

Compliance Report

National Press Survey 2004



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Published April 2005

1 Summary

With hundreds of thousands of advertisements placed in the national press every year, it is vitally important that both advertisers and publishers ensure advertisements comply with the CAP Code.

To discover the compliance rate, the Compliance team undertook a six month survey of advertising in the national press.

Between March and August 2004, the team examined 33,117 advertisements. Of that total, 17,604 were duplicates of another advertisement. The duplicates were removed from the survey and 15,512 advertisements were scrutinized. Advertisements were assessed only for obvious and undisputable breaches of the Code.

Excluding duplicates, 102 advertisements (0.66%) were in breach of the Code - a compliance rate of 99.3%. Where a breach was found, the Compliance team contacted the advertiser and publisher and told them to ensure that all future advertisements complied with the Code. It also advised advertisers to make use of the CAP Copy Advice team.

The breaches found by the Compliance team were separated into substantive ones and technical ones. Substantive breaches were those resulting in an advertiser being unable to provide evidence in support of its claims. Technical breaches resulted from a minor flaw in the design of the advertisement or an omission in the content. Of the 102 advertisements in breach of the Code, 77 (75%) had technical breaches; 25 (25%) had substantive breaches.

The compliance rate was extremely high and the Compliance team was encouraged by the result. It noted, however, that the result was affected by the team asking advertisers to withdraw advertisements in breach of the Code during the survey period. The team also noted no significant difference in compliance rates between tabloids and broadsheets and no one newspaper ran a significantly large number of advertisements containing clear-cut breaches.

Because the survey targeted only obvious breaches of the Code, the Compliance team did not question advertisements that contained claims that it merely suspected were in breach of the Code. During the survey period the ASA undertook 90 formal investigations of complaints against

advertisements appearing in the national press. Of those 90, at the time of writing, 54 had resulted in complaints being upheld. Also, 77 informal investigations identified 71 breaches of the Code.

Both CAP and the ASA will continue to monitor the national press and work with publishers to ensure that the encouragingly high level of compliance is maintained and that advertisements continue to comply with the CAP Code.

2 Introduction

2.1 Background

The Advertising Standards Authority (ASA) is the independent body that endorses and administers the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code) that applies to non-broadcast marketing communications. It is responsible for ensuring that the self-regulatory system works in the public interest. It achieves this by investigating complaints, identifying and resolving problems by research and by promoting and enforcing high standards in marketing by ensuring that everyone who commissions, prepares and publishes marketing communications observes the CAP Code. On 1 November 2004, the ASA assumed powers in respect of TV and radio advertisements under contract from the communications regulator Ofcom.

The Committee of Advertising Practice (CAP) is the body that created and revises the CAP Code. It represents advertisers, promoters and direct marketers, their agencies, the media and other trade and professional organisations in the advertising, sales promotion and direct marketing industries. CAP provides a pre-publication copy advice service and co-ordinates the activities of its members to achieve the highest degree of compliance with the CAP Code.

The Compliance team works to ensure that marketing communications comply with the CAP Code and ASA decisions. The team follows-up ASA adjudications, monitors marketing communications and takes immediate action to ensure marketing communications that are in breach of the Code are removed from the media. One of the team's objectives is to create a level-playing field for marketers within each sector and it ensures this by communicating decisions that have sector-wide ramifications. The Compliance team conducts surveys to assess compliance rates in particular industries, sectors or media; those surveys help to identify marketing trends and to anticipate subjects of concern that need to be addressed by the ASA and CAP.

In 1998, the ASA research team (now the Compliance team) undertook a survey of advertising in the press and on posters. It examined more than 6,000 advertisements, including duplicates, in national and regional

newspapers, magazines and posters. It found that 96% of the sample complied with the Code. It concluded that this was an encouraging result.

In this survey, the Compliance team undertook a survey of advertising in the national press. The regional press, magazines and posters were not included.

2.2 Code Rules

The 11th edition of the British Code of Advertising and Sales Promotion came into force on 4 March 2003. The purpose of the Code is to maintain, in the best and most flexible way possible, the integrity of marketing communications in the interests of both the consumer and the trade. All advertisements should be legal, decent, honest and truthful. They should be prepared with a sense of responsibility to consumers and society and be in line with the accepted principles of fair competition.

The Code is made up of general rules, sales promotion rules and direct marketing rules. Specific rules cover sectors such as alcohol, motoring, health and beauty products and therapies and financial products.

The main requirements of the general rules are:

Legal

Marketers have primary responsibility for ensuring that their marketing communications are legal. Marketing communications should comply with the law and should not incite anyone to break it.

Decent

Marketing communications should contain nothing that is likely to cause serious or widespread offence. Particular care should be taken to avoid causing offence on the grounds of race, religion, sex, sexual orientation or disability. Compliance with the Code will be judged on the context, medium, audience, product and prevailing standards of decency.

Honest

Marketers should not exploit the credulity, lack of knowledge or inexperience of consumers.

Truthful

No marketing communication should mislead, or be likely to mislead, by inaccuracy, ambiguity, exaggeration, omission or otherwise.

2.3 2004 Survey Objectives

The purpose of the Survey was to:

- assess compliance rates for advertisements in the national press;
- identify potential problems, either by sector or promotional technique, and resolve them;
- contact the advertiser responsible for advertisements that appear to break the Code and obtain an assurance that future advertisements would comply fully with the Code's requirements and
- act as a deterrent to bad practice and an encouragement to good practice.

3 Methodology

3.1 Method

The Compliance team monitored all display advertisements and reader offers during one week of every month for six months from March to August 2004. The week within each month was selected randomly.

Weeks surveyed:	March	22 to 28
	April	19 to 25
	May	10 to 16
	June	7 to 13
	July	19 to 25
	August	2 to 8

Thomson Intermedia, an online provider of advertising and media intelligence in the UK, was asked to identify and send all display advertisements to the Compliance team for assessment. Reader offers were identified and assessed in house. Classified advertisements, loose inserts and advertorials were not included in the survey.

Where a breach of the Code was identified, the Compliance team wrote to the advertiser and asked for a written assurance that the advertisement would be withdrawn and amended. The advertiser was asked to send an assurance within 72 hours. Publishers were informed of the name of the advertiser, the nature of the problem and asked to ensure the advertisement was amended in line with the Code before appearing again in the newspaper.

3.2 Newspapers Examined in the Survey

The Compliance team surveyed these newspapers:

- The Business
- Daily Express
- Daily Mail
- Daily Mirror
- Daily Record
- Daily Star
- Daily Star on Sunday
- The Daily Telegraph
- Express on Sunday
- Financial Times
- The Guardian
- The Independent
- The Independent on Sunday
- Mail on Sunday
- News of the World
- The Observer
- The People
- Scotland on Sunday
- Sunday Mirror
- The Scotsman
- The Sun
- The Sunday Telegraph
- The Sunday Times
- The Times

Other papers sold exclusively in Northern Ireland, Wales or Scotland were classed as regional titles and not included in the survey.

3.3 Categorisation

Each advertisement was categorised by advertiser, newspaper, date, sector, product, brand, paper section and type (i.e. advertisement, sales promotion or reader offer).

4 Findings

4.1 Compliance Rate

The Survey sought to establish what proportion of display advertisements and reader offers that appeared between March and August 2004 complied with the Code.

In total, the Compliance team considered 33,117 advertisements. Of that total, 17,604 were duplicates leaving 15,512 original advertisements.

Of the 15,512 advertisements examined 15,410 (99.34%) did not breach the Code. In other words, just 0.66% of advertisements were considered to breach the Code.

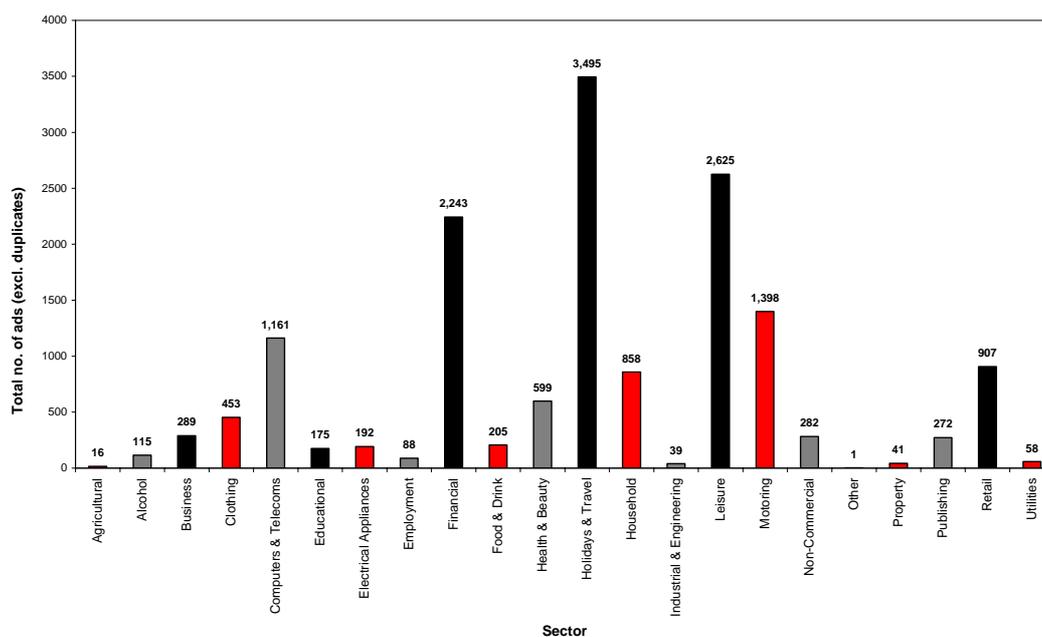
Of the 102 advertisements that breached the Code, 77 (75%) had technical breaches; 25 (25%) had substantive breaches.

Fig. 1 Number of advertisements per sector (including & excluding duplicates)

Sector	Total (incl. duplicates)	Total (excl. duplicates)
Agricultural	34	16
Alcohol	167	115
Business	473	289
Clothing	576	453
Computers & Telecoms	5,201	1,161
Educational	253	175
Electrical Appliances	270	192
Employment	180	88
Financial	7,213	2,243
Food & Drink	426	205
Health & Beauty	1,160	599
Holidays & Travel	5,867	3,495
Household	1,250	858
Industrial & Engineering	56	39
Leisure	3,494	2,625
Motoring	3,247	1,398
Non-Commercial	608	282

Sector	Total (incl. duplicates)	Total (excl. duplicates)
Other	1	1
Property	80	41
Publishing	527	272
Retail	1,911	907
Utilities	123	58
Total	33,117	15,512

Fig. 2 Number of advertisements by sector (excluding duplicates)



4.2 Compliance by sector

One of the Compliance team's roles is to take an overview of the advertising industry and identify regulatory trends within sectors. A rising number of problem advertisements in a sector prompt the Compliance team into taking enforcement action.

One of the objectives of the Survey was to identify potential problems, either by sector or publication, and remove them.

As can be seen from Fig. 3 below, the number of breaches was unrelated to the number of advertisements placed. Despite 1,161 advertisements placed by the computers and telecoms industry, less than 0.2% of advertisements were in breach of the Code. Nearly 1,000 advertisements were placed by the retail sector, yet the team did not find one breach. The sector with the highest percentage of breaches was health and beauty, in which 3.5% of the 599 advertisements placed were in breach of the Code.

Fig. 3 Compliance by sector (excluding duplicates)

Sector	Number of Ads	Breaches
Agriculture	16	0
Alcohol	115	2
Business	289	0
Clothing	453	6
Computers & Telecoms	1,161	2
Education	175	3
Electrical Appliances	192	0
Employment	88	0
Finance	2,243	8
Food & Drink	205	0
Health & Beauty	599	21
Holidays & Travel	3,495	12
Household	858	12
Industrial Engineering	39	0
Leisure	2,625	22
Motoring	1,398	9
Non-Commercial	282	4
Other	1	0
Property	41	0
Publishing	272	1
Retail	907	0
Utilities	58	0
Total	15,512	102

4.3 Compliance by Newspaper

The ASA and CAP work closely with the media to ensure that advertisements in breach of the Code do not appear and, if they do, that they do not appear again.

No significant difference was found in compliance rates between tabloids and broadsheets. Fig. 4, below, shows The Scotsman and The Times were responsible for carrying a significant number of non-compliant advertisements. It was noted, however, that all or nearly all of the breaches found were technical breaches such as not including an address outside a coupon in a reader offer. When such a breach was brought to the attention of newspapers, they assured the Compliance team that the advertisements would not be placed again in their current form. In light of this, the Compliance team did not consider further action was needed.

Fig. 4 Compliance by newspaper (excluding duplicates)

Paper	Number of Breaches
The Scotsman	14
The Times	13
The Independent	10
Daily Mail	10
Sunday Times	9
The Daily Telegraph	8
The Guardian	7
Mail on Sunday	6
Daily Express	6
The Sun	3
Daily Record	3
Daily Mirror	3
The Observer	3
Daily Star	3
News of the World	1
The Sunday Telegraph	1
Sunday Mirror	1
The People	1
The Independent on Sunday	0
The Sunday Express	0
Financial Times	0
The Business	0
Scotsman on Sunday	0
Daily Star on Sunday	0

Advertisements which are obviously misleading or offensive contain substantive breaches. Others, which omit seemingly minor information, contain technical breaches.

Non-compliance with Code clause 15.2 was a technical breach that occurred regularly during the survey. Advertisers fell foul of this clause if they did not include VAT and other non-optional taxes in prices quoted in their advertisements.

Fig. 5 Type of breach - technical v. substantive (excluding duplicates)

Newspaper	Technical	Substantive
The Times	12	1
The Sunday Times	9	0
The Sunday Telegraph	0	1
The Sunday Mirror	1	0
The Sun	3	0
The Scotsman	14	0
People	0	1
The Observer	2	1
News of the World	1	0
Mail on Sunday	4	2
Independent	6	4
Guardian	4	3
Daily Telegraph	5	3
Daily Star	3	0
Daily Record	1	2
Daily Mirror	2	1
Daily Mail	7	3
Daily Express	3	3
Total	77	25

4.4 Compliance by Clause

As well as identifying the different types of breaches, the Compliance team also identified those clauses most commonly breached. A consistent breach of one clause would require the Compliance team to embark on sector compliance work.

As can be seen from Fig. 6 below, the vast majority of breaches were of clause 42.2a. Covering distance selling, the clause is most often applied to reader offers. It states that for those communications that require payment before products are received and have written response mechanisms (e.g. postal, fax or e-mail), the full name and geographical address of the marketers (and suppliers if different) should be outside the coupon or other response mechanism so that it can be retained by consumers. It may seem that such a minor breach should not be a cause for concern. If the goods, however, failed to arrive or if the consumer wished to change its order, without contact details outside the coupon, the consumer would find it difficult to contact the company. This breach was easily rectified by publications changing their reader offer templates to ensure the necessary contact details were included outside the reply coupon.

Common breaches were also found of clauses 3.1 and 7.1. Clause 3.1 is breached when advertisers are unable to provide evidence in support of claims. Clause 7.1 is breached if advertisements include exaggerated claims or claims which are inaccurate, ambiguous or omit information. As can be seen from the table below, clauses specific to the health and beauty sector were also breached regularly.

Substantive breaches were found in advertisements for weight loss products, treatments for ill health and alcohol.

Fig. 6 Number of breaches by clause (excluding duplicates)

Clause	Summary	No. of Breaches
42.2a	Communications that require payment before products are received and have written response mechanisms, the full name and geographical address of the marketers outside the coupon or other response mechanism so that it can be retained by consumers.	48
7.1	No misleading, inaccurate, ambiguous, exaggerated claims.	22
15.2	Price in advertisement should include VAT.	16
50.1	Medical and scientific claims should be backed by evidence.	16
50.3	Marketers should not discourage essential medical treatment.	5
3.1	Claims must be substantiated and evidence held.	5
32.1	Free offers and trials should not include hidden prices.	4
51.1	Weight reduction regimes should be backed by evidence.	4
15.1	Prices should match the products illustrated	3
15.4	Price claims 'up to' and 'from' should not exaggerate the availability of benefits.	2

46.7	Should not suggest alcohol can enhance mental, physical or sexual capabilities.	2
6.1	Should not exploit credulity, lack of knowledge or experience of consumers	2
3.3	Claims for non-fiction books, tapes and videos should not exaggerate value, accuracy or scientific validity of the product.	1
8.1	Should be clear subjective views are opinions and not fact.	1
30.1	Promoters should demonstrate they made a reasonable estimate of likely response and were able to meet demand.	1
50.4	Consumers should not be encouraged to use health & beauty products to excess.	1
50.8	Should not imply minor addictions and bad habits can be treated without effort.	1
50.2	Should not make claims that might lead to a mistaken diagnosis.	1
50.25	Skin cream advertisements should refer to the temporary prevention of ageing.	1
51.4	Should show that weight reduction is achieved by loss of body fat before claims are made for weight reduction regime.	1
51.9	Should not claim that people can lose a precise amount of weight within a stated period.	1
53.2	Offers of financial products should be easily understood.	1
21.1	No marketing communication should resemble another advertisement so that it misleads	1

4.5 Compliance by Month (excluding duplicates)

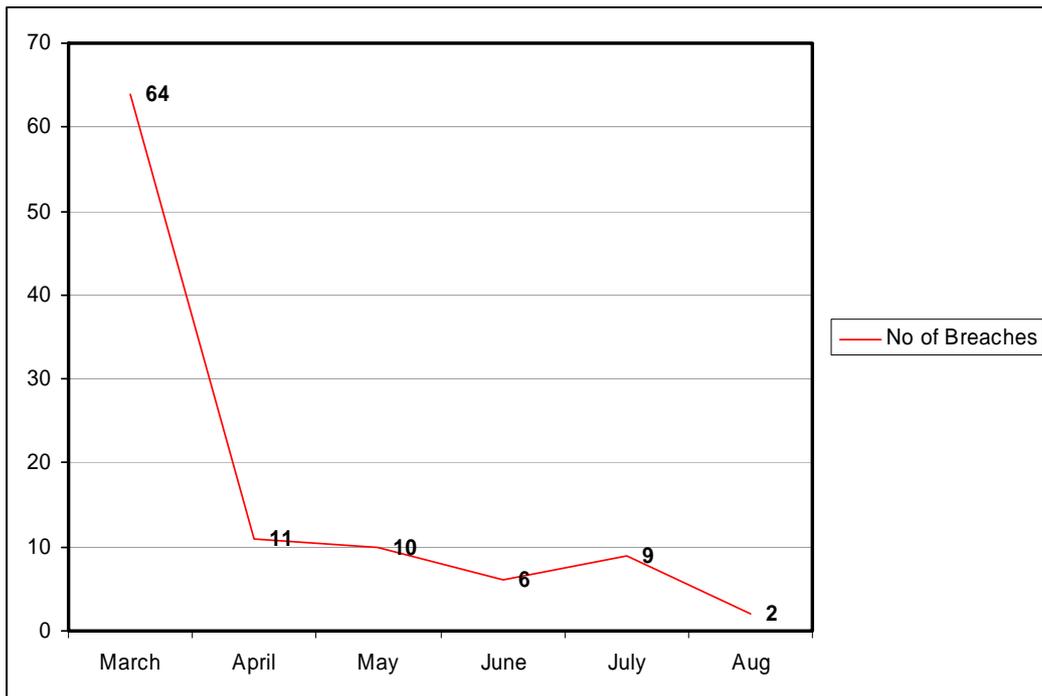
The Compliance team was encouraged to note a fall in the number of advertisements in breach of the Code during the survey. The fall suggested that breaches brought to the attention of newspapers in the first month of the survey were not repeated.

It also noted a fall in the total number of advertisements placed in each newspaper. Although the team was not in a position to speculate on why such a fall occurred, it noted that, month by month, the number of breaches fell, with one exception, from the beginning to the end of the Survey.

Fig. 7 Monthly compliance rate (excluding duplicates)

Month	Number of advertisements	Number in breach	Breach rate per month %	As a % of breach total
March	3,626	64	1.77	62
April	3,025	11	0.36	11
May	2,339	10	0.43	10
June	2,541	6	0.24	6
July	2,189	9	0.41	9
August	1,792	2	0.11	2
Total	15,512	102	-	100

Fig. 8 Monthly decline in the number of breaches (excluding duplicates)



4.6 CAP Ad Alerts issued during the Survey period

One of the sanctions available to the CAP Executive is to issue Ad Alerts. Ad Alerts are issued to warn the industry, including the media, about advertisements, sales promotions and direct marketing that breach the Code. They are sent to all relevant CAP members, including newspaper advertising directors advising them to consult the CAP Copy Advice team if they are asked to accept marketing communications by the highlighted company or are asked to accept marketing communications relating to a general problem.

Each Ad Alert contains a clear description of the company, marketing communication or problem (including names, addresses and other contact details, where relevant). Ad Alerts can be issued against specific marketers or can alert the media to a general problem. All Ad Alerts advise the industry to consult the Copy Advice team before accepting specific types of advertising or advertising from a particular advertiser.

One of the advantages of Ad Alerts is that they can be issued at short notice, are carefully targeted for greatest impact and are sent electronically. For those reasons, this sanction is most commonly used for non-compliant marketers who advertise in the national press.

During the six months of the Survey, a total of 11 Ad Alerts were issued about advertisements appearing in the national press; five related to specific advertisers and the one other to a general problem.

Fig. 9 Ad Alerts issued by sector during the Survey

Sector	No. of Ad Alerts
Clothing	1
Employment	1
Household	1
Holidays & Travel	5
Health & Beauty	2
Leisure	1

Three of the Ad Alerts that fell into the holidays and travel sector concerned advertisements that offered either 'free' or 'giveaway' flights that required the payment of taxes and charges. Another related to an advertiser's failure to specify the names of airports from which flights

departed and the fifth was a general Ad Alert advising the industry not to describe flights as 'free' if they were not.

The Ad Alerts issued in the household and employment sectors related to advertisers who continued to use claims that the ASA had ruled were misleading. An Ad Alert was issued against one advertiser in the employment sector and another in the leisure sector for their failure to respond to enquiries from the ASA, a breach of the Code. The Ad Alerts issued in the health and beauty sector were against two advertisers who made unsubstantiated claims for health or beauty products.

The Compliance team was concerned that it had to contact national press titles seven times about continuing to place advertisements subject to an Ad Alert. One newspaper was reminded to not place unacceptable advertisements for magnetic products. One newspaper was twice reminded and five advertisers reminded once that flights should not be advertised as 'free' if customers had to pay taxes and charges.

4.7 Complaints

The ASA receives very few complaints about advertisements containing technical breaches only. The most likely reason is that such breaches are not obviously apparent to consumers.

5 Conclusions

The Compliance team conducted the survey to discover the compliance rate in display advertisements in the national press. The examination revealed an extremely encouraging compliance rate of 99.3%.

Of those advertisements that breached the CAP Code, 75% had technical breaches. Technical breaches represent only a minor breach of the Code which makes the compliance rate all the more positive. In each instance, the advertisers gave the Compliance team an assurance that they would make the necessary changes would be made to ensure the breaches did not occur again.

Whilst this rate is extremely encouraging there were a number of highly problematic campaigns during the period suggesting that CAP must remain vigilant in its monitoring of the national press to ensure adherence to the CAP Code. This is demonstrated by the need to issue 11 Ad Alerts during the survey period.

6 ASA adjudications published during the survey period

Every year, the ASA receives about 14,000 complaints from the public and industry about advertisements appearing in all non-broadcast media. In 2003, the ASA Council upheld 581 complaints. Nearly 800 complaints were resolved informally (the advertiser agreed to withdraw the advertisement).

During the 6 month period of the Survey, the ASA Council upheld 54 complaints about advertisements appearing in the national press. Also 71 complaints resolved informally and two complaints withdrawn.

Fig.10 Formal and informal investigations undertaken during the Survey period

Investigation	Breach	No Breach	Ongoing	Withdrawn	Total
Formally Investigated	54	13	23	1	91
Informally Investigated	71	6	0	1	78
Total	125	19	23	2	169

During the same period, the Compliance team identified 102 advertisements in breach of the CAP Code. The Survey, however, applied only to one week of every month. To make a comparison, the team estimated that it would have identified 442 advertisements in breach of the Code if the survey had applied to every week of the survey period. With the ASA having identified breaches in 125 formal and informal investigations, the Compliance team was responsible for identifying more than three and a half times the number of unacceptable advertisements in the national press than the number of unacceptable advertisements in the national press complained about by the public.

The team noted that five of the advertisements investigated formally or informally and upheld by the ASA were also identified and brought to the attention of the advertisers and publications by the Compliance team.

Fig. 11 Formal and informal investigations per sector undertaken during the Survey period

Sector	Investigations		Upheld Formal	Upheld Informal
	Formal	Informal		
Alcohol	1	0	0	0
Business	4	0	4	0
Clothing	1	0	1	0
Computers and Telecoms	13	12	10	0
Electrical Appliances	1	1	0	0
Employment	3	2	2	2
Financial	3	3	1	2
Food and Drink	2	0	0	0
Health and Beauty	6	2	4	2
Holiday and Travel	10	19	7	17
Household	7	7	3	7
Industrial & Engineering	0	1	0	1
Leisure	5	7	3	7
Motoring	11	5	6	4
Non-Commercial	3	1	0	1
Property	2	2	1	2
Publishing	13	12	9	12
Retail	6	3	3	2
Utilities	0	1	0	1
Total	91	78	54	60

It is interesting to note the sectors which received the greatest number of complaints from the public. The Compliance team identified the health and beauty sector and the leisure sector as containing the largest number of advertisements in breach of the Code from the Survey. Whereas the public was more concerned about breaches of the Code in the holidays and travel sector and the computers and telecoms sector.

For more information about the advertisements subject to an upheld ASA adjudication, see appendix 8.2.

7 Pre-publication advice

Seeking advice from the CAP Copy Advice team is the best way to ensure that marketing communications do not break the Code and advertisers are urged to use this service. The team can draw on ASA research and previous ASA adjudications and is experienced at advising on the likely reaction of both the public and competitors. Consult the team on 020 7492 2100 (telephone), 020 7242 3696 (fax) or on copyadvice@cap.org.uk. The team responds to almost all written enquiries within 24 hours.

Also, advertisers, their agencies and the media can stay the right side of the line by using AdviceOnline, an up-to-date database of advice that tells advertisers what they can and cannot do and links users to relevant Code clauses, Help Notes and past ASA decisions. CAP encourages users to subscribe to Update@CAP, the e-mail newsletter. Both services are free and available on www.cap.org.uk.

8 Appendix

8.1 CAP Code clauses referred to in the Survey

General

3.1 Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove all claims, whether direct or implied, that are capable of objective substantiation. Relevant evidence should be sent without delay if requested by the ASA or CAP. The adequacy of evidence will be judged on whether it supports both the detailed claims and the overall impression created by the marketing communication. The full name and geographical business address of marketers should be provided without delay if requested by the ASA or CAP.

Marketers have primary responsibility for ensuring that their marketing communications are legal. Marketing communications should comply with the law and should not incite anyone to break it.

7.1 No marketing communication should mislead, or be likely to mislead, by inaccuracy, ambiguity, exaggeration, omission or otherwise.

Display Advertisements

15.2 Prices quoted in marketing communications addressed to the public should include VAT and other non-optional taxes and duties imposed on all buyers. In some circumstances, for example where marketing communications are likely to be read mainly by businesses able to recover VAT, prices may be quoted exclusive of VAT or other taxes and duties, provided prominence is given to the amount or rate of any additional costs.

Reader Offers

22.2 Distance-selling marketing communications should contain the full name of the marketers (and the suppliers if different).

Distance-selling marketing communications that require payment before products are received and have written response mechanisms should also contain the geographical address of the marketers (and the suppliers if

different). Those that contain a telephone response mechanism only may contain the marketers' telephone number instead (though see clause 42.2a).

E-mail and mobile marketing communications should contain the full name and a valid address (e.g. an e-mail address) of the marketers to which recipients can send opt-out requests.

Fax and non-live-sound automated-call marketing communications should contain the full name and a valid address or freephone number of the marketers to which recipients can send opt-out requests.

Sales promotions and marketing communications for one-day sales, homework schemes, business opportunities and the like should contain the full name and geographical address of the marketers (see clause 34.1h and section 52).

Marketing communications for employment agencies should contain the full name and contact details of the marketers.

The law requires marketers to identify themselves in some other marketing communications. Marketers should take legal advice.

41.1 The direct marketing rules must be read in conjunction with the general rules, sales promotion rules and other specific rules, if relevant. Moreover, the Direct Marketing Association also requires its members to observe the DMA Code of Practice. That code covers some practices (e.g. telemarketing) that are not covered in this Code.

For the purposes of the Code, distance selling marketing communications are the final written advertised stage in the process that allows consumers to buy products without the buyer and seller meeting face-to-face. Marketers should comply with the Consumer Protection (Distance Selling) Regulations 2000. Guidance on the legislation is available from www.dti.gov.uk. These clauses should be observed in conjunction with the legislation; they do not replace it.

42.2 Distance selling marketing communications should include:

a for those communications that require payment before products are received and have written response mechanisms (e.g. postal, fax or email), the full name and geographical address of the marketers (and

suppliers if different) outside the coupon or other response mechanism so that it can be retained by consumers. A separate address for orders may also be given; this need not be a full address but could, for example, be a Freepost address or a PO Box number. Communications containing a telephone response mechanism only need merely state the full name and telephone number but consumers calling the number must be told the geographical address (and see 42.3d). Communications that do not require payment before products are received should state the full name of the marketers (and the suppliers if different)

- b the main characteristics of the products
- c the price, including any VAT or other taxes payable (see 15.2), and payment arrangements
- d the amount and number of any delivery charges
- e the estimated delivery/performance time (see 42.4) and arrangements
- f a statement that, unless inapplicable (see 42.6), consumers have the right to cancel orders for products. Marketers of services must state that the right to cancel will be lost once services have begun with the consumer's agreement, if they wish to limit consumers' cancellation rights in this way. They should, however, make it clear when the services will begin
- g any telephone, postal or other communication charges calculated at higher than the basic rate (e.g. where a premium rate call is required)
- h any other limitation on the offer (e.g. period of availability) and any other conditions that affect its validity
- i a statement as to whether marketers intend to provide substitute products (of equivalent quality and price) if those ordered are unavailable, and that they will meet the cost of returning substitute products on cancellation
- j the minimum duration of open-ended contracts; i.e. where goods are supplied or services performed permanently or recurrently.

42.3 At the latest by the time that goods are delivered or services begin, marketers should give consumers written information on:

- a unless inapplicable (see 42.6 below), how to exercise their right to cancel. Marketers should allow at least 7 clear working days after delivery (or after the conclusion of service contracts) for consumers to cancel
- b in the case of goods, whether the consumer has to return the goods to the suppliers on cancellation and, if so, who is to bear the cost of return or recovery of the goods (though see 42.2i for substitute goods)
- c any other after-sales services and guarantees
- d the full geographical address of the suppliers for any consumer complaints
- e the conditions that apply to the cancellation of open-ended contracts.

42.8 Marketers should take particular care when packaging products that might fall into the hands of children.

8.2 ASA adjudications relevant to survey period: March to August 2004

Advertiser (Case)	Stage	Date Received	Date Finished	Sector	Decision
J Sainsbury plc	Formally Investigated	12-Aug-04	On-going	Alcohol	On-going
Andrew Harris	Formally Investigated	05-Apr-04	06-Aug-04	Business	Breach
Manor Wills Direct	Formally Investigated	18-Jun-04	11-Oct-04	Business	Breach
The Newspaper Marketing Agency	Formally Investigated	24-Aug-04	23-Nov-04	Business	Breach
BIE Interim Executive Ltd	Formally Investigated	29-Mar-04	05-Jul-04	Business	Breach
Orthet Ltd	Formally Investigated	02-Mar-04	30-Apr-04	Clothing	Breach
DSG Retail Ltd	Formally Investigated	01-Jun-04	24-Nov-04	Computers and telecommunications	Breach
Centrica Telecommunications Ltd	Formally Investigated	01-Jul-04	01-Oct-04	Computers and telecommunications	Breach
DSG Retail Ltd	Formally Investigated	02-Jun-04	27-Aug-04	Computers and telecommunications	Breach
Argos Ltd	Formally Investigated	07-Jun-04	27-Aug-04	Computers and telecommunications	Breach
British Telecommunications plc	Formally Investigated	09-Mar-04	23-Aug-04	Computers and telecommunications	Breach
e2save.com Ltd	Formally Investigated	15-Jun-04	01-Oct-04	Computers and telecommunications	Breach
Centrica Telecommunications Ltd	Formally Investigated	15-Jul-04	On-going	Computers and telecommunications	On-going
Hutchison 3G UK Ltd	Formally Investigated	19-Jul-04	On-going	Computers and telecommunications	On-going
Vodafone Ltd	Formally Investigated	21-Jul-04	18-Oct-04	Computers and telecommunications	Breach
Direct Fone Warehouse	Formally Investigated	28-Jul-04	On-going	Computers and telecommunications	On-going
Tele2 UK Communications Ltd	Formally Investigated	29-Mar-04	12-Jul-04	Computers and telecommunications	Breach

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Advertiser (Case)	Stage	Date Received	Date Finished	Sector	Decision
MonsterMob Ltd	Formally Investigated	29-Mar-04	04-Jun-04	Computers and telecommunications	Breach
Hutchison 3G UK Ltd	Formally Investigated	30-Apr-04	04-Oct-04	Computers and telecommunications	Breach
Merloni Elettrodomestici UK Ltd	Formally Investigated	03-Aug-04	On-going	Electrical appliances	On-going
Docklands Car Ltd	Formally Investigated	10-Jun-04	29-Sep-04	Employment	Breach
Direct Route Insight Ltd	Formally Investigated	15-Jun-04	05-Oct-04	Employment	Breach
Gundersen Bucher Rugman	Formally Investigated	21-Apr-04	14-Jun-04	Employment	No breach
Privilege Insurance	Formally Investigated	12-Aug-04	On-going	Financial	On-going
RIAS Insurances	Formally Investigated	16-Jun-04	08-Oct-04	Financial	No breach
Compass Finance Ltd	Formally Investigated	28-May-04	13-Aug-04	Financial	Breach
Arla Foods Plc	Formally Investigated	18-Jun-04	29-Nov-04	Food and drink	No breach
Scottish Quality Salmon	Formally Investigated	24-Aug-04	On-going	Food and drink	On-going
Natural Health Foundation	Formally Investigated	18-Mar-04	16-Aug-04	Health and beauty	Breach
Hair Techniques	Formally Investigated	18-May-04	23-Aug-04	Health and beauty	Breach
Windsor Health	Formally Investigated	18-Aug-04	On-going	Health and beauty	On-going
Erdic UK Ltd	Formally Investigated	19-May-04	13-Aug-04	Health and beauty	Breach
BUPA Ltd	Formally Investigated	23-Mar-04	25-Oct-04	Health and beauty	No breach

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Advertiser (Case)	Stage	Date Received	Date Finished	Sector	Decision
CAT Industries Ltd	Formally Investigated	27-Apr-04	02-Nov-04	Health and beauty	Breach
Intercontinental Hotels Group	Formally Investigated	13-Jul-04	26-Nov-04	Holidays and travel	Breach
Speed Ferries.com	Formally Investigated	13-Aug-04	On-going	Holidays and travel	On-going
British Airways plc	Formally Investigated	22-Apr-04	09-Aug-04	Holidays and travel	No breach
Brittany Ferries	Formally Investigated	22-Jun-04	17-Sep-04	Holidays and travel	Breach
Irish Ferries	Formally Investigated	23-Jun-04	27-Aug-04	Holidays and travel	Breach
Brittany Ferries	Formally Investigated	25-May-04	06-Aug-04	Holidays and travel	Breach
Specialist Holiday Group Ltd	Formally Investigated	25-May-04	04-Oct-04	Holidays and travel	Breach
Virgin Atlantic Airways Ltd	Formally Investigated	26-Mar-04	04-Jun-04	Holidays and travel	Breach
Bmibaby.com	Formally Investigated	28-Jun-04	12-Oct-04	Holidays and travel	Breach
Ryanair Ltd	Formally Investigated	28-Jul-04	On-going	Holidays and travel	On-going
Coldseal Group Ltd	Formally Investigated	05-Aug-04	On-going	Household	On-going
Selective Marketplace Ltd	Formally Investigated	10-Aug-04	On-going	Household	On-going
Tripp Ltd	Formally Investigated	17-May-04	02-Aug-04	Household	Breach
Dolphin Bathrooms	Formally Investigated	17-May-04	22-Nov-04	Household	No breach
Postbox Mail Order Ltd	Formally Investigated	18-Aug-04	10-Nov-04	Household	Breach

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Advertiser (Case)	Stage	Date Received	Date Finished	Sector	Decision
Furnitora (UK) Ltd	Formally Investigated	21-Jun-04	24-Aug-04	Household	Breach
The Enterprise Department Ltd	Formally Investigated	28-Jul-04	02-Nov-04	Household	Unresolved
Advanced Direct Information Services Ltd	Formally Investigated	05-Aug-04	On-going	Leisure	On-going
Talksport Ltd	Formally Investigated	12-Mar-04	16-Apr-04	Leisure	Breach
Sporting Exchange Ltd	Formally Investigated	17-Jun-04	22-Nov-04	Leisure	Breach
David Lloyd Leisure	Formally Investigated	24-Aug-04	On-going	Leisure	On-going
The Really Useful Theatre Company Ltd	Formally Investigated	25-May-04	06-Sep-04	Leisure	Breach
Freight Transport Association	Formally Investigated	02-Jun-04	01-Nov-04	Motoring	Breach
Renault Bolton	Formally Investigated	02-Aug-04	On-going	Motoring	On-going
Seat UK	Formally Investigated	08-Jun-04	16-Aug-04	Motoring	Breach
Goodyear Dunlop Tyres	Formally Investigated	10-May-04	30-Jul-04	Motoring	Breach
Ford Motor Company Ltd	Formally Investigated	10-Aug-04	On-going	Motoring	On-going
Citroen UK Ltd	Formally Investigated	15-Jun-04	20-Aug-04	Motoring	No breach
Colt Car Company Ltd	Formally Investigated	16-Jul-04	04-Oct-04	Motoring	Breach
Vauxhall Motors Ltd	Formally Investigated	17-Aug-04	On-going	Motoring	On-going
First Alternative Insurance Services Ltd	Formally Investigated	19-May-04	27-Jul-04	Motoring	No breach

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Advertiser (Case)	Stage	Date Received	Date Finished	Sector	Decision
MG Rover Group Ltd	Formally Investigated	27-Apr-04	12-Jul-04	Motoring	Breach
Daimler Chrysler UK	Formally Investigated	28-May-04	23-Aug-04	Motoring	Breach
Marie Curie Cancer Care	Formally Investigated	01-Mar-04	23-Apr-04	Non-commercial	No breach
British Heart Foundation	Formally Investigated	07-Jun-04	06-Sep-04	Non-commercial	No breach
Oxfam	Formally Investigated	13-Jul-04	On-going	Non-commercial	On-going
National Homebuyers	Formally Investigated	13-Aug-04	On-going	Property	On-going
PropertySpy plc	Formally Investigated	14-May-04	12-Jul-04	Property	Breach
Associated Newspapers Ltd	Formally Investigated	04-Aug-04	22-Oct-04	Publishing	Breach
Guardian Newspapers Ltd	Formally Investigated	04-Aug-04	05-Oct-04	Publishing	No breach
Windsor Group	Formally Investigated	05-Jul-04	24-Sep-04	Publishing	Breach
Freeloader.com Ltd	Formally Investigated	10-May-04	20-Jul-04	Publishing	Breach
Express Newspapers plc	Formally Investigated	10-May-04	06-Aug-04	Publishing	Breach
News International Newspapers Ltd	Formally Investigated	17-Mar-04	30-Jul-04	Publishing	Breach
Associated Newspapers Ltd	Formally Investigated	22-Mar-04	25-May-04	Publishing	No breach
News International plc	Formally Investigated	22-Jun-04	04-Oct-04	Publishing	No breach
Sport Newspapers Ltd	Formally Investigated	24-Jun-04	20-Sep-04	Publishing	Breach

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Advertiser (Case)	Stage	Date Received	Date Finished	Sector	Decision
News Group Newspapers Ltd	Formally Investigated	26-Mar-04	04-Jun-04	Publishing	Breach
Times Newspapers Ltd	Formally Investigated	27-Aug-04	On-going	Publishing	On-going
News Group Newspapers Ltd	Formally Investigated	28-Apr-04	16-Jul-04	Publishing	Breach
Express Newspapers plc	Formally Investigated	29-Mar-04	09-Jul-04	Publishing	Breach
Homebase Ltd	Formally Investigated	01-Jul-04	25-Oct-04	Retail	Breach
Asda Group plc	Formally Investigated	09-Aug-04	On-going	Retail	On-going
Lidl UK GmbH	Formally Investigated	20-May-04	On-going	Retail	On-going
DSG Retail Ltd	Formally Investigated	21-May-04	14-Sep-04	Retail	Breach
DSG Retail Ltd	Formally Investigated	22-Jun-04	24-Sep-04	Retail	Breach
Costcutter	Formally Investigated	27-Aug-04	On-going	Retail	On-going

8.3 Informally resolved complaints relevant to the survey period

Advertiser (Case)	Stage	Date Received	Date Finished	Sector
Time Computer Systems Ltd	Informally Investigated	04-May-04	28-May-04	Computers and telecommunications
Dial-a-Phone Ltd	Informally Investigated	04-Jun-04	14-Jul-04	Computers and telecommunications
DSG Retail Ltd	Informally Investigated	07-Apr-04	19-May-04	Computers and telecommunications
Tele2 UK Communications Ltd	Informally Investigated	09-Jul-04	06-Aug-04	Computers and telecommunications
Dial-a-Phone Ltd	Informally Investigated	09-Jul-04	02-Sep-04	Computers and telecommunications
Hutchison 3G UK Ltd	Informally Investigated	13-May-04	18-Jun-04	Computers and telecommunications
IDT Direct Ltd	Informally Investigated	14-Apr-04	27-Apr-04	Computers and telecommunications
British Telecommunications plc	Informally Investigated	15-Mar-04	05-Apr-04	Computers and telecommunications
DSG Retail Ltd	Informally Investigated	18-Mar-04	12-May-04	Computers and telecommunications
IDT Direct Ltd	Informally Investigated	21-Jun-04	26-Jul-04	Computers and telecommunications
Centrica Telecommunications Ltd	Informally Investigated	22-Apr-04	11-May-04	Computers and telecommunications
Jamba! AG	Informally Investigated	23-Mar-04	15-Apr-04	Computers and telecommunications
Siemens plc	Informally Investigated	04-Aug-04	08-Sep-04	Electrical appliances

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Advertiser (Case)	Stage	Date Received	Date Finished	Sector
SF Group	Informally Investigated	13-May-04	22-Jul-04	Employment
London Scottish Bank plc	Informally Investigated	19-May-04	12-Jul-04	Employment
Endowment Claims LLP	Informally Investigated	12-Mar-04	31-Mar-04	Financial
Alliance & Leicester plc	Informally Investigated	19-Jul-04	10-Aug-04	Financial
Lloyds TSB Bank plc	Informally Investigated	26-Apr-04	06-Jun-04	Financial
National Mobility Ltd	Informally Investigated	11-Mar-04	19-Apr-04	Health and beauty
British Hernia Centre	Informally Investigated	24-Aug-04	25-Nov-04	Health and beauty
The Really Great Holiday Company plc	Informally Investigated	03-Mar-04	26-Apr-04	Holidays and travel
Trailfinders Ltd	Informally Investigated	03-Jun-04	29-Jun-04	Holidays and travel
Star Alliance	Informally Investigated	06-Apr-04	01-Jun-04	Holidays and travel
TUI UK Ltd	Informally Investigated	06-Jul-04	06-Aug-04	Holidays and travel
Mercury Direct	Informally Investigated	06-Aug-04	13-Sep-04	Holidays and travel
Tourism Ireland Ltd	Informally Investigated	07-Apr-04	06-May-04	Holidays and travel
Groupe Envergure	Informally Investigated	09-Jul-04	20-Aug-04	Holidays and travel
Ryanair Ltd	Informally Investigated	09-Aug-04	31-Aug-04	Holidays and travel

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Advertiser (Case)	Stage	Date Received	Date Finished	Sector
Jersey European Airways (UK) Ltd	Informally Investigated	10-Aug-04	30-Sep-04	Holidays and travel
Ebookers.com	Informally Investigated	16-Mar-04	22-Apr-04	Holidays and travel
Stena Line UK Ltd	Informally Investigated	16-Apr-04	03-Jun-04	Holidays and travel
Maltabargains.com	Informally Investigated	17-Mar-04	16-Apr-04	Holidays and travel
Mark Warner Holidays Ltd	Informally Investigated	19-May-04	15-Jun-04	Holidays and travel
Irish Ferries	Informally Investigated	20-Apr-04	18-May-04	Holidays and travel
Holiday Autos Ltd	Informally Investigated	22-Jun-04	28-Jul-04	Holidays and travel
onlinetravel.com	Informally Investigated	22-Jul-04	06-Sep-04	Holidays and travel
Monarch Airlines Ltd	Informally Investigated	23-Mar-04	07-Apr-04	Holidays and travel
Monarch Airlines Ltd	Informally Investigated	26-May-04	18-Jun-04	Holidays and travel
Virgin Holidays Ltd	Informally Investigated	27-Jul-04	28-Sep-04	Holidays and travel
Companion Stairlifts	Informally Investigated	03-Jun-04	30-Jun-04	Household
Breach & Q plc	Informally Investigated	06-Apr-04	28-May-04	Household
Orthopaedic Bed Company	Informally Investigated	10-Aug-04	11-Oct-04	Household

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Advertiser (Case)	Stage	Date Received	Date Finished	Sector
Focus (DIY) Ltd	Informally Investigated	13-May-04	04-Aug-04	Household
Haddon House Furniture	Informally Investigated	22-Apr-04	02-Jul-04	Household
Associated Newspapers Ltd	Informally Investigated	26-Apr-04	10-May-04	Household
Bradford Editions Ltd	Informally Investigated	29-Apr-04	09-Jun-04	Household
Prestige Power Systems	Informally Investigated	29-Mar-04	26-Apr-04	Industrial and engineering
Stanley Leisure plc	Informally Investigated	08-Jul-04	11-Aug-04	Leisure
Optimum Releasing	Informally Investigated	13-Jul-04	13-Aug-04	Leisure
Express Newspapers plc	Informally Investigated	14-Jun-04	01-Jul-04	Leisure
Quietlynn Ltd	Informally Investigated	16-Jun-04	23-Jul-04	Leisure
Sport Newspapers Ltd	Informally Investigated	18-Mar-04	07-Apr-04	Leisure
Evesham Technology Ltd	Informally Investigated	18-Jun-04	26-Jul-04	Leisure
Comfort Saddle Company	Informally Investigated	18-Aug-04	17-Sep-04	Leisure
Renault (UK) Ltd	Informally Investigated	15-Jul-04	09-Sep-04	Motoring
Halfords Ltd	Informally Investigated	19-Jul-04	16-Aug-04	Motoring
Renault (UK) Ltd	Informally Investigated	21-Apr-04	30-Jul-04	Motoring

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Advertiser (Case)	Stage	Date Received	Date Finished	Sector
Ewell Honda	Informally Investigated	24-Mar-04	19-May-04	Motoring
National Tyres and Autocare	Informally Investigated	28-Jun-04	22-Jul-04	Motoring
Inland Revenue	Informally Investigated	30-Jul-04	18-Aug-04	Non-commercial
Vigia Group	Informally Investigated	04-May-04	03-Jun-04	Property
Inside Track Seminars Ltd	Informally Investigated	19-Jul-04	09-Aug-04	Property
Associated Newspapers Ltd	Informally Investigated	03-Jun-04	30-Jun-04	Publishing
Express Newspapers plc	Informally Investigated	04-Mar-04	30-Mar-04	Publishing
Associated Newspapers Ltd	Informally Investigated	15-Apr-04	06-May-04	Publishing
Associated Newspapers Ltd	Informally Investigated	19-Jul-04	09-Aug-04	Publishing
Express Newspapers plc	Informally Investigated	21-Jun-04	26-Jul-04	Publishing
Consumers' Association	Informally Investigated	22-Jul-04	25-Aug-04	Publishing
Associated Newspapers Ltd	Informally Investigated	24-Aug-04	14-Oct-04	Publishing
R & W Heap (Publishing) Company Ltd	Informally Investigated	25-Mar-04	19-May-04	Publishing
Express Newspapers plc	Informally Investigated	25-May-04	15-Jul-04	Publishing

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Advertiser (Case)	Stage	Date Received	Date Finished	Sector
Times Newspapers Ltd	Informally Investigated	29-Mar-04	07-Jun-04	Publishing
Associated Newspapers Ltd	Informally Investigated	31-Mar-04	30-Apr-04	Publishing
Associated Newspapers Ltd	Informally Investigated	31-Mar-04	19-May-04	Publishing
Jessop Group Ltd	Informally Investigated	06-Aug-04	03-Sep-04	Retail
Courts plc	Informally Investigated	14-Jul-04	20-Aug-04	Retail
DSG Retail Ltd	Informally Investigated	15-Mar-04	21-May-04	Retail
RWE Group	Informally Investigated	28-May-04	25-Jun-04	Utilities

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