

Influencers and the advertising rules



Sam Wilson
Compliance Executive
Advertising Standards Authority

Legal, decent, honest and truthful

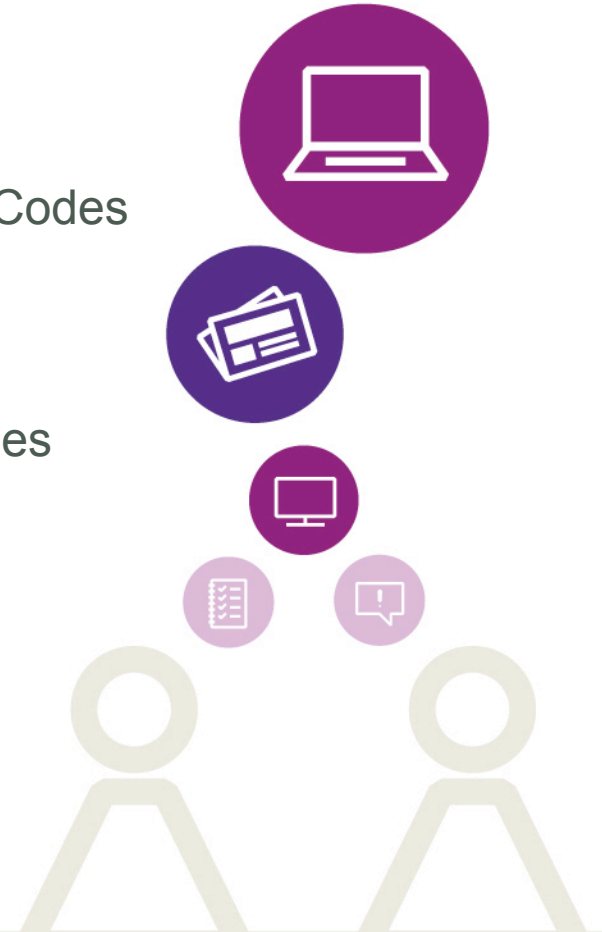
Two bodies, shared goals



Writes, helps enforce and advises on the Advertising Codes



Administers and enforces the rules laid out in the Codes



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The ASA's remit

*Advertisements and other marketing communications by or from companies, organisations or sole traders on their own websites, or in other non-paid-for **space online under their control**, that are **directly connected with the supply or transfer of goods, services, opportunities and gifts**, or which consist of **direct solicitations of donations** as part of their own fund-raising activities.*



Lucozade ordered to stop misleading hydration adverts

Tom Whipple Science Correspondent

One group of runners in yellow shorts pounds on treadmills, drinking Lucozade. Another group, in white, does the same, but drinks water. Slowly, a little bit, historically, the runners drop out, collapsing, swearing, throwing chairs – until only one, in yellow, remains. The conclusion? "Lucozade Sport hydrates and fuels you better than water."

Well that might be what Lucozade thinks, but in a ruling about the marketing campaign, which includes posters depicting the footballer Gareth Bale and the rugby players Chris Robshaw, Richie Gray and Leigh Halfpenny, the Advertising Standards Authority has decided otherwise. As of today, Lucozade is no longer able to make that claim.

According to sports scientists, the ruling is not before time. Professor of Exercise and Leeds Metropolitan University that for almost all people was not only just as good drink, but in many cases believed that the growth in the sports drinks was at best a waste to waste their money.

"I used to coach kids and I used to see them for a 30 to 40-minute exercise sports drink," he said. "I thought that these electrolyte drinks, the absorption of water, but critical. Most people do not intensity of exercise which relevant."

Research for the Natural Council, which represents water industry, found that 5 people who saw the ad thought it implied that Lucozade was better for hydration form of exercise.

Unless you are a professor, Professor Gately says, you all the hydration you need

and, crucially, you can do so without taking a caloric drink.

"There are people trying to live a healthy lifestyle who buy into the concept that this will hydrate them – when actually they spend 30 minutes on a treadmill and consume more energy in the drink than they expend on exercise," he said. "It should be considered a niche product."

The sports drinks market is worth more than £1 billion in the UK and is not restricted to people engaging in sport. About 11 million adults take the drinks at their office desks and they are a popular hangover cure.

Sixty-three complaints were made about the advertisements, including one from the Natural Hydration Council. The ASA upheld their concerns, ruling: "We did not consider that the aver-



Morrisons TV ad banned by ASA for promoting unhealthy eating among kids

Morrisons TV ad banned by ASA for promoting unhealthy eating among kids. An ad for supermarket Morrisons that depicted a young girl throwing away the salad from the burger her mother had prepared for her, unhealthy eating habits among children. The ad, part of a campaign to promote it promoted unhealthy eating habits among young girl talking about her day at school as the mother piled lettuce, onion and tomato on the burger, she removed everything except the bun. "Love quarter-pounders. Love them cheaper burgers."

Clearcast, responding on Morrisons' behalf, disavowed the salad and vegetable items they were not discarded, and that it was false later.

But the ASA noted that the girl immediately with less nutritional value, and that the ad eating option with its "love" burgers voiceover.

It also said that the girl dropped the salad "placing her hands around the bun, ready to eat" suggested she was not going to eat the salad.

American Apparel adverts censured after claims that they sexualised schoolgirls

Sarah Butler

Clothes retailer American Apparel has been reprimanded by the Advertising Standards Authority for "offensive" adverts for schoolwear that had the "potential to normalise predatory sexual behaviour" towards young women.

Two images, one from the brand's website and another from its page on the social media site Instagram, featured a young woman bending over in a school skirt so that her underwear is visible.

The images, which the advertising watchdog said were linked to "School Days" and "Back to School" ranges, were edited so "the focus was on her buttocks and groin rather than on the skirt being modelled". ASA said the ads imitated voyeuristic "up-skirt" photographs taken without the subject's consent.

It is the sixth time in the past two and a half years that the watchdog has issued a ruling against the brand for sexualising schoolgirls.



Suspended American Apparel chief David Churney has faced harassment claims.

were vulnerable and in sexually provocative poses".

In its latest ruling, ASA told the firm to ensure its future advertising was "prepared with a sense of responsibility to consumers and to society".

In its response to complaints about the adverts, American Apparel said its approach "was not graphic, explicit or pornographic, but was designed to show a range of different images of people who are natural, not posed and real".

It added that the models were "happy, relaxed and confident in expression and pose", and that the model in the ads was 20 and was one of its photographers. The firm said the ads were not intended to represent an underage model or to be linked to any "Back to School" marketing efforts.

The latest criticism of the retailer comes as it investigates alleged misconduct by founder, and now suspended chief executive, David Churney, who was voted out of its board in June. Churney, who has faced numerous allegations of sexual misconduct, is currently acting as a consultant to the brand. The company's website says he oversees the majority of its "creative content" including ads.

The ASA has also ruled that the firm misled the public by unsubstantiated claims about offering a "Back to School" range of clothing and said a gas leak in the firm's factory in the UK was a "near-catastrophe".

The firm's "fantastic new" range, published in February, had a "near-catastrophe" in early 2013 and claimed that natural gas from shale rock "decades worth of natural gas of pounds in tax revenues" from "a result of business with your gas supply", "prices for millions", and "house emissions" to replace natural gas for energy.

A reader complained that the advertisement exaggerated the extent of shortage, that the benefit were not known and that it supply gas to Britain.

The ASA ruled against the firm, saying it had made its claims again.

ADVERTISING

Green Deal ad 'misled' viewers on energy bills

By Adam Sherwin

The Department of Energy and Climate Change has been ordered to drop an ad campaign that misled viewers over the savings they could expect to make from the Government's Green Deal scheme and failed to make clear the costs involved.

In a further blow to the much-criticised initiative, the department was censured by the Advertising Standards Authority (ASA), following complaints that it misled consumers.

The Green Deal offers households 25-year loans to pay for energy-saving measures such as insulation, boiler upgrades and double glazing. The loans are repaid through the residential energy allowance.

Center Parcs advert banned

An advertisement for Center Parcs resorts has been banned for "irresponsibly encouraging parents to take their children on holiday during term time."

The television advertisement promoting midweek breaks showed families with school-

children taking part in various activities, with small print stating that the offer "excludes school holidays". Two viewers complained that the advertisement was irresponsible.

Center Parcs said it was the responsibility of parents to make a judgment regarding children. The ASA ruled the ad must not appear in its current form.

BuzzFeed NEWS

News Videos Quizzes Food DIY More v Get Our



YouTube Stars' Oreo Videos Banned By UK Advertising Watchdog

The Advertising Standards Authority says that videos made by British vloggers on behalf of the cookie company weren't clearly labelled as advertising.

posted on Nov. 26, 2014, at 10:05 a.m.



Patrick Smith
BuzzFeed News Reporter, UK

the guardian

News Sport Comment Culture Business Money Life & style Travel Environment

Culture > Television & radio > The Big Bang Theory

Channel 4 rapped for airing alcohol ads when kids were likely to be watching

ASA criticises E4 for running drink ads during The Big Bang Theory, while other broadcasters also fall foul of advertising rules

Mark Sweney
theguardian.com, Wednesday 31 July 2013 07:18 BST
Jump to comments (11)



The Big Bang Theory: Channel 4 was criticised for running alcohol ads during the hit show. Photograph: Charles Fearn/Channel 4

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The Big Bang Theory

Media

Advertising Standards Authority Channel 4

Advertising - Television

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Alcohol

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More news

More on The Big Bang Theory

02 Recognition of marketing communications

Background

Other sections of the Code contain product-specific or audience-specific rules that are intended to protect consumers from misleading marketing communications. For example, the Charity-linked Promotions and Children sections of the Code contain rules that apply, as well as the general rules, to marketing communications that fall under those sections.

Rules

- 2.1** Marketing communications must be obviously identifiable as such.
- 2.2** Unsolicited e-mail marketing communications must be obviously identifiable as marketing communications without the need to open them (see rule 10.6).
- 2.3** Marketing communications must not falsely claim or imply that the marketer is acting as a consumer or for purposes outside its trade, business, craft or profession; marketing communications must make clear their commercial intent, if that is not obvious from the context.
- 2.4** Marketers and publishers must make clear that advertorials are marketing communications; for example, by heading them "advertisement feature".

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section

Relevant Code rules:

- 10 Database practice
- Appendix 2 -
Advertising rules for on-
demand services
regulated by statute

Advertising Guidance:

- Advertisement features
(non-broadcast)
[430.09KB]
- Virals (non-broadcast)
[202.62KB]

Recognition of Advertising

The Rules:

Marketing communications must be **obviously** identifiable as such.

Marketers and publishers must **make clear** that advertorials are marketing communications

Key Points:

- Consumers need to know its an ad!
- The ASA holds publishers responsible too
- Rules reflect a **banned practice** under EU law



Labelling...



“People really don’t mind content from brands so long as it is relevant and useful and, critically, as long as it is clearly labelled.” [IAB]

Consumers ‘like’:

- The advertiser logo being prominent, ideally at the top of the piece of content
- Clear labelling
- Boxing or colours that clearly make commercial content look visually different to editorial content

Advertorial – In Remit

Full advertorial

- Reciprocal arrangement and editorial control of the content in general

Commercial break

- An advertorial section placed within an otherwise independent editorial feature (e.g. on YouTube)

Product placement

- A specific product placed within otherwise independent editorial (e.g. a specific make-up brand a tutorial)



ASA native rulings

BuzzFeed


LOLwinomgcutefailwtf







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14 Laundry Fails We've All Experienced


You aren't the only one who has turned everything pink.


posted on Oct. 7, 2015, at 1:18 p.m.

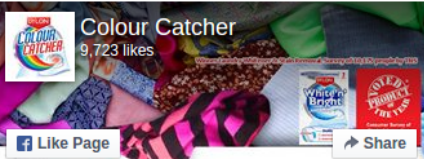
 **Dylon**
Brand Publisher



1. You may as well throw in the towel. If you can find it in that laundry explosion. Seriously, that is messy AF.





 **Colour Catcher**
9,723 likes




[Like Page](#) [Share](#)

Be the first of your friends to like this



 **Colour Catcher**
21 hrs

It's #ThrowbackThursday and we are so grateful we don't have to clean rugs like this anymore – effort!



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Oreo vlog ruling



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Advertorial – Outside Remit

Genuine ‘sponsorship’ arrangements

An advertiser has supported something financially, but has **no** editorial control over the content

Free items

An advertiser has sent a blogger a free product on the condition that they given an **honest** review

For either scenario, if any control is held over the (e.g. positive mentions only, no other brand, right to veto or sign-off) the content with fall within remit



Affiliate advertising – In Remit

- Performance-based marketing where an affiliate is rewarded, usually with a pre-agreed percentage of each sale, by a business for each new customer attracted by their marketing efforts.
- Allowing affiliate marketers free rein over the content of ads does not excuse advertisers from the responsibility of ensuring that their advertising is compliant with the CAP Code – both likely to be named and held responsible!



What should the label say?

Acceptable Labels

Ad, #Ad
Advertising
Advertisement
Advertising feature
Advert

Ruled against

#sp
Brand publisher
Brought to you by
Thanks to X for making this possible
Sponsored
With
@ X

The label should indicate payment and control but all dependent on individual context!

Getting help and staying informed



CAP Advice and Training



**Expert advertising advice
direct to your inbox.**



► **Insight newsletter**

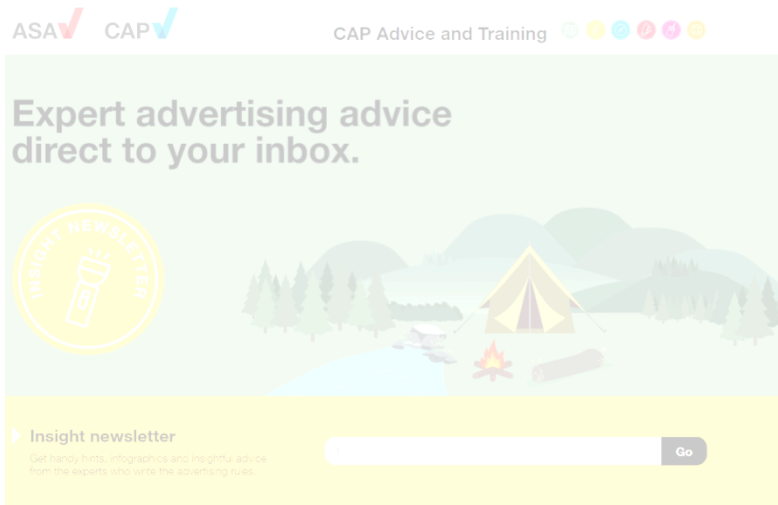
Get handy hints, infographics and insightful advice from the experts who write the advertising rules.

Go

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Getting help and staying informed



advertisers.asa.org.uk

Bespoke Copy Advice

Events

eLearning

AdviceOnline database

...and check out weekly rulings asa.org.uk



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Welcome to CAP eLearning

Learn more about the ASA and CAP with our introductory training



Includes:

Overview of how the ASA system works

Gambling, food and alcohol rules

Misleading advertising (three parts)

Promotional marketing

Thank you!

Sam Wilson

Compliance Executive
Advertising Standards Authority



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@CAP_UK



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