

Advertising Regulation Q&A



This is an overview of the UK's system of advertising regulation.

1. How is advertising regulated in the UK?

Advertising in the UK must comply with the UK Advertising Codes. There is a Code for broadcast advertising (TV and radio) and a Code for non-broadcast advertising (press, poster, cinema, online etc).

The UK advertising regulatory system is a mixture of [self-regulation](#) for non-broadcast advertising and [co-regulation](#) for broadcast advertising. Broadly this means that the industry is responsible for writing the rules and paying for the system. But the rules are independently administered by the Advertising Standards Authority (ASA).

The ASA is able to refer broadcasters that seriously or repeatedly break the rules to Ofcom, while it can refer non-broadcast advertisers who mislead and refuse to comply with its rulings to the Office of Fair Trading.

The [Advertising Codes](#) are written by two Committees which represent all parts of the advertising business: [the Committee of Advertising Practice \(CAP\)](#) and [the Broadcast Committee of Advertising Practice \(BCAP\)](#).

The system is a sign of the advertising industry's considerable commitment to upholding high standards in advertising. All parts of the advertising industry – advertisers, agencies and media – have come together to commit to being legal, decent, honest and truthful.

2. What is the ASA?

The ASA is the UK's independent regulator committed to maintaining high standards in advertising for the benefit of consumers, business and society. It does this by applying the mandatory [Advertising Codes](#) to ensure that advertisements, wherever they appear, are legal, decent, honest and truthful. Its main activities include investigating complaints and monitoring compliance with the Codes.

It is independent of both the Government and the advertising industry but is officially recognised by Government and other regulators as being the established means of consumer protection against misleading advertising.

More information about the ASA and its role can be found [here](#).

3. What is the Committee of Advertising Practice (CAP)?

CAP is the body that is responsible for writing the Advertising Codes. It is made up of two committees:

CAP (non-broadcast) is made up of representatives of advertisers, agencies, media owners and other industry groups. It writes the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (or the CAP Code for short). The bodies that comprise CAP are listed [here](#).

The Broadcast Committee of Advertising Practice (BCAP) writes the UK Code of Broadcast Advertising. You can find out more about BCAP [here](#).

4. Who sits on the ASA Council?

The ASA Council is the jury that decides whether advertisements have breached the [Advertising Codes](#).

Led by ASA Chairman, Lord Smith of Finsbury, two-thirds of the 13-strong Council are independent of industry and the remaining members have a recent or current knowledge of the advertising or media sectors.

More information about who makes up the Council is listed on the ASA website [here](#).

In exceptional circumstances, marketers or complainants may invoke an independent review of an ASA decision. Information about how to invoke a review and the Independent Reviewer can be found [here](#).

5. How is the ASA funded?

It is [funded by a levy](#) on advertising spend. The voluntary levy is set at 0.1% of advertising space costs and 0.2% of mailsort contracts.

The levy is collected at arm's-length to maintain the independence of the system. It means that the system is properly funded, whilst ensuring that ASA decisions are not influenced by those who may - or may not - be funding the system.

6. What types of advertising are within the ASA's remit?

The ASA broadly regulates advertising that appears on TV, radio, cinemas, billboards, print media and online. A full list of the type of ads that the ASA regulates can be found [here](#).

The [Copy Advice](#) team advises only on non-broadcast media. That includes, for example, magazines, newspapers, leaflets and brochures but also [online media](#), including claims on advertisers' own websites.

7. What are the main requirements of the CAP Code?

The Code lays down rules for advertisers, agencies and media owners to follow. They include general rules that state advertising must be responsible, must not mislead, harm or offend, and specific rules that cover, for example, advertising to children and ads for alcohol, gambling, motoring, health and financial products.

The Code is applied in the spirit and the letter. Advertising should be prepared with a sense of responsibility to consumers and to society. Advertisers should hold documentary evidence to prove claims that consumers are likely to regard as objective and are capable of substantiation. In short, advertisers should not make claims if they cannot prove them to be true.

8. What does the Copy Advice team do?

The Copy Advice team offers advice designed to help marketers create non-broadcast marketing communications or multi-media concepts that comply with the CAP Code. The team provides a wide range of advice and guidance on its website, for example the [Advice Online database](#).

The team also provides a fast and confidential bespoke advice service. The service is free for a 24-hour turnaround or, if you need the advice urgently, it can be provided in under half a day, for a fee. You can also ask for a [website audit](#), where we will review the advertising claims on your own website, again for a fee.

We base our advice on ASA adjudications, our knowledge of the Code and our experience of judging how we think the ASA would rule if it were to receive a complaint.

9. Who is in the Copy Advice team?

Our advisors are experts in understanding the CAP Code and how the ASA has interpreted the Code in the past. Offering a range of experience and expertise, they keep abreast of complaints made to the ASA as well as all ASA adjudications, whether or not the ASA Council upheld the complaint. You can find out who the team are [here](#).

10. Do I have to take your advice?

No, you are not obliged to act upon the advice we give but no one can give you more informed advice about your claim's acceptability under the CAP Code.

11. What happens if I don't?

If the ASA receives complaints about your ad and investigates, it will know if you sought advice from Copy Advice and chose not to act upon our recommendations. Conversely, if the ASA investigates complaints about a campaign that has benefited from Copy Advice, it will take this into consideration, often to positive effect.

12. What are the ASA's sanctions?

If the ASA upholds a complaint against an advertisement, then the ad must be amended or withdrawn.

The self-regulatory system generally, and the Copy Advice team specifically, aims to ensure advertising standards and compliance rates are high. It favours co-operation over coercion and would rather educate than punish. Of course, the ASA has a number of [sanctions](#) for those advertisers who are unwilling or unable to comply with its rulings, including the withdrawal of media space, the removal of trading privileges, compulsory pre-vetting and referral to the Office of Fair trading for possible statutory sanctions.