance decision. They are often dealt with by a different body than the jury responsible for the original decision, though this is defined by the SROs' rules on the matter and not all organisations follow the same procedures. Nonetheless, all SROs ensure that the decisions that are appealed are reviewed by an independent, impartial, and knowledgeable jury.

SROs in Europe received and dealt with 52% more appeals in 2020 than in the previous year, discontinuing the downward trend of the past few years. The 270 appeals also constituted a bigger share of complaints than previous years with 0.5% of complaints having been submitted for appeals across the European network. 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 13: Appeal and share of appeals (%) as part of total complaints 2016-2020



Source: EASA European SRO member statistics 2016-2020

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).

Figure 14: Share of lodged appeals per category of appellants (%)



By other
entity, 3%

3 COVID pandemic impact and effects

6% of received complaints in 2020 took issue with ads containing problematic content about COVID

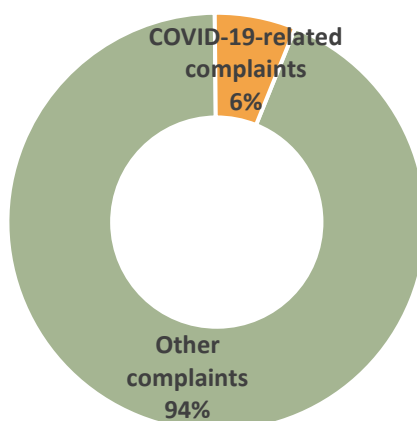
The survey sent out to EASA SRO members in 2021, which mapped out the data related to received and handled complaints, also included a dedicated section covering the number and nature of complaints related to COVID-19 and SARS-CoV-2. It also contained questions pertaining to the impact that the pandemic and the subsequent local and national lockdown measures have had on the activities and work of the self-regulatory organisations. SROs had to adjust their work and activities to fit with new upending circumstances.

The COVID-19 pandemic is still severely impacting people's lives, local communities, and the economy as various industries strive to regain a sense of normalcy. The crisis has also led to serious disruptions in the advertising industry. Many SROs had to adjust their IT systems to allow remote access to internal servers and programmes. Jury consultations and staff meetings were held on virtual platforms. More information on the pandemic's impact on SROs' activities can be found in the report "[*Advertising Self-Regulation in times of COVID-19*](#)" issued in June 2020.

A different challenge came about simultaneously as SROs were adapting to the new conditions. Advertisements were appearing across Europe that undermined public health advice or exploited people's fears. Ad regulatory bodies had to act quickly to ensure that these practices were taken down and the public's trust was restored. SROs stressed that the regulatory framework already in place, ensuring that ads are legal, decent, honest, and truthful, applied to all ads indiscriminate of media or the service or product promoted. The upending situation did not change anything to the applicable rules. To guarantee that marketers followed the rules, SROs drafted guidance and recommendations to help advertisers navigate an uncertain landscape and to avoid creating ads that would offend in such ever-changing environments.

SROs received and handled a total of 3,382 complaints against ads relating to the COVID-19 disease or the SARS-CoV-2 virus. This represents 6% of the total number of complaints handled in 2020.

Figure 15: Share of COVID-19-related complaints received in 2020



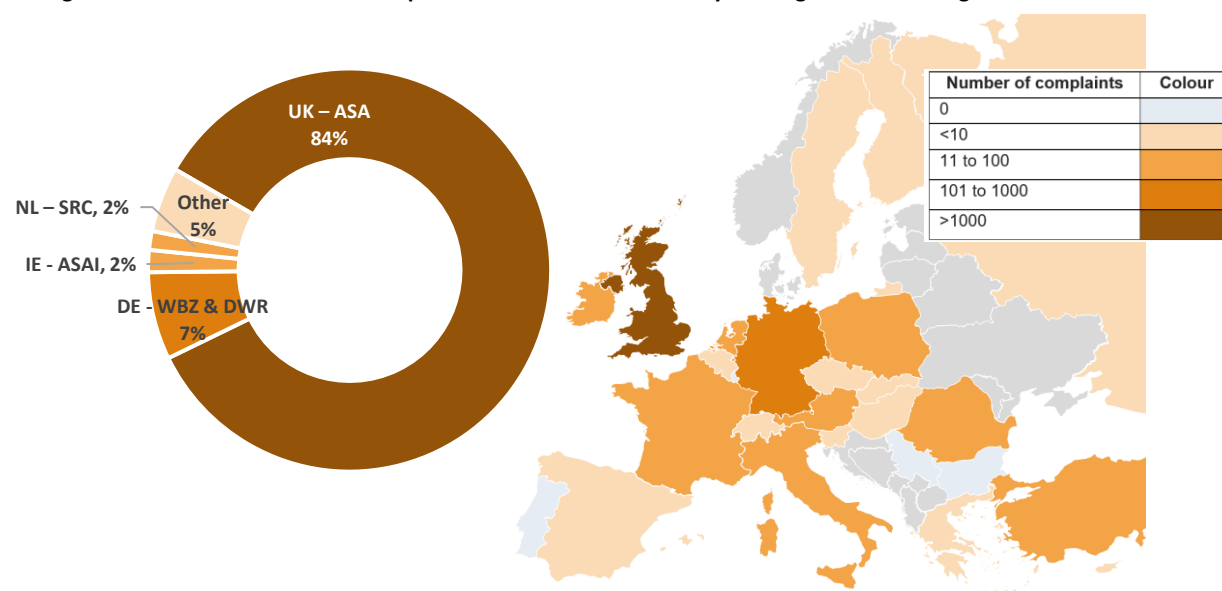
Source: EASA European SRO
member statistics 2020

3.1 Overview of complaints

The UK recorded the largest number of COVID-19-related complaints, whilst Turkey noted the highest share of such complaints

As the graph and map below show, the bulk of complaints were lodged in the UK, with 84% of COVID-19-related complaints received by the ASA. Deutscher Werberat (DWR) and Wettbewerbszentrale (WBZ), the two SROs in charge of regulating advertising in Germany, recorded together 233 complaints related to ads with pandemic-related content, which accounts for 7% of the total number of handled in Europe (214 for WBZ and 19 for DWR). The following markets recorded all fewer than 60 complaints each, with the ASAI in Ireland noting 59 complaints (2%) and the SRC in the Netherlands with 50 complaints (1.5%). The absolute number of complaints is reflected in the graph on the following page.

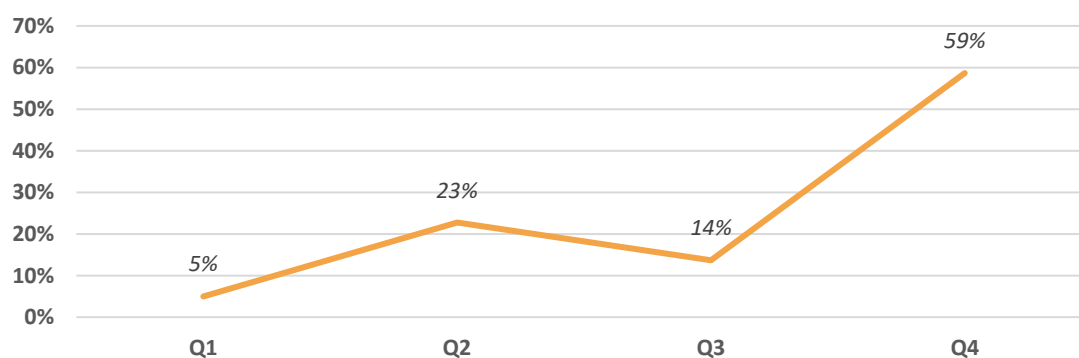
Figure 16: Number and share of complaints received in each country relating to ads featuring COVID-19-related content



Source: EASA European SRO member statistics 2020

As the year unfolded and the pandemic crept on European countries, the number of advertisements containing problematic content relating to the virus or the disease inevitably increased. This in turn led to a steady increase in complaints lodged with SROs, as is shown in the graph below.

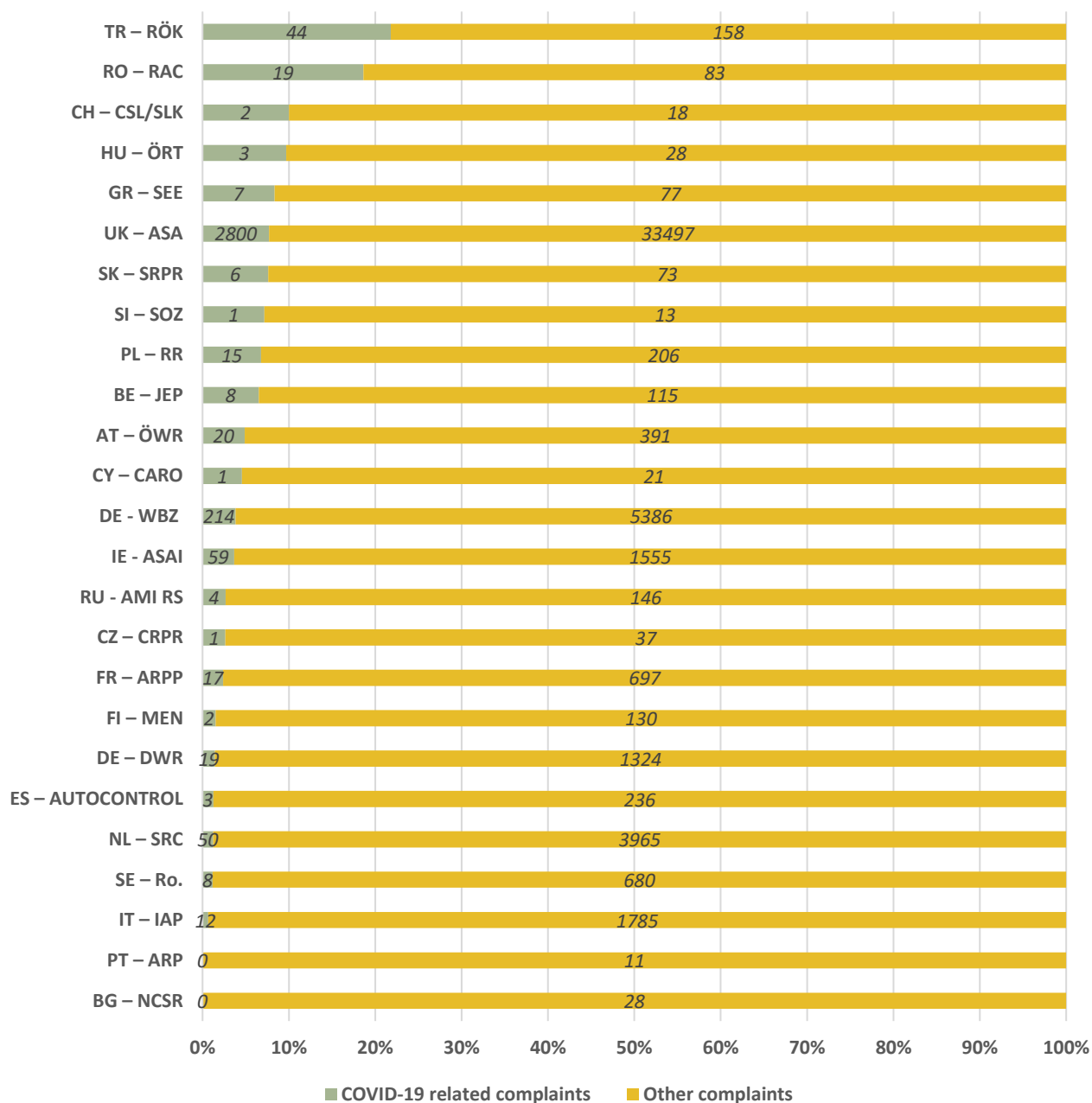
Figure 17: Evolution in the share of COVID-19-related complaints received through 2020



Source: EASA European SRO member statistics 2020

However, the relative number of complaints received that took issue with the COVID-19-related content in ads differed between countries. While the UK did record the biggest number of complaints in absolute terms, the Turkish and Romanian SROs received a much higher share relative to nationally lodged complaints, as is shown in the graph below.

Figure 18: Number and share of complaints received by SROs against ads with COVID-19-related content relative to the total number of received complaints



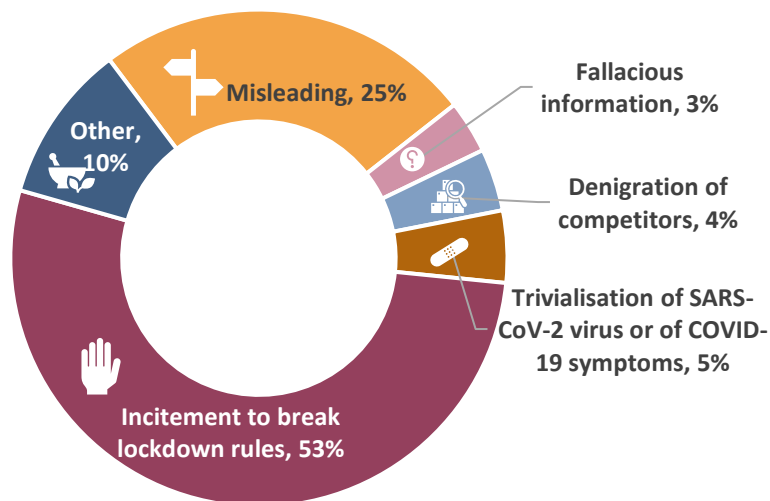
Source: EASA European SRO member statistics 2020

3.2 Issues and claims

Incitement to break lockdown rules were the most common issue in ads, with claims that the promoted product would kill SARS-CoV-2

The issue most complained about in ads featuring content related in some way to COVID-19 was incitement to break lockdown rules, followed by misleading claims. The latter is related to particular services or products that were promoted with specific claims, which we will see further in the following sections.

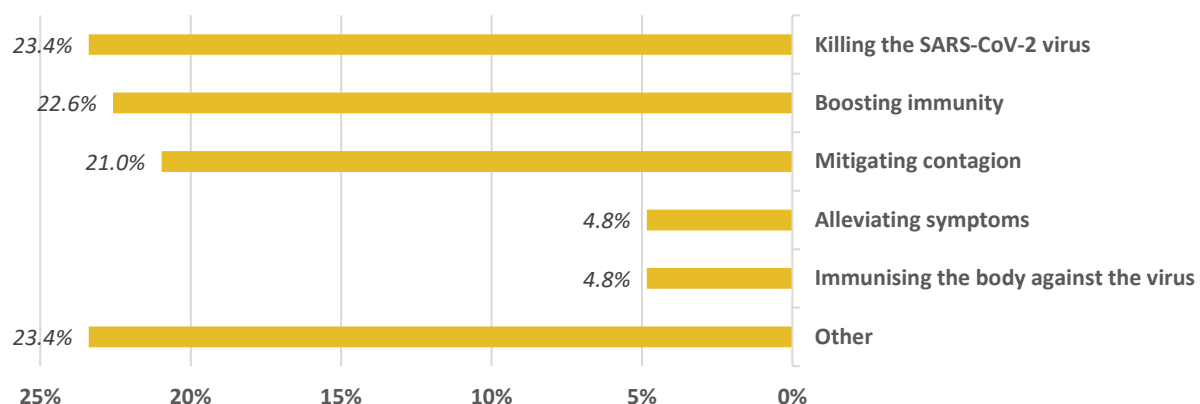
Figure 19: Share of issues complained about in ads with COVID-19-related content



Source: EASA European SRO member statistics 2020

Along with the main issue of the ads complained about relating to COVID-19, SROs also noted that these contained in 23% of the cases claims relating to killing the SARS-CoV-2 virus, boosting immunity at 22.6%, and mitigating contagion at 21.0%. Other claims, such as play on fear, spreading disinformation, or denigration of competitors' products, amounted together to 23.4%

Figure 20: Share of claims complained about in ads with COVID-19-related content

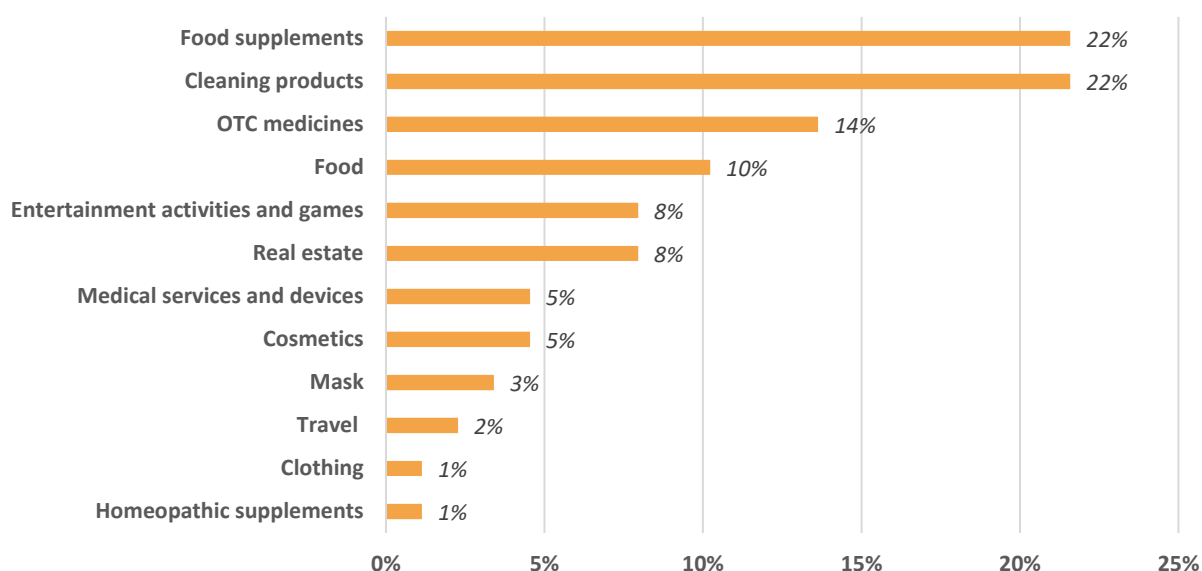


Source: EASA European SRO member statistics 2020

3.3 Products

The product that was promoted the most in the ads complained about belonged to food supplements and cleaning products, both at 22% of COVID-19-related complaints. This is unsurprising as these products are, in two distinct ways, promoted as being crucial barriers to developing the disease and contracting it, respectively. Food supplements were advertised as able to provide the individual with an added boost to their immunity, or even able to eliminate the virus altogether. Cleaning products were featured as means to kill the virus off surfaces and guarantee a safe and secure environment once cleaned using the particular product. However, the types of claims, the manner in which they were formulated were done in such a way that consumers took issue with these advertisements.

Figure 21: Share of products complained about in ads with COVID-19-related content



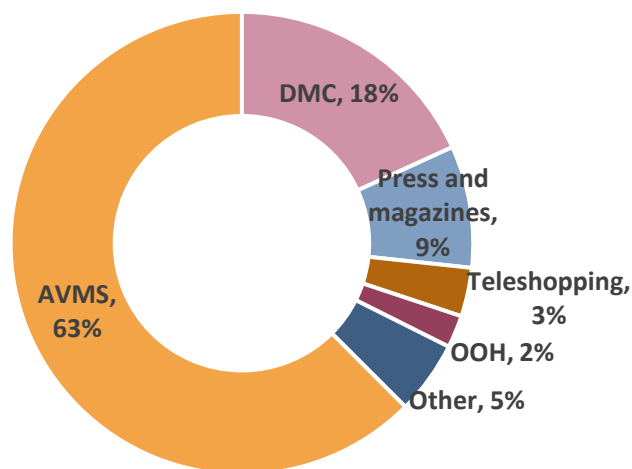
Source: EASA European SRO member statistics 2020

3.4 Media & outcome

Contrary to the data outlined in previous sections of this report, regarding other complaints received and handled by SROs, complaints that related to COVID-19 or the virus were lodged against advertisements appearing predominantly on audio-visual media with 63%, with digital marketing communications making only 18%.

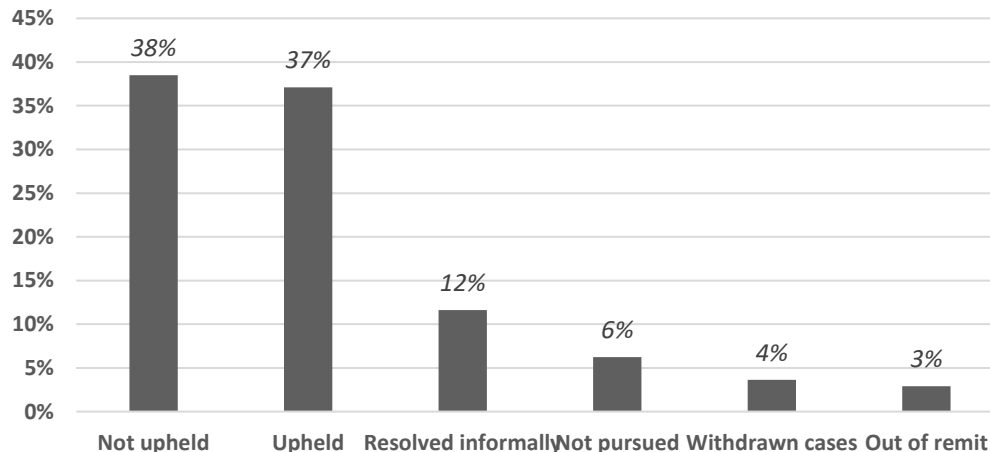
Figure 22: Share of media of ads with pandemic-related content that were complained about

Source: EASA European SRO member statistics 2020



A majority of these complaints (38%) were not upheld by SROs' juries, but a similar percentage (37%) were upheld. This is similar to the proportions shown in previous sections dedicated to normal complaints, where the share of upheld and not upheld complaints are the highest top two at 31% and 27% respectively. However, there was a higher share of complaints resolved informally in this category of ads that were complained about for their COVID-19-related content, than were the normal complaints.

Figure 23: Share of outcome for complaints against ads with pandemic-related content



Source: EASA European SRO member statistics 2020

To ensure that the advertising industry in the local market was correctly equipped and informed about not only the regulatory framework that all ads must abide by, but also of the more granular issues that ads must steer clear from, such as taste and decency and social responsibility, SROs have worked together with public authorities (5 SROs), advertising associations (2 SROs), and media (2 SROs). Ad regulatory bodies thus drafted ethical and legal guidelines to follow for marketers, media, and agencies, as well as recommendations for consumers on what to look out for, and conducted monitoring sweeps to ensure compliance with high standards.

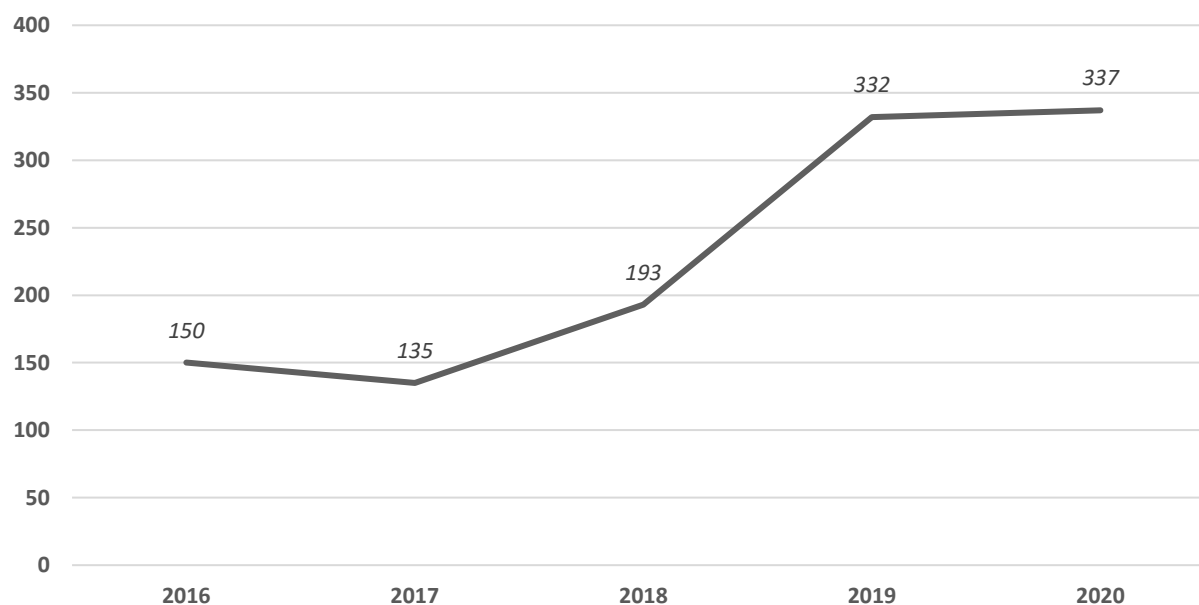
4 Cross-Border Complaints: top-line overview

In 2020 EASA's SROs transferred 337 complaints, 1.5% more than in 2019

Throughout 2020, EASA was notified of a total of 337 cross-border complaints, which translates into a slight 1.5% increase in referred complaints in comparison with the preceding year. The sharp rise of 2019 seems to reach a plateau in 2020 and stabilise between 330 to 340 cross-border complaints. However, this remains to be confirmed in the subsequent years.

The analysis of the annual statistics (depicted in Figure 24 below) suggests that 2017 saw a slight decrease which later resulted in two consecutive years of increase in referred CBCs. The increase in 2018 continued over in 2019 and materialised into a significant 70% rise. Over the past 4 years, an average of around 230 cross-border complaints were treated annually by EASA's network.

Figure 24: Cross-border complaints received between 2016 and 2020



Source: Annual Cross-Border Complaints Report 2019 & Online Database¹⁰

The EASA Cross-Border Complaints System requires that all advertisements comply with the advertising laws and advertising self-regulatory codes of the country wherein the medium carrying the advertisement is based. However, in the case of Direct Mail and Digital Marketing Communications (DMCs), the country of origin that is responsible for the complaint is the one wherein the advertiser is based. In the case of Online Behavioural Advertising (OBA), it is the country in which the principal decision-making authority is conducted that counts as the country of origin.¹¹ As is shown in the subsequent graphs of this section, the

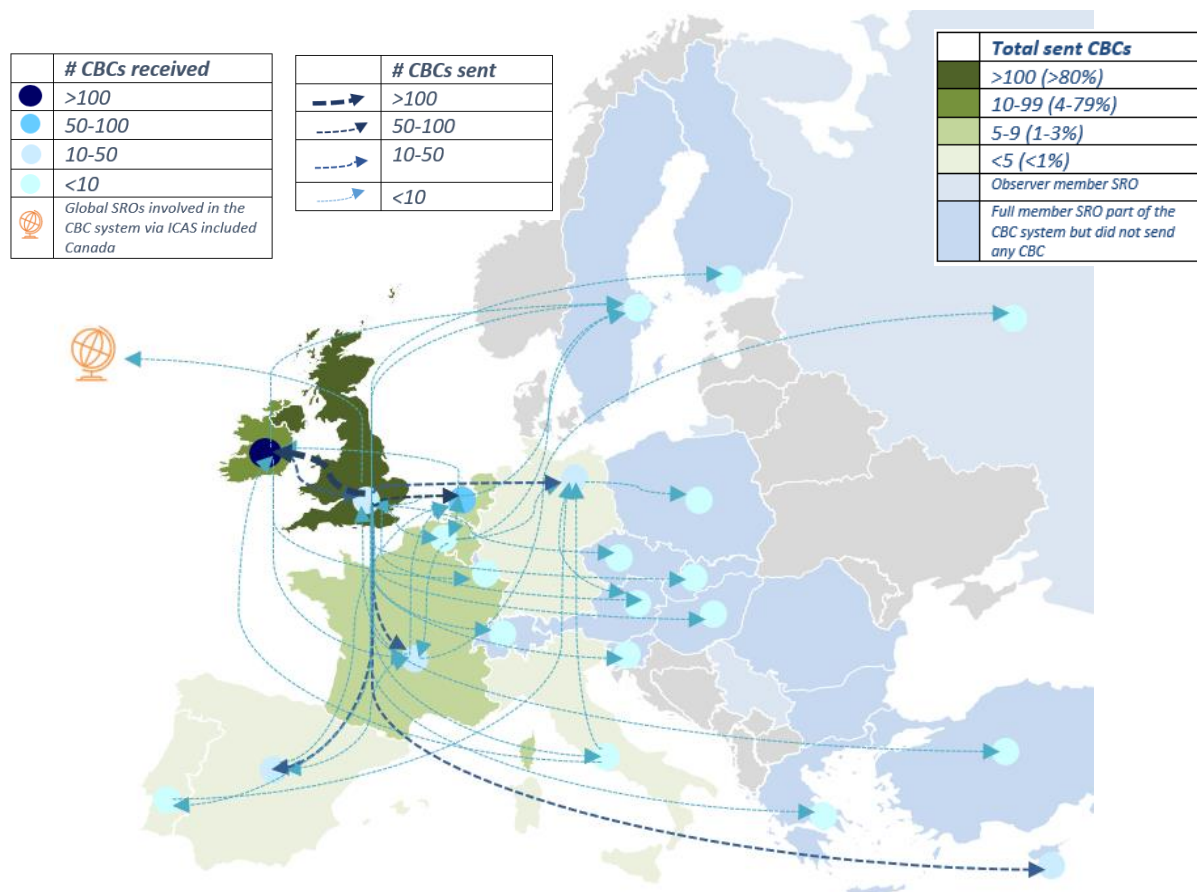
¹⁰ The "Online Database" refers to EASA's internal online cross-border complaints platform that member self-regulatory organisations use to register and send their complaints through to other SROs. EASA acts as a facilitator and caretaker of the platform, using the confidential data only for statistical purposes.

¹¹ Switzerland requires that advertisements addressed by Swiss-based marketers to consumers in other countries comply with the rules and laws of those countries (known as the "principle of the country of destination"). Consequently, in such cases, the Self-Regulatory Organisation (SRO) in the plaintiff's country assesses the complaint based on its own national rules before passing it to the Swiss SRO, which communicates the

vast majority of CBCs are lodged against digital marketing communications. This entails that it is the SRO in the country of origin of the advertiser that is responsible for handling the complaint according to local rules and legislation.

From the analysis of the figures for 2020, it transpires that consumers in the British Isles were the source of the vast majority of complaints transferred abroad, with 89% of CBCs. The 337 CBCs predominantly targeted misleading advertising material in 87% of cases, relating to ads by leisure services (30%), food and alcoholic beverage brands (13%), and health and beauty services (10%), of which the marketers' headquarters are in Ireland in 36% of cases and the Netherlands in 22% of CBCs. These ads appeared in 90% of CBCs in the online space as digital marketing communications. Only 15% of complaints were upheld, versus 12% that were not and 14% that were closed as SROs were unable to pursue the cases. A quarter of CBCs prompted no cause for investigation on the part of SROs and 23% fell out of their remit. Finally, the remaining 11% of CBCs were either transferred to the appropriate body, partially upheld, withdrawn by the plaintiff or resolved informally. The statistics for 2020 are more varied in terms of geography and sector than in 2019 when it was primarily airline companies in Ireland that were targeted.

Figure 25: Cross-border complaints' referral map: visual presentation of CBCs trend in Europe in 2020



Source: EASA Annual Cross-Border Complaints Report 2020

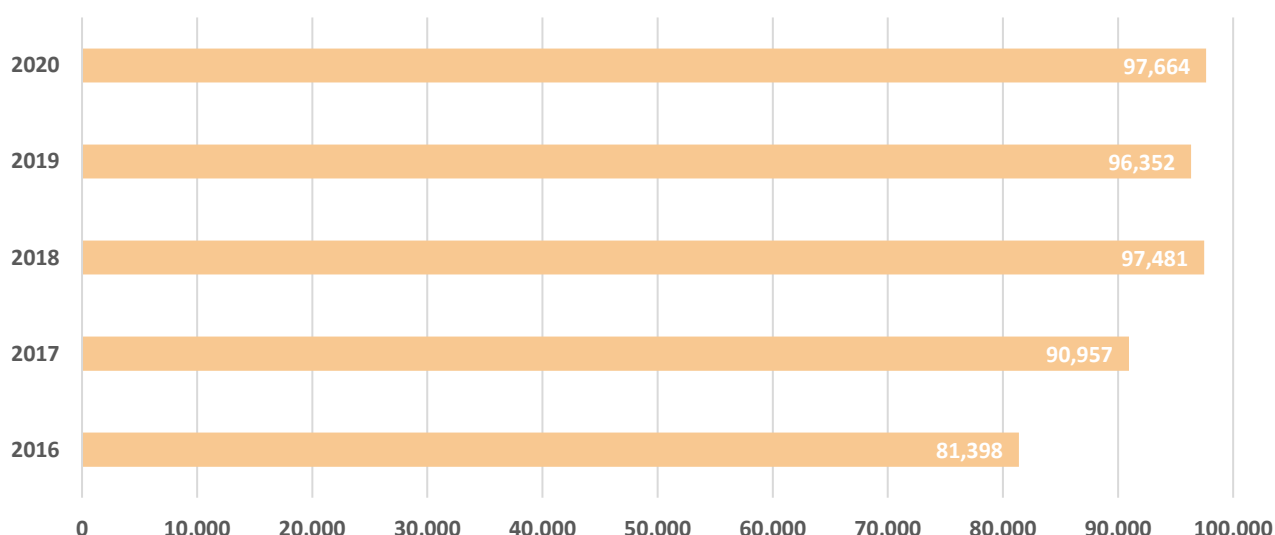
decision to the advertiser. Some other SROs, in EU member countries, operate under different principles as well. However, SROs always share information and best practices to have a swift and definitive decision for each CBC.

5 Copy Advice requests

The number of copy advice services provided remained within the general trend of the past 3 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 the ad will be subject to complaints later once the ad is aired or published. Companies can ask for advice at any stage of the campaign development process. In 2020, 26 out of 28 SROs offered such a service across Europe.

Figure 26: Copy advice requests across Europe from 2016 to 2020¹²



Source: EASA European SRO member statistics 2016-2020

Figure 26 above illustrates the numbers of copy advice requests dealt with across Europe. European SROs provided a total of 97,664 copy advice services in 2020 – an increase of 1.3% more from the previous year.

99.6% of copy advice requests dealt with by SROs in 2020 were handled within 72 hours. Of those, 9% were dealt with in less than 24 hours, an additional 13% in less than 48 hours, and 78% in 72 hours. Only a handful of copy advice requests were unresolved after the first three days of the requests being filed, with a mere 0.36% resolved in under a week and only 17 requests (0.02%) taking more than a week.

Table 3 presents a full overview of copy advice requests per country across Europe from 2016 to 2020. In 2020, most copy advice requests were received by AUTOCONTROL in Spain, accounting for 45% of them, followed by the UK at just over a third of requests and France at around a fifth of such requests.

¹² 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 2016 to 2020

Country/SRO	N°	2019	2018	2017	2016	2015
		Copy Advice Requests				
Country/SRO	N°	2020	2019	2018	2017	2016
ES – AUTOCONTROL ¹³	1	43,866	39,971	36,395	31,568	26,199
UK – Total	2	30,885	32,343	38,358	37,599	36,492
UK – Clearcast		28,400	29,323	32,100	32,431	32,653
UK – ASA		2,485	3,020	6,258	5,168	3,839
FR – ARPP	3	20,841	21,674	21,507	19,296	16,004
DE – Total	4	840	1,100	14	1,220	1,325
DE - WBZ		800	1,100	N/A	1,200	1,300
DE - DWR		40	0	14	20	25
HU – ÖRT	5	645	634	618	670	674
IE – ASAI	6	115	139	126	135	165
IT – IAP	7	95	142	170	171	187
PT – ICAP	8	82	79	75	61	85
TR – RÖK	9	81	59	78	76	76
NL – SRC	10	51	75	0	3	3
BE – JEP	11	32	16	20	16	14
CY – CARO	12	30	22	27	32	26
RO – RAC	13	28	25	20	32	29
BG – NCSR	14	27	39	41	14	23
CZ – CRPR	15	17	5	3	5	10
SE – Ro.	16	10	18	23	13	25
SK – SRPR	17	7	6	2	5	3
SI – SOZ	18	2	4	N/A	9	6
FI – MEN	18	2	1	1	1	4
AT – ÖWR	18	2	0	2	5	4
EL – SEE	18	2	0	1	1	1

Source: EASA European SRO member statistics 2016-2020

¹³AUTOCONTROL provides mandatory copy advice for companies who signed the PAOS Code (food advertising intended for children) and the Toys Code.

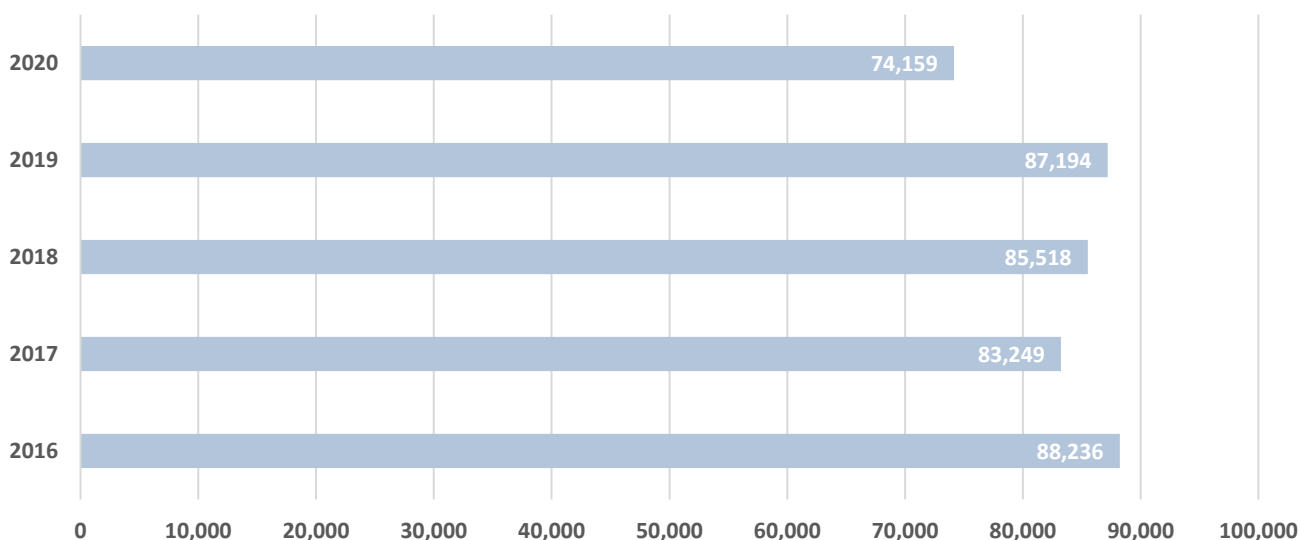
6 Pre-Clearance service

74,159 ads were pre-cleared in 2020 by the SROs providing this service

In some European countries, certain categories of advertising, such as those appearing on TV and radio for particular sectors, such as alcohol advertisements, are subject to compulsory pre-clearance. The mandate is led by the local advertising industry and facilitated by the SRO, who check the ads' compliance with relevant SR rules or codes. 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 27 below, in 2020, a total of 74,159 advertisements were reviewed by SROs in the UK, France, Portugal, Russia, and Czech Republic (50,839 were pre-cleared by Clearcast; 22,887 by ARPP, 420 advertisements were pre-cleared by ARP¹⁴, 12 by CRPR, and 1 by AMI RS).

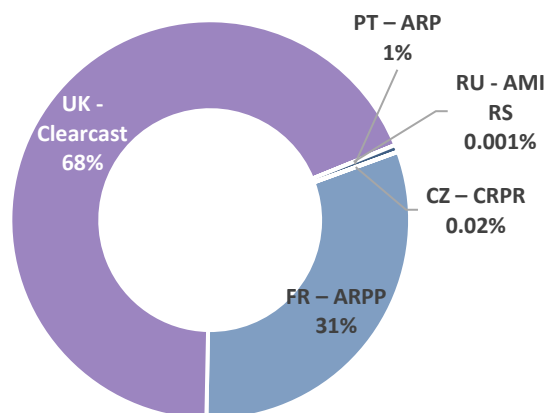
Figure 27: Pre-clearance requests across Europe from 2016 to 2020



Source: EASA European SRO member statistics 2020

Figure 28: Pre-clearance requests across Europe in 2020

Overall, the number of pre-clearance requests decreased significantly by 15% compared to the previous year. This could be interpreted as a result of the pandemic's impact on the advertising industry across 2020.



¹⁴ 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 that 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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