



Press Release

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Landmark agreement extends ASA's digital remit

The digital remit of the Advertising Standards Authority (ASA) is to be extended significantly to deliver more comprehensive consumer protection online.

The ASA's present remit online includes ads in paid-for space and sales promotions wherever they appear. But from next year, the rules in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the CAP Code) will apply in full to marketing communications online, including the rules relating to misleading advertising, social responsibility and the protection of children. The remit will apply to all sectors and all businesses and organisations regardless of size.

The Committee of Advertising Practice (CAP), the body responsible for writing the CAP Code, has decided to extend the digital remit of the ASA in response to a formal recommendation from a wide cross-section of UK industry. CAP has today published a document detailing the new remit and sanctions. In summary:

The new remit will ensure the same high standards as in other media and will cover:

- Advertisers' own marketing communications on their own websites and;
- Marketing communications in other non-paid-for space under their control, such as social networking sites like Facebook and Twitter.

The remit is focussed on 'selling' messages in order to protect the right to freedom of speech online. For example, journalistic and editorial content and material related to causes and ideas - except those that are direct solicitations of donations for fund-raising - are excluded from the remit.

Sanctions

In addition to the ASA's present sanctions, which already achieve a high level of compliance, CAP member bodies have agreed new sanctions to apply to the extended remit such as:

- Removal of paid-for search advertising – ads that link to the page hosting the non-compliant marketing communication may be removed with the agreement of the search engines.
- ASA paid-for search advertisements - the ASA could place advertisements online highlighting an advertiser's continued non-compliance.

Funding

The industry has agreed to apply the standard 0.1% levy on paid-for advertisements appearing on internet search engines through media and search agencies. This is an extension of the existing funding mechanism in other media that pays for the ASA and it will be supplemented initially with seed capital from Google.

Implementation

The remit will come into force on 1 March 2011 after a six month period of grace to allow the ASA and CAP to conduct training work to raise awareness and educate business on the requirements of the CAP Code, particularly amongst those who may not previously have been subject to ASA regulation. Website owners and agencies are urged to sign up to CAP Services at www.cap.org.uk to receive guidance and training to help ensure their sites comply with the new rules before 1 March 2011.

ASA Chairman Lord Chris Smith said, "This significant extension of the ASA's remit has the protection of children and consumers at its heart. We have received over 4,500 complaints since 2008 about marketing communications on websites that we couldn't deal with, but from 1 March anyone who has a concern about a marketing communication online will be able to turn to the ASA."

CAP Chairman Andrew Brown said, "Extending the online remit of the ASA has been a top priority for UK industry over the last couple of years. Our aim has been to extend further in the online world the principles that are already well established in our system, namely those of effective consumer protection and fair competition."

Notes to Editors:

1. The ASA is the independent regulator of advertisements across all media in the UK. We do so in the public interest and with the co-operation of advertisers, agencies and media owners who are committed to observing the Advertising Codes. The ASA acts independently of both the Government and the advertising industry.

2. The Committee of Advertising Practice (CAP) is the industry body responsible for writing and enforcing the Advertising Codes. CAP comprises representatives of advertisers, agencies and media owners, all of which are committed to upholding the highest standards in advertising.
3. The ASA presently regulates marketing communications appearing in magazines and newspapers, on billboards, leaflets and brochures, Direct mail, ads on the internet (such as banner and display ads and sponsored search), SMS, MMS, cinema, radio and TV commercials and teleshopping. We also regulate sales promotions wherever they appear. Our full remit can be read at <http://www.asa.org.uk/Regulation-Explained/What-we-cover.aspx>.
4. The ASA is funded by a 0.1% levy on advertising space costs (0.2% levy on mailsort contracts). The levy is collected at arms-length by the Advertising Standards Board of Finance (Asbof) to ensure the ASA's independence. Asbof has published a guide to collecting the extended levy at <http://www.asbof.co.uk>.
5. CAP's document "Extending the Online Remit of the CAP Code" is available in the Press Zone areas of the ASA and CAP websites.
6. The UK Advertising Code can be read at <http://www.cap.org.uk/The-Codes/CAP-Code.aspx>
7. CAP Services are a range of bespoke advice, training events and online resources to help all practitioners stay on top of advertising regulation and the requirements of the UK Advertising Codes, <http://bcap.org.uk/CAPServices.aspx>
8. The number of cases received by the ASA relating to website content increased dramatically from 0 in 1999 to 2,146 in 2008. The average number of website content cases received by the ASA between from 2007-2009 was 2,005 per year.
9. In 2009, the Internet was the second most complained about medium attracting 3,546 complaints about 2,823 marketing communications. 57% of these cases fell outside the ASA's remit.